



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5855

Introduced 2/10/2010, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Explosives Act. Provides for the licensure of pyrotechnic display supervisors, registration of display fireworks distributors, and regulation of displays under the Act. Adds provisions concerning exemptions, licensure, qualifications, unlicensed activity, discipline, and reporting accidents or incidents. Makes changes to provisions concerning scope, storage certificates, storage requirements, unlicensed activity, non-residents, recordkeeping, hearings, and criminal penalties. Defines "BATFE", "crime punishable by imprisonment for a term exceeding one year", "display", "display fireworks", "display fireworks distributor", "display fireworks service", "disposal", "pyrotechnic display assistant", "pyrotechnic display supervisor", "transfer", and "use". Makes other changes. Amends the Pyrotechnic Distributor and Operator Licensing Act. Removes definitions for "1.3G fireworks" and "display fireworks" and changes the definition of "pyrotechnic display" or "display" and "pyrotechnic distributor". Removes a provision that required the rules of the State Fire Marshal to be based upon certain specified guidelines of the National Fire Protection Association (NFPA) for outdoor displays. Removes a provision that the State Fire Marshal may delegate the responsibility to train and examine pyrotechnic distributors and operators to the Department of Natural Resources. Amends the Pyrotechnic Use Act. Deletes definitions of "1.3G fireworks" and "display fireworks", and deletes other references to "display fireworks". Provides that "pyrotechnic distributor" means any person who distributes special effects fireworks or flame effects. Makes other changes. Effective immediately.

LRB096 20340 ASK 35972 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 1002, 1003, 1004, 2000, 2001, 2002, 2003,  
6 2004, 2005, 2007, 2008, 2011, 3000, 3001, 3002, 4002, 4003,  
7 5001, 5003, 5004, 5005, 5006, 5008, and 5010 and by adding  
8 Section 1005 and Article 6 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  
17 persons.

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

19 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

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

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

1 (b) "Explosive materials" means explosives, blasting  
2 agents, and detonators.

3 (c) "Explosive" means any chemical compound, mixture, or  
4 device (1), the primary or common purpose of which is to  
5 function by explosion and (2) that is classified as a Division  
6 1.1, 1.2, or 1.3 material under 49 CFR 173.50. The term  
7 includes high and ~~or~~ low explosives. ~~Manufactured articles,~~  
8 ~~including, but not limited to, fixed ammunition for small arms,~~  
9 ~~fire crackers, safety fuses, and matches are not explosives~~  
10 ~~when the individual units contain explosives in such limited~~  
11 ~~quantity and of such nature or in such packing that it is~~  
12 ~~impossible to produce a simultaneous or a destructive explosion~~  
13 ~~of such units which would be injurious to life, limb or~~  
14 ~~property.~~

15 (d) "Blasting agent" means any material or mixture that (1)  
16 consists ~~consisting~~ of a fuel and oxidizer intended for  
17 blasting, not otherwise defined as an explosive, provided that  
18 the finished product, as mixed and packaged for use or  
19 shipment, cannot be detonated by means of a No. 8 blasting cap,  
20 as defined by the Bureau of Alcohol, Tobacco, ~~and~~ Firearms and  
21 Explosives, U.S. Department of Treasury, when unconfined and  
22 (2) is classified as a Division 1.5 material under 49 CFR  
23 173.50.

24 (d-5) "Crime punishable by imprisonment for a term  
25 exceeding one year" does not mean (1) any federal or state  
26 offenses pertaining to antitrust violations, unfair trade

1 practices, restraint of trade, or similar offenses relating to  
2 the regulation of business practices as the Secretary of the  
3 Treasury may by regulation designate or (2) any State offense,  
4 other than one involving a firearm or explosive, classified by  
5 the laws of the State as a misdemeanor or punishable by a term  
6 of imprisonment of 2 years or less.

7 (e) "Detonator" means any device that (1) contains  
8 ~~containing~~ any initiating or primary explosive that is used for  
9 initiating detonation and (2) is classified as Division 1.1 or  
10 1.4 material under 49 CFR 173.50. A detonator may not contain  
11 more than 10 grams of total explosives by weight, excluding  
12 ignition or delay charges.

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

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

22 (h) "Building" means and includes any building regularly  
23 occupied, in whole or in part, as a habitation for human  
24 beings, and any church, schoolhouse, railway station or other  
25 building where people are accustomed to assemble, but does not  
26 mean or include any buildings of a mine or quarry or any of the

1 buildings of a manufacturing plant where the business of  
2 manufacturing explosive materials is conducted.

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

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

12 (k) "Magazine keeper" means a qualified supervisory person  
13 licensed by the Department under Article 2 of this Act who is  
14 responsible for the acquisition, storage, use, possession,  
15 transfer, and disposal of explosive materials, including  
16 inventory and transaction records, and ~~responsible for the~~  
17 ~~inventory and safe storage of explosive materials, including~~  
18 the proper maintenance of explosive materials, storage  
19 magazines, and surrounding areas.

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

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

25 (n) "Fugitive from justice" means any individual who has  
26 fled from the jurisdiction of any court of record to avoid

1 prosecution for any crime or to avoid giving testimony in any  
2 criminal proceeding. This term shall also include any  
3 individual who has been convicted of any crime and has fled to  
4 avoid imprisonment.

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

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

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

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

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

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

19 (u) "Use" of explosive materials means the detonation,  
20 ignition, deflagration, or any other means of initiating  
21 explosive materials.

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

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

1       (x) "Display" means the detonation, initiation, ignition,  
2 or deflagration of display fireworks to produce visual or  
3 audible effects.

4       (y) "Display fireworks" means those fireworks used for  
5 professional outdoor displays and classified as a Division 1.1,  
6 1.2, or 1.3 material under 49 CFR 173.50.

7       (z) "Display fireworks distributor" means any person who  
8 distributes display fireworks for sale in the State of Illinois  
9 and is registered as such by the Department pursuant to Section  
10 6002 of this Act.

11       (aa) "Display fireworks service" means the detonation,  
12 ignition, or deflagration of display fireworks to produce a  
13 visual or audible effect.

14       (bb) "Pyrotechnic display assistant" means any individual  
15 assisting with a display under the direct supervision of a  
16 pyrotechnic display supervisor.

17       (cc) "Pyrotechnic display supervisor" means an individual  
18 who (1) is responsible for the safety, setup, and discharge of  
19 display fireworks that are classified as a Division 1.1, 1.2,  
20 or 1.3 material under 49 CFR 173.50 and (2) possesses an  
21 individual license under Article 2 of this Act.

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

23 (225 ILCS 210/1004) (from Ch. 96 1/2, par. 1-1004)

24 Sec. 1004. Scope. This Act is intended to supplement the  
25 requirements of any federal or State laws and regulations and

1 shall apply to all acquisition, storage, use, possession,  
2 transfer and disposal of explosive materials, except as  
3 provided in Sections 1005, 2000 and 3000 of this Act ~~this~~  
4 ~~Section.~~

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

6 ~~(1) agricultural fertilizers which might be of an~~  
7 ~~explosive nature when the use of such fertilizers is for~~  
8 ~~agricultural or horticultural purposes;~~

9 ~~(2) a common or contract carrier authorized to carry~~  
10 ~~explosive material pursuant to the Interstate Commerce Act~~  
11 ~~or by the Illinois Commerce Commission;~~

12 ~~(3) the purchase, receipt, possession or use, by an~~  
13 ~~individual, of primers or propellant power used in muzzle~~  
14 ~~loading firearms, hand loading, reloading or custom~~  
15 ~~loading ammunition for small arms for his own use or for~~  
16 ~~that of his immediate family;~~

17 ~~(4) the possession or purchase from dealers, importers~~  
18 ~~or manufacturers by any person who holds a valid Illinois~~  
19 ~~Firearm Owner's Identification Card of smokeless small~~  
20 ~~arms propellant in quantities not to exceed 25 pounds,~~  
21 ~~black powder not to exceed 5 pounds, and small arms primers~~  
22 ~~or percussion caps for muzzle loading arms in containers~~  
23 ~~provided by the manufacturer or containers generally~~  
24 ~~recognized as being suitable for the transportation and~~  
25 ~~storage, or commerce in these items at retail, or the~~  
26 ~~transportation or use of the items by any such person in~~



1 muzzle loading small arms, or in loading ammunition for  
2 small arms; or

3 ~~(5) The acquisition, possession, use, transfer or~~  
4 ~~disposal of explosive materials in connection with mine,~~  
5 ~~quarry, construction, manufacturing or wholesale or retail~~  
6 ~~dealership operations in the ordinary course of business~~  
7 ~~provided that (A) the operator has obtained a storage~~  
8 ~~certificate from the Department in accordance with Article~~  
9 ~~3 of this Act, (B) the acquisition, possession, use,~~  
10 ~~transfer or disposal of explosive materials is limited to~~  
11 ~~the operator's business operations, and (C) the person or~~  
12 ~~persons designated as "magazine keeper" satisfy the~~  
13 ~~licensure requirements, other than an examination, of~~  
14 ~~Article 2 of this Act.~~

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

19 ~~(1) all black powder and smokeless powder shall be~~  
20 ~~stored in shipping containers as required by regulations of~~  
21 ~~the U.S. Department of Transportation, except as~~  
22 ~~hereinafter provided;~~

23 ~~(2) black powder in quantities not to exceed 5 pounds~~  
24 ~~and smokeless powder in quantities not to exceed 25 pounds~~  
25 ~~intended for personal use may be stored in original~~  
26 ~~containers in a locked wooden box or cabinet having walls~~

1 ~~of at least one inch nominal thickness; and~~

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

6 ~~(c) Notwithstanding the requirements of Articles 2 and 3, a~~  
7 ~~person licensed as a manufacturer or dealer in explosive~~  
8 ~~materials may sell, give or dispose of explosive materials to a~~  
9 ~~non resident of Illinois who is duly licensed in the state of~~  
10 ~~his residence. Possession and transportation within this State~~  
11 ~~by such non residents shall conform to the laws of this State,~~  
12 ~~except that the requirements of Section 2001, requiring a~~  
13 ~~license to be issued by the Department, shall not apply.~~

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

15 (225 ILCS 210/1005 new)

16 Sec. 1005. Exemptions.

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

23 A person who is licensed under Article 2 of this Act or  
24 holds a storage certificate under Article 3 of this Act may  
25 transfer explosive materials to a non-resident of Illinois if

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

6 (b) This Act does not apply to the possession, use,  
7 purchase, transfer, storage, or disposal of explosive material  
8 by United States military or other agencies of the United  
9 States; or to arsenals, navy yards, depots, or other  
10 establishments owned or operated by the United States.

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

16 (225 ILCS 210/2000) (from Ch. 96 1/2, par. 1-2000)

17 Sec. 2000. Scope; exemptions.

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

21 (b) This Article does not apply to the purchase, receipt,  
22 possession, or use of black powder solely for sporting,  
23 recreational, or cultural purposes by an individual for his or  
24 her own use or for his or her immediate family living in the  
25 same household. This includes components for use in muzzle

1 loading firearms and other antique devices and hand loading,  
2 reloading, or custom loading fixed ammunition.

3 (c) A person is not required to have a license under this  
4 Article for the acquisition, possession, use, transfer, or  
5 disposal of explosive materials in connection with mine,  
6 quarry, construction, display fireworks, manufacturing, or  
7 wholesale or retail explosive materials operations if (1) the  
8 person holds a storage certificate under Article 3 of this Act  
9 and (2) the acquisition, possession, use, transfer, or disposal  
10 of the explosive materials is limited to the type, maximum  
11 quantity, and purpose authorized by his or her storage  
12 certificate.

13 In addition to the person who holds the storage  
14 certificate, this exemption shall also apply to any employee,  
15 contractor, or other authorized individual if he or she is  
16 under the direct supervision of an individual who is either  
17 licensed or holds a storage certificate under this Act. Direct  
18 supervision requires the supervising individual to be  
19 physically present at all times during the use or disposal of  
20 the explosive materials.

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

22 (225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

23 Sec. 2001. Unlicensed activity; non-residents.

24 (a) No person shall acquire, possess, use, transfer, or  
25 dispose of ~~purchase or transfer~~ explosive materials unless

1 licensed by the Department except as ~~otherwise~~ provided under  
2 Section 1005 or 2000 of ~~by~~ this Act or ~~and~~ the Pyrotechnic  
3 Distributor and Operator Licensing Act.

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

5 (225 ILCS 210/2002) (from Ch. 96 1/2, par. 1-2002)

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

1 on the applicant.

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

3 (225 ILCS 210/2003) (from Ch. 96 1/2, par. 1-2003)

4 Sec. 2003. Criminal history background ~~Fingerprint card~~  
5 fees; law enforcement exemption. Each applicant for a license  
6 shall submit, in addition to the license fee, a fee specified  
7 by the Illinois Department ~~of~~ State Police for processing  
8 fingerprint based data, or other state of the art criminal  
9 identification data, cards which may be made payable to the  
10 State Police Services Fund and shall be remitted to the  
11 Illinois Department ~~of~~ State Police for deposit into that fund.  
12 Law enforcement personnel who apply for an explosives license  
13 in order to carry out their official functions may be exempted  
14 from the criminal history background requirement provided the  
15 law enforcement agency submits documentation that the  
16 applicant has previously been subjected to a criminal history  
17 background check.

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

19 (225 ILCS 210/2004) (from Ch. 96 1/2, par. 1-2004)

20 Sec. 2004. Investigation; Examination of applicant. Upon  
21 receipt of an application, the Department shall investigate the  
22 eligibility of the applicant. The Department has authority to  
23 request and receive from any federal, state or local  
24 governmental agency such information and assistance as will

1 enable the Department ~~him~~ to carry out its ~~his~~ powers and  
2 duties under this Act. The Illinois ~~Department of~~ State Police  
3 shall cause the fingerprint based data or other state of the  
4 art criminal identification data fingerprints of each  
5 applicant to be compared with the fingerprint based data or  
6 other state of the art criminal identification data  
7 ~~fingerprints~~ of criminals now or hereafter filed with the  
8 Department of State Police and with federal law enforcement  
9 agencies maintaining official criminal identification  
10 ~~fingerprint~~ files. The investigation shall include, but is not  
11 limited to, an oral examination and a written examination as to  
12 the applicant's knowledge and ability regarding basic safety,  
13 possession, handling, use, storage, disposal and  
14 transportation of explosives. Passage of these examinations is  
15 prerequisite to being considered for license issuance. Such  
16 examinations may be administered by any person designated by  
17 the Department.

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

19 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

20 Sec. 2005. Qualifications for licensure.

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

22 (1) is under 21 years of age;

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

25 (3) is under indictment for a crime punishable by

1 imprisonment for a term exceeding one year;

2 (4) is a fugitive from justice;

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

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

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

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

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

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

17  
18 ~~(2) has not willfully violated any provisions of this~~  
19 ~~Act;~~

20 ~~(3) has not made any material misstatement or knowingly~~  
21 ~~withheld information in connection with any original or~~  
22 ~~renewal application;~~

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

26 ~~(5) does not abuse alcohol or prescription drugs or use~~



1 ~~illegal drugs;~~

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

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

5 ~~(8) is of good moral character. Convictions of crimes~~  
6 ~~not listed in subsection (6) of this Section may be taken~~  
7 ~~into account in determining moral character but shall not~~  
8 ~~operate as an absolute bar to licensure; and~~

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

11 ~~A licensee shall continue to meet these requirements in~~  
12 ~~order to maintain his license.~~

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

14 (225 ILCS 210/2007) (from Ch. 96 1/2, par. 1-2007)

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

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

23 (225 ILCS 210/2008) (from Ch. 96 1/2, par. 1-2008)

24 Sec. 2008. Issuance of license and renewals; notification

1 ~~of law enforcement officers~~ ~~Renewal~~. The Department shall issue  
2 the appropriate license or renewal where the applicant  
3 satisfactorily meets the requirements of this Act and no  
4 grounds for refusal, revocation, or suspension exist. Within 10  
5 days after the issuance of an original, replacement, or renewed  
6 license, the Department shall notify the appropriate law  
7 enforcement officer of the municipality or county where the  
8 explosive materials are to be used or possessed, and provide  
9 such officer with any other information pertaining thereto as  
10 the Director may prescribe.

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

12 (225 ILCS 210/2011) (from Ch. 96 1/2, par. 1-2011)

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

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

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

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

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

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

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

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

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

14 (7) Failure to make, keep, or submit any record or  
15 report required by this Act or its implementing  
16 regulations; or making, keeping, or submitting a false  
17 record or report.

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

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

1 ~~following reasons:~~

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

4 ~~(2) Failure to make, keep, or submit any record or~~  
5 ~~report required by this Act or its implementing~~  
6 ~~regulations; or making, keeping, or submitting a false~~  
7 ~~record or report.~~

8 (d) (Blank). ~~Subject to the provisions of Sections 5003~~  
9 ~~through 5005 of this Act, violation of or non compliance with~~  
10 ~~any provision of this Act or its implementing regulations~~  
11 ~~constitutes grounds for disciplinary action, license~~  
12 ~~revocation, or both.~~

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

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

16 (225 ILCS 210/3000) (from Ch. 96 1/2, par. 1-3000)

17 Sec. 3000. Storage requirements; exemptions.

18 (a) No person, unless otherwise exempt ~~excepted~~, shall  
19 store explosive materials unless a storage certificate has been  
20 issued by the Department. The Department shall, by rule,  
21 establish requirements for the storage of explosive materials  
22 including magazine construction, magazine maintenance and the  
23 distances from which magazines or factory buildings must be  
24 separated from other magazines, buildings, railroads and  
25 highways. In establishing magazine construction, maintenance

1 and distance requirements, the Department shall differentiate,  
2 as appropriate, between types, classifications and quantities  
3 of explosive materials and shall fully consider nationally  
4 recognized industry standards and the standards enforced by  
5 agencies of the federal government including the Bureau of  
6 Alcohol, Tobacco, and Firearms of the United States Department  
7 of the Treasury.

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

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

17 (225 ILCS 210/3001) (from Ch. 96 1/2, par. 1-3001)

18 Sec. 3001. Storage requirements; Magazines.

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

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

3 (c) (Blank). ~~Magazines in which explosive materials shall~~  
4 ~~be lawfully kept or stored shall be constructed of brick,~~  
5 ~~concrete, iron, wood covered with iron or other suitable~~  
6 ~~materials. The magazine shall not have openings except for~~  
7 ~~ventilation and entrance. Blasting caps, detonating or~~  
8 ~~fulminating caps, or detonators shall be kept or stored in a~~  
9 ~~separate magazine from magazines where other explosive~~  
10 ~~materials are kept or stored and a storage certificate shall be~~  
11 ~~obtained from the Department in accordance with Section 3002.~~

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

1 ~~magazine.~~

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

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

6 (225 ILCS 210/3002) (from Ch. 96 1/2, par. 1-3002)

7 Sec. 3002. Storage Certificates.

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

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

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

25 (3) the distance or intended distance of the magazine

1 from the nearest magazine, building, railroad and highway;

2 ~~and~~

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

6 (5) a description of the purposes for which explosive  
7 materials are intended to be stored or used; and

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

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

22 (c) A storage certificate holder's authority to store  
23 explosives shall be limited to the type, maximum quantity, and  
24 purpose specified in his or her application to the Department,  
25 unless the certificate holder is granted a modification to the  
26 storage certificate. The Department shall approve any



1 modification to the storage certificate if the certificate  
2 holder requests a modification and he or she meets the  
3 requirements of this Act. If any person to whom the certificate  
4 has been issued keeps or stores explosive materials in excess  
5 of the amount authorized by the certificate, or stores or uses  
6 explosives material of a different type or for a different  
7 purpose than indicated in the application without first  
8 obtaining the Department's approval to modify the certificate,  
9 then the Department may cancel the certificate or initiate an  
10 enforcement action. Whenever there are changes in the physical  
11 conditions surrounding a magazine, such as the erection of  
12 buildings, operation of railways or opening of highways near  
13 such magazine, the Department shall, in accordance with the  
14 changed conditions, modify or cancel the certificate. Upon  
15 cancellation of the certificate, the magazine keeper ~~owner~~  
16 shall immediately remove all explosive materials from the  
17 magazine. The magazine keeper ~~owner or user~~ of a magazine shall  
18 promptly notify the Department of any change in conditions.

19 (d) Storage certificates issued under this Act are not  
20 transferable. In the event of the lease, sale or other transfer  
21 of the business or operations covered by the certificate, the  
22 new owner, tenant or successor in interest must obtain the  
23 storage certificate required by this Article before storing  
24 explosive materials.

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

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

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

3 Sec. 4002. Reporting accidents, incidents, theft, or loss  
4 ~~Theft or loss.~~

5 (a) A licensee or certificate holder shall immediately  
6 report to the Department, in a manner and form prescribed by  
7 the Department, any incident or accident related to explosive  
8 materials that results in personal injury or property damage.

9 (b) The theft or loss of explosive materials shall be  
10 reported within 24 hours of the discovery by the licensee or  
11 certificate holder to the Department and to local law  
12 enforcement authorities.

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

14 (225 ILCS 210/4003) (from Ch. 96 1/2, par. 1-4003)

15 Sec. 4003. Recordkeeping and inspection.

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

1 required by the Department related to the possession, use,  
2 purchase, transfer, or storage of explosive materials shall be  
3 maintained for a minimum of 3 years.

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

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

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

5 (225 ILCS 210/5001) (from Ch. 96 1/2, par. 1-5001)

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

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

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

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

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

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

25 (f) To suspend, revoke or refuse to issue or renew licenses

1 or certificates, or take other disciplinary action, including  
2 the imposition of fines. All fines collected under this Act  
3 shall be deposited into the Explosives Regulatory Fund.

4 (g) To establish by rule the expiration and renewal period  
5 for licenses and certificates issued under this Act, and to  
6 establish and collect license and certificate application  
7 fees, ~~fingerprint card~~ fees required by the Illinois State  
8 Police for criminal identification purposes, and such other  
9 fees as are authorized or necessary under this Act.

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

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

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

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

26 (l) To inform, advise, and assist ~~institute or cause to be~~

1 ~~instituted legal proceedings in the circuit court by~~ the  
2 State's Attorney of the county where any noncompliance with or  
3 violation of this Act occurs when the State's Attorney is  
4 seeking criminal charges against a person pursuant to Section  
5 5010 or 5011 of this Act.

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

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

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

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

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

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

18 (b) Upon the receipt of a request for a hearing, the  
19 Department shall order a hearing to be held. The hearing  
20 proceedings shall be commenced within 30 days after ~~of~~ the  
21 receipt by the Department of the request for a hearing unless  
22 the hearing is continued for good cause at the request of any  
23 party. The Department shall, at least 10 days prior to the date  
24 set for the hearing, notify in writing the applicant for or  
25 holder of a license or certificate that a hearing will be held

1 at the place and on the date designated in the notice to  
2 determine whether the applicant or holder is qualified to hold  
3 a license or certificate, and that the Department shall afford  
4 the applicant or holder an opportunity to be heard. Such  
5 written notice may be served by personal delivery to the  
6 applicant or holder, or by mailing the notice by registered or  
7 certified mail to the applicant or holder's last known address.

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

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



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

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

3 Sec. 5004. Record of proceedings; transcript. The  
4 Department or aggrieved party may ~~shall~~ provide at its or his  
5 or her expense a certified shorthand reporter to take down the  
6 testimony and preserve a record of all proceedings at the  
7 hearing of any case involving denial or refusal to issue or  
8 renew a license or certificate, or the suspension or revocation  
9 or other discipline of a license or certificate. Copies of the  
10 transcript of such record may be purchased from the certified  
11 shorthand reporter who prepared the record.

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

13 (225 ILCS 210/5006) (from Ch. 96 1/2, par. 1-5006)

14 Sec. 5006. Actions without notice of hearing.  
15 Notwithstanding any other provision of this Act, whenever the  
16 Department finds that a condition or practice exists which  
17 could reasonably be expected to cause death or serious physical  
18 harm or property damage, and if the Department incorporates a  
19 finding to that effect in an order, it may summarily suspend or  
20 revoke a license or certificate, or order such immediate action  
21 as may be necessary to abate the condition or practice.  
22 Whenever summary action is taken under this Section, the  
23 Department shall, simultaneously with such action, serve upon  
24 the holder a copy of its order which shall be effective

1 immediately. Upon the request of the aggrieved party, the  
2 Department shall conduct a hearing regarding its order in  
3 accordance with the requirements of Sections 5003, 5004, and  
4 5005 of this Act. ~~A hearing, if properly requested, shall be~~  
5 ~~commenced within 15 days of the date of the order and concluded~~  
6 ~~as soon as practicably possible.~~

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

8 (225 ILCS 210/5008) (from Ch. 96 1/2, par. 1-5008)

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

1 of the costs of furnishing and certifying the record, which  
2 costs shall be computed at the rate of 35 cents per page.  
3 Failure on the part of the plaintiff to file such receipt in  
4 court shall be grounds for dismissal of the action.

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

6 (225 ILCS 210/5010) (from Ch. 96 1/2, par. 1-5010)

7 Sec. 5010. Unlawful possession. Any person subject to this  
8 Act who possesses an explosive material without having obtained  
9 a valid license or certificate under this Act is guilty of a  
10 Class 3 felony unless otherwise exempted under Section 1005 or  
11 2000 of this Act. Any person subject to this Act who transfers  
12 explosive material to a person who does not possess a valid  
13 license or certificate under this Act is guilty of a Class 3  
14 felony unless otherwise exempted under Section 1005 or 2000 of  
15 this Act.

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

17 (225 ILCS 210/Art. 6 heading new)

18 ARTICLE 6.

19 DISPLAY FIREWORKS

20 (225 ILCS 210/6001 new)

21 Sec. 6001. Pyrotechnics display supervisor qualifications.  
22 No individual may act as a pyrotechnic display supervisor  
23 unless licensed by the Department. Licensure as a pyrotechnic

1 display supervisor shall be subject to the same terms and  
2 requirements as are set forth in Article 2 of this Act.

3 (225 ILCS 210/6002 new)

4 Sec. 6002. Display fireworks distributor.

5 (a) No person may act as a display fireworks distributor  
6 unless registered with the Department.

7 (b) No person may engage in pyrotechnic distribution  
8 without first being registered with the Department.

9 Registration with the Department must include the following:

10 (1) A current BATFE license for the type of pyrotechnic  
11 service or pyrotechnic display service provided.

12 (2) Proof of product liability insurance.

13 (3) Proof of general liability insurance that covers  
14 the pyrotechnic display service or pyrotechnic service  
15 provided.

16 (4) Proof of Illinois Workers' Compensation Insurance.

17 (5) A registration fee set by the Department.

18 (6) Proof of a current United States Department of  
19 Transportation (USDOT) Identification Number.

20 (7) Proof of a current USDOT Hazardous Materials  
21 Registration Number.

22 (225 ILCS 210/6003 new)

23 Sec. 6003. Displays; display assistants.

24 (a) Each display shall be supervised by the pyrotechnic

1 display supervisor, who must be present for the setup and  
2 initiation, deflagration, or ignition of the display.

3 (b) A comprehensive record of each display shall be  
4 completed and signed by the pyrotechnic display supervisor on  
5 forms approved by the Department and shall include:

6 (1) a record of pyrotechnic display assistants  
7 present;

8 (2) proof of product liability insurance, general  
9 liability insurance, and Illinois Workers' Compensation  
10 Insurance;

11 (3) proof of a current BATFE license for the type of  
12 display fireworks service or display provided; and

13 (4) any additional information required by the  
14 Department.

15 (c) No person shall serve as pyrotechnic display assistant  
16 who:

17 (1) is under 21 years of age;

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

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

22 (4) is a fugitive from justice;

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

1           (6) has been adjudicated a mental defective; or  
2           (7) is not a legal citizen of the United States.

3           (225 ILCS 210/6004 new)

4           Sec. 6004. Rules. The Department shall adopt all rules  
5           necessary to administer its responsibilities under this  
6           Article, including rules requiring the training, examination,  
7           registration, and licensing of pyrotechnic display operators,  
8           pyrotechnic display supervisors, and pyrotechnic display  
9           assistants. The rules adopted by the Department shall be based  
10          upon nationally accepted industry standards such as those of  
11          the National Fire Protection Association (NFPA) 1123  
12          guidelines for outdoor displays.

13          (225 ILCS 210/6005 new)

14          Sec. 6005. Applications and fees.

15          (a) All applications for licensure, certification, and  
16          registration under this Article shall be on forms provided by  
17          the Department. These applications shall be accompanied by the  
18          required fee, which is not refundable.

19          (b) Fees received under this Act shall be deposited into  
20          the Explosives Regulatory Fund.

21          Section 10. The Pyrotechnic Distributor and Operator  
22          Licensing Act is amended by changing Sections 5 and 30 as  
23          follows:

1 (225 ILCS 227/5)

2 Sec. 5. Definitions. In this Act:

3 ~~"1.3G fireworks" means fireworks that are used for~~  
4 ~~professional outdoor displays and classified as fireworks~~  
5 ~~UN0333, UN0334, or UN0335 by the United States Department of~~  
6 ~~Transportation under 49 C.F.R. 172.101.~~

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

9 "Consumer fireworks" means fireworks that must comply with  
10 the construction, chemical composition, and labeling  
11 regulations of the U.S. Consumer Products Safety Commission, as  
12 set forth in 16 C.F.R. Parts 1500 and 1507, and classified as  
13 fireworks UN0336 or UN0337 by the United States Department of  
14 Transportation under 49 C.F.R. 172.101. "Consumer fireworks"  
15 does not include a substance or article exempted under the  
16 Pyrotechnic Use Act.

17 ~~"Display fireworks" means 1.3G explosive or special~~  
18 ~~effects fireworks.~~

19 "Facility" means an area being used for the conducting of a  
20 pyrotechnic display business, but does not include residential  
21 premises except for the portion of any residential premises  
22 that is actually used in the conduct of a pyrotechnic display  
23 business.

24 "Flame effect" means the detonation, ignition, or  
25 deflagration of flammable gases, liquids, or special materials

1 to produce a thermal, physical, visual, or audible effect  
2 before the public, invitees, or licensees, regardless of  
3 whether admission is charged in accordance with NFPA 160.

4 "Lead pyrotechnic operator" means the individual with  
5 overall responsibility for the safety, setup, discharge, and  
6 supervision of a pyrotechnic display or pyrotechnic service.

7 "Office" means Office of the State Fire Marshal.

8 "Person" means an individual, firm, corporation,  
9 association, partnership, company, consortium, joint venture,  
10 commercial entity, state, municipality, or political  
11 subdivision of a state or any agency, department, or  
12 instrumentality of the United States and any officer, agent, or  
13 employee of these entities.

14 "Production company" means any person in the film, digital  
15 and video media, television, commercial, and theatrical stage  
16 industry who provides pyrotechnic services or pyrotechnic  
17 display services as part of a film, digital and video media,  
18 television, commercial, or theatrical production in the State  
19 of Illinois.

20 "Pyrotechnic display" or "display" means the ~~detonation,~~  
21 ~~ignition,~~ or deflagration of ~~display fireworks or~~ flame effects  
22 to produce a visual or audible effect of an exhibitional nature  
23 before the public, invitees, or licensees, regardless of  
24 whether admission is charged.

25 "Pyrotechnic distributor" means any person who distributes  
26 special effects fireworks or flame effects ~~display fireworks~~



1 ~~for sale in the State of Illinois or provides them as part of a~~  
2 ~~pyrotechnic display service in the State of Illinois or~~  
3 provides only pyrotechnic services.

4 "Pyrotechnic service" means the ~~detonation,~~ ignition, or  
5 deflagration of ~~display fireworks,~~ special effects, or flame  
6 effects to produce a visual or audible effect.

7 "Special effects fireworks" means pyrotechnic devices used  
8 for special effects by professionals in the performing arts in  
9 conjunction with theatrical, musical, or other productions  
10 that are similar to consumer fireworks in chemical compositions  
11 and construction, but are not intended for consumer use and are  
12 not labeled as such or identified as "intended for indoor use".

13 "Special effects fireworks" are classified as fireworks UN0431  
14 or UN0432 by the United States Department of Transportation  
15 under 49 C.F.R. 172.101.

16 (Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

17 (225 ILCS 227/30)

18 Sec. 30. Rules. The State Fire Marshal shall adopt all  
19 rules necessary to carry out its responsibilities under this  
20 Act including rules requiring the training, examination, and  
21 licensing of production companies, pyrotechnic distributors  
22 and lead pyrotechnic operators. The rules of the State Fire  
23 Marshal shall be based upon nationally recognized standards  
24 such as the following guidelines ~~those~~ of the National Fire  
25 Protection Association (NFPA): ~~1123 guidelines for outdoor~~

1 ~~displays,~~ NFPA 1126 for proximate audience displays, NFPA 160  
2 for flame effect displays, and NFPA 140 for motion picture and  
3 television production studio soundstages, approved production  
4 facilities, and production locations. The State Fire Marshal  
5 shall conduct the training and examination of pyrotechnic  
6 operators and pyrotechnic distributors ~~or may delegate the~~  
7 ~~responsibility to train and examine pyrotechnic distributors~~  
8 ~~and operators to the Department of Natural Resources.~~

9 (Source: P.A. 96-708, eff. 8-25-09.)

10 Section 15. The Pyrotechnic Use Act is amended by changing  
11 Sections 1, 2, 2.1, 3.2, and 4.1 as follows:

12 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

13 Sec. 1. Definitions. As used in this Act, the following  
14 words shall have the following meanings:

15 ~~"1.3G fireworks" means those fireworks used for~~  
16 ~~professional outdoor displays and classified as fireworks~~  
17 ~~UN0333, UN0334, or UN0335 by the United States Department of~~  
18 ~~Transportation under 49 C.F.R. 172.101.~~

19 "Consumer distributor" means any person who distributes,  
20 offers for sale, sells, or exchanges for consideration consumer  
21 fireworks in Illinois to another distributor or directly to any  
22 retailer or person for resale.

23 "Consumer fireworks" means those fireworks that must  
24 comply with the construction, chemical composition, and

1 labeling regulations of the U.S. Consumer Products Safety  
2 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and  
3 classified as fireworks UN0336 or UN0337 by the United States  
4 Department of Transportation under 49 C.F.R. 172.101.  
5 "Consumer fireworks" shall not include snake or glow worm  
6 pellets; smoke devices; trick noisemakers known as "party  
7 poppers", "booby traps", "snappers", "trick matches",  
8 "cigarette loads", and "auto burglar alarms"; sparklers; toy  
9 pistols, toy canes, toy guns, or other devices in which paper  
10 or plastic caps containing twenty-five hundredths grains or  
11 less of explosive compound are used, provided they are so  
12 constructed that the hand cannot come in contact with the cap  
13 when in place for the explosion; and toy pistol paper or  
14 plastic caps that contain less than twenty hundredths grains of  
15 explosive mixture; the sale and use of which shall be permitted  
16 at all times.

17 "Consumer fireworks display" or "consumer display" means  
18 the detonation, ignition, or deflagration of consumer  
19 fireworks to produce a visual or audible effect.

20 "Consumer operator" means an adult individual who is  
21 responsible for the safety, setup, and discharge of the  
22 consumer fireworks display and who has completed the training  
23 required in Section 2.2 of this Act.

24 "Consumer retailer" means any person who offers for sale,  
25 sells, or exchanges for consideration consumer fireworks in  
26 Illinois directly to any person with a consumer display permit.

1       ~~"Display fireworks" means 1.3C or special effects~~  
2       ~~fireworks or as further defined in the Pyrotechnic Distributor~~  
3       ~~and Operator Licensing Act.~~

4       "Flame effect" means the detonation, ignition, or  
5       deflagration of flammable gases, liquids, or special materials  
6       to produce a thermal, physical, visual, or audible effect  
7       before the public, invitees, or licensees, regardless of  
8       whether admission is charged, in accordance with National Fire  
9       Protection Association 160 guidelines, and as may be further  
10      defined in the Pyrotechnic Distributor and Operator Licensing  
11      Act.

12      "Lead pyrotechnic operator" means an individual who is  
13      responsible for the safety, setup, and discharge of the  
14      pyrotechnic display or pyrotechnic service and who is licensed  
15      pursuant to the Pyrotechnic Distributor and Operator Licensing  
16      Act.

17      "Person" means an individual, firm, corporation,  
18      association, partnership, company, consortium, joint venture,  
19      commercial entity, state, municipality, or political  
20      subdivision of a state or any agency, department, or  
21      instrumentality of the United States and any officer, agent, or  
22      employee of these entities.

23      "Production company" means any person in the film, digital  
24      and video media, television, commercial, and theatrical stage  
25      industry who provides pyrotechnic services or pyrotechnic  
26      display services as part of a film, digital and video media,

1 television, commercial, or theatrical production in the State  
2 of Illinois and is licensed by the Office pursuant to the  
3 Pyrotechnic Distributor and Operator Licensing Act.

4 "Pyrotechnic display" means the ~~detonation,~~ ignition, or  
5 deflagration of ~~display fireworks or~~ flame effects to produce  
6 visual or audible effects of a exhibitional nature before the  
7 public, invitees, or licensees, regardless of whether  
8 admission is charged, and as may be further defined in the  
9 Pyrotechnic Distributor and Operator Licensing Act.

10 "Pyrotechnic distributor" means any person who distributes  
11 special effects fireworks or flame effects ~~display fireworks~~  
12 ~~for sale in the State of Illinois or provides them as part of a~~  
13 ~~pyrotechnic display service in the State of Illinois~~ or  
14 provides only pyrotechnic services and is licensed by the  
15 Office pursuant to the Pyrotechnic Distributor and Operator  
16 Licensing Act.

17 "Pyrotechnic service" means the detonation, ignition or  
18 deflagration of ~~display fireworks,~~ special effects or flame  
19 effects to produce a visual or audible effect.

20 "Special effects fireworks" means pyrotechnic devices used  
21 for special effects by professionals in the performing arts in  
22 conjunction with theatrical, musical, or other productions  
23 that are similar to consumer fireworks in chemical compositions  
24 and construction, but are not intended for consumer use and are  
25 not labeled as such or identified as "intended for indoor use".

26 "Special effects fireworks" are classified as fireworks UN0431

1 or UN0432 by the United States Department of Transportation  
2 under 49 C.F.R. 172.101.

3 (Source: P.A. 95-331, eff. 8-21-07; 96-708, eff. 8-25-09.)

4 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

5 Sec. 2. Possession, sale, and use of fireworks. Except as  
6 hereinafter provided it shall be unlawful for any person, firm,  
7 co-partnership, or corporation to knowingly possess, offer for  
8 sale, expose for sale, sell at retail, or use or explode any  
9 ~~display fireworks,~~ flame effects, or consumer fireworks;  
10 provided that city councils in cities, the president and board  
11 of trustees in villages and incorporated towns, and outside the  
12 corporate limits of cities, villages and incorporated towns,  
13 the county board, shall have power to adopt reasonable rules  
14 and regulations for the granting of permits for pyrotechnic and  
15 consumer displays.

16 (Source: P.A. 93-263, eff. 7-22-03; 94-658, eff. 1-1-06.)

17 (425 ILCS 35/2.1)

18 Sec. 2.1. Pyrotechnic displays or pyrotechnic service.  
19 Each pyrotechnic display or pyrotechnic service shall be  
20 conducted by a licensed lead pyrotechnic operator employed by a  
21 licensed pyrotechnic distributor or a licensed production  
22 company. Applications for a pyrotechnic display permit shall be  
23 made in writing at least 15 days in advance of the date of the  
24 pyrotechnic display or pyrotechnic service, unless agreed to

1 otherwise by the local jurisdiction issuing the permit and the  
2 fire chief of the jurisdiction in which the display or  
3 pyrotechnic service will occur. After a permit has been  
4 granted, sales, possession, use, and distribution of ~~display~~  
5 fireworks for the display or pyrotechnic service shall be  
6 lawful for that purpose only. No permit granted hereunder shall  
7 be transferable.

8 Pyrotechnic display permits may be granted hereunder to any  
9 adult individual applying therefor. No permit shall be required  
10 under the provisions of this Act for supervised public displays  
11 by State or County fair associations.

12 The applicant seeking the pyrotechnic display permit must  
13 provide proof of liability insurance in a sum not less than  
14 \$1,000,000 to the local governmental entity issuing the permit.

15 A permit shall be issued only after the chief of the fire  
16 department providing fire protection coverage to the area of  
17 display or pyrotechnic service, or his or her designee, has  
18 inspected the site and determined that the display or  
19 pyrotechnic service can be performed in full compliance with  
20 the rules adopted by the State Fire Marshal and that the  
21 display or pyrotechnic service shall not be hazardous to  
22 property or endanger any person or persons. Nothing in this  
23 Section shall prohibit the issuer of a permit from adopting  
24 more stringent rules.

25 All indoor pyrotechnic displays and pyrotechnic services  
26 shall be conducted in buildings protected by automatic

1     sprinkler systems and meeting the requirements of rules adopted  
2     by the State Fire Marshal pursuant to this Act. At the time an  
3     individual applies for an indoor pyrotechnic display permit  
4     from the local jurisdiction, written notice of the permit  
5     application and the indoor display or pyrotechnic service  
6     information shall be made in writing at least 15 days in  
7     advance of the date of the pyrotechnic display or pyrotechnic  
8     service to the Office, unless agreed to otherwise by the  
9     Office.

10     Permits shall be signed by the chief of the fire department  
11     providing fire protection to the area of display or pyrotechnic  
12     service, or his or her designee, and must identify the licensed  
13     pyrotechnic distributor or licensed production company and the  
14     lead pyrotechnic operator.

15     (Source: P.A. 96-708, eff. 8-25-09.)

16     (425 ILCS 35/3.2) (from Ch. 127 1/2, par. 129.2)

17     Sec. 3.2. The use of what are technically known as  
18     fireworks showers or any mixture containing potassium  
19     chlorate~~7~~ and sulphur in theaters ~~theatres~~ or public halls is  
20     hereby prohibited.

21     (Source: P.A. 81-623.)

22     (425 ILCS 35/4.1) (from Ch. 127 1/2, par. 130.1)

23     Sec. 4.1. The State Fire Marshal may adopt necessary rules  
24     and regulations for the administration of this Act which shall



1 be based upon nationally recognized standards such as those of  
2 the National Fire Protection Association ~~(NFPA) 1123~~  
3 ~~guidelines for outdoor displays,~~ NFPA 1126 guidelines for  
4 proximate audience displays, NFPA 160 guidelines for flame  
5 effects, and NFPA 140 for motion picture and television  
6 production studio soundstages, approved production facilities,  
7 and production locations. The State Fire Marshal is authorized  
8 to adopt rules that establish audience proximity distances for  
9 consumer display fireworks.

10 The Office of the State Fire Marshal shall maintain a list  
11 of approved consumer fireworks and update the list annually or  
12 as new consumer fireworks items are submitted to the Office by  
13 consumer distributors.

14 All applications, permits, and site inspection records  
15 shall be on forms approved by the State Fire Marshal.

16 (Source: P.A. 96-708, eff. 8-25-09.)

17 (225 ILCS 210/3003 rep.)

18 (225 ILCS 210/5002 rep.)

19 (225 ILCS 210/5014 rep.)

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.

1

## INDEX

2

## Statutes amended in order of appearance

3	225 ILCS 210/1002	from Ch. 96 1/2, par. 1-1002
4	225 ILCS 210/1003	from Ch. 96 1/2, par. 1-1003
5	225 ILCS 210/1004	from Ch. 96 1/2, par. 1-1004
6	225 ILCS 210/1005 new	
7	225 ILCS 210/2000	from Ch. 96 1/2, par. 1-2000
8	225 ILCS 210/2001	from Ch. 96 1/2, par. 1-2001
9	225 ILCS 210/2002	from Ch. 96 1/2, par. 1-2002
10	225 ILCS 210/2003	from Ch. 96 1/2, par. 1-2003
11	225 ILCS 210/2004	from Ch. 96 1/2, par. 1-2004
12	225 ILCS 210/2005	from Ch. 96 1/2, par. 1-2005
13	225 ILCS 210/2007	from Ch. 96 1/2, par. 1-2007
14	225 ILCS 210/2008	from Ch. 96 1/2, par. 1-2008
15	225 ILCS 210/2011	from Ch. 96 1/2, par. 1-2011
16	225 ILCS 210/3000	from Ch. 96 1/2, par. 1-3000
17	225 ILCS 210/3001	from Ch. 96 1/2, par. 1-3001
18	225 ILCS 210/3002	from Ch. 96 1/2, par. 1-3002
19	225 ILCS 210/4002	from Ch. 96 1/2, par. 1-4002
20	225 ILCS 210/4003	from Ch. 96 1/2, par. 1-4003
21	225 ILCS 210/5001	from Ch. 96 1/2, par. 1-5001
22	225 ILCS 210/5003	from Ch. 96 1/2, par. 1-5003
23	225 ILCS 210/5004	from Ch. 96 1/2, par. 1-5004
24	225 ILCS 210/5006	from Ch. 96 1/2, par. 1-5006
25	225 ILCS 210/5008	from Ch. 96 1/2, par. 1-5008

1 225 ILCS 210/5010 from Ch. 96 1/2, par. 1-5010  
2 225 ILCS 210/Art. 6  
3 heading new  
4 225 ILCS 210/6001 new  
5 225 ILCS 210/6002 new  
6 225 ILCS 210/6003 new  
7 225 ILCS 210/6004 new  
8 225 ILCS 210/6005 new  
9 225 ILCS 227/5  
10 225 ILCS 227/30  
11 425 ILCS 35/1 from Ch. 127 1/2, par. 127  
12 425 ILCS 35/2 from Ch. 127 1/2, par. 128  
13 425 ILCS 35/2.1  
14 425 ILCS 35/3.2 from Ch. 127 1/2, par. 129.2  
15 425 ILCS 35/4.1 from Ch. 127 1/2, par. 130.1  
16 225 ILCS 210/3003 rep.  
17 225 ILCS 210/5002 rep.  
18 225 ILCS 210/5014 rep.