



Rep. Michael J. Zalewski

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09600HB6416ham002

LRB096 21046 ASK 39497 a

1 AMENDMENT TO HOUSE BILL 6416

2 AMENDMENT NO. _____. Amend House Bill 6416 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Explosives Act is amended by
5 changing Sections 1002, 1003, 1004, 2000, 2001, 2002, 2003,
6 2004, 2005, 2007, 2008, 2011, 3000, 3001, 3002, 4002, 4003,
7 5001, 5003, 5004, 5006, 5008, and 5010 and by adding Section
8 1005 as follows:

9 (225 ILCS 210/1002) (from Ch. 96 1/2, par. 1-1002)

10 Sec. 1002. Legislative Declaration. It is hereby declared
11 to be the policy of this State that safety and security are
12 primary considerations in the storage, use, acquisition,
13 possession, disposal and transfer of explosive materials.

14 An appropriate and thorough system of training, licensing,
15 and certification is necessary to promote these considerations
16 by assuring that these products are handled only by qualified

1 persons.

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

3 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

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

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

7 (b) "Explosive materials" means explosives, blasting
8 agents, and detonators.

9 (c) "Explosive" means any chemical compound, mixture, or
10 device (1) the primary or common purpose of which is to
11 function by explosion and (2) that is classified as a Division
12 1.1, 1.2, or 1.3 material under 49 CFR 173.50, as now or
13 hereafter amended, renumbered, or succeeded. The term includes
14 high and ~~or~~ low explosives. ~~Manufactured articles, including,~~
15 ~~but not limited to, fixed ammunition for small arms, fire~~
16 ~~crackers, safety fuses, and matches are not explosives when the~~
17 ~~individual units contain explosives in such limited quantity~~
18 ~~and of such nature or in such packing that it is impossible to~~
19 ~~produce a simultaneous or a destructive explosion of such units~~
20 ~~which would be injurious to life, limb or property.~~

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

1 as defined by the Bureau of Alcohol, Tobacco, ~~and~~ Firearms and
2 Explosives, U.S. Department of Treasury, when unconfined and
3 (2) is classified as a Division 1.5 material under 49 CFR
4 173.50, as now or 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
15 ~~containing~~ any initiating or primary explosive that is used for
16 initiating detonation and (2) is classified as Division 1.1 or
17 1.4 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 ~~highway~~,
22 or public alley and includes privately financed, constructed,
23 or maintained roads that are regularly and openly traveled by
24 the 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 ~~responsible for the~~
25 ~~inventory and safe storage of explosive materials, including~~
26 the proper maintenance of explosive materials, storage

1 magazines, and surrounding areas.

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

5 (m) "Municipality" means ~~includes~~ cities, villages, ~~and~~
6 incorporated towns, and townships.

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

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

15 (p) (Blank) ~~"Small arms" means guns of 50 calibers or less.~~

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

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

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

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

1 (u) "Use" of explosive materials means the detonation,
2 ignition, deflagration, or any other means of initiating
3 explosive materials.

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

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

9 (Source: P.A. 88-599, eff. 9-1-94; 89-445, eff. 2-7-96.)

10 (225 ILCS 210/1004) (from Ch. 96 1/2, par. 1-1004)

11 Sec. 1004. Scope. This Act is intended to supplement the
12 requirements of any federal or State laws and regulations and
13 shall apply to all acquisition, storage, use, possession,
14 transfer and disposal of explosive materials, except as
15 provided in Sections 1005, 2000, and 3000 of this Act ~~this~~
16 ~~Section.~~

17 ~~(a) The licensing provisions of Article 2 do not apply to:~~

18 ~~(1) agricultural fertilizers which might be of an~~
19 ~~explosive nature when the use of such fertilizers is for~~
20 ~~agricultural or horticultural purposes;~~

21 ~~(2) a common or contract carrier authorized to carry~~
22 ~~explosive material pursuant to the Interstate Commerce Act~~
23 ~~or by the Illinois Commerce Commission;~~

24 ~~(3) the purchase, receipt, possession or use, by an~~
25 ~~individual, of primers or propellant power used in muzzle~~

1 ~~loading firearms, hand loading, reloading or custom~~
2 ~~loading ammunition for small arms for his own use or for~~
3 ~~that of his immediate family;~~

4 ~~(4) the possession or purchase from dealers, importers~~
5 ~~or manufacturers by any person who holds a valid Illinois~~
6 ~~Firearm Owner's Identification Card of smokeless small~~
7 ~~arms propellant in quantities not to exceed 25 pounds,~~
8 ~~black powder not to exceed 5 pounds, and small arms primers~~
9 ~~or percussion caps for muzzle loading arms in containers~~
10 ~~provided by the manufacturer or containers generally~~
11 ~~recognized as being suitable for the transportation and~~
12 ~~storage, or commerce in these items at retail, or the~~
13 ~~transportation or use of the items by any such person in~~
14 ~~muzzle loading small arms, or in loading ammunition for~~
15 ~~small arms; or~~

16 ~~(5) The acquisition, possession, use, transfer or~~
17 ~~disposal of explosive materials in connection with mine,~~
18 ~~quarry, construction, manufacturing or wholesale or retail~~
19 ~~dealership operations in the ordinary course of business~~
20 ~~provided that (A) the operator has obtained a storage~~
21 ~~certificate from the Department in accordance with Article~~
22 ~~3 of this Act, (B) the acquisition, possession, use,~~
23 ~~transfer or disposal of explosive materials is limited to~~
24 ~~the operator's business operations, and (C) the person or~~
25 ~~persons designated as "magazine keeper" satisfy the~~
26 ~~licensure requirements, other than an examination, of~~

1 ~~Article 2 of this Act.~~

2 ~~(b) The storage requirements of Article 3 shall not apply~~
3 ~~to black powder in quantities not to exceed 5 pounds or~~
4 ~~smokeless powder explosives in quantities not to exceed 25~~
5 ~~pounds, however:~~

6 ~~(1) all black powder and smokeless powder shall be~~
7 ~~stored in shipping containers as required by regulations of~~
8 ~~the U.S. Department of Transportation, except as~~
9 ~~hereinafter provided;~~

10 ~~(2) black powder in quantities not to exceed 5 pounds~~
11 ~~and smokeless powder in quantities not to exceed 25 pounds~~
12 ~~intended for personal use may be stored in original~~
13 ~~containers in a locked wooden box or cabinet having walls~~
14 ~~of at least one inch nominal thickness; and~~

15 ~~(3) black powder in quantities exceeding 5 pounds shall~~
16 ~~be stored in magazines constructed and located as specified~~
17 ~~in this Act and no black powder or smokeless powder shall~~
18 ~~be commercially displayed.~~

19 ~~(c) Notwithstanding the requirements of Articles 2 and 3, a~~
20 ~~person licensed as a manufacturer or dealer in explosive~~
21 ~~materials may sell, give or dispose of explosive materials to a~~
22 ~~non-resident of Illinois who is duly licensed in the state of~~
23 ~~his residence. Possession and transportation within this State~~
24 ~~by such non-residents shall conform to the laws of this State,~~
25 ~~except that the requirements of Section 2001, requiring a~~
26 ~~license to be issued by the Department, shall not apply.~~

1 (Source: P.A. 86-364; 86-1298; 87-835.)

2 (225 ILCS 210/1005 new)

3 Sec. 1005. Exemptions.

4 (a) This Act does not apply to any aspect of the
5 transporting of explosive materials via railroad, water,
6 highway, or air that is regulated by the United States
7 Department of Transportation and agencies thereof, or state
8 agencies with similar jurisdiction, and which pertains to
9 safety.

10 A person who is licensed under Article 2 of this Act or
11 holds a storage certificate under Article 3 of this Act may
12 transfer explosive materials to a non-resident of Illinois if
13 the transfer is limited to the purpose of transporting the
14 explosive materials. The non-resident may not use or store
15 explosive materials within Illinois unless he or she is
16 licensed under Article 2 of this Act or holds a storage
17 certificate under Article 3 of this Act.

18 (b) This Act does not apply to an agricultural fertilizer
19 if the use of the agricultural fertilizer is for agricultural
20 or horticultural purposes.

21 (c) This Act does not apply to the possession, use,
22 purchase, transfer, storage, or disposal of explosive material
23 by United States military or other agencies of the United
24 States; or to arsenals, navy yards, depots, or other
25 establishments owned or operated by the United States.

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

6 (225 ILCS 210/2000) (from Ch. 96 1/2, par. 1-2000)

7 Sec. 2000. Scope; exemptions.

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

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

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

1 or her storage certificate.

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

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

16 (225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

17 Sec. 2001. Unlicensed activity; non-residents. No person
18 shall acquire, possess, use, transfer, or dispose of purchase
19 ~~or transfer~~ explosive materials unless licensed by the
20 Department except as ~~otherwise~~ provided under Section 1005 or
21 2000 of by this Act and the Pyrotechnic Distributor and
22 Operator Licensing Act.

23 (Source: P.A. 93-263, eff. 7-22-03; 94-385, eff. 7-29-05.)

24 (225 ILCS 210/2002) (from Ch. 96 1/2, par. 1-2002)

1 Sec. 2002. Original individual license; Application; Fees.
2 Applications by individuals for original licenses shall be made
3 to the Department, in writing, on forms prescribed by the
4 Department. The application shall be accompanied by the
5 required fee, which is not refundable. All license application
6 fees collected under this provision of this Act shall be
7 deposited into the Explosives Regulatory Fund. The application
8 shall require such information as in the judgment of the
9 Department will enable the Department to pass on the
10 qualifications of the applicant for a license. It shall
11 include, but need not be limited to, information concerning
12 age, full name of applicant, present residence, date of birth,
13 sex, physical description, social security number or drivers
14 license number, and the purpose for which and the place or
15 places where the explosive materials are to be used or
16 possessed. Each applicant shall file, with his application,
17 fingerprint based data, or other state of the art criminal
18 identification data, cards in the form and manner required by
19 the Illinois ~~Department of~~ State Police to enable the Illinois
20 ~~Department of~~ State Police to conduct criminal history checks
21 on the applicant.

22 (Source: P.A. 88-599, eff. 9-1-94.)

23 (225 ILCS 210/2003) (from Ch. 96 1/2, par. 1-2003)

24 Sec. 2003. Criminal history background ~~Fingerprint card~~
25 fees; law enforcement exemption. Each applicant for a license

1 shall submit, in addition to the license fee, a fee specified
2 by the Illinois Department ~~of~~ State Police for processing
3 fingerprint based data, or other state of the art criminal
4 identification data, ~~cards~~ which may be made payable to the
5 State Police Services Fund and shall be remitted to the
6 Illinois Department ~~of~~ State Police for deposit into that fund.
7 Law enforcement personnel who apply for an explosives license
8 in order to carry out their official functions may be exempted
9 from the criminal history background requirement provided the
10 law enforcement agency submits documentation that the
11 applicant has previously been subjected to a criminal history
12 background check.

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

14 (225 ILCS 210/2004) (from Ch. 96 1/2, par. 1-2004)

15 Sec. 2004. Investigation; Examination of applicant. Upon
16 receipt of an application, the Department shall investigate the
17 eligibility of the applicant. The Department has authority to
18 request and receive from any federal, state or local
19 governmental agency such information and assistance as will
20 enable the Department ~~him~~ to carry out its ~~his~~ powers and
21 duties under this Act. The Illinois Department ~~of~~ State Police
22 shall cause the fingerprint based data or other state of the
23 art criminal identification data ~~fingerprints~~ of each
24 applicant to be compared with the fingerprint based data or
25 other state of the art criminal identification data

1 ~~fingerprints~~ of criminals now or hereafter filed with the
2 Illinois Department of State Police and with federal law
3 enforcement agencies maintaining official criminal
4 identification fingerprint files. The investigation shall
5 include, but is not limited to, an oral examination and a
6 written examination as to the applicant's knowledge and ability
7 regarding basic safety, possession, handling, use, storage,
8 disposal and transportation of explosives. Passage of these
9 examinations is prerequisite to being considered for license
10 issuance. Such examinations may be administered by any person
11 designated by the Department.

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

13 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

14 Sec. 2005. Qualifications for licensure.

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

16 (1) is under 21 years of age;

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

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

21 (4) is a fugitive from justice;

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

1 (6) has been adjudicated a mental defective; or

2 (7) is not a legal citizen of the United States.

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

8 ~~A person is qualified to receive a license under this Act if~~
9 ~~the person meets the following minimum requirements:~~

10 ~~(1) is at least 21 years of age;~~

11
12 ~~(2) has not willfully violated any provisions of this~~
13 ~~Act;~~

14 ~~(3) has not made any material misstatement or knowingly~~
15 ~~withheld information in connection with any original or~~
16 ~~renewal application;~~

17 ~~(4) has not been declared incompetent by any competent~~
18 ~~court by reasons of mental or physical defect or disease~~
19 ~~unless a court has since declared him competent;~~

20 ~~(5) does not abuse alcohol or prescription drugs or use~~
21 ~~illegal drugs;~~

22 ~~(6) has not been convicted in any jurisdiction of any~~
23 ~~felony within the prior 5 years;~~

24 ~~(7) is not a fugitive from justice;~~

25 ~~(8) is of good moral character. Convictions of crimes~~
26 ~~not listed in subsection (6) of this Section may be taken~~

1 ~~into account in determining moral character but shall not~~
2 ~~operate as an absolute bar to licensure; and~~

3 ~~(9) has passed the oral and written examinations~~
4 ~~required under Section 2004 of this Act.~~

5 ~~A licensee shall continue to meet these requirements in~~
6 ~~order to maintain his license.~~

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 (225 ILCS 210/2007) (from Ch. 96 1/2, par. 1-2007)

9 Sec. 2007. Fee; Exemptions. Agencies of the United States,
10 the State and its political and civil subdivisions which are
11 subject to the requirements of this Act, and which, in the
12 exercise of their emergency response functions, are required to
13 store, acquire, possess, use, transfer, or dispose of explosive
14 materials ~~or possess explosive materials~~ shall not be liable
15 for the payment of any fee required by this Act.

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

17 (225 ILCS 210/2008) (from Ch. 96 1/2, par. 1-2008)

18 Sec. 2008. Issuance of license and renewals; notification
19 of law enforcement officers ~~Renewal~~. The Department shall issue
20 the appropriate license or renewal where the applicant
21 satisfactorily meets the requirements of this Act and no
22 grounds for refusal, revocation, or suspension exist. Within 10
23 days after the issuance of an original, replacement, or renewed
24 license, the Department shall notify the appropriate law

1 enforcement officer of the municipality or county where the
2 explosive materials are to be used or possessed, and provide
3 such officer with any other information pertaining thereto as
4 the Director may prescribe.

5 (Source: P.A. 88-599, eff. 9-1-94.)

6 (225 ILCS 210/2011) (from Ch. 96 1/2, par. 1-2011)

7 Sec. 2011. Enforcement action; licenses. ~~Refusal to issue~~
8 ~~or renew license; disciplinary actions.~~

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

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

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

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

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

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

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

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

8 (7) Failure to make, keep, or submit any record or
9 report required by this Act or its implementing
10 regulations; or making, keeping, or submitting a false
11 record or report.

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

14 (c) (Blank). ~~Subject to the provisions of Sections 5003~~
15 ~~through 5005 of this Act, the Department shall refuse to issue~~
16 ~~or renew a license or shall take any other disciplinary action~~
17 ~~as the Department may deem proper, including the imposition of~~
18 ~~fines not to exceed \$5,000 for each occurrence, if the~~
19 ~~applicant or licensee fails to comply with or satisfy the~~
20 ~~requirements of any provision of this Act and for any of the~~
21 ~~following reasons:~~

22 ~~(1) Refusal to produce records or reports or permit any~~
23 ~~inspection lawfully requested by the Department.~~

24 ~~(2) Failure to make, keep, or submit any record or~~
25 ~~report required by this Act or its implementing~~
26 ~~regulations; or making, keeping, or submitting a false~~

1 ~~record or report.~~

2 (d) (Blank). ~~Subject to the provisions of Sections 5003~~
3 ~~through 5005 of this Act, violation of or non-compliance with~~
4 ~~any provision of this Act or its implementing regulations~~
5 ~~constitutes grounds for disciplinary action, license~~
6 ~~revocation, or both.~~

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

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

10 (225 ILCS 210/3000) (from Ch. 96 1/2, par. 1-3000)

11 Sec. 3000. Storage requirements; exemptions.

12 (a) No person, unless otherwise exempt ~~excepted~~, shall
13 store explosive materials unless a storage certificate has been
14 issued by the Department. The Department shall, by rule,
15 establish requirements for the storage of explosive materials
16 including magazine construction, magazine maintenance and the
17 distances from which magazines or factory buildings must be
18 separated from other magazines, buildings, railroads and
19 highways. In establishing magazine construction, maintenance
20 and distance requirements, the Department shall differentiate,
21 as appropriate, between types, classifications and quantities
22 of explosive materials and shall fully consider nationally
23 recognized industry standards and the standards enforced by
24 agencies of the federal government including the Bureau of
25 Alcohol, Tobacco, and Firearms of the United States Department

1 of the Treasury.

2 (b) This Article does not apply to the purchase, receipt,
3 possession, or use of black powder solely for sporting,
4 recreational, or cultural purposes by an individual for his or
5 her own use or for his or her immediate family living in the
6 same household, unless the quantity of black powder is more
7 than 5 pounds. Black powder in quantities greater than 5 pounds
8 must be stored in accordance with this Article, regardless of
9 the intended usage.

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

11 (225 ILCS 210/3001) (from Ch. 96 1/2, par. 1-3001)
12 Sec. 3001. Storage requirements; Magazines.

13 (a) No person shall possess or store explosive materials
14 unless such explosive materials are stored in a magazine or in
15 a factory building in accordance with this Act except while
16 being transported or being used in preparation for blasting ~~or~~
17 ~~while in the custody of a common carrier awaiting shipment or~~
18 ~~delivery to a consignee during the time permitted by federal~~
19 ~~law.~~

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

22 (c) (Blank). ~~Magazines in which explosive materials shall~~
23 ~~be lawfully kept or stored shall be constructed of brick,~~
24 ~~concrete, iron, wood covered with iron or other suitable~~
25 ~~materials. The magazine shall not have openings except for~~

1 ~~ventilation and entrance. Blasting caps, detonating or~~
2 ~~fulminating caps, or detonators shall be kept or stored in a~~
3 ~~separate magazine from magazines where other explosive~~
4 ~~materials are kept or stored and a storage certificate shall be~~
5 ~~obtained from the Department in accordance with Section 3002.~~

6 (d) (Blank). ~~The doors of magazines shall be kept closed~~
7 ~~and locked at all times, except when opened for storage or~~
8 ~~removal of explosive materials by persons authorized to enter~~
9 ~~the magazine. Sufficient openings shall be provided for~~
10 ~~ventilation and shall be screened to prevent the entrance of~~
11 ~~sparks, except that magazines containing only black powder may~~
12 ~~be constructed without openings for ventilation. At each~~
13 ~~magazine site there shall at all times be kept conspicuously~~
14 ~~posted warning signs as specified by the Department. All~~
15 ~~explosive materials must be stored within the magazine in their~~
16 ~~original containers and such containers shall be plainly marked~~
17 ~~with the name of the explosive contained therein. Except for~~
18 ~~testing purposes in accordance with Section 5009, no individual~~
19 ~~shall discharge firearms within 500 feet of a magazine or~~
20 ~~factory building, or at or against any such building or~~
21 ~~magazine.~~

22 (e) (Blank). ~~Magazines and the areas surrounding magazines~~
23 ~~shall be maintained, as provided by rule, to avoid fire or~~
24 ~~explosive hazards.~~

25 (Source: P.A. 86-364; 87-835.)

1 (225 ILCS 210/3002) (from Ch. 96 1/2, par. 1-3002)

2 Sec. 3002. Storage Certificates.

3 (a) No person shall store explosive materials until he has
4 obtained a storage certificate from the Department. No storage
5 certificate shall be required, however, where holes are drilled
6 and the explosive materials are upon delivery, immediately and
7 continuously loaded into the holes for blasting from the mobile
8 container in which they were delivered. The container shall at
9 all times be attended by an authorized agent or employee of the
10 seller or the user of the explosive materials. In no event
11 shall the mobile container of explosive materials be exempt
12 unless it is completely unloaded for blasting. Every person to
13 which this Section applies shall submit an application ~~report~~
14 to the Department, on forms furnished by the Department,
15 containing the following information:

16 (1) the location or proposed location of a magazine;

17 (2) the kind and maximum quantity of explosive
18 materials intended to be ~~generally~~ stored in the magazine;

19 ~~and~~

20 (3) the distance or intended distance of the magazine
21 from the nearest magazine, building, railroad and highway;

22 ~~and~~

23 (4) the name, explosive license number, and residence
24 and business addresses of the person designated as
25 "magazine keeper";

26 (5) a description of the purposes for which explosive

1 materials are intended to be stored or used; and

2 (6) any other information that the Department deems
3 necessary to implement the requirements of this Act.

4 (b) All storage certificate application fees collected
5 under this Act shall be deposited into the Explosives
6 Regulatory Fund. Following receipt of an application ~~such~~
7 ~~report~~, the Department shall inspect the magazine. If it finds
8 that the magazine is located and constructed in accordance with
9 this Act and rules adopted ~~promulgated~~ by the Department, then
10 it shall ~~determine the quantity of explosive materials that may~~
11 ~~be stored in such magazine and shall~~ issue a storage
12 certificate to the applicant ~~showing compliance with this Act~~
13 ~~and the maximum quantity of explosive materials that may be~~
14 ~~stored in the magazine. The storage certificate shall be~~
15 ~~prominently and conspicuously posted at the magazine.~~

16 (c) A storage certificate holder's authority to store
17 explosives shall be limited to the type, maximum quantity, and
18 purpose specified in his or her application to the Department,
19 unless the certificate holder is granted a modification to the
20 storage certificate. The Department shall approve any
21 modification to the storage certificate if the certificate
22 holder requests a modification and he or she meets the
23 requirements of this Act. If any person to whom the certificate
24 has been issued keeps or stores explosive materials in excess
25 of the amount authorized by the certificate, or stores
26 explosives material for a different purpose than indicated in

1 the application without first obtaining the Department's
2 approval to modify the certificate, then the Department may
3 cancel the certificate or initiate an enforcement action.

4 Whenever there are changes in the physical conditions
5 surrounding a magazine, such as the erection of buildings,
6 operation of railways or opening of highways near such
7 magazine, the Department shall, in accordance with the changed
8 conditions, modify or cancel the certificate. Upon
9 cancellation of the certificate, the magazine keeper ~~owner~~
10 shall immediately remove all explosive materials from the
11 magazine. The magazine keeper ~~owner or user~~ of a magazine shall
12 promptly notify the Department of any change in conditions.

13 (d) Storage certificates issued under this Act are not
14 transferable. In the event of the lease, sale or other transfer
15 of the business or operations covered by the certificate, the
16 new owner, tenant or successor in interest must obtain the
17 storage certificate required by this Article before storing
18 explosive materials.

19 (e) No individual may act as a magazine keeper unless
20 licensed under Article 2 of this Act.

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

22 (225 ILCS 210/4002) (from Ch. 96 1/2, par. 1-4002)

23 Sec. 4002. Reporting accidents, incidents, theft, or loss
24 ~~Theft or loss.~~

25 (a) A licensee or certificate holder shall immediately

1 report to the Department, in a manner and form prescribed by
2 the Department, any incident or accident related to explosive
3 materials that results in personal injury or property damage.

4 (b) The theft or loss of explosive materials shall be
5 reported within 24 hours of the discovery by the licensee or
6 certificate holder to the Department and to local law
7 enforcement authorities.

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

9 (225 ILCS 210/4003) (from Ch. 96 1/2, par. 1-4003)

10 Sec. 4003. Recordkeeping and inspection.

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

23 (b) (Blank). ~~Every person selling or giving away an~~
24 ~~explosive material shall keep at his principal office or place~~
25 ~~of business a journal, book of record or other record setting~~

1 ~~forth, in legible writing, a complete history of the~~
2 ~~transaction, including the following: (1) the name and quantity~~
3 ~~of the explosive material, (2) the identification numbers of~~
4 ~~each stick and container, (3) the name, residence and business~~
5 ~~address of the purchaser, (4) the address to which the~~
6 ~~explosive material is to be delivered, if different, and (5)~~
7 ~~the name and address, social security number, driver's license~~
8 ~~number, and brief physical description of the individual taking~~
9 ~~the explosive material and the type and license number of the~~
10 ~~vehicle by which it is to be transported. The record keeping~~
11 ~~requirements of this subsection do not apply when such~~
12 ~~transaction is between the manufacturer of the explosive~~
13 ~~material and that manufacturer's employees when the explosive~~
14 ~~materials involved are being shipped by common carrier direct~~
15 ~~from the manufacturer's place of business. Such journal, book~~
16 ~~of record or other record shall be open to inspection by the~~
17 ~~Department or by law enforcement agencies. No explosive~~
18 ~~materials shall be sold, given away or otherwise disposed of or~~
19 ~~delivered to any person under 21 years of age, whether such~~
20 ~~person is acting for himself or another.~~

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

24 (Source: P.A. 86-364; 87-835.)

25 (225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

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

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

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

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

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

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

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

24 (g) To establish by rule the expiration and renewal period
25 for licenses and certificates issued under this Act, and to
26 establish and collect license and certificate application

1 fees, ~~fingerprint card~~ fees required by the Illinois State
2 Police for criminal identification purposes, and such other
3 fees as are authorized or necessary under this Act.

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

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

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

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

20 (l) To inform, advise, and assist ~~institute or cause to be~~
21 ~~instituted legal proceedings in the circuit court by~~ the
22 State's Attorney of the county where any noncompliance with or
23 violation of this Act occurs when the State's Attorney is
24 seeking criminal charges against a person pursuant to Section
25 5010 or 5011 of this Act.

26 (m) To bring an action in the name of the Department,

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

15 (n) The powers, duties and functions vested in the
16 Department under the provisions of this Act shall not be
17 construed to affect in any manner the powers, duties and
18 functions vested in the Department under any other provision of
19 law.

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

21 (225 ILCS 210/5003) (from Ch. 96 1/2, par. 1-5003)

22 Sec. 5003. Appeal to Department; Hearing; Notice.

23 (a) Whenever the Department intends to refuse to issue or
24 renew or to suspend, revoke or take other disciplinary action
25 with respect to a license or certificate, the Department shall

1 give notice to the applicant or holder. Such notice shall be in
2 writing, shall state specifically the grounds upon which the
3 Department intends to take the indicated action and shall be
4 served by delivery of the same personally to the applicant or
5 holder, or by mailing the same by registered or certified mail
6 to the applicant or holder's last known address. The aggrieved
7 party may appeal to the Department for a hearing. The applicant
8 or holder shall request such a hearing in writing within 30
9 days after notice is mailed. The provisions of Sections 5003
10 through 5005 shall not apply to decisions of the Department to
11 deny a license or certificate based on an applicant's failure
12 to satisfy any age or examination requirements.

13 (b) Upon the receipt of a request for a hearing, the
14 Department shall order a hearing to be held. The hearing
15 proceedings shall be commenced within 30 days after ~~of~~ the
16 receipt by the Department of the request for a hearing unless
17 the hearing is continued for good cause at the request of any
18 party. The Department shall, at least 10 days prior to the date
19 set for the hearing, notify in writing the applicant for or
20 holder of a license or certificate that a hearing will be held
21 at the place and on the date designated in the notice to
22 determine whether the applicant or holder is qualified to hold
23 a license or certificate, and that the Department shall afford
24 the applicant or holder an opportunity to be heard. Such
25 written notice may be served by personal delivery to the
26 applicant or holder, or by mailing the notice by registered or

1 certified mail to the applicant or holder's last known address.

2 (c) At the time and place fixed in the notice, the
3 Department shall proceed to hear the appeal, and all parties to
4 the proceeding shall have the opportunity to present such
5 statements, testimony, evidence and argument as may be relevant
6 to the proceeding. Hearings shall be conducted by hearing
7 officers appointed by the Department, and an authorized agent
8 of the Department may administer oaths to witnesses at any
9 hearing which the Department is authorized to conduct. The
10 Department, if necessary, may continue such hearing from time
11 to time. Hearing officers may authorize reasonable discovery by
12 any party. The Illinois Code of Civil Procedure and Illinois
13 Supreme Court rules shall not be applicable to hearing
14 proceedings under this Section.

15 (d) Nothing in this Section shall be construed to limit the
16 authority of the Department to deny, refuse to issue or renew,
17 or suspend, revoke, or take other disciplinary action with
18 respect to a license or certificate if the applicant or holder
19 waives the right to a hearing by failing to request a hearing
20 within the prescribed time after notice is mailed ~~received~~.

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

22 (225 ILCS 210/5004) (from Ch. 96 1/2, par. 1-5004)

23 Sec. 5004. Record of proceedings; transcript. The
24 Department or aggrieved party may ~~shall~~ provide at its or his
25 or her expense a certified shorthand reporter to take down the

1 testimony and preserve a record of all proceedings at the
2 hearing of any case involving denial or refusal to issue or
3 renew a license or certificate, or the suspension or revocation
4 or other discipline of a license or certificate. Copies of the
5 transcript of such record may be purchased from the certified
6 shorthand reporter who prepared the record.

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

8 (225 ILCS 210/5006) (from Ch. 96 1/2, par. 1-5006)

9 Sec. 5006. Actions without notice of hearing.
10 Notwithstanding any other provision of this Act, whenever the
11 Department finds that a condition or practice exists which
12 could reasonably be expected to cause death or serious physical
13 harm or property damage, and if the Department incorporates a
14 finding to that effect in an order, it may summarily suspend or
15 revoke a license or certificate, or order such immediate action
16 as may be necessary to abate the condition or practice.
17 Whenever summary action is taken under this Section, the
18 Department shall, simultaneously with such action, serve upon
19 the holder a copy of its order which shall be effective
20 immediately. Upon the request of the aggrieved party, the
21 Department shall conduct a hearing regarding its order in
22 accordance with the requirements of Sections 5003, 5004, and
23 5005 of this Act. A hearing, if properly requested, shall be
24 commenced within 15 days of the date of the order and concluded
25 as soon as practicably possible.

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

2 (225 ILCS 210/5008) (from Ch. 96 1/2, par. 1-5008)

3 Sec. 5008. Administrative Review Law. All final
4 administrative decisions of the Department under this Act are
5 subject to judicial review pursuant to the Administrative
6 Review Law (735 ILCS 5/3-101 et seq.), as now or hereafter
7 amended, and its rules. The term "administrative decision" is
8 defined as in Section 3-101 of the Code of Civil Procedure.
9 Appeals from all orders and judgments entered by the court, in
10 reviewing a final administrative decision of the Department,
11 may be taken by any party to the action as in other civil
12 cases. Pending final decision on such review, the acts, orders
13 and rulings of the Department shall remain in full force and
14 effect unless modified or suspended by order of court pending
15 final judicial decision. The Department shall not be required
16 to certify any record to the court or file any answer in court
17 or otherwise appear in any court in a judicial review
18 proceeding, unless there is filed in the court with the
19 complaint a receipt from the Department acknowledging payment
20 of the costs of furnishing and certifying the record, which
21 costs shall be computed at the rate of 35 cents per page.
22 Failure on the part of the plaintiff to file such receipt in
23 court shall be grounds for dismissal of the action.

24 (Source: P.A. 88-599, eff. 9-1-94.)

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

2 Sec. 5010. Unlawful possession. Any person subject to this
3 Act who possesses an explosive material without having obtained
4 a valid license or certificate under this Act is guilty of a
5 Class 3 felony unless otherwise exempted under Section 1005 or
6 2000 of this Act. Any person subject to this Act who transfers
7 explosive material to a person who does not possess a valid
8 license or certificate under this Act is guilty of a Class 3
9 felony unless otherwise exempted under Section 1005 or 2000 of
10 this Act.

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

12 (225 ILCS 210/3003 rep.)

13 (225 ILCS 210/5002 rep.)

14 (225 ILCS 210/5014 rep.)

15 Section 20. The Illinois Explosives Act is amended by
16 repealing Sections 3003, 5002, and 5014.

17 Section 99. Effective date. This Act takes effect January
18 1, 2011."