

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, 2000, 2001, 2005, 2011, 3001, 3004,
6 4003, 5001, 5010, and 5011 and by adding Article 6 as follows:

7 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

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

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

11 (b) "Explosive materials" means explosives, blasting
12 agents, water gels, and detonators, and all items included
13 within the "List of Explosive Materials" provided in 27 CFR
14 555.23.

15 (c) "Explosive" means any chemical compound, mixture, or
16 device (1) the primary or common purpose of which is to
17 function by explosion and (2) that is or can be classified as a
18 Division 1.1, 1.2, or 1.3 material under 49 CFR 173.50 or items
19 included within the "List of Explosive Materials" provided in
20 27 CFR 555.23, as now or hereafter amended, renumbered, or
21 succeeded. The term includes high and low explosives, any
22 explosive devices weighing over one quarter ounce of explosive
23 material, and display fireworks. "Explosive" does not include

1 consumer fireworks that have a bulk total gross weight of
2 under 1,001 pounds.

3 (d) "Blasting agent" means any material or mixture that
4 (1) consists of a fuel and oxidizer intended for blasting, not
5 otherwise defined as an explosive, provided that the finished
6 product, as mixed and packaged for use or shipment, cannot be
7 detonated by means of a No. 8 blasting cap, as defined by the
8 Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.
9 Department of Treasury, when unconfined and (2) is classified
10 as a Division 1.5 material under 49 CFR 173.50, as now or
11 hereafter amended, renumbered, or succeeded.

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

21 (e) "Detonator" means any device that (1) contains any
22 initiating or primary explosive that is used for initiating
23 detonation and (2) is classified as Division 1.1 or 1.4
24 material under 49 CFR 173.50, as now or hereafter amended,
25 renumbered, or succeeded. A detonator may not contain more
26 than 10 grams of total explosives by weight, excluding

1 ignition or delay charges.

2 (f) "Highway" means any public street, public road, or
3 public alley and includes privately financed, constructed, or
4 maintained roads that are regularly and openly traveled by the
5 general public.

6 (g) "Railroad" or "railway" means any public steam,
7 electric or other railroad or rail system which carries
8 passengers for hire, but shall not include auxiliary tracks,
9 spurs and sidings installed and primarily used in serving any
10 mine, quarry or plant.

11 (h) "Building" means and includes any building regularly
12 occupied, in whole or in part, as a habitation for human
13 beings, and any church, schoolhouse, railway station or other
14 building where people are accustomed to assemble, but does not
15 mean or include any buildings of a mine or quarry or any of the
16 buildings of a manufacturing plant where the business of
17 manufacturing explosive materials is conducted.

18 (i) "Factory building" means any building or other
19 structure in which the manufacture or any part of the
20 manufacture of explosive materials is conducted.

21 (j) "Magazine" means any building or other structure or
22 container, other than a factory building, used to store
23 explosive materials. Where mobile or portable type 5 magazines
24 are permissible and used, "magazine", for the purpose of
25 obtaining certificates and calculating fees, means the site on
26 which such magazines are located.

1 (k) "Magazine keeper" means a qualified supervisory person
2 with an Illinois Individual Explosives License ~~licensed~~ by the
3 Department under Article 2 of this Act who is responsible for
4 the acquisition, storage, use, possession, transfer, and
5 disposal of explosive materials, including inventory and
6 transaction records, and the proper maintenance of explosive
7 materials, storage magazines, and surrounding areas.

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

11 (m) "Municipality" means cities, villages, incorporated
12 towns, and townships.

13 (n) "Fugitive from justice" means any individual who has
14 fled from the jurisdiction of any court of record to avoid
15 prosecution for any crime or to avoid giving testimony in any
16 criminal proceeding. This term shall also include any
17 individual who has been convicted of any crime and has fled to
18 avoid imprisonment.

19 (o) "Department" means the Department of Natural
20 Resources.

21 (p) (Blank).

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

23 (r) "Storage certificate" means the certificate issued by
24 the Department under Article 3 of this Act that authorizes the
25 holder to store explosive materials in the magazine for which
26 the certificate is issued.

1 (s) "License" or "Illinois Individual Explosives License"
2 means a ~~that~~ license that is issued by the Department under
3 Article 2 of this Act authorizing the holder to possess, use,
4 purchase, transfer or dispose of, but not to store, explosive
5 materials.

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

8 (u) "Use" of explosive materials means the detonation,
9 ignition, deflagration, manufacturing, handling, or any other
10 means of initiating explosive materials.

11 (v) "Disposal" of explosive materials means to render
12 inert pursuant to manufacturer's recommendations or commonly
13 accepted industry standards.

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

16 (x) "Water gel" means an explosive or blasting agent that
17 contains a substantial proportion of water.

18 (y) "Consumer fireworks" means any small fireworks device
19 designed to produce visible effects by combustion and that
20 must comply with the construction, chemical composition and
21 labeling regulations of the U.S. Consumer Product Safety
22 Commission (16 CFR 1500 and 1507). "Consumer fireworks"
23 includes some small devices designed to produce audible
24 effects, such as whistling devices, ground devices containing
25 50 mg (0.77 grain) or less of explosive materials, and aerial
26 devices containing 130 mg (2 grains) or less of explosive

1 materials. "Consumer fireworks" are classified as explosives,
2 Class 1, Division 1.4, UN0336, or UN0337 in 49 CFR 172.101.

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

4 (225 ILCS 210/2000) (from Ch. 96 1/2, par. 1-2000)

5 Sec. 2000. Scope; exemptions.

6 (a) The license requirements of this Article apply to all
7 explosive materials unless otherwise excepted under this
8 Section or Section 1005 of this Act.

9 (b) This Article does not apply to the purchase, receipt,
10 possession, or use of black powder solely for sporting,
11 recreational, or cultural purposes by an individual for his or
12 her own use or for his or her immediate family living in the
13 same household. This includes components for use in muzzle
14 loading firearms and other antique devices and hand loading,
15 reloading, or custom loading fixed ammunition.

16 (c) A person is not required to have a license under this
17 Article for the acquisition, possession, use, transfer, or
18 disposal of explosive materials in connection with mine,
19 quarry, construction, demolition, manufacturing, or wholesale
20 or retail explosive materials operations if (1) the person
21 holds a storage certificate under Article 3 of this Act and (2)
22 the acquisition, possession, use, transfer, or disposal of the
23 explosive materials is limited to the purpose authorized by
24 his or her storage certificate.

25 In addition to the person who holds the storage

1 certificate, this exemption shall also apply to any employee,
2 contractor, or other authorized individual if he or she is
3 under the direct supervision of an individual who is either
4 licensed under this Act or ~~7~~ licensed for blasting operations
5 or use of explosives in aggregate mining operations under the
6 Surface-Mined Land Conservation and Reclamation Act, ~~certified~~
7 ~~for blasting or use of explosives in mining operations under~~
8 ~~the Surface Coal Mining Land Conservation and Reclamation Act,~~
9 ~~or certified as a shot firer under the Coal Mining Act.~~ Direct
10 supervision requires the supervising individual to be
11 physically present at all times during the use or disposal of
12 the explosive materials.

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

14 (225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

15 Sec. 2001. Illinois Individual Explosives License
16 ~~Unlicensed activity; non residents.~~ No person shall acquire,
17 possess, use, transfer, or dispose of explosive materials
18 unless the person has obtained a valid Illinois Individual
19 Explosives License issued ~~licensed~~ by the Department, except
20 as provided under Section 1005 or 2000 of this Act ~~and the~~
21 ~~Pyrotechnic Distributor and Operator Licensing Act.~~

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

23 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

24 Sec. 2005. Qualifications for licensure.

- 1 (a) No person shall qualify to hold a license who:
- 2 (1) is under 21 years of age;
- 3 (2) has been convicted in any court of a crime
- 4 punishable by imprisonment for a term exceeding one year;
- 5 (3) is under indictment for a crime punishable by
- 6 imprisonment for a term exceeding one year;
- 7 (4) is a fugitive from justice;
- 8 (5) is an unlawful user of or addicted to alcohol or
- 9 any controlled substance as defined in Section 102 of the
- 10 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
- 11 seq.);
- 12 (6) has been adjudicated a person with a mental
- 13 disability as defined in Section 1.1 of the Firearm Owners
- 14 Identification Card Act or the person's FOID card is
- 15 suspended or revoked; or
- 16 (7) is not a legal citizen of the United States or
- 17 lawfully admitted for permanent residence.

18 (b) A person who has been granted a "relief from

19 disabilities" regarding criminal convictions and indictments,

20 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.

21 845) may receive a license provided all other qualifications

22 under this Act are met.

23 (Source: P.A. 101-541, eff. 8-23-19.)

24 (225 ILCS 210/2011) (from Ch. 96 1/2, par. 1-2011)

25 Sec. 2011. Enforcement action; licenses.

1 (a) Failure to satisfy the age or examination requirements
2 of Sections 2004 and 2005(1) shall result in automatic license
3 denial.

4 (b) Subject to the provisions of Sections 5003 through
5 5005 of this Act, the Department may suspend, revoke, or
6 refuse to issue or renew a license and may take any other
7 disciplinary action that the Department may deem proper,
8 including the imposition of fines not to exceed \$5,000 for
9 each occurrence, if the person, applicant, or licensee fails
10 to comply with or satisfy the requirements of any provision of
11 this Act and for any of the following reasons:

12 (1) Failure to meet or maintain the qualifications for
13 licensure set forth in Section 2005.

14 (2) Willful disregard or violation of this Act or its
15 rules.

16 (3) Willfully aiding or abetting another in the
17 violation of this Act or its rules.

18 (4) Allowing a license issued under this Act to be
19 used by an unlicensed person.

20 (5) Possession, use, acquisition, transfer, handling,
21 disposal, or storage of explosive materials in a manner
22 that endangers the public health, safety, or welfare.

23 (6) Refusal to produce records or reports or permit
24 any inspection lawfully requested by the Department.

25 (7) Failure to make, keep, or submit any record or
26 report required by this Act or its implementing

1 regulations; or making, keeping, or submitting a false
2 record or report.

3 (8) Material misstatement in the application for an
4 original or renewal license.

5 (9) Failure to pay fines for each occurrence upon a
6 final administrative decision.

7 (b-5) Upon receipt of a second revocation of an explosives
8 license, the person shall no longer be eligible to apply for an
9 Illinois individual explosive license.

10 (c) (Blank).

11 (d) (Blank).

12 (e) All fines collected under this Section shall be
13 deposited into the Explosives Regulatory Fund.

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

15 (225 ILCS 210/3001) (from Ch. 96 1/2, par. 1-3001)

16 Sec. 3001. Storage requirements; magazines; consumer
17 fireworks ~~Magazines.~~

18 (a) No person shall possess or store explosive materials
19 unless such explosive materials are stored in a magazine or in
20 a factory building in accordance with this Act except while
21 being transported or being used in preparation for blasting.

22 (b) Not more than 300,000 pounds of explosive materials
23 shall be stored in any magazine at any one time.

24 (c) (Blank).

25 (d) (Blank).

1 (e) (Blank).

2 (f) Any bulk storage or holding of consumer fireworks in
3 quantities of 1,001 pounds or greater that is not in
4 compliance with the Pyrotechnic Use Act or the Pyrotechnic
5 Distributor and Operator Licensing Act must be stored in a
6 Department certified Type 1, Type 2, or Type 4 magazine and
7 must meet the distancing requirements, provided by
8 administrative rule, that pertain to the safe storage of low
9 explosives.

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

11 (225 ILCS 210/3004) (from Ch. 96 1/2, par. 1-3004)

12 Sec. 3004. Refusal, suspension, or revocation of
13 certificate; Grounds.

14 (a) Subject to the provisions of Sections 5003 through
15 5005 of this Act, the Department may suspend, revoke, refuse
16 to issue or renew a certificate or take any other disciplinary
17 action as the Department may deem proper, including the
18 imposition of fines not to exceed \$5000 for each occurrence,
19 if the person, applicant, or certificate holder fails to
20 comply with or satisfy the requirements of any provision of
21 this Act or for any of the following reasons:

22 (1) Material misstatement in the application for
23 original certificate or in the application for any renewal
24 certificate under this Act.

25 (2) Failure to continue to possess the necessary

1 qualifications or to meet the requirements of the Act for
2 the issuance or holding of a certificate after issuance of
3 the certificate, in which case the certificate shall be
4 revoked.

5 (3) Willful disregard or violation of this Act or of
6 its rules.

7 (4) Willfully aiding or abetting another in the
8 violation of this Act or its rules.

9 (5) Allowing a certificate under this Act to be used
10 by an unauthorized person.

11 (6) Refusing to produce records or permit inspections
12 lawfully requested by the Department.

13 (7) Failing to make or keep records or reports, or
14 making or keeping false records or reports as required
15 under this Act.

16 (8) Storing any explosive material in a manner not in
17 conformity with this Act.

18 (9) Possession, use, or storage of explosive materials
19 in a manner which endangers the public health, safety, or
20 welfare in violation of this Act.

21 (b) All fines collected under this Section of this Act
22 shall be deposited into the Explosives Regulatory Fund.

23 (Source: P.A. 87-835; 88-599, eff. 9-1-94.)

24 (225 ILCS 210/4003) (from Ch. 96 1/2, par. 1-4003)

25 Sec. 4003. Recordkeeping and inspection.

1 (a) All persons, license holders, and certificate holders
2 shall maintain such records pertaining to the possession, use,
3 purchase, transfer and storage of explosive materials as the
4 Department may prescribe and shall furnish the Department or
5 its authorized representatives such records or other relevant
6 information legally requested by the Department or its
7 representatives. In establishing record keeping requirements,
8 the Department shall consider the requirements imposed by
9 agencies of the federal government to avoid duplication or
10 inconsistency. All records required by the Department related
11 to the possession, use, purchase, transfer, or storage of
12 explosive materials shall be maintained for a minimum of 3
13 years.

14 (b) (Blank).

15 (c) All license and certificate holders shall permit their
16 facilities to be inspected at reasonable times and in a
17 reasonable manner by representatives of the Department.

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

19 (225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

20 Sec. 5001. Powers, duties, and functions of Department. In
21 addition to the powers, duties, and functions vested in the
22 Department by this Act, or by other laws of this State, the
23 Department shall have the full powers and authority to carry
24 out and administer this Act, including the following powers,
25 duties, and functions:

1 (a) To adopt reasonable rules consistent with this Act
2 to carry out the purposes and enforce the provisions of
3 this Act.

4 (b) To prescribe and furnish application forms,
5 licenses, certificates, and any other forms necessary
6 under this Act.

7 (c) To prescribe examinations which reasonably test
8 the applicant's knowledge of the safe and proper use,
9 storage, possession, handling, and transfer of explosive
10 materials.

11 (d) To establish and enforce reasonable standards for
12 the use, storage, disposal, and transfer of explosive
13 materials.

14 (e) To issue licenses and certificates to qualified
15 applicants who comply with the requirements of this Act
16 and its rules.

17 (f) To suspend, revoke, or refuse to issue or renew
18 licenses or certificates, or take other disciplinary
19 action, including the imposition of fines. All fines
20 collected under this Act shall be deposited into the
21 Explosives Regulatory Fund.

22 (g) To establish by rule the expiration and renewal
23 period for licenses and certificates issued under this
24 Act, and to establish and collect license and certificate
25 application fees, fees required by the Illinois State
26 Police for criminal identification purposes, and such

1 other fees as are authorized or necessary under this Act.

2 (h) To conduct and prescribe rules of procedure for
3 hearings under this Act.

4 (i) To appoint qualified inspectors to periodically
5 visit places where explosive materials may be stored or
6 used, and to make such other inspections as are necessary
7 to determine satisfactory compliance with this Act.

8 (j) To receive data and assistance from federal,
9 State, and local governmental agencies, and to obtain
10 copies of identification and arrest data from all federal,
11 State, and local law enforcement agencies for use in
12 carrying out the purposes and functions of the Department
13 and this Act.

14 (k) To receive and respond to inquiries from the
15 industry, public, and agencies or instrumentalities of the
16 State, and to investigate, offer advice, make
17 recommendations, and provide monitoring services pertinent
18 to such inquiries regarding the safe and proper storage,
19 handling, and use of explosive materials.

20 (l) To inform, advise, and assist the State's Attorney
21 of the county where any noncompliance with or violation of
22 this Act occurs when the State's Attorney is seeking
23 criminal charges against a person pursuant to Section 5010
24 or 5011 of this Act.

25 (m) To bring an action in the name of the Department,
26 through the Attorney General of the State of Illinois,

1 whenever it appears to the Department that any person is
2 engaged or is about to engage in any acts or practices that
3 constitute or may constitute a violation of the provisions
4 of this Act or its rules, for an order enjoining such
5 violation or for an order enforcing compliance with this
6 Act. Upon filing of a verified petition in such court, the
7 court may issue a temporary restraining order without
8 notice or bond and may preliminarily or permanently enjoin
9 such violation. If it is established that such person has
10 violated or is violating the injunction, the court may
11 punish the offender for contempt of court. Proceedings
12 under this paragraph are in addition to, and not in lieu
13 of, all other remedies and penalties provided for by this
14 Act.

15 (n) In accordance with constitutional limitations, to
16 authorize any officer or Department employee to enter
17 upon, inspect, and examine, at reasonable times and in a
18 reasonable manner, the records and properties of persons
19 licensed or certified under this Act to the extent such
20 records and properties relate to the safe and proper
21 storage, handling, and use of explosive materials.

22 The powers, duties, and functions vested in the Department
23 under the provisions of this Act shall not be construed to
24 affect in any manner the powers, duties, and functions vested
25 in the Department under any other provision of law.

26 (Source: P.A. 96-1194, eff. 1-1-11; 97-333, eff. 8-12-11.)

1 (225 ILCS 210/5010) (from Ch. 96 1/2, par. 1-5010)

2 Sec. 5010. Unlawful possession, storage, and transfer.

3 (a) It is a violation of this Act for any ~~Any~~ person to:
4 ~~subject to this Act who~~

5 (1) possesses ~~an~~ explosive material without having
6 obtained a valid license or certificate under this Act;

7 (2) store explosive material without having obtained a
8 valid storage certificate issued pursuant to this Act; ~~is~~
9 ~~guilty of a Class 3 felony unless otherwise exempted under~~
10 ~~Section 1005 or 2000 of this Act. Any person subject to~~
11 ~~this Act~~

12 (3) transfer ~~who transfers~~ explosive material to a
13 person who does not possess a valid license or certificate
14 under this Act; or

15 (4) obtain control over stolen explosive material
16 knowing that the explosive material is stolen or under
17 such circumstances where a reasonable person would believe
18 the explosive material was stolen.

19 (b) A person convicted of a violation of paragraph (1),
20 (2), or (3) of subsection (a) is guilty of a Class 3 felony
21 unless otherwise exempted under Section 1005 or 2000 of this
22 Act. A person convicted of a violation of paragraph (4) of
23 subsection (a) is guilty of a Class 3 felony.

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

1 (225 ILCS 210/5011) (from Ch. 96 1/2, par. 1-5011)

2 Sec. 5011. Violation and penalty. Unless otherwise
3 specified, any person, ~~Any~~ license holder, or certificate
4 holder who fails to comply with or violates any applicable
5 provision of this Act is guilty of a Class B misdemeanor. All
6 law enforcement officers and personnel of the State of
7 Illinois and the various units of local government are
8 responsible for assisting with the enforcement of this Act.

9 (Source: P.A. 86-364.)

10 (225 ILCS 210/Art. 6 heading new)

11 ARTICLE 6. TRANSPORTATION

12 (225 ILCS 210/6001 new)

13 Sec. 6001. Transportation. Any person transporting
14 explosive materials in this State shall comply with the
15 placard requirements, as required by federal administrative
16 rule.