



Rep. William Cunningham

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1 AMENDMENT TO HOUSE BILL 711

2 AMENDMENT NO. _____. Amend House Bill 711 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pyrotechnic Distributor and Operator
5 Licensing Act is amended by changing Sections 5, 10, 35, 50,
6 57, 90, and 95 and by adding Section 12 as follows:

7 (225 ILCS 227/5)

8 Sec. 5. Definitions. In this Act:

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

13 "Assistant" means an individual supervised by a lead
14 pyrotechnic operator, who assists with the safety, setup,
15 discharge, and removal of a pyrotechnic display.

16 "BATFE" means the federal Bureau of Alcohol, Tobacco,

1 Firearms and Explosives.

2 "Consumer fireworks" means fireworks that must comply with
3 the construction, chemical composition, and labeling
4 regulations of the U.S. Consumer Products Safety Commission, as
5 set forth in 16 C.F.R. Parts 1500 and 1507, and classified as
6 fireworks UN0336 or UN0337 by the United States Department of
7 Transportation under 49 C.F.R. 172.101. "Consumer fireworks"
8 does not include a substance or article exempted under the
9 Pyrotechnic Use Act.

10 "Cover licensor" means any pyrotechnic distributor,
11 licensed under subsection (c) of Section 35 of this Act, or
12 production company, licensed under subsection (c-3) of Section
13 35 of this Act, under whose pyrotechnic license a touring
14 pyrotechnic company and its touring lead pyrotechnic operators
15 and touring technicians provide pyrotechnic displays or
16 pyrotechnic services, or both, in the State.

17 "Cover licensor representative" means a licensed lead
18 pyrotechnic operator, either employed by the cover licensor or
19 insured as an additional named insured on the cover licensor's
20 general liability and product liability insurance, as
21 applicable, who is responsible for supervising the safety and
22 regulatory compliance of the touring lead pyrotechnic
23 operators and touring technicians during a pyrotechnic display
24 or pyrotechnic service.

25 "Display fireworks" means 1.3G explosive or special
26 effects fireworks.

1 "Event employee" means an individual who works under the
2 supervision of the lead pyrotechnic operator and who assists
3 with the safety, setup, and removal of a pyrotechnic display,
4 but does not handle live pyrotechnic materials or charged flame
5 equipment.

6 "Facility" means an area being used for the conducting of a
7 pyrotechnic display business, but does not include residential
8 premises except for the portion of any residential premises
9 that is actually used in the conduct of a pyrotechnic display
10 business.

11 "Flame effect" means the detonation, ignition, or
12 deflagration of flammable gases, liquids, or special materials
13 to produce a thermal, physical, visual, or audible effect
14 before the public, invitees, or licensees, regardless of
15 whether admission is charged in accordance with NFPA 160.

16 "Lead pyrotechnic operator" means the individual with
17 overall responsibility for the safety, setup, discharge, and
18 supervision of a pyrotechnic display or pyrotechnic service.

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

20 "Person" means an individual, firm, corporation,
21 association, partnership, company, consortium, joint venture,
22 commercial entity, state, municipality, or political
23 subdivision of a state or any agency, department, or
24 instrumentality of the United States and any officer, agent, or
25 employee of these entities.

26 "Production company" means any person in the film, digital

1 and video media, television, commercial, music, or ~~and~~
2 theatrical stage industry who provides pyrotechnic services or
3 pyrotechnic display services as part of a film, digital and
4 video media, television, commercial, music, or theatrical
5 production in the State of Illinois.

6 "Pyrotechnic display" or "display" means the detonation,
7 ignition, or deflagration of display fireworks or flame effects
8 to produce a visual or audible effect of an exhibitional nature
9 before the public, invitees, or licensees, regardless of
10 whether admission is charged.

11 "Pyrotechnic distributor" means any person who distributes
12 display fireworks for sale in the State of Illinois or provides
13 them as part of a pyrotechnic display service in the State of
14 Illinois or provides only pyrotechnic services.

15 "Pyrotechnic service" means the detonation, ignition, or
16 deflagration of display fireworks, special effects, or flame
17 effects to produce a visual or audible effect.

18 "Special effects fireworks" means pyrotechnic devices used
19 for special effects by professionals in the performing arts in
20 conjunction with theatrical, musical, or other productions
21 that are similar to consumer fireworks in chemical compositions
22 and construction, but are not intended for consumer use and are
23 not labeled as such or identified as "intended for indoor use".

24 "Special effects fireworks" are classified as fireworks UN0431
25 or UN0432 by the United States Department of Transportation
26 under 49 C.F.R. 172.101.

1 "Touring lead pyrotechnic operator" means an individual
2 employed by a touring pyrotechnic company who has overall
3 responsibility for the safety, setup, discharge, and
4 supervision of a pyrotechnic display or pyrotechnic service.

5 "Touring pyrotechnic company" means any person that
6 performs pyrotechnic services or pyrotechnic displays in the
7 State who lacks a license under subsections (c) or (c-3) of
8 Section 35 of this Act.

9 "Touring technician" means an individual employed by a
10 touring pyrotechnic company who is at least 18 years of age,
11 who is covered by his or her employer's workers' compensation,
12 product liability, and general liability policies under
13 Section 35 of this Act and who, under the supervision of the
14 touring lead pyrotechnic operator, assists with the safety,
15 setup, discharge, and removal of a pyrotechnical display.

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

17 (225 ILCS 227/10)

18 Sec. 10. License; enforcement. No person may act as a
19 pyrotechnic distributor, production company, or lead
20 pyrotechnic operator, or advertise or use any title implying
21 that the person is a pyrotechnic distributor, production
22 company, or lead pyrotechnic operator, unless licensed by the
23 Office under this Act. ~~An out-of-state person hired for or~~
24 ~~engaged in pyrotechnic services or a pyrotechnic display must~~
25 ~~be employed by a licensed pyrotechnic distributor or licensed~~

1 ~~production company and hold a lead pyrotechnic operator license~~
2 ~~issued by the Office.~~ No pyrotechnic services or pyrotechnic
3 display shall be conducted without a person licensed under this
4 Act as a lead pyrotechnic operator supervising the pyrotechnic
5 display or pyrotechnic service. The State Fire Marshal, in the
6 name of the People, through the Attorney General, the State's
7 Attorney of any county, any resident of the State, or any legal
8 entity within the State may apply for injunctive relief in any
9 court to enjoin any person who has not been issued a license or
10 whose license has been suspended, revoked, or not renewed, from
11 practicing a licensed activity. Upon filing a verified petition
12 in court, the court, if satisfied by affidavit, or otherwise,
13 that the person is or has been practicing in violation of this
14 Act, may enter a temporary restraining order or preliminary
15 injunction, without bond, enjoining the defendant from further
16 unlicensed activity. A copy of the verified complaint shall be
17 served upon the defendant and the proceedings are to be
18 conducted as in other civil cases. The court may enter a
19 judgment permanently enjoining a defendant from further
20 unlicensed activity if it is established that the defendant has
21 been or is practicing in violation of this Act. In case of
22 violation of any injunctive order or judgment entered under
23 this Section, the court may summarily try and punish the
24 offender for contempt of court. Injunctive proceedings are in
25 addition to all penalties and other remedies in this Act.

26 (Source: P.A. 96-708, eff. 8-25-09.)

1 (225 ILCS 227/12 new)

2 Sec. 12. Cover license.

3 (a) Prior to engaging in the setup, discharge, and
4 supervision of a pyrotechnic display or pyrotechnic service in
5 the State, all touring pyrotechnic companies shall associate
6 themselves with a cover licensor in accordance with this
7 Section. Such association shall be at the discretion of the
8 cover licensor, and a touring pyrotechnic company shall not
9 setup or discharge a pyrotechnic display or pyrotechnic service
10 in the State without such association.

11 (b) Prior to associating itself with a cover licensor in
12 accordance with this Section, the touring pyrotechnic company
13 shall send the cover licensor the following pre-permitting
14 information a minimum of 20 business days before the event:

15 (1) a pyrotechnic plan for the event that meets the
16 specifications of the most current edition of NFPA 1126,
17 Standard for the Use of Pyrotechnics Before a Proximate
18 Audience, Sections 6.2 and 6.3 or NFPA 160, Standard for
19 the Use of Flame Effects Before an Audience, Section 5.3,
20 or both;

21 (2) a Certificate of Insurance showing proof of not
22 less than \$1,000,000 in product liability insurance and
23 \$1,000,000 in general liability insurance that both covers
24 the pyrotechnic display or pyrotechnic service provided
25 and naming the cover licensor as an additional insured; the

1 product and general liability insurance coverage shall be
2 an occurrence-based policy, or its equivalent, and it shall
3 cover all periods of time during which pyrotechnical
4 materials, including flame effect materials, are in the
5 insured's actual or constructive possession, including
6 those times when the materials are being stored,
7 transported, handled, used, discharged, and displayed; and

8 (3) proof of Illinois workers' compensation insurance
9 held by the touring pyrotechnic company for all periods of
10 time during which the touring pyrotechnic company
11 employees are engaged in employment-related activities in
12 the State.

13 (c) After confirming the sufficiency of the touring
14 pyrotechnic company's pre-permitting information and agreeing
15 to associate itself with the touring pyrotechnic company, the
16 cover licensor shall be obligated to contact the Office of the
17 State Fire Marshal and any authority having jurisdiction over
18 the venue or location of the State-based pyrotechnic display or
19 pyrotechnic service with the following information a minimum of
20 15 days before the event:

21 (1) a pyrotechnic plan for the event that meets the
22 specifications of the most current edition of NFPA 1126,
23 Standard for the Use of Pyrotechnics Before a Proximate
24 Audience, Sections 6.2 and 6.3 or NFPA 160, Standard for
25 the Use of Flame Effects Before an Audience, Section 5.3,
26 or both;

1 (2) the cover licensor's own Certificate of Insurance
2 showing proof of the necessary insurance coverage as
3 provided in Section 35 of this Act that covers the
4 pyrotechnic service or pyrotechnic display provided and
5 names the touring pyrotechnic company as an additional
6 insured and proof of Illinois workers' compensation
7 insurance;

8 (3) the touring pyrotechnic company's Certificate of
9 Insurance showing proof of not less than \$1,000,000 in
10 product liability insurance and \$1,000,000 in general
11 liability insurance that covers the pyrotechnic service or
12 pyrotechnic display, provided that each of which names the
13 cover licensor as an additional insured;

14 (4) the touring pyrotechnic company's proof of
15 Illinois workers' compensation insurance for all periods
16 of time during which the touring pyrotechnic company
17 employees are engaged in employment-related activities in
18 the State; and

19 (5) the touring pyrotechnic company's contact
20 information.

21 (d) Questions or concerns raised by either the Office of
22 the State Fire Marshal or the authority having jurisdiction
23 regarding the information submitted by the touring pyrotechnic
24 company shall be directed to, and resolved by, the touring
25 pyrotechnic company prior to the event.

26 (e) The cover licensor representative shall be present

1 during, and shall personally supervise, all phases of the
2 pyrotechnic display or pyrotechnic service subject to the cover
3 license. The cover licensor representative shall personally
4 supervise all touring lead pyrotechnic operators, touring
5 technicians, assistants, and event employees.

6 (f) Representatives of the Office of the State Fire
7 Marshal, the authority having jurisdiction, and the cover
8 licensor representative each possess the authority to halt any
9 pyrotechnic display or pyrotechnic service governed by the
10 cover license should questions arise about failures to follow
11 industry standards and safety guidelines, including the most
12 current edition of NFPA 1126, Standard for the Use of
13 Pyrotechnics Before a Proximate Audience, and NFPA 160,
14 Standard for the Use of Flame Effects Before an Audience.
15 Pyrotechnic displays and pyrotechnic services halted due to
16 safety concerns shall resume only with the express written
17 approval of both the cover licensor representative and the
18 authority having jurisdiction.

19 (225 ILCS 227/35)

20 Sec. 35. Licensure requirements and fees.

21 (a) Each application for a license to practice under this
22 Act shall be in writing and signed by the applicant on forms
23 provided by the Office.

24 (b) After January 1, 2006, all pyrotechnic displays and
25 pyrotechnic services, both indoor and outdoor, must comply with

1 the requirements set forth in this Act.

2 (c) After January 1, 2006, no person may engage in
3 pyrotechnic distribution without first applying for and
4 obtaining a license from the Office. Applicants for a license
5 must submit to the Office the following:

6 (1) A current BATFE license for the type of pyrotechnic
7 service or pyrotechnic display ~~service~~ provided.

8 (2) Proof of \$1,000,000 in product liability
9 insurance.

10 (3) Proof of \$1,000,000 in general liability insurance
11 that covers the pyrotechnic display ~~service~~ or pyrotechnic
12 service provided.

13 (4) Proof of Illinois Workers' Compensation Insurance.

14 (5) A license fee set by the Office.

15 (6) Proof of a current United States Department of
16 Transportation (DOT) Identification Number.

17 (7) Proof of a current USDOT Hazardous Materials
18 Registration Number.

19 (8) Proof of having the requisite knowledge, either
20 through training, examination, or continuing education, as
21 established by Office rule.

22 (c-3) After January 1, 2010, no production company may
23 provide pyrotechnic displays ~~display services~~ or pyrotechnic
24 services as part of any production without either (i) obtaining
25 a production company license from the Office under which all
26 pyrotechnic displays ~~display services~~ and pyrotechnic services

1 are performed by a licensed lead pyrotechnic operator or (ii)
2 hiring a pyrotechnic distributor licensed in accordance with
3 this Act to perform the pyrotechnic displays ~~display services~~
4 or pyrotechnic services. Applicants for a production company
5 license must submit to the Office the following:

6 (1) Proof of \$2,000,000 in commercial general
7 liability insurance that covers any damage or injury
8 resulting from the pyrotechnic displays ~~display services~~
9 or pyrotechnic services provided.

10 (2) Proof of Illinois Worker's Compensation insurance.

11 (3) A license fee set by the Office.

12 (4) Proof of a current USDOT Identification Number,
13 unless: ~~proof of such is provided by the employed lead~~
14 ~~pyrotechnic operator.~~

15 (A) proof of such is provided by the lead
16 pyrotechnic operator employed by the production
17 company or insured as an additional named insured on
18 the production company's general liability insurance,
19 as required under paragraph (1) of this subsection; or

20 (B) the production company certifies under penalty
21 of perjury that it engages only in flame effects or
22 never transports materials in quantities that require
23 registration with USDOT, or both.

24 (5) Proof of a current USDOT Hazardous Materials
25 Registration Number, unless: ~~proof of such is provided by~~
26 ~~the employed lead pyrotechnic operator.~~

1 (A) proof of such is provided by the lead pyrotechnic
2 operator employed by the production company or insured as
3 an additional named insured on the production company's
4 general liability insurance, as required under paragraph
5 (1) of this subsection; or

6 (B) the production company certifies under penalty of
7 perjury that it engages only in flame effects or never
8 transports materials in quantities that require
9 registration with USDOT, or both.

10 (6) Identification of the licensed lead pyrotechnic
11 operator ~~being~~ employed by the production company or
12 insured as an additional named insured on the production
13 company's general liability insurance, as required under
14 paragraph (1) of this subsection.

15 The insurer shall not cancel the insured's coverage or
16 remove any additional named insured or ~~an~~ additional insured
17 from the policy coverage without notifying the Office in
18 writing at least 15 days before cancellation.

19 (c-5) After January 1, 2006, no individual may act as a
20 lead operator in a pyrotechnic display without first applying
21 for and obtaining a lead pyrotechnic operator's license from
22 the Office. The Office shall establish separate licenses for
23 lead pyrotechnic operators for indoor and outdoor pyrotechnic
24 displays. Applicants for a license must:

25 (1) Pay the fees set by the Office.

26 (2) Have the requisite training or continuing

1 education as established in the Office's rules.

2 (3) (Blank).

3 (d) A person is qualified to receive a license under this
4 Act if the person meets all of the following minimum
5 requirements:

6 (1) Is at least 21 years of age.

7 (2) Has not willfully violated any provisions of this
8 Act.

9 (3) Has not made any material misstatement or knowingly
10 withheld information in connection with any original or
11 renewal application.

12 (4) Has not been declared incompetent by any competent
13 court by reasons of mental or physical defect or disease
14 unless a court has since declared the person competent.

15 (5) Does not have an addiction to or dependency on
16 alcohol or drugs that is likely to endanger the public at a
17 pyrotechnic display.

18 (6) Has not been convicted in any jurisdiction of any
19 felony within the prior 5 years.

20 (7) Is not a fugitive from justice.

21 (8) Has, or has applied for, a BATFE explosives license
22 or a Letter of Clearance from the BATFE.

23 (9) If a lead pyrotechnic operator is employed by a
24 political subdivision of the State or by a licensed
25 production company, or is insured as an additional named
26 insured on the production company's general liability

1 insurance, as required under paragraph (1) of subsection
2 (c-3) of this Section, he or she shall have a BATFE license
3 for the pyrotechnic services or pyrotechnic display
4 ~~services~~ provided.

5 (10) If a production company has not provided proof of
6 a current USDOT Identification Number and a current USDOT
7 Hazardous Materials Registration Number, as required by
8 paragraphs (5) and (6) of subsection (c-3) of this Section,
9 then the lead pyrotechnic operator employed by the
10 production company or insured as an additional named
11 insured on the production company's general liability
12 insurance, as required under paragraph (1) of subsection
13 (c-3) of this Section, ~~which it employs~~ shall provide such
14 proof to the Office.

15 (e) A person is qualified to assist a lead pyrotechnic
16 operator if the person meets all of the following minimum
17 requirements:

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

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

21 (3) Has not been declared incompetent by any competent
22 court by reasons of mental or physical defect or disease
23 unless a court has since declared the person competent.

24 (4) Does not have an addiction to or dependency on
25 alcohol or drugs that is likely to endanger the public at a
26 pyrotechnic display.

1 (5) Has not been convicted in any jurisdiction of any
2 felony within the prior 5 years.

3 (6) Is not a fugitive from justice.

4 (7) Is employed as an employee of the licensed
5 pyrotechnic distributor or the licensed production
6 company, or insured as an additional named insured on the
7 pyrotechnic distributor's product liability and general
8 liability insurance, as required under paragraphs (2) and
9 (3) of subsection (c) of this Section, or insured as an
10 additional named insured on the production company's
11 general liability insurance, as required under paragraph
12 (1) of subsection (c-3) of this Section.

13 (8) Has been registered with the Office by the licensed
14 distributor or the licensed production company on a form
15 provided by the Office prior to the time when the assistant
16 begins work ~~as an employee~~ on the pyrotechnic display or
17 pyrotechnic service.

18 (Source: P.A. 96-708, eff. 8-25-09.)

19 (225 ILCS 227/50)

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

21 (a) The Office, upon the applicant's satisfactory
22 completion of the requirements imposed under this Act and upon
23 receipt of the requisite fees, shall issue the appropriate
24 license showing the name, address, and photograph of the
25 licensee and the dates of issuance and expiration. The license

1 shall include the name of the pyrotechnic distributor or
2 production company employing the lead pyrotechnic operator or
3 insuring the lead pyrotechnic operator as an additional named
4 insured on the pyrotechnic distributor's product liability and
5 general liability insurance, as required under paragraphs (2)
6 and (3) of subsection (c) of Section 35, or insuring the lead
7 pyrotechnic operator as an additional named insured on the
8 production company's general liability insurance, as required
9 under paragraph (1) of subsection (c-3) of Section 35. A lead
10 pyrotechnic operator is required to have a separate license for
11 each pyrotechnic distributor or production company who employs
12 the lead pyrotechnic operator or insures the lead pyrotechnic
13 operator as an additional named insured on the pyrotechnic
14 distributor's product liability and general liability
15 insurance, as required under paragraphs (2) and (3) of
16 subsection (c) of Section 35, or insures the lead pyrotechnic
17 operator as an additional named insured on the production
18 company's general liability insurance, as required under
19 paragraph (1) of subsection (c-3) of Section 35.

20 (b) Each licensee may apply for renewal of his or her
21 license upon payment of the applicable fees. The expiration
22 date and renewal period for each license issued under this Act
23 shall be set by rule. Failure to renew within 60 days of the
24 expiration date results in lapse of the license. A lapsed
25 license may not be reinstated until a written application is
26 filed, the renewal fee is paid, and the reinstatement fee

1 established by the Office is paid. Renewal and reinstatement
2 fees shall be waived for persons who did not renew while on
3 active duty in the military and who file for renewal or
4 restoration within one year after discharge from the service. A
5 lapsed license may not be reinstated after 5 years have elapsed
6 except upon passing an examination to determine fitness to have
7 the license restored and by paying the required fees.

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

9 (d) A production company licensed under this Act shall pay
10 all applicable licensing fees for each lead pyrotechnic
11 operator it employs or insures as an additional named insured
12 on the production company's general liability insurance, as
13 required under paragraph (1) of subsection (c-3) of Section 35.

14 (Source: P.A. 96-708, eff. 8-25-09.)

15 (225 ILCS 227/57)

16 Sec. 57. Training; additional lead pyrotechnic operators.
17 No pyrotechnic distributor or production company shall allow
18 any person ~~in the pyrotechnic distributor's or production~~
19 ~~company's employ~~ to act as a lead pyrotechnic operator until
20 the person has obtained a lead pyrotechnic operator's license
21 from the Office. Nothing in this Section shall prevent an
22 assistant from acting as a lead pyrotechnic operator under the
23 direct supervision of a licensed lead pyrotechnic operator for
24 training purposes.

25 (Source: P.A. 96-708, eff. 8-25-09.)

1 (225 ILCS 227/90)

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

12 (1) Practicing or attempting to practice as a
13 pyrotechnic distributor or production company, or lead
14 pyrotechnic operator without a license;

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

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

22 Whenever any person is punished as a repeat offender under
23 this Section, the Office may proceed to obtain a permanent
24 injunction against the person under Section 10. If any person
25 in making any oath or affidavit required by this Act swears

1 falsely, the person is guilty of perjury and upon conviction
2 may be punished accordingly.

3 (Source: P.A. 96-708, eff. 8-25-09.)

4 (225 ILCS 227/95)

5 Sec. 95. Display Reports. A lead pyrotechnic operator
6 shall file an Illinois Display Report, which shall include the
7 names and signatures of all lead pyrotechnic operators and
8 assistants participating in the pyrotechnic display or
9 pyrotechnic service and the name, department, and signature of
10 the fire protection jurisdiction, with the Office within 30
11 days following any pyrotechnic display or pyrotechnic service.
12 The fire protection jurisdiction shall sign the Illinois Display
13 Report if the information therein is true and correct.

14 (Source: P.A. 96-708, eff. 8-25-09.)

15 Section 10. The Pyrotechnic Use Act is amended by changing
16 Sections 1 and 2.1 as follows:

17 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

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

20 "1.3G fireworks" means those fireworks used for
21 professional outdoor displays and classified as fireworks
22 UN0333, UN0334, or UN0335 by the United States Department of
23 Transportation under 49 C.F.R. 172.101.

1 "Consumer distributor" means any person who distributes,
2 offers for sale, sells, or exchanges for consideration consumer
3 fireworks in Illinois to another distributor or directly to any
4 retailer or person for resale.

5 "Consumer fireworks" means those fireworks that must
6 comply with the construction, chemical composition, and
7 labeling regulations of the U.S. Consumer Products Safety
8 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
9 classified as fireworks UN0336 or UN0337 by the United States
10 Department of Transportation under 49 C.F.R. 172.101.

11 "Consumer fireworks" shall not include snake or glow worm
12 pellets; smoke devices; trick noisemakers known as "party
13 poppers", "booby traps", "snappers", "trick matches",
14 "cigarette loads", and "auto burglar alarms"; sparklers; toy
15 pistols, toy canes, toy guns, or other devices in which paper
16 or plastic caps containing twenty-five hundredths grains or
17 less of explosive compound are used, provided they are so
18 constructed that the hand cannot come in contact with the cap
19 when in place for the explosion; and toy pistol paper or
20 plastic caps that contain less than twenty hundredths grains of
21 explosive mixture; the sale and use of which shall be permitted
22 at all times.

23 "Consumer fireworks display" or "consumer display" means
24 the detonation, ignition, or deflagration of consumer
25 fireworks to produce a visual or audible effect.

26 "Consumer operator" means an adult individual who is

1 responsible for the safety, setup, and discharge of the
2 consumer fireworks display and who has completed the training
3 required in Section 2.2 of this Act.

4 "Consumer retailer" means any person who offers for sale,
5 sells, or exchanges for consideration consumer fireworks in
6 Illinois directly to any person with a consumer display permit.

7 "Display fireworks" means 1.3G or special effects
8 fireworks or as further defined in the Pyrotechnic Distributor
9 and Operator Licensing Act.

10 "Flame effect" means the detonation, ignition, or
11 deflagration of flammable gases, liquids, or special materials
12 to produce a thermal, physical, visual, or audible effect
13 before the public, invitees, or licensees, regardless of
14 whether admission is charged, in accordance with National Fire
15 Protection Association 160 guidelines, and as may be further
16 defined in the Pyrotechnic Distributor and Operator Licensing
17 Act.

18 "Lead pyrotechnic operator" means an individual who is
19 responsible for the safety, setup, and discharge of the
20 pyrotechnic display or pyrotechnic service and who is licensed
21 pursuant to the Pyrotechnic Distributor and Operator Licensing
22 Act.

23 "Person" means an individual, firm, corporation,
24 association, partnership, company, consortium, joint venture,
25 commercial entity, state, municipality, or political
26 subdivision of a state or any agency, department, or

1 instrumentality of the United States and any officer, agent, or
2 employee of these entities.

3 "Production company" means any person in the film, digital
4 and video media, television, commercial, music, or ~~and~~
5 theatrical stage industry who provides pyrotechnic services or
6 pyrotechnic display services as part of a film, digital and
7 video media, television, commercial, music, or theatrical
8 production in the State of Illinois and is licensed by the
9 Office pursuant to the Pyrotechnic Distributor and Operator
10 Licensing Act.

11 "Pyrotechnic display" means the detonation, ignition, or
12 deflagration of display fireworks or flame effects to produce
13 visual or audible effects of a exhibitional nature before the
14 public, invitees, or licensees, regardless of whether
15 admission is charged, and as may be further defined in the
16 Pyrotechnic Distributor and Operator Licensing Act.

17 "Pyrotechnic distributor" means any person who distributes
18 display fireworks for sale in the State of Illinois or provides
19 them as part of a pyrotechnic display service in the State of
20 Illinois or provides only pyrotechnic services and is licensed
21 by the Office pursuant to the Pyrotechnic Distributor and
22 Operator Licensing Act.

23 "Pyrotechnic service" means the detonation, ignition or
24 deflagration of display fireworks, special effects or flame
25 effects to produce a visual or audible effect.

26 "Special effects fireworks" means pyrotechnic devices used

1 for special effects by professionals in the performing arts in
2 conjunction with theatrical, musical, or other productions
3 that are similar to consumer fireworks in chemical compositions
4 and construction, but are not intended for consumer use and are
5 not labeled as such or identified as "intended for indoor use".
6 "Special effects fireworks" are classified as fireworks UN0431
7 or UN0432 by the United States Department of Transportation
8 under 49 C.F.R. 172.101.

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

10 (425 ILCS 35/2.1)

11 Sec. 2.1. Pyrotechnic displays or pyrotechnic service.
12 Each pyrotechnic display or pyrotechnic service shall be
13 conducted by a licensed lead pyrotechnic operator employed by a
14 licensed pyrotechnic distributor or a licensed production
15 company, or insured as an additional named insured on the
16 pyrotechnic distributor's product liability and general
17 liability insurance, as required under paragraphs 2 and 3 of
18 subsection (c) of Section 35 of the Pyrotechnic Distribution
19 and Operating Licensing Act, or insured as an additional named
20 insured on the production company's general liability
21 insurance, as required under paragraph (1) of subsection (c-3)
22 of Section 35 of the Pyrotechnic Distribution and Operating
23 Licensing Act. Applications for a pyrotechnic display permit
24 shall be made in writing at least 15 days in advance of the
25 date of the pyrotechnic display or pyrotechnic service, unless

1 agreed to otherwise by the local jurisdiction issuing the
2 permit and the fire chief of the jurisdiction in which the
3 display or pyrotechnic service will occur. After a permit has
4 been granted, sales, possession, use, and distribution of
5 display fireworks for the display or pyrotechnic service shall
6 be lawful for that purpose only. No permit granted hereunder
7 shall be transferable.

8 Pyrotechnic display permits may be granted hereunder to any
9 adult individual applying therefor. No permit shall be required
10 under the provisions of this Act for supervised public displays
11 by State or County fair associations.

12 The applicant seeking the pyrotechnic display permit must
13 provide proof of liability insurance in a sum not less than
14 \$1,000,000 to the local governmental entity issuing the permit.

15 A permit shall be issued only after the chief of the fire
16 department providing fire protection coverage to the area of
17 display or pyrotechnic service, or his or her designee, has
18 inspected the site and determined that the display or
19 pyrotechnic service can be performed in full compliance with
20 the rules adopted by the State Fire Marshal and that the
21 display or pyrotechnic service shall not be hazardous to
22 property or endanger any person or persons. Nothing in this
23 Section shall prohibit the issuer of a permit from adopting
24 more stringent rules.

25 All indoor pyrotechnic displays and pyrotechnic services
26 shall be conducted in buildings protected by automatic

1 sprinkler systems and meeting the requirements of rules adopted
2 by the State Fire Marshal pursuant to this Act. At the time an
3 individual applies for an indoor pyrotechnic display permit
4 from the local jurisdiction, written notice of the permit
5 application and the indoor display or pyrotechnic service
6 information shall be made in writing at least 15 days in
7 advance of the date of the pyrotechnic display or pyrotechnic
8 service to the Office, unless agreed to otherwise by the
9 Office.

10 Permits shall be signed by the chief of the fire department
11 providing fire protection to the area of display or pyrotechnic
12 service, or his or her designee, and must identify the licensed
13 pyrotechnic distributor or licensed production company and the
14 lead pyrotechnic operator.

15 (Source: P.A. 96-708, eff. 8-25-09.)

16 Section 99. Effective date. This Act takes effect January
17 1, 2012."