



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6252

Introduced 2/11/2010, by Rep. Anthony DeLuca

SYNOPSIS AS INTRODUCED:

425 ILCS 35/1 from Ch. 127 1/2, par. 127
425 ILCS 35/2.3
425 ILCS 35/2.2 rep.

Amends the Pyrotechnic Use Act. Repeals provisions requiring that a consumer fireworks display be handled by a person who has received training and providing for a consumer fireworks display permit. Eliminates cross-references to the repealed provisions in certain definitions and in provisions concerning the sale of consumer fireworks. Effective immediately.

LRB096 20614 DRJ 36322 b

1 AN ACT concerning safety.

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

4 Section 5. The Pyrotechnic Use Act is amended by changing
5 Sections 1 and 2.3 as follows:

6 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

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

9 "1.3G fireworks" means those fireworks used for
10 professional outdoor displays and classified as fireworks
11 UN0333, UN0334, or UN0335 by the United States Department of
12 Transportation under 49 C.F.R. 172.101.

13 "Consumer distributor" means any person who distributes,
14 offers for sale, sells, or exchanges for consideration consumer
15 fireworks in Illinois to another distributor or directly to any
16 retailer or person for resale.

17 "Consumer fireworks" means those fireworks that must
18 comply with the construction, chemical composition, and
19 labeling regulations of the U.S. Consumer Products Safety
20 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
21 classified as fireworks UN0336 or UN0337 by the United States
22 Department of Transportation under 49 C.F.R. 172.101.

23 "Consumer fireworks" shall not include snake or glow worm

1 pellets; smoke devices; trick noisemakers known as "party
2 poppers", "booby traps", "snappers", "trick matches",
3 "cigarette loads", and "auto burglar alarms"; sparklers; toy
4 pistols, toy canes, toy guns, or other devices in which paper
5 or plastic caps containing twenty-five hundredths grains or
6 less of explosive compound are used, provided they are so
7 constructed that the hand cannot come in contact with the cap
8 when in place for the explosion; and toy pistol paper or
9 plastic caps that contain less than twenty hundredths grains of
10 explosive mixture; the sale and use of which shall be permitted
11 at all times.

12 "Consumer fireworks display" or "consumer display" means
13 the detonation, ignition, or deflagration of consumer
14 fireworks to produce a visual or audible effect.

15 "Consumer operator" means an adult individual who is
16 responsible for the safety, setup, and discharge of a ~~the~~
17 consumer fireworks display ~~and who has completed the training~~
18 ~~required in Section 2.2 of this Act.~~

19 "Consumer retailer" means any person who offers for sale,
20 sells, or exchanges for consideration consumer fireworks in
21 Illinois directly to any person ~~with a consumer display permit.~~

22 "Display fireworks" means 1.3G or special effects
23 fireworks or as further defined in the Pyrotechnic Distributor
24 and Operator Licensing Act.

25 "Flame effect" means the detonation, ignition, or
26 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 National Fire
4 Protection Association 160 guidelines, and as may be further
5 defined in the Pyrotechnic Distributor and Operator Licensing
6 Act.

7 "Lead pyrotechnic operator" means an individual who is
8 responsible for the safety, setup, and discharge of the
9 pyrotechnic display or pyrotechnic service and who is licensed
10 pursuant to the Pyrotechnic Distributor and Operator Licensing
11 Act.

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

18 "Production company" means any person in the film, digital
19 and video media, television, commercial, and theatrical stage
20 industry who provides pyrotechnic services or pyrotechnic
21 display services as part of a film, digital and video media,
22 television, commercial, or theatrical production in the State
23 of Illinois and is licensed by the Office pursuant to the
24 Pyrotechnic Distributor and Operator Licensing Act.

25 "Pyrotechnic display" means the detonation, ignition, or
26 deflagration of display fireworks or flame effects to produce

1 visual or audible effects of a exhibitional nature before the
2 public, invitees, or licensees, regardless of whether
3 admission is charged, and as may be further defined in the
4 Pyrotechnic Distributor and Operator Licensing Act.

5 "Pyrotechnic distributor" means any person who distributes
6 display fireworks for sale in the State of Illinois or provides
7 them as part of a pyrotechnic display service in the State of
8 Illinois or provides only pyrotechnic services and is licensed
9 by the Office pursuant to the Pyrotechnic Distributor and
10 Operator Licensing Act.

11 "Pyrotechnic service" means the detonation, ignition or
12 deflagration of display fireworks, special effects or flame
13 effects to produce a visual or audible effect.

14 "Special effects fireworks" means pyrotechnic devices used
15 for special effects by professionals in the performing arts in
16 conjunction with theatrical, musical, or other productions
17 that are similar to consumer fireworks in chemical compositions
18 and construction, but are not intended for consumer use and are
19 not labeled as such or identified as "intended for indoor use".
20 "Special effects fireworks" are classified as fireworks UN0431
21 or UN0432 by the United States Department of Transportation
22 under 49 C.F.R. 172.101.

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

24 (425 ILCS 35/2.3)

25 Sec. 2.3. Consumer distributors and retailers. No person

1 may act as a consumer distributor or retailer or advertise or
2 use any title implying that the person is a consumer
3 distributor or retailer unless registered with the Office of
4 the State Fire Marshal. No consumer fireworks may be
5 distributed, sold, transferred, or provided free of charge to
6 an individual who ~~has not been issued a permit in accordance~~
7 ~~with Section 2.2 of this Act or~~ has not registered with the
8 Office of the State Fire Marshal in accordance with this
9 Section if the consumer fireworks are distributed, sold,
10 transferred, or provided for resale. No person may sell to a
11 single individual a quantity of consumer fireworks exceeding
12 499 pounds without prior approval by the Office of the State
13 Fire Marshal. The State Fire Marshal, in the name of the
14 People, through the Attorney General, the State's Attorney of
15 any county, any resident of the State, or any legal entity
16 within the State may apply for injunctive relief in any court
17 to enjoin any person who has not registered from distributing
18 or selling consumer fireworks. Upon filing a verified petition
19 in court, the court, if satisfied by affidavit, or otherwise,
20 that the person is or has been distributing in violation of
21 this Act, may enter a temporary restraining order or
22 preliminary injunction, without bond, enjoining the defendant
23 from further activity. A copy of the verified complaint shall
24 be served upon the defendant and the proceedings are to be
25 conducted as in other civil cases. The court may enter a
26 judgment permanently enjoining a defendant from further

1 unregistered activity if it is established that the defendant
2 has been or is distributing in violation of this Act. In case
3 of violation of any injunctive order or judgment entered under
4 this Section, the court may summarily try and punish the
5 offender for contempt of court. Injunctive proceedings are in
6 addition to all penalties and other remedies in this Act.

7 (Source: P.A. 94-658, eff. 1-1-06.)

8 (425 ILCS 35/2.2 rep.)

9 Section 10. The Pyrotechnic Use Act is amended by repealing
10 Section 2.2.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.