



Sen. Denny Jacobs

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1 AMENDMENT TO SENATE BILL 2299

2 AMENDMENT NO. _____. Amend Senate Bill 2299 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Fireworks Sales Act.

7 Section 1-5. Definitions. As used in this Act:

8 "Consumer Fireworks" means all fireworks classified as
9 Consumer Fireworks or as 1.4G fireworks in the regulations of
10 the U.S. Department of Transportation, excluding wire
11 sparklers.

12 "Display Fireworks" means all fireworks classified as
13 Display Fireworks or as 1.3G fireworks in the regulations of
14 the U.S. Department of Transportation.

15 "Fireworks" has the same definition as set forth in Section
16 2 of the Fireworks Regulation Act of Illinois.

17 "Importer" means any person engaged in the business of
18 making sales of fireworks to a wholesaler.

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

20 "Person" means any individual, partnership, limited
21 liability company, limited liability partnership, corporation,
22 or other legal entity.

23 "Retailer" means any person who sells or offers fireworks

1 for sale for use or consumption and not for resale in any form.

2 "Sale" means any transfer, exchange, or barter of fireworks
3 for money and each transaction made by any person or his or her
4 agent or employee.

5 "Wholesaler" means any person engaged in the business of
6 selling fireworks to a retailer.

7 Section 1-10. Applicability.

8 (a) The term "fireworks" does not include toy paper pistol
9 caps that contain less than 25/100 grains of explosive
10 compounds, model rockets, emergency signal flares, and
11 matches, the sale and use of which shall be permitted at all
12 times without a special fireworks license. Party stores are
13 also exempt from the fireworks license requirement when selling
14 party poppers and morning glory sparklers.

15 (b) Nothing in this Act shall be construed as applying to:
16 (i) the manufacture, storage, sale, or use of signals necessary
17 for the operation of railroads or other classes of public or
18 private transportation; (ii) the military or naval forces of
19 the United States or of this State or to peace officers; or
20 (iii) the sale or use of blank cartridges for ceremonial,
21 theatrical, or athletic events.

22 (c) This Act does not affect the validity of any local law
23 further prohibiting or restricting the sale or use of
24 fireworks.

25 Section 1-15. Enforcement. The State Fire Marshal may
26 designate a deputy fire marshal as the "Fireworks Enforcement
27 Officer", who shall have the responsibility of directing
28 enforcement of the State fireworks laws. The Office is charged
29 with the enforcement of this Act and may call upon any State,
30 county, or municipal peace officer for assistance in the
31 enforcement of this Act.

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ARTICLE 2. LICENSES

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Section 2-5. License required. It is unlawful for any person or his or her agent or employee to act as an importer, wholesaler, or retailer of fireworks in this State without having first secured a license from the Office in accordance with this Act.

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It is unlawful for any person to engage in the shipment of fireworks into the State without having first secured a license from the Office in accordance with this Act.

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No person may deliver, sell, or ship fireworks into or within the State of Illinois unless the receiver produces the required license or evidence that the consignee holds the license.

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Section 2-10. Licenses and fees.

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(a) Licenses issued by the Office shall be of the following classes:

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(1) importer;

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(2) wholesaler; and

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(3) retailer.

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If a person acts in more than one capacity as an importer, wholesaler or retailer, then that person must have the appropriate license for each capacity in which he or she acts. A person must have a separate license for each location where he or she conducts business as an importer, wholesaler, or retailer.

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(b) All licenses shall be for the calendar year or any fraction thereof and shall expire on December 31 of each year.

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(c) The State Fire Marshal is authorized and directed to charge for licenses issued as follows:

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(1) importer, \$3,500;

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(2) wholesaler, \$1,000; and

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(3) retailer, \$25.

1 (d) The State Fire Marshal shall deposit \$200,000 of the
2 amount received each fiscal year as license fees under this Act
3 into the Fire Prevention Fund to be used (i) for fire
4 prevention programs and (ii) for the costs of enforcing this
5 Act. The State Fire Marshal shall deposit the remainder of the
6 amount received as license fees under this Act into the General
7 Revenue Fund.

8 Section 2-15. Application procedures. Applications for a
9 license under this Act must be made to the Office on forms
10 prescribed by the Office and shall be accompanied by the
11 appropriate documentation and the required fee, which shall not
12 be refundable. Every application must require the information
13 that, in the judgment of the Office, will enable the Office to
14 pass on the qualifications of the applicant for a license.

15 Section 2-20. Qualifications.

16 (a) To be eligible to receive and hold a license, the
17 applicant must be located in permanent structure and be open
18 for business 12 months each year. Fireworks stands operated by
19 handicapped or retired persons that generate less than \$15,000
20 gross sales annually and not-for-profit organization retailers
21 are not required to be open 12 months of the year.

22 (b) No license may be issued to an individual under the age
23 of 21 years.

24 Section 2-25. License transfers. No license under this Act
25 may be transferred nor may a person operate under a license
26 issued to any other person or under a license issued for
27 another location, unless the Office has approved that transfer.

28 Section 2-30. License display and numbers.

29 (a) A license issued to a retailer must be displayed in the
30 retailer's place of business. No person may purchase fireworks

1 from an importer or wholesaler without first requiring proof
2 that the seller has obtained the proper license and that it is
3 current and valid.

4 (b) The Office shall assign a number to each license
5 issued, and each licensee must include that number on all
6 purchase orders, delivery receipts, and invoices issued or used
7 by each importer or wholesaler.

8 Section 2-35. License revocation.

9 (a) The State Fire Marshal may revoke or suspend any
10 license issued under the provisions of this Act upon a finding
11 that the licensee has violated any of the provisions of this
12 Act. Before a license may be revoked or suspended, the Office
13 must provide the licensee with notice stating the grounds for
14 the revocation or suspension and an opportunity for a hearing.
15 The Office must promulgate rules concerning license revocation
16 and suspension procedures.

17 (b) The State Fire Marshal, in his or her discretion, may
18 refuse to issue, for a period not to exceed one year, another
19 license to the holder of a license that has been cancelled or
20 revoked for the possession or sale of illegal fireworks.

21 Section 2-40. Construction with State and local laws. The
22 issuance of the license under this Act does not replace or
23 relieve any person from obtaining any other State, county, or
24 municipal privilege licenses as required by law.

25 Section 2-45. Display fireworks. Nothing in this Act shall
26 be construed as applying to the shipping, sale, possession, and
27 use of Display Fireworks for public displays by holders of a
28 permit for a public display. Application for a State permit for
29 public display must be made in writing to the Office at least
30 10 days before the display date. The application must show that
31 the proposed display is to be so located and supervised that it

1 will not be hazardous to property and that it will not endanger
2 human lives. If the display is to be performed within the
3 limits of a municipality, the application shall so state and
4 shall bear the signed approval of the chief supervisory
5 official of the fire or police department of the municipality.
6 Permits issued shall be limited to the time specified therein
7 and shall not be transferable.

8 ARTICLE 3. PERMITTED FIREWORKS

9 Section 3-5. Permitted fireworks.

10 (a) Subject to the provisions of this Act, it is lawful for
11 any person to possess, sell, or use within the State of
12 Illinois, or ship into the State of Illinois, any fireworks
13 that are Consumer Fireworks or those items that comply with the
14 construction, chemical composition, and labeling regulations
15 promulgated by the U.S. Consumer Product Safety Commission and
16 permitted for use by the general public under their
17 regulations.

18 Permitted fireworks designed to produce an audible effect
19 are confined to (i) small ground items including firecrackers
20 not over 1 1/2" in length and 1/4" in diameter and containing
21 50 milligrams or less of explosive composition and (ii) aerial
22 devices containing 130 milligrams or less of explosive
23 composition. Propelling or expelling charges consisting of a
24 mixture of charcoal, sulfur, and potassium nitrate are not
25 considered as designed to produce an audible effect.

26 (b) Additional permitted fireworks for which a license is
27 required shall include:

28 (1) Related items not classified by the as Consumer
29 Fireworks, but that are identified under federal
30 regulations as trick noisemakers, toy novelties, toy smoke
31 devices, and sparklers.

32 (2) Toy snakes, snappers, auto burglar alarms, smoke

1 balls, smoke novelty items, party poppers, trick matches,
2 cigarette loads, and morning glory sparklers containing
3 not over 100 grams of composition per item.

4 Sparklers containing any chlorate or perchlorate salts may
5 not exceed 5 grams of composition per item. Morning glory
6 sparklers containing any chlorate or perchlorate salts may not
7 exceed 5 grams of composition per item.

8 Section 3-10. Prohibited fireworks. Except as provided in
9 Section 2-45, all items of Display Fireworks-type ground
10 salutes commonly known as "cherry bombs", various tubular
11 salutes that exceed the limits of permitted Consumer Fireworks
12 as to size or explosive composition that are designed to
13 produce an audible effect referred to in Section 3-10, and wire
14 sparklers are expressly prohibited from shipment into and
15 possession, sale, and use within the State of Illinois for any
16 purpose.

17 ARTICLE 4. REGULATIONS

18 Section 4-5. Packing identification. No permissible
19 fireworks defined on Section 3-5 may be sold, offered for sale,
20 possessed within the State, or used within the State, except as
21 provided in Section 2-45, unless it is identified on the
22 shipping cases and by imprinting on the article or retail sales
23 container or unit as "D.O.T. Consumer Fireworks" or other
24 appropriate classification or identification as may be
25 applicable or required by any federal agency having
26 jurisdiction over fireworks or related items. The imprint must
27 be of sufficient size and be positioned so as to be readily
28 recognized by law enforcement authorities and the general
29 public.

30 Section 4-10. Storage and display of fireworks.

1 (a) Placing, storing, locating, or displaying fireworks in
2 any window where the sun may shine through glass onto the
3 fireworks or to permit the presence of lighted cigars,
4 cigarettes, or pipes within 10 feet of where the fireworks are
5 offered for sale is declared unlawful and prohibited. At all
6 places where fireworks are stored or sold, there must be posted
7 signs with the words "Fireworks. No smoking." in letters not
8 less than 4 inches high.

9 (b) No fireworks may be sold at retail at any location
10 where paints, oils, or varnishes are sold or used unless the
11 fireworks are kept in the original unbroken containers.
12 Fireworks may not be placed, stored, or located within 25 feet
13 of where resin, turpentine, gasoline, or other inflammable
14 substance that may generate inflammable vapors is used, stored,
15 or sold.

16 (c) Any fireworks device that is readily accessible to
17 handling by consumers or purchasers must have their fuses
18 protected in a manner that protects against accidental ignition
19 by a spark, cigarette ash, or other ignition source.

20 (d) All retail outlets selling permissible fireworks must
21 have at least one fire extinguisher or several pails of water
22 readily available. No retail license may be issued for the sale
23 of fireworks at retail from tents or from or in a motor vehicle
24 or from a trailer towed by a motor vehicle.

25 Section 4-15. Prohibited sales.

26 (a) It is unlawful to offer for retail sale or to sell any
27 fireworks including wire sparklers to persons under the age of
28 21 years or to any intoxicated person.

29 (b) Any person purchasing fireworks must show a valid
30 driver's license or State-approved identification card.

31 (c) Permitted nonfireworks items identified as snappers,
32 trick noisemakers, toy novelties, toy smoke devices, toy
33 snakes, snappers, auto burglar alarms, smoke balls, smoke

1 novelty items, party poppers, witches whistle, serpent
2 chargers, or trick matches may be sold to persons 18 years old
3 or older.

4 Section 4-20. Prohibited acts.

5 (a) It is unlawful to explode or ignite fireworks within
6 600 feet of any church, hospital, asylum, public school, or
7 enclosed building or within 200 feet of where fireworks are
8 stored, sold, or offered for sale.

9 (b) No person may ignite or discharge any permissible
10 articles or fireworks within or throw them from a motor vehicle
11 while within nor shall any person place or throw any ignited
12 article of fireworks into or at a motor vehicle, or at or near
13 any person or group of people.

14 Section 4-25. Penalties. Any person that violates any
15 provision of this Act is guilty of a Class B misdemeanor. Any
16 person convicted of manufacturing, shipping, possessing, or
17 selling any illegal fireworks described in Section 3-10 of this
18 Act shall, on subsequent violations, be guilty of a Class 4
19 felony.

20 Section 4-30. Seizure of prohibited fireworks. The State
21 Fire Marshal shall seize as contraband any fireworks other than
22 the fireworks permitted under Section 3-5, or fireworks for
23 public displays as provided in Section 2-45, that are sold,
24 displayed, used, or possessed in violation of this Act. The
25 State Fire Marshal is authorized to destroy any illegal
26 fireworks seized.

27 ARTICLE 90. AMENDATORY PROVISIONS

28 Section 90-5. The Illinois Explosives Act is amended by
29 changing Sections 1003 and 2001 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 function
9 by explosion and includes high or low explosives. For purposes
10 of the administration of this Act, the following are not
11 considered explosives: fixed ammunition for small arms, safety
12 fuses, matches, display fireworks, theatrical pyrotechnics and
13 models rocket fuel. Manufactured articles, including, but not
14 limited to, fixed ammunition for small arms, fire crackers,
15 safety fuses, and matches are not explosives when the
16 individual units contain explosives in such limited quantity
17 and of such nature or in such packing that it is impossible to
18 produce a simultaneous or a destructive explosion of such units
19 which would be injurious to life, limb or property.

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

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

31 (f) "Highway" means any public street, public highway, or
32 public alley.

33 (g) "Railroad" or "railway" means any public steam,

1 electric or other railroad or rail system which carries
2 passengers for hire, but shall not include auxiliary tracks,
3 spurs and sidings installed and primarily used in serving any
4 mine, quarry or plant.

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

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

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

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

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

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

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

1 avoid imprisonment.

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

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

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

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

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

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

15 (225 ILCS 210/2001) (from Ch. 96 1/2, par. 1-2001)

16 Sec. 2001. No person shall possess, use, purchase or
17 transfer explosive materials unless licensed by the Department
18 except as otherwise provided by this Act and the Pyrotechnic
19 Distributor ~~Operator~~ Licensing Act.

20 (Source: P.A. 93-263, eff. 7-22-03.)

21 Section 90-10. The Pyrotechnic Operator Licensing Act is
22 amended by changing Sections 1, 5, 10, 30, 35, 50, 60, 65 and
23 90 as follows:

24 (225 ILCS 227/1)

25 Sec. 1. Short title. This Act may be cited as the
26 Pyrotechnic Distributor ~~Operator~~ Licensing Act.

27 (Source: P.A. 93-263, eff. 7-22-03.)

28 (225 ILCS 227/5)

29 Sec. 5. Definitions. In this Act:

30 "Consumer fireworks" means pyrotechnic items as defined

1 and regulated by the Consumer Product Safety Commission.
2 Consumer fireworks are not governed by this Act.

3 "Display fireworks" means any substance or article defined
4 as a Division 1.3G or 1.4 explosive by the United States
5 Department of Transportation under 49 CFR 173.50, except a
6 substance or article exempted under the Fireworks Use Act.

7 "Fireworks" has the meaning given to that term in the
8 Fireworks Use Act.

9 "Lead pyrotechnic operator" means the individual with
10 overall responsibility for the safety, setup, discharge, and
11 supervision of a pyrotechnic display.

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

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

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

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

27 (Source: P.A. 93-263, eff. 7-22-03.)

28 (225 ILCS 227/10)

29 Sec. 10. License; enforcement. No person may act as a
30 pyrotechnic distributor ~~lead pyrotechnic operator,~~ or
31 advertise or use any title implying that the person is a
32 pyrotechnic distributor ~~lead pyrotechnic operator,~~ unless
33 licensed by the Office under this Act. An out-of-state person

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

25 (Source: P.A. 93-263, eff. 7-22-03.)

26 (225 ILCS 227/30)

27 Sec. 30. Rules. The State Fire Marshal shall adopt all
28 rules necessary to carry out its responsibilities under this
29 Act including licensing of pyrotechnic distributors ~~rules~~
30 ~~requiring the training, examination, and licensing of lead~~
31 ~~pyrotechnic operators~~ engaging in or responsible for the
32 handling and use of display fireworks ~~Division 1.3C (Class B)~~
33 ~~and 1.4 (Class C) explosives. The test shall incorporate the~~

1 ~~rules of the State Fire Marshal, which shall be based upon~~
2 ~~nationally recognized standards such as those of the National~~
3 ~~Fire Protection Association (NFPA) 1123 guidelines for outdoor~~
4 ~~displays and NFPA 1126 for indoor displays. The Fire Marshal~~
5 ~~shall adopt rules as required for the licensing of a lead~~
6 ~~pyrotechnic operator involved in an outdoor or indoor~~
7 ~~pyrotechnic display.~~

8 (Source: P.A. 93-263, eff. 7-22-03.)

9 (225 ILCS 227/35)

10 Sec. 35. Licensure requirements and fees.

11 (a) Each application for a license to practice under this
12 Act shall be in writing and signed by the applicant on forms
13 provided by the Office. The Office shall have the testing
14 procedures for licensing pyrotechnic distributor ~~as a lead~~
15 ~~pyrotechnic operator~~ developed by October 1, 2004.

16 (b) After April 1, 2005, all pyrotechnic displays, both
17 indoor and outdoor, must comply with the requirements set forth
18 in this Act.

19 (c) After April 1, 2005, no individual may engage in
20 pyrotechnic distribution without first applying for and
21 obtaining a license from the Office. Applicants for a license
22 must submit to the Office the following:

23 (1) It must have a current BATFE license for
24 distribution of display fireworks.

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

27 (3) It must show proof of \$1,000,000 in general
28 liability insurance.

29 (4) It must show proof of Illinois Worker's
30 Compensation Insurance.

31 (5) Fees as established by the Office.

32 (6) It must provide proof of a current United States
33 Department of Transportation (DOT) Identification Number.

1 (7) It must provide proof of a current USDOT Hazardous
2 Materials Registration Number.

3 (8) It must provide proof of an employee training
4 program based upon standards as outlined in the applicable
5 NFPA guidelines. ~~act as a lead operator in a pyrotechnic~~
6 ~~display without first applying for and obtaining a lead~~
7 ~~pyrotechnic operator's license from the Office. The Office~~
8 ~~shall establish separate licenses for lead pyrotechnic~~
9 ~~operators for indoor and outdoor pyrotechnic displays.~~
10 Applicants for a license must:

11 ~~(1) Pay the fees set by the Office.~~

12 ~~(2) Have the requisite training or continuing~~
13 ~~education as established in the Office's rules.~~

14 ~~(3) Pass the examination presented by the Office.~~

15 ~~(d) A person is qualified to receive a license under this~~
16 ~~Act if the person meets all of the following minimum~~
17 ~~requirements:~~

18 ~~(1) Is at least 21 years of age.~~

19 ~~(2) Has not willfully violated any provisions of this~~
20 ~~Act.~~

21 ~~(3) Has not made any material misstatement or knowingly~~
22 ~~withheld information in connection with any original or~~
23 ~~renewal application.~~

24 ~~(4) Has not been declared incompetent by any competent~~
25 ~~court by reasons of mental or physical defect or disease~~
26 ~~unless a court has since declared the person competent.~~

27 ~~(5) Does not have an addiction to or dependency on~~
28 ~~alcohol or drugs that is likely to endanger the public at a~~
29 ~~pyrotechnic display.~~

30 ~~(6) Has not been convicted in any jurisdiction of any~~
31 ~~felony within the prior 5 years.~~

32 ~~(7) Is not a fugitive from justice.~~

33 ~~(e) A person is qualified to assist a lead operator if the~~
34 ~~person meets all of the following minimum requirements:~~

1 ~~(1) Is at least 18 years of age.~~

2 ~~(2) Has not willfully violated any provision of this~~
3 ~~Act.~~

4 ~~(3) Has not been declared incompetent by any competent~~
5 ~~court by reasons of mental or physical defect or disease~~
6 ~~unless a court has since declared the person competent.~~

7 ~~(4) Does not have an addiction to or dependency on~~
8 ~~alcohol or drugs that is likely to endanger the public at a~~
9 ~~pyrotechnic display.~~

10 ~~(5) Has not been convicted in any jurisdiction of any~~
11 ~~felony within the prior 5 years.~~

12 ~~(6) Is not a fugitive from justice.~~

13 (Source: P.A. 93-263, eff. 7-22-03.)

14 (225 ILCS 227/50)

15 Sec. 50. Issuance of license; renewal; fees nonrefundable.

16 (a) The Office, upon the applicant's satisfactory
17 completion of the requirements imposed under this Act and upon
18 receipt of the requisite fees, shall issue the appropriate
19 license showing the name, address, and photograph of the
20 licensee and the dates of issuance and expiration.

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

1 ~~the license restored and by paying the required fees.~~

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

3 (Source: P.A. 93-263, eff. 7-22-03.)

4 (225 ILCS 227/60)

5 Sec. 60. Conditions of renewal; change of address;
6 duplicate license; inspection.

7 (a) As a condition of renewal of a license, the Office may
8 require the licensee to report information pertaining to the
9 person's practice in relation to this Act that the Office
10 determines to be in the interest of public safety.

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

13 (c) The licensee shall carry a copy of the pyrotechnic
14 distributor's ~~his or her~~ license at all times when engaging in
15 pyrotechnic display activity.

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

22 (e) Each licensee shall permit his or her facilities to be
23 inspected by representatives of the Office for the purpose of
24 administering this Act.

25 (Source: P.A. 93-263, eff. 7-22-03.)

26 (225 ILCS 227/65)

27 Sec. 65. Grounds for discipline. Licensees subject to this
28 Act shall conduct their practice in accordance with this Act
29 and the rules promulgated under this Act. A licensee is subject
30 to disciplinary sanctions enumerated in this Act if the State
31 Fire Marshal finds that the licensee is guilty of any of the
32 following:

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

3 (2) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public in the course of professional
6 services or activities.

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

15 (4) Performing any service in a grossly negligent
16 manner or permitting any ~~licensed~~ employee of the licensee
17 to perform a service in a grossly negligent manner,
18 regardless of whether actual damage or damage to the public
19 is established.

20 (5) Addiction to or dependency on alcohol or drugs or
21 use of alcohol or drugs that is likely to endanger the
22 public at a pyrotechnic display.

23 (6) Willfully receiving direct or indirect
24 compensation for any professional service not actually
25 rendered.

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

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

31 (9) Engaging in unprofessional conduct.

32 (10) Engaging in false or misleading advertising.

33 (11) Contracting or assisting an unlicensed person to
34 perform services for which a license is required under this

1 Act.

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

4 (13) Performing and charging for a service without
5 having the authorization to do so from the member of the
6 public being served.

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

9 (15) Conducting business regulated by this Act without
10 a currently valid license.

11 (Source: P.A. 93-263, eff. 7-22-03.)

12 (225 ILCS 227/90)

13 Sec. 90. Penalties. Any natural person who violates any of
14 the following provisions is guilty of a Class A misdemeanor for
15 the first offense and a corporation or other entity that
16 violates any of the following provision commits a business
17 offense punishable by a fine not to exceed \$5,000; a second or
18 subsequent offense in violation of any Section of this Act,
19 including this Section, is a Class 4 felony if committed by a
20 natural person, or a business offense punishable by a fine of
21 up to \$10,000 if committed by a corporation or other business
22 entity:

23 (1) Practicing or attempting to practice as a
24 pyrotechnic distributor ~~lead pyrotechnic operator~~ without
25 a license;

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

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

33 Whenever any person is punished as a repeat offender under

1 this Section, the Office may proceed to obtain a permanent
2 injunction against the person under Section 10. If any person
3 in making any oath or affidavit required by this Act swears
4 falsely, the person is guilty of perjury and upon conviction
5 may be punished accordingly.

6 (Source: P.A. 93-263, eff. 7-22-03.)

7 (425 ILCS 35/Act rep.)

8 Section 90-15. The Fireworks Use Act is repealed.

9 ARTICLE 99. EFFECTIVE DATE

10 Section 99-5. Effective date. This Act takes effect upon
11 becoming law.".