

AN ACT concerning regulation.

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

Section 5. The Illinois Explosives Act is amended by changing Sections 1003, 2000, 2001, 2005, 2011, 3001, 3004, 4003, 5001, 5010, and 5011 and by adding Article 6 as follows:

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

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

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

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

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

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

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

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

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

ignition or delay charges.

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

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

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

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

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

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

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

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

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

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

(p) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2000. Scope; exemptions.

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

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

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

In addition to the person who holds the storage

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

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

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

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

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

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

Sec. 2005. Qualifications for licensure.

(a) No person shall qualify to hold a license who:

(1) is under 21 years of age;

(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(3) is under indictment for a crime punishable by imprisonment for a term exceeding one year;

(4) is a fugitive from justice;

(5) is an unlawful user of or addicted to alcohol or any controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. Sec. 802 et seq.);

(6) has been adjudicated a person with a mental disability as defined in Section 1.1 of the Firearm Owners Identification Card Act or the person's FOID card is suspended or revoked; or

(7) is not a legal citizen of the United States or lawfully admitted for permanent residence.

(b) A person who has been granted a "relief from disabilities" regarding criminal convictions and indictments, pursuant to the federal Safe Explosives Act (18 U.S.C. Sec. 845) may receive a license provided all other qualifications under this Act are met.

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

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

Sec. 2011. Enforcement action; licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) (Blank).

(d) (Blank).

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

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

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

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

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

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

(c) (Blank).

(d) (Blank).

(e) (Blank).

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

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

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

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

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

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

(2) Failure to continue to possess the necessary

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

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

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

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

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

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

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

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

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

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

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

Sec. 4003. Recordkeeping and inspection.

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

(b) (Blank).

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

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

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

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

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

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

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

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

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

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

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

other fees as are authorized or necessary under this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 210/Art. 6 heading new)

ARTICLE 6. TRANSPORTATION

(225 ILCS 210/6001 new)

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