

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.

5 (a) After December 1, 2003, no person may engage in  
6 pyrotechnic display without first applying for and obtaining  
7 a license from the Office. Applicants for a license must  
8 submit to the Office the following:

9 (1) It must have a current Division 1.3G (Class B)  
10 Bureau of Alcohol, Tobacco and Firearms (BATF) license.

11 (2) It must show proof of general liability  
12 insurance in an amount not less than \$2,000,000.

13 (3) It must show proof of workers' compensation  
14 insurance for personnel lighting the fireworks.

15 (4) Fees as established by the Office.

16 (5) Evidence of registration as an Illinois  
17 corporation or evidence of compliance with the Assumed  
18 Business Name Act if applicable.

19 (6) Evidence of compliance with the qualifications  
20 and standards established by the Office.

21 (7) If the fireworks or pyrotechnic display is to  
22 be fired from a flotation device on water, the following  
23 additional guidelines must be met:

24 (A) The display must be executed by manual  
25 electronic firing or computer electric firing.

26 (B) Each pyrotechnic operator must wear a life  
27 jacket or vest at all times while on the flotation  
28 device.

29 (b) After July 1, 2004, no person may engage in  
30 pyrotechnic distribution without first applying for and  
31 obtaining a license from the Office. Each properly licensed  
32 distributor may sell to anyone within the State of Illinois  
33 who presents a current BATF license or user permit and a  
34 local fireworks display permit from the local authority

1 having jurisdiction. Applicants for a license must submit to  
2 the Office the following:

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

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

7 (3) Fees as established by the Office.

8 (4) Evidence of registration as an Illinois  
9 corporation or evidence of compliance with the Assumed  
10 Business Name Act.

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

14 (c) After July 1, 2004, no individual may act as a lead  
15 operator in a pyrotechnics display without first applying for  
16 and obtaining a pyrotechnic operator's license from the  
17 Office. Applicants for a license must submit to the Office  
18 the following:

19 (1) The fees set by the Office.

20 (2) Have the requisite training or continuing  
21 education as established in the Office's rules.

22 (3) Pass the examination of the Office.

23 (d) After July 1, 2004, no individual may assist a lead  
24 pyrotechnic operator in conducting a pyrotechnic display  
25 without having been certified to do so. To obtain such  
26 certification, an individual must successfully complete a  
27 State Fire Marshal approved in-house training program with a  
28 licensed displayer. This certification shall be kept on file  
29 with the Office of the State Fire Marshal.

30 Section 50. Issuance of license; renewal; fees  
31 nonrefundable.

32 (a) The Office, upon the applicant's satisfactory  
33 completion of the requirements authorized under this Act and

1 upon receipt of the requisite fees, shall issue the  
2 appropriate license showing the name and business location of  
3 the licensee, the dates of issuance, and expiration.

4 (b) Each licensee may apply for renewal of his or her  
5 license upon payment of fees, as set forth in this Act. The  
6 expiration date and renewal period for each license issued  
7 under this Act shall be set by rule. Failure to renew within  
8 60 days of the date results in lapse of the license. A lapsed  
9 license may not be reinstated until a written application is  
10 filed, the renewal fee is paid, and the reinstatement fee  
11 established by the Office is paid. Renewal and reinstatement  
12 fees shall be waived for persons who did not renew while on  
13 active duty in the military and who file for renewal or  
14 restoration within one year after discharge from the service.  
15 A lapsed license may not be reinstated after 5 years have  
16 elapsed except upon passing an examination to determine  
17 fitness to have the license restored and by paying the  
18 required fees.

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

20 Section 55. Insufficient funds checks. Any person who on  
21 2 occasions issues or delivers a check or other order to the  
22 Office that is not honored by the financial institution upon  
23 which it is drawn because of insufficient funds on account  
24 shall pay to the Office, in addition to the amount owing upon  
25 the check or other order, a fee of \$50. If the check or other  
26 order was issued or delivered in payment of a renewal fee and  
27 the licensee whose license has lapsed continues to practice  
28 without paying the renewal fee and the \$50 fee required under  
29 this Section, an additional fee of \$100 is imposed for  
30 practicing without a current license. The Office may revoke  
31 or refuse to issue the license or licenses of any person who  
32 fails to pay the requisite fees.

1 Section 60. Conditions of renewal; change of address;  
2 duplicate license; inspection.

3 (a) As a condition of renewal of a license, the Office  
4 may require the licensee to report information pertaining to  
5 his or her practice which the Office determines to be in the  
6 interest of public safety.

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

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

14 (d) If a license or certificate is lost, a duplicate  
15 shall be issued upon payment of the required fee to be  
16 established by the Office. If a licensee wishes to change his  
17 or her name, the Office shall issue a license in the new name  
18 upon satisfactory proof that the change of name was done in  
19 accordance with law and upon payment of the required fee.

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

22 Section 65. Grounds for discipline. Licensees subject to  
23 this Act shall conduct their practice in accordance with this  
24 Act and the rules promulgated under this Act. Licensees are  
25 subject to disciplinary sanctions enumerated in this Act if  
26 the State Fire Marshal finds that a licensee is guilty of any  
27 of the following:

28 (1) Fraud or material deception in obtaining or renewing  
29 a license.

30 (2) Engaging in dishonorable, unethical, or  
31 unprofessional conduct of a character likely to deceive,  
32 defraud, or harm the public in the course of professional  
33 services or activities.

1           (3) Conviction of any crime that has a substantial  
2 relationship to his or her practice or an essential element  
3 of which is misstatement, fraud, dishonesty, or conviction in  
4 this or another state of any crime that is a felony under the  
5 laws of Illinois or conviction of a felony in a federal  
6 court, unless the licensee demonstrates that he or she has  
7 been sufficiently rehabilitated to warrant the public trust.

8           (4) Performing any service in a grossly negligent manner  
9 or permitting any licensed employee to perform a service in a  
10 grossly negligent manner, regardless of whether actual damage  
11 or damages to the public is established.

12           (5) Habitual drunkenness or habitual addiction to the  
13 use of morphine, cocaine, controlled substances, or other  
14 habit-forming drugs.

15           (6) Directly or indirectly willfully receiving  
16 compensation for any professional service not actually  
17 rendered.

18           (7) Having disciplinary action taken against his or her  
19 license in another state.

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

23           (9) Engaging in unprofessional conduct.

24           (10) Engaging in false or misleading advertising.

25           (11) Contracting or assisting an unlicensed person to  
26 perform services for which a license is required under this  
27 Act.

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

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

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



1           (15) Conducting business regulated by this Act without a  
2 currently valid license.

3           Section 75. Formal charges; hearing.

4           (a) The Office may file formal charges against a  
5 licensee. Formal charges, at a minimum, inform the licensee  
6 of specific facts that are the basis of the charge to enable  
7 the licensee to defend himself or herself.

8           (b) Each licensee whose conduct is the subject of a  
9 formal charge that seeks to impose disciplinary action  
10 against the licensee shall be served notice of the formal  
11 charge at least 30 days before the date of the hearing. The  
12 hearing shall be presided over by the Office or a hearing  
13 officer authorized by the Office in compliance with the  
14 Illinois Administrative Procedure Act. Service shall be  
15 considered to have been given if the notice was personally  
16 received by the licensee or if the notice was mailed  
17 certified, return requested, to the licensee at the  
18 licensee's last known address as listed with the Office.

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

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

22                 (2) A statement that the licensee appear  
23 personally at the hearing and may be represented by  
24 counsel.

25                 (3) A statement that the licensee has the right to  
26 produce witnesses and evidence in his or her behalf and  
27 the right to cross-examine witnesses and evidence  
28 produced against him or her.

29                 (4) A statement that the hearing can result in  
30 disciplinary action being taken against his or her  
31 license.

32                 (5) A statement that rules for the conduct of these  
33 hearings exist and it may be in his or her best interest

1 to obtain a copy.

2 (6) A statement that the hearing officer authorized  
3 by the Office shall preside at the hearing and, following  
4 the conclusion of the hearing, make findings of fact,  
5 conclusions of law, and recommendations, separately  
6 stated, to the Office as to what disciplinary action, if  
7 any, should be imposed on the licensee.

8 (7) A statement that the Office may continue the  
9 hearing.

10 (d) The Office or the hearing officer authorized by the  
11 Office shall hear evidence produced in support of the formal  
12 charges and contrary evidence produced by the licensee, if  
13 any. If the hearing is conducted by a hearing officer, at the  
14 conclusion of the hearing, the hearing officer shall make  
15 findings of fact, conclusions of law, and recommendations,  
16 separately stated, and submit them to the Office and to all  
17 parties to the proceeding. Submission to the licensee shall  
18 be considered as having been made if done in a similar  
19 fashion as service of the notice of formal charges. Within  
20 20 days after the service, any party to the proceeding may  
21 present to the Office a motion, in writing, for a rehearing.  
22 The written motion shall specify the particular grounds for  
23 the rehearing.

24 (e) The Office, following the time allowed for filing a  
25 motion for rehearing, shall review the hearing officer's  
26 finding of fact, conclusions of law, recommendations, and any  
27 motions filed subsequent to the hearing. After review of the  
28 information the Office may hear oral arguments and thereafter  
29 issue an order. The report of findings of fact, conclusions  
30 of law, and recommendations of the hearing officer shall be  
31 the basis for the Office's order. If the Office finds that  
32 substantial justice was not done, it may issue an order in  
33 contravention of the hearing officer's findings.

34 (f) All proceedings under this Section are matters of

1 public record and shall be preserved.

2 Section 80. Sanctions.

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

6 (1) revocation;

7 (2) suspension for any period of time;

8 (3) reprimand or censure;

9 (4) place on probationary status and require the  
10 submission of any of the following:

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

13 (ii) continue or renew professional education  
14 until a satisfactory degree of skill has been  
15 attained in those areas that are the basis of the  
16 probation; or

17 (iii) such other reasonable requirements or  
18 restrictions as are proper.

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

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

24 (b) The State Fire Marshal may summarily suspend a  
25 license under this Act, without a hearing, simultaneously  
26 with the filing of a formal complaint and notice for a  
27 hearing provided under this Section if the State Fire Marshal  
28 finds that the continued operations of the individual would  
29 constitute an immediate danger to the public. In the event  
30 the State Fire Marshal suspends a license under this  
31 subsection, a hearing by the hearing officer designated by  
32 the State Fire Marshal shall begin within 20 days after the  
33 suspension begins, unless continued at the request of the

1 licensee.

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

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

11 (e) The Office may conduct hearings and issue cease and  
12 desist orders to persons who engage in activities prohibited  
13 by this Act without having a valid license, certificate, or  
14 registration. Any person in violation of a cease and desist  
15 order entered by the Office is subject to all of the remedies  
16 provided by law, and in addition, is subject to a civil  
17 penalty payable to the party injured by the violation.

18 Section 85. Subpoena, production of evidence; records;  
19 administrative review; license suspension; revocation.

20 (a) The Office has the power to subpoena and bring  
21 before it any person in this State and to take testimony  
22 either orally or by deposition, or both, with the same fees  
23 and mileage and in the same manner as is prescribed by law  
24 for judicial proceedings in civil cases. The State Fire  
25 Marshal, the Office, and the hearing officer approved by the  
26 Office, have the power to administer oaths at any hearing  
27 that the Office is authorized to conduct.

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

33 (c) The Office of the State Fire Marshal, at its

1 expense, shall provide a stenographer or a mechanical  
2 recording device to record the testimony and preserve a  
3 record of all proceedings at the hearing of any case in which  
4 a license may be revoked, suspended, placed on probationary  
5 status, or other disciplinary action taken with regard to the  
6 license. The notice of hearing, complaint, and all other  
7 documents in the nature of pleadings and written motions  
8 filed in the proceedings, the transcript of testimony, the  
9 report of the hearing officer and the orders of the State  
10 Fire Marshal shall constitute the record of the proceedings.  
11 The Office shall furnish a transcript of the record to any  
12 interested person upon payment of the costs of copying and  
13 transmitting the record.

14 (d) All final administrative decisions of the Office are  
15 subject to judicial review under the Administrative Review  
16 Law and the rules adopted under that Law. Proceedings for  
17 judicial review shall be commenced in the circuit court of  
18 the county in which the party applying for review resides;  
19 but if the party is not a resident of Illinois, the venue is  
20 in Sangamon County. The State Fire Marshal is not required to  
21 certify any record to the court or file any answer in court  
22 or otherwise appear in any court in a judicial review  
23 proceeding, unless there is filed in the court with the  
24 complaint a receipt from the Office acknowledging payment of  
25 the costs of furnishing and certifying the record. Those  
26 costs shall be computed at the cost of preparing the record.  
27 Exhibits shall be certified without cost. Failure on the part  
28 of the licensee to file the receipt in court is a ground for  
29 dismissal of the action. During all judicial proceedings  
30 incident to a disciplinary action, the sanctions imposed upon  
31 the accused by the Office remain in effect, unless the court  
32 feels justice requires a stay of the order.

33 (e) An order of revocation, suspension, placing the  
34 license on probationary status, or other formal disciplinary

1 action as the State Fire Marshal may consider proper, or a  
2 certified copy of the order over the seal of the Office and  
3 purporting to be signed by the State Fire Marshal, is prima  
4 facie proof that:

5 (1) the signature is that of the State Fire  
6 Marshal;

7 (2) the State Fire Marshal is qualified to Act; and

8 (3) the hearing officer is qualified to Act on  
9 behalf of the Office.

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

12 (f) Upon the suspension or revocation of a license  
13 issued under this Act, a licensee shall surrender the license  
14 to the Office and upon failure to do so, the Office shall  
15 seize the license.

16 (g) The Office, upon request, shall publish a list of  
17 the names and addresses of all licensees under the provisions  
18 of this Act. The Office shall publish a list of all persons  
19 whose licenses have been disciplined within the past year,  
20 together with such other information as it may consider of  
21 interest to the public.

22 Section 90. Penalties. Any natural person who violates  
23 any of the following provisions is guilty of a Class A  
24 misdemeanor for the first offense and a corporation or other  
25 entity that violates any of the following provision commits a  
26 business offense punishable by a fine not to exceed \$5,000; a  
27 second or subsequent offenses in violation of any Section of  
28 this Act, including this Section, are Class 4 felonies if  
29 committed by a natural person, or a business offense  
30 punishable by a fine of up to \$10,000 if committed by a  
31 corporation or other business entity:

32 (1) Practicing or attempting to practice as a  
33 pyrotechnic operator, pyrotechnic distributor or

1 pyrotechnic displayer without a license;

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

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

9 Whenever any person is punished as a repeat offender  
10 under this Section, the Office may proceed to obtain a  
11 permanent injunction against the person under Section 10. If  
12 any person in making any oath or affidavit required by this  
13 Act swears falsely, the person is guilty of perjury and upon  
14 conviction may be punished accordingly.

15 Section 905. The Illinois Explosives Act is amended by  
16 changing Section 1003 as follows:

17 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

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

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

21 (b) "Explosive materials" means explosives, blasting  
22 agents, and detonators.

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

26 For purposes of the administration of this Act, the following  
27 are not considered explosives: fixed ammunition for small  
28 arms, safety fuses, matches, fireworks, theatrical  
29 pyrotechnics, and model rocket fuel. Manufactured-artieles,  
30 including, but not limited to, fixed ammunition for small  
31 arms, fire crackers, safety fuses, and matches are not  
32 explosives when the individual units contain explosives in

1 such--limited--quantity-and-of-such-nature-or-in-such-packing  
2 that--it--is--impossible--to--produce--a--simultaneous--or--a  
3 destructive-explosion-of-such-units-which-would-be--injurious  
4 to-life,-limb-or-property.

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

12 (e) "Detonator" means any device containing any  
13 initiating or primary explosive that is used for initiating  
14 detonation. A detonator may not contain more than 10 grams  
15 of total explosives by weight, excluding ignition or delay  
16 charges.

17 (f) "Highway" means any public street, public highway,  
18 or public alley.

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

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

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

34 (j) "Magazine" means any building or other structure or



1 container, other than a factory building, used to store  
2 explosive materials. Where mobile or portable type 5  
3 magazines are permissible and used, "magazine", for the  
4 purpose of obtaining certificates and calculating fees, means  
5 the site on which such magazines are located.

6 (k) "Magazine keeper" means a qualified supervisory  
7 person responsible for the inventory and safe storage of  
8 explosive materials, including the proper maintenance of  
9 explosive materials, storage magazines and surrounding areas.

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

13 (m) "Municipality" includes cities, villages, and  
14 incorporated towns and townships.

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

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

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

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

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

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

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

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

3 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

4 Sec. 2. Except as hereinafter provided it shall be  
5 unlawful for any person, firm, co-partnership, or corporation  
6 to knowingly possess, offer for sale, expose for sale, sell  
7 at retail, or use or explode any fireworks; provided that  
8 city councils in cities, the president and board of trustees  
9 in villages and incorporated towns, and outside the corporate  
10 limits of cities, villages and incorporated towns, the county  
11 board, shall have power to adopt reasonable rules and  
12 regulations for the granting of permits for supervised public  
13 displays of fireworks. Every such display shall be handled by  
14 a competent individual who is licensed as a pyrotechnics  
15 displayer and pyrotechnic operator designated by the local  
16 authorities herein-specified-and-shall-be-of-such-a-character  
17 and--so--located, discharged or fired, as not to be hazardous  
18 to property or endanger any person or persons. Application  
19 for permits shall be made in writing at least 15 days in  
20 advance of the date of the display and action shall be taken  
21 on such application within 48 hours after such application is  
22 made. After such privilege shall have been granted, sales,  
23 possession, use and distribution of fireworks for such  
24 display shall be lawful for that purpose only. No permit  
25 granted hereunder shall be transferable.

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

30 The governing body shall require proof of insurance a  
31 bond from the licensee in a sum not less than \$2,000,000  
32 \$1,000 conditioned on compliance with the provisions of this  
33 law and the regulations of the State Fire Marshal adopted

1 hereunder, except that no municipality shall be required to  
2 provide evidence of insurance file-sueh-bend.

3 Such permit shall be issued only after inspection of the  
4 display site by the issuing officer, to determine that such  
5 display shall not be hazardous to property or endanger any  
6 person or persons. Forms for such application and permit may  
7 be obtained from the Office of the State Fire Marshal. One  
8 copy of such permit shall be on file with the issuing  
9 officer, and one copy forwarded to the Office of the State  
10 Fire Marshal.

11 Possession by any party holding a certificate of  
12 registration under "The Fireworks Regulation Act of  
13 Illinois", filed July 20, 1935, or by any employee or agent  
14 of such party or by any person transporting fireworks for  
15 such party, shall not be a violation, provided such  
16 possession is within the scope of business of the fireworks  
17 plant registered under that Act.

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.