

1 AN ACT concerning safety.

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

4 Section 5. The Pyrotechnic Use Act is amended by changing
5 Sections 2, 2.2, and 2.3 as follows:

6 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

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

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

19 (425 ILCS 35/2.2)

20 Sec. 2.2. Consumer displays. Any individual that handles a
21 consumer display must adhere to the guidelines set forth by the
22 Office of the State Fire Marshal concerning consumer fireworks.

1 ~~Each consumer display shall be handled by a competent~~
2 ~~individual who has received training from a consumer fireworks~~
3 ~~training class approved by the Office of the State Fire~~
4 ~~Marshal. Applications for consumer display permits shall be~~
5 ~~made in writing at least 15 days in advance of the date of the~~
6 ~~display, unless agreed to otherwise by the local jurisdiction~~
7 ~~issuing the permit and the fire chief of the jurisdiction in~~
8 ~~which the display will occur. After a permit has been granted,~~
9 ~~sales, possession, use, and distribution of consumer fireworks~~
10 ~~for display shall be lawful for that purpose only. No permit~~
11 ~~granted hereunder shall be transferable.~~

12 ~~Permits may be granted hereunder to any adult individual~~
13 ~~applying for a permit who provides proof that he or she has~~
14 ~~received the requisite training. The local jurisdiction~~
15 ~~issuing the permit is authorized to conduct a criminal~~
16 ~~background check of the applicant as a condition of issuing a~~
17 ~~permit.~~

18 ~~A permit shall be issued only after inspection of the~~
19 ~~display site by the fire chief providing fire protection~~
20 ~~coverage to the area of display, or his or her designee, to~~
21 ~~determine that the display is in full compliance with the rules~~
22 ~~adopted by the State Fire Marshal. Nothing in this Section~~
23 ~~shall prohibit the issuer of a permit from adopting more~~
24 ~~stringent rules.~~

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

1 (425 ILCS 35/2.3)

2 Sec. 2.3. Consumer distributors and retailers. No person
3 may act as a consumer distributor or retailer or advertise or
4 use any title implying that the person is a consumer
5 distributor or retailer unless registered with the Office of
6 the State Fire Marshal. ~~No consumer fireworks may be
7 distributed, sold, transferred, or provided free of charge to
8 an individual who has not been issued a permit in accordance
9 with Section 2.2 of this Act or has not registered with the
10 Office of the State Fire Marshal in accordance with this
11 Section.~~ No person may sell to a single individual a quantity
12 of consumer fireworks exceeding 499 pounds without prior
13 approval by the Office of the State Fire Marshal. The State
14 Fire Marshal, in the name of the People, through the Attorney
15 General, the State's Attorney of any county, any resident of
16 the State, or any legal entity within the State may apply for
17 injunctive relief in any court to enjoin any person who has not
18 registered from distributing or selling consumer fireworks.
19 Upon filing a verified petition in court, the court, if
20 satisfied by affidavit, or otherwise, that the person is or has
21 been distributing in violation of this Act, may enter a
22 temporary restraining order or preliminary injunction, without
23 bond, enjoining the defendant from further activity. A copy of
24 the verified complaint shall be served upon the defendant and
25 the proceedings are to be conducted as in other civil cases.
26 The court may enter a judgment permanently enjoining a

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

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