

1 AN ACT in relation to fireworks.

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

4 Section 1. Short title. This Act may be cited as the
5 Fireworks Displayer Licensing Act.

6 Section 5. Definitions. In this Act:

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

8 "Pyrotechnic displayer" means any person, company,
9 association, group of persons, or corporation that ignites or
10 otherwise causes display or consumer fireworks to be
11 detonated, ignited, or deflagrated to produce a visual or
12 audible effect of an exhibitional nature before the public,
13 invitees, or licensees, regardless of whether an admission is
14 charged.

15 "Division 1.3G (Class B) and 1.4G (Class C) explosives"
16 means any substance or article defined as a Division 1.3G or
17 1.4G explosive by the United States Department of
18 Transportation under 49 CFR 173.50.

19 "Pyrotechnic distributor" means any person, company,
20 association, group of persons, or corporation who distributes
21 fireworks for sale in the State of Illinois.

22 "Lead pyrotechnic operator" or "pyrotechnic operator"
23 means the individual with overall responsibility for the
24 safety, setup and discharge of a fireworks or pyrotechnic
25 display.

26 "Fireworks" means a composition or device for the purpose
27 of producing a visible or an audible effect by combustion,
28 deflagration, or detonation and includes blank cartridges,
29 toy cannons in which explosives are used, the type of
30 balloons that require fire underneath to propel the same,
31 firecrackers, torpedoes, skyrockets, Roman candles, bombs, or

1 other fireworks of like construction and any fireworks
2 containing any explosive compound, or any tablets or other
3 device containing any explosive substance, or containing
4 combustible substances producing visual effects; however,
5 "fireworks" does not include snake or glow worm pellets;
6 smoke devices; trick noisemakers known as "party poppers",
7 "booby traps", "snappers", "trick matches", "cigarette loads"
8 and "auto burglar alarms"; sparklers; toy pistols, toy canes,
9 toy guns, or other devices in which paper or plastic caps
10 containing twenty-five hundredths of a grain or less of
11 explosive compound are used, providing 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 of a
15 grain of explosive mixture. "Fireworks" includes Division
16 1.3G or 1.4G explosives.

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,
22 or employee of these entities.

23 Section 10. License; enforcement; failure to pay tax. No
24 person may act as a public fireworks displayer, or advertise
25 or use any title implying that the person is engaged in the
26 practice or occupation of display of fireworks, unless
27 licensed by the Office under this Act. No firm, association,
28 or corporation may act as an agency licensed under this Act,
29 or advertise or use any title implying that it is engaged in
30 the practice of display of fireworks, unless licensed by the
31 Office under this Act. The State Fire Marshal, in the name of
32 the People, through the Attorney General, the State's
33 Attorney of any county, any resident of the State, or any

1 legal entity within the State may apply for injunctive relief
2 in any court to enjoin any person who has not been issued a
3 license or whose license has been suspended, revoked, or not
4 renewed, from practicing a licensed activity. Upon filing a
5 verified petition in court, the court, if satisfied by
6 affidavit, or otherwise, that the person is or has been
7 practicing in violation of this Act, may enter a temporary
8 restraining order or preliminary injunction, without bond,
9 enjoining the defendant from further unlicensed activity. A
10 copy of the verified complaint shall be served upon the
11 defendant and the proceedings are to be conducted as in other
12 civil cases. The court may enter a judgment permanently
13 enjoining a defendant from further unlicensed activity if it
14 is established that the defendant has been or is practicing
15 in violation of this Act. In case of violation of any
16 injunctive order or judgment entered under this Section, the
17 court may summarily try and punish the offender for contempt
18 of court. Injunctive proceedings are in addition to all
19 penalties and other remedies in this Act.

20 Section 15. Deposit of fees. All fees collected under
21 this Act shall be deposited into the Fire Prevention Fund.

22 Section 30. Rules. The State Fire Marshal shall adopt
23 all rules necessary to carry out its responsibilities under
24 this Act including rules requiring the training, examination,
25 and licensing of pyrotechnic operators engaging in or
26 responsible for the handling and use of Division 1.3G (Class
27 B) and 1.4G (Class C) explosives. The test shall incorporate
28 the rules and regulations of the State Fire Marshal, which
29 shall be based upon nationally recognized standards such as
30 National Fire Protection Association (NFPA) 1123 guidelines
31 for outdoor displays and NFPA 1126 for indoor displays.

1 Section 35. Licensure requirements and fees. Application
2 for license. Each application for a license to practice under
3 this Act shall be in writing and signed by the applicant on
4 forms provided by the Office and shall be accompanied by
5 proof of general liability insurance in an amount not less
6 than \$2,000,000.

7 (a) After December 1, 2003, all pyrotechnic displays,
8 both indoor and outdoor, must comply with the requirements
9 set forth in this Act.

10 (b) After July 1, 2004, no person may engage in
11 pyrotechnic distribution without first applying for and
12 obtaining a license from the Office. Each properly licensed
13 distributor may sell to anyone within the State of Illinois
14 who presents a current BATF license and a local fireworks
15 display permit from the local fire chief or his or her
16 designee. Applicants for a license must submit to having
17 jurisdiction. Applicants for a license must submit to the
18 Office the following:

19 (1) It must have a current BATF license for 1.3G
20 (Class B) and 1.4G (Class C) Display Fireworks.

21 (2) It must show proof of \$1,000,000 in product
22 liability insurance.

23 (3) Fees as established by the Office.

24 (4) Evidence of registration as an Illinois
25 corporation or evidence of compliance with the Assumed
26 Business Name Act.

27 (5) Evidence of compliance with the qualifications
28 and standards established by the Office including having
29 a licensed pyrotechnic operator for such displays.

30 (c) After July 1, 2004, no individual may act as a lead
31 operator in a pyrotechnics display without first applying for
32 and obtaining a pyrotechnic operator's license from the
33 Office. Applicants for a license must submit to the Office
34 the following:

- 1 (1) The fees set by the Office.
- 2 (2) Have the requisite training or continuing
3 education as established in the Office's rules.
- 4 (3) Pass the examination of the Office.
- 5 (d) After July 1, 2004, no individual may assist a lead
6 pyrotechnic operator in conducting a pyrotechnic display
7 without having been certified to do so. To obtain such
8 certification, an individual must successfully complete a
9 State Fire Marshal approved in-house training program with a
10 licensed displayer. This certification shall be kept on file
11 with the Office of the State Fire Marshal.

12 Section 50. Issuance of license; renewal; fees
13 nonrefundable.

14 (a) The Office, upon the applicant's satisfactory
15 completion of the requirements authorized under this Act and
16 upon receipt of the requisite fees, shall issue the
17 appropriate license showing the name and business location of
18 the licensee, the dates of issuance, and expiration.

19 (b) Each licensee may apply for renewal of his or her
20 license upon payment of fees, as set forth in this Act. The
21 expiration date and renewal period for each license issued
22 under this Act shall be set by rule. Failure to renew within
23 60 days of the date results in lapse of the license. A lapsed
24 license may not be reinstated until a written application is
25 filed, the renewal fee is paid, and the reinstatement fee
26 established by the Office is paid. Renewal and reinstatement
27 fees shall be waived for persons who did not renew while on
28 active duty in the military and who file for renewal or
29 restoration within one year after discharge from the service.
30 A lapsed license may not be reinstated after 5 years have
31 elapsed except upon passing an examination to determine
32 fitness to have the license restored and by paying the
33 required fees.

1 (c) All fees paid under this Act are nonrefundable.

2 Section 55. Insufficient funds checks. Any person who on
3 2 occasions issues or delivers a check or other order to the
4 Office that is not honored by the financial institution upon
5 which it is drawn because of insufficient funds on account
6 shall pay to the Office, in addition to the amount owing upon
7 the check or other order, a fee of \$50. If the check or other
8 order was issued or delivered in payment of a renewal fee and
9 the licensee whose license has lapsed continues to practice
10 without paying the renewal fee and the \$50 fee required under
11 this Section, an additional fee of \$100 is imposed for
12 practicing without a current license. The Office may revoke
13 or refuse to issue the license or licenses of any person who
14 fails to pay the requisite fees.

15 Section 60. Conditions of renewal; change of address;
16 duplicate license; inspection.

17 (a) As a condition of renewal of a license, the Office
18 may require the licensee to report information pertaining to
19 his or her practice which the Office determines to be in the
20 interest of public safety.

21 (b) A licensee shall report a change in home or office
22 address within 10 days of the change.

23 (c) Each licensee shall prominently display his or her
24 license to practice at each place from which the practice is
25 being performed. If more than one location is used, branch
26 office certificates shall be issued upon payment of a fee to
27 be established by the Office.

28 (d) If a license or certificate is lost, a duplicate
29 shall be issued upon payment of the required fee to be
30 established by the Office. If a licensee wishes to change his
31 or her name, the Office shall issue a license in the new name
32 upon satisfactory proof that the change of name was done in

1 accordance with law and upon payment of the required fee.

2 (e) Each licensee shall permit his or her facilities to
3 be inspected by representatives of the Office.

4 Section 65. Grounds for discipline. Licensees subject to
5 this Act shall conduct their practice in accordance with this
6 Act and the rules promulgated under this Act. Licensees are
7 subject to disciplinary sanctions enumerated in this Act if
8 the State Fire Marshal finds that a licensee is guilty of any
9 of the following:

10 (1) Fraud or material deception in obtaining or renewing
11 a license.

12 (2) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public in the course of professional
15 services or activities.

16 (3) Conviction of any crime that has a substantial
17 relationship to his or her practice or an essential element
18 of which is misstatement, fraud, dishonesty, or conviction in
19 this or another state of any crime that is a felony under the
20 laws of Illinois or conviction of a felony in a federal
21 court, unless the licensee demonstrates that he or she has
22 been sufficiently rehabilitated to warrant the public trust.

23 (4) Performing any service in a grossly negligent manner
24 or permitting any licensed employee to perform a service in a
25 grossly negligent manner, regardless of whether actual damage
26 or damages to the public is established.

27 (5) Habitual drunkenness or habitual addiction to the
28 use of morphine, cocaine, controlled substances, or other
29 habit-forming drugs.

30 (6) Directly or indirectly willfully receiving
31 compensation for any professional service not actually
32 rendered.

33 (7) Having disciplinary action taken against his or her

1 license in another state.

2 (8) Making differential treatment against any person to
3 his or her detriment because of race, color, creed, sex,
4 religion, or national origin.

5 (9) Engaging in unprofessional conduct.

6 (10) Engaging in false or misleading advertising.

7 (11) Contracting or assisting an unlicensed person to
8 perform services for which a license is required under this
9 Act.

10 (12) Permitting the use of his or her license to enable
11 an unlicensed person or agency to operate as a licensee.

12 (13) Performing and charging for a service without
13 having the authorization to do so from the member of the
14 public being serviced.

15 (14) Failure to comply with any provision of this Act or
16 the rules promulgated under this Act.

17 (15) Conducting business regulated by this Act without a
18 currently valid license.

19 Section 75. Formal charges; hearing.

20 (a) The Office may file formal charges against a
21 licensee. Formal charges, at a minimum, inform the licensee
22 of specific facts that are the basis of the charge to enable
23 the licensee to defend himself or herself.

24 (b) Each licensee whose conduct is the subject of a
25 formal charge that seeks to impose disciplinary action
26 against the licensee shall be served notice of the formal
27 charge at least 30 days before the date of the hearing. The
28 hearing shall be presided over by the Office or a hearing
29 officer authorized by the Office in compliance with the
30 Illinois Administrative Procedure Act. Service shall be
31 considered to have been given if the notice was personally
32 received by the licensee or if the notice was mailed
33 certified, return requested, to the licensee at the

1 licensee's last known address as listed with the Office.

2 (c) The notice of a formal charge shall consist, at a
3 minimum, of the following information:

4 (1) The time and date of the hearing.

5 (2) A statement that the licensee appear
6 personally at the hearing and may be represented by
7 counsel.

8 (3) A statement that the licensee has the right to
9 produce witnesses and evidence in his or her behalf and
10 the right to cross-examine witnesses and evidence
11 produced against him or her.

12 (4) A statement that the hearing can result in
13 disciplinary action being taken against his or her
14 license.

15 (5) A statement that rules for the conduct of these
16 hearings exist and it may be in his or her best interest
17 to obtain a copy.

18 (6) A statement that the hearing officer authorized
19 by the Office shall preside at the hearing and, following
20 the conclusion of the hearing, make findings of fact,
21 conclusions of law, and recommendations, separately
22 stated, to the Office as to what disciplinary action, if
23 any, should be imposed on the licensee.

24 (7) A statement that the Office may continue the
25 hearing.

26 (d) The Office or the hearing officer authorized by the
27 Office shall hear evidence produced in support of the formal
28 charges and contrary evidence produced by the licensee, if
29 any. If the hearing is conducted by a hearing officer, at the
30 conclusion of the hearing, the hearing officer shall make
31 findings of fact, conclusions of law, and recommendations,
32 separately stated, and submit them to the Office and to all
33 parties to the proceeding. Submission to the licensee shall
34 be considered as having been made if done in a similar

1 fashion as service of the notice of formal charges. Within
2 20 days after the service, any party to the proceeding may
3 present to the Office a motion, in writing, for a rehearing.
4 The written motion shall specify the particular grounds for
5 the rehearing.

6 (e) The Office, following the time allowed for filing a
7 motion for rehearing, shall review the hearing officer's
8 finding of fact, conclusions of law, recommendations, and any
9 motions filed subsequent to the hearing. After review of the
10 information the Office may hear oral arguments and thereafter
11 issue an order. The report of findings of fact, conclusions
12 of law, and recommendations of the hearing officer shall be
13 the basis for the Office's order. If the Office finds that
14 substantial justice was not done, it may issue an order in
15 contravention of the hearing officer's findings.

16 (f) All proceedings under this Section are matters of
17 public record and shall be preserved.

18 Section 80. Sanctions.

19 (a) The Office shall impose any of the following
20 sanctions, singularly or in combination, when it finds that a
21 licensee is guilty of any offense described in this Act:

- 22 (1) revocation;
- 23 (2) suspension for any period of time;
- 24 (3) reprimand or censure;
- 25 (4) place on probationary status and require the
26 submission of any of the following:

27 (i) report regularly to the Office upon
28 matters that are the basis of the probation;

29 (ii) continue or renew professional education
30 until a satisfactory degree of skill has been
31 attained in those areas that are the basis of the
32 probation; or

33 (iii) such other reasonable requirements or

1 restrictions as are proper.

2 (5) refuse to issue, renew, or restore; or

3 (6) revoke probation that has been granted and
4 impose any other discipline in this subsection (a) when
5 the requirements of probation have not been fulfilled or
6 have been violated.

7 (b) The State Fire Marshal may summarily suspend a
8 license under this Act, without a hearing, simultaneously
9 with the filing of a formal complaint and notice for a
10 hearing provided under this Section if the State Fire Marshal
11 finds that the continued operations of the individual would
12 constitute an immediate danger to the public. In the event
13 the State Fire Marshal suspends a license under this
14 subsection, a hearing by the hearing officer designated by
15 the State Fire Marshal shall begin within 20 days after the
16 suspension begins, unless continued at the request of the
17 licensee.

18 (c) Disposition may be made of any formal complaint by
19 consent order between the State Fire Marshal and the
20 licensee, but the Office must be apprised of the full consent
21 order in a timely way.

22 (d) The Office shall reinstate any license to good
23 standing under this Act, upon recommendation to the Office,
24 after a hearing before the hearing officer authorized by the
25 Office. The Office shall be satisfied that the applicant's
26 renewed practice is not contrary to the public interest.

27 (e) The Office may conduct hearings and issue cease and
28 desist orders to persons who engage in activities prohibited
29 by this Act without having a valid license, certificate, or
30 registration. Any person in violation of a cease and desist
31 order entered by the Office is subject to all of the remedies
32 provided by law, and in addition, is subject to a civil
33 penalty payable to the party injured by the violation.

1 Section 85. Subpoena, production of evidence; records;
2 administrative review; license suspension; revocation.

3 (a) The Office has the power to subpoena and bring
4 before it any person in this State and to take testimony
5 either orally or by deposition, or both, with the same fees
6 and mileage and in the same manner as is prescribed by law
7 for judicial proceedings in civil cases. The State Fire
8 Marshal, the Office, and the hearing officer approved by the
9 Office, have the power to administer oaths at any hearing
10 that the Office is authorized to conduct.

11 (b) Any circuit court, upon the application of the
12 licensee, the Office, or the State Fire Marshal, may order
13 the attendance of witnesses and the production of relevant
14 books and papers in any hearing under this Act. The court may
15 compel obedience to its order by proceedings for contempt.

16 (c) The Office of the State Fire Marshal, at its
17 expense, shall provide a stenographer or a mechanical
18 recording device to record the testimony and preserve a
19 record of all proceedings at the hearing of any case in which
20 a license may be revoked, suspended, placed on probationary
21 status, or other disciplinary action taken with regard to the
22 license. The notice of hearing, complaint, and all other
23 documents in the nature of pleadings and written motions
24 filed in the proceedings, the transcript of testimony, the
25 report of the hearing officer and the orders of the State
26 Fire Marshal shall constitute the record of the proceedings.
27 The Office shall furnish a transcript of the record to any
28 interested person upon payment of the costs of copying and
29 transmitting the record.

30 (d) All final administrative decisions of the Office are
31 subject to judicial review under the Administrative Review
32 Law and the rules adopted under that Law. Proceedings for
33 judicial review shall be commenced in the circuit court of
34 the county in which the party applying for review resides;

1 but if the party is not a resident of Illinois, the venue is
2 in Sangamon County. The State Fire Marshal is not required to
3 certify any record to the court or file any answer in court
4 or otherwise appear in any court in a judicial review
5 proceeding, unless there is filed in the court with the
6 complaint a receipt from the Office acknowledging payment of
7 the costs of furnishing and certifying the record. Those
8 costs shall be computed at the cost of preparing the record.
9 Exhibits shall be certified without cost. Failure on the part
10 of the licensee to file the receipt in court is a ground for
11 dismissal of the action. During all judicial proceedings
12 incident to a disciplinary action, the sanctions imposed upon
13 the accused by the Office remain in effect, unless the court
14 feels justice requires a stay of the order.

15 (e) An order of revocation, suspension, placing the
16 license on probationary status, or other formal disciplinary
17 action as the State Fire Marshal may consider proper, or a
18 certified copy of the order over the seal of the Office and
19 purporting to be signed by the State Fire Marshal, is prima
20 facie proof that:

- 21 (1) the signature is that of the State Fire
22 Marshal;
- 23 (2) the State Fire Marshal is qualified to Act; and
- 24 (3) the hearing officer is qualified to Act on
25 behalf of the Office.

26 The proof specified in paragraphs (1), (2), and (3) may
27 be rebutted.

28 (f) Upon the suspension or revocation of a license
29 issued under this Act, a licensee shall surrender the license
30 to the Office and upon failure to do so, the Office shall
31 seize the license.

32 (g) The Office, upon request, shall publish a list of
33 the names and addresses of all licensees under the provisions
34 of this Act. The Office shall publish a list of all persons

1 whose licenses have been disciplined within the past year,
2 together with such other information as it may consider of
3 interest to the public.

4 Section 90. Penalties. Any natural person who violates
5 any of the following provisions is guilty of a Class A
6 misdemeanor for the first offense and a corporation or other
7 entity that violates any of the following provision commits a
8 business offense punishable by a fine not to exceed \$5,000; a
9 second or subsequent offenses in violation of any Section of
10 this Act, including this Section, are Class 4 felonies if
11 committed by a natural person, or a business offense
12 punishable by a fine of up to \$10,000 if committed by a
13 corporation or other business entity:

14 (1) Practicing or attempting to practice as a
15 pyrotechnic operator, pyrotechnic distributor or
16 pyrotechnic displayer without a license;

17 (2) Obtaining or attempting to obtain a license,
18 practice or business, or any other thing of value by
19 fraudulent representation;

20 (3) Permitting, directing, or authorizing any
21 person in one's employ or under one's direction or
22 supervision to work or serve as a licensee if that
23 individual does not possess an appropriate valid license.

24 Whenever any person is punished as a repeat offender
25 under this Section, the Office may proceed to obtain a
26 permanent injunction against the person under Section 10. If
27 any person in making any oath or affidavit required by this
28 Act swears falsely, the person is guilty of perjury and upon
29 conviction may be punished accordingly.

30 Section 905. The Illinois Explosives Act is amended by
31 changing Section 1003 as follows:

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

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

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

5 (b) "Explosive materials" means explosives, blasting
6 agents, and detonators.

7 (c) "Explosive" means any chemical compound, mixture or
8 device, the primary or common purpose of which is to
9 function by explosion and includes high or low explosives.

10 For purposes of the administration of this Act, the following
11 are not considered explosives: fixed ammunition for small
12 arms, safety fuses, matches, fireworks, theatrical
13 pyrotechnics, and model rocket fuel. Manufactured-artieles,
14 including, but not limited to, fixed ammunition for small
15 arms, fire crackers, safety fuses, and matches are not
16 explosives when the individual units contain explosives in
17 such limited quantity and of such nature or in such packing
18 that it is impossible to produce a simultaneous or a
19 destructive explosion of such units which would be injurious
20 to life, limb or property.

21 (d) "Blasting agent" means any material or mixture
22 consisting of a fuel and oxidizer intended for blasting, not
23 otherwise defined as an explosive, provided that the
24 finished product, as mixed and packaged for use or shipment,
25 cannot be detonated by means of a No. 8 blasting cap, as
26 defined by the Bureau of Alcohol, Tobacco and Firearms, U.S.
27 Department of Treasury, when unconfined.

28 (e) "Detonator" means any device containing any
29 initiating or primary explosive that is used for initiating
30 detonation. A detonator may not contain more than 10 grams
31 of total explosives by weight, excluding ignition or delay
32 charges.

33 (f) "Highway" means any public street, public highway,
34 or public alley.

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

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

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

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

22 (k) "Magazine keeper" means a qualified supervisory
23 person responsible for the inventory and safe storage of
24 explosive materials, including the proper maintenance of
25 explosive materials, storage magazines and surrounding areas.

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

29 (m) "Municipality" includes cities, villages, and
30 incorporated towns and townships.

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

1 individual who has been convicted of any crime and has fled
2 to avoid imprisonment.

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

5 (p) "Small arms" means guns of 50 calibers or less.

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

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

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

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

16 Section 910. The Fireworks Use Act is amended by changing
17 Section 2 as follows:

18 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

19 Sec. 2. Except as hereinafter provided it shall be
20 unlawful for any person, firm, co-partnership, or corporation
21 to knowingly possess, offer for sale, expose for sale, sell
22 at retail, or use or explode any fireworks; provided that
23 city councils in cities, the president and board of trustees
24 in villages and incorporated towns, and outside the corporate
25 limits of cities, villages and incorporated towns, the county
26 board, shall have power to adopt reasonable rules and
27 regulations for the granting of permits for supervised public
28 displays of fireworks. Every such display shall be handled by
29 a competent individual who is licensed as a pyrotechnics
30 displayer and pyrotechnic operator designated by the local
31 authorities herein-specified-and-shall-be-of-such-a-character
32 and--so--located,-discharged-or-fired,-as-not-to-be-hazardous

1 ~~to property or endanger any person or persons.~~ Application
2 for permits shall be made in writing at least 15 days in
3 advance of the date of the display and action shall be taken
4 on such application within 48 hours after such application is
5 made. After such privilege shall have been granted, sales,
6 possession, use and distribution of fireworks for such
7 display shall be lawful for that purpose only. No permit
8 granted hereunder shall be transferable.

9 Permits may be granted hereunder to any groups of 3 or
10 more adult individuals applying therefor. No permit shall be
11 required, under the provisions of this Act, for supervised
12 public displays by State or County fair associations.

13 The governing body shall require proof of insurance a
14 ~~bond~~ from the licensee in a sum not less than \$2,000,000
15 ~~\$1,000~~ conditioned on compliance with the provisions of this
16 law and the regulations of the State Fire Marshal adopted
17 hereunder, except that no municipality shall be required to
18 provide evidence of insurance file-such-bond.

19 Such permit shall be issued only after inspection of the
20 display site by the issuing officer, to determine that such
21 display shall be in full compliance with the 2000 edition of
22 the National Fire Protection Association 1123 Code for
23 Fireworks Display or with the 2001 edition of the National
24 Fire Protection Association Standard for the Use of
25 Pyrotechnics before a Proximate Audience and shall not be
26 hazardous to property or endanger any person or persons.
27 Forms for such application and permit may be obtained from
28 the Office of the State Fire Marshal. One copy of such
29 permit shall be on file with the issuing officer, and one
30 copy forwarded to the Office of the State Fire Marshal.

31 Possession by any party holding a certificate of
32 registration under "The Fireworks Regulation Act of
33 Illinois", filed July 20, 1935, or by any employee or agent
34 of such party or by any person transporting fireworks for

1 such party, shall not be a violation, provided such
2 possession is within the scope of business of the fireworks
3 plant registered under that Act.

4 (Source: P.A. 86-1028.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.