

1 AMENDMENT TO SENATE BILL 2232

2 AMENDMENT NO. _____. Amend Senate Bill 2232, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Fireworks Regulation Act of Illinois is
6 amended by changing Sections 2 and 24 as follows:

7 (425 ILCS 30/2) (from Ch. 127 1/2, par. 102)

8 Sec. 2. The following words and phrases, when used in
9 this Act, shall for the purpose of this Act have the
10 following definition and meaning:

11 (a) The term fireworks shall mean and include any
12 explosive composition or any substance or combination of
13 substances, or article prepared for the purpose of producing
14 a visible or audible effect (i) of a temporary exhibitional
15 nature, or (ii) for use in a migratory waterfowl or other
16 bird depredation program approved by the United States Fish
17 and Wildlife Service, the United States Department of
18 Agriculture, or the Department of Natural Resources, by
19 explosion, combustion, deflagration or detonation, and shall
20 include blank cartridges, toy cannons in which explosives are
21 used, the type of balloons which require fire underneath to
22 propel the same, firecrackers, torpedoes, sky rockets, Roman

1 candles, bombs or other fireworks of like construction and
2 any fireworks containing any explosive compound; or any
3 tablets or other device containing any explosive substance,
4 or containing combustible substances producing visual
5 effects. The term "fireworks" shall not include snake or glow
6 worm pellets; smoke devices; sparklers; trick noisemakers
7 known as "party poppers", "booby traps", "snappers", "trick
8 matches", "cigarette loads" and "auto burglar alarms"; toy
9 pistols, toy canes, toy guns, or other devices in which paper
10 or plastic caps containing twenty-five hundredths grains or
11 less of explosive compound are used, provided 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 which contain less than twenty-five hundredths
15 grains of explosive mixture; the sale and use of which shall
16 be permitted at all times.

17 (b) The term "fireworks plant" shall mean and include
18 all lands, with buildings thereon, used in connection with
19 the manufacture or processing of fireworks, as well as
20 storehouses located thereon for the storage of finished
21 fireworks.

22 (c) The term "fireworks factory building" shall mean any
23 building or other structure in which the manufacture of
24 fireworks, or in which any processing involving fireworks is
25 carried on.

26 (d) The term "magazine" shall mean any building or other
27 structure used for the storage of explosive raw materials
28 used in the manufacture of fireworks.

29 (e) The term "Office" shall mean the Office of the State
30 Fire Marshal.

31 (Source: P.A. 83-474.)

32 (425 ILCS 30/24) (from Ch. 127 1/2, par. 124)

33 Sec. 24. Local powers; severability.

1 (a) Except as provided in subsection (b), the provisions
2 of this Act shall not be construed or held to abrogate or in
3 any way affect the power of cities, villages, and
4 incorporated towns to regulate, restrain and prohibit the use
5 of fireworks, firecrackers, torpedoes, Roman candles,
6 skyrockets and other pyrotechnic displays within their
7 corporate limits.

8 (b) Notwithstanding any other provision of this Act, a
9 local governmental unit, other than a municipality of over
10 2,000,000 inhabitants, may not prohibit or otherwise regulate
11 the use of fireworks in a migratory waterfowl or other bird
12 depredation program approved by the United States Fish and
13 Wildlife Service, the United States Department of
14 Agriculture, or the Department of Natural Resources in a
15 manner more restrictive than the regulation by the State of
16 the use of fireworks under this amendatory Act of the 92nd
17 General Assembly.

18 (c) The sections of this Act and every part of such
19 sections are hereby declared to be independent sections and
20 parts of sections, and the invalidity of any section or part
21 thereof shall not affect any other section or part of a
22 section.

23 (Source: Laws 1935, p. 881.)

24 Section 10. The Fireworks Use Act is amended by changing
25 Sections 1 and 2 as follows:

26 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

27 Sec. 1. The term fireworks shall mean and include any
28 explosive composition, or any substance or combination of
29 substances, or article prepared for the purpose of producing
30 a visible or audible effect (i) of a temporary exhibitional
31 nature, or (ii) for use in a migratory waterfowl or other
32 bird depredation program approved by the United States Fish

1 and Wildlife Service, the United States Department of
2 Agriculture, or the Department of Natural Resources, by
3 explosion, combustion, deflagration or detonation, and shall
4 include blank cartridges, toy cannons, in which explosives
5 are used, the type of balloons which require fire underneath
6 to propel the same, firecrackers, torpedoes, skyrockets,
7 Roman candles, bombs, or other fireworks of like construction
8 and any fireworks containing any explosive compound, or any
9 tablets or other device containing any explosive substance,
10 or containing combustible substances producing visual
11 effects: provided, however, that the term "fireworks" shall
12 not include snake or glow worm pellets; smoke devices; trick
13 noisemakers known as "party poppers", "booby traps",
14 "snappers", "trick matches", "cigarette loads" and "auto
15 burglar alarms"; sparklers; toy pistols, toy canes, toy guns,
16 or other devices in which paper or plastic caps containing
17 twenty-five hundredths grains or less of explosive compound
18 are used, providing they are so constructed that the hand
19 cannot come in contact with the cap when in place for the
20 explosion; and toy pistol paper or plastic caps which contain
21 less than twenty hundredths grains of explosive mixture; the
22 sale and use of which shall be permitted at all times.

23 (Source: P.A. 83-474.)

24 (425 ILCS 35/2) (from Ch. 127 1/2, par. 128)

25 Sec. 2. Possession, sale, or use of fireworks
26 prohibited; local permits.

27 (a) Except as hereinafter provided it shall be unlawful
28 for any person, firm, co-partnership, or corporation to
29 knowingly possess, offer for sale, expose for sale, sell at
30 retail, or use or explode any fireworks; provided that city
31 councils in cities, the president and board of trustees in
32 villages and incorporated towns, and outside the corporate
33 limits of cities, villages and incorporated towns, the county

1 board, shall have power to adopt reasonable rules and
2 regulations for the granting of permits for supervised public
3 displays of fireworks. Every such display shall be handled by
4 a competent individual designated by the local authorities
5 herein specified and shall be of such a character and so
6 located, discharged or fired, as not to be hazardous to
7 property or endanger any person or persons. Application for
8 permits shall be made in writing at least 15 days in advance
9 of the date of the display and action shall be taken on such
10 application within 48 hours after such application is made.
11 After such privilege shall have been granted, sales,
12 possession, use and distribution of fireworks for such
13 display shall be lawful for that purpose only. No permit
14 granted hereunder shall be transferable.

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

19 The governing body shall require a bond from the licensee
20 in a sum not less than \$1,000 conditioned on compliance with
21 the provisions of this law and the regulations of the State
22 Fire Marshal adopted hereunder, except that no municipality
23 shall be required to file such bond.

24 Such permit shall be issued only after inspection of the
25 display site by the issuing officer, to determine that such
26 display shall not be hazardous to property or endanger any
27 person or persons. Forms for such application and permit may
28 be obtained from the Office of the State Fire Marshal. One
29 copy of such permit shall be on file with the issuing
30 officer, and one copy forwarded to the Office of the State
31 Fire Marshal.

32 (b) Possession by any party holding a certificate of
33 registration under "The Fireworks Regulation Act of
34 Illinois", filed July 20, 1935, or by any employee or agent

1 of such party or by any person transporting fireworks for
2 such party, shall not be a violation, provided such
3 possession is within the scope of business of the fireworks
4 plant registered under that Act.

5 (c) It is not a violation of this Act for a person (i)
6 to use fireworks in a migratory waterfowl or other bird
7 depredation program approved by the United States Fish and
8 Wildlife Service, the United States Department of
9 Agriculture, or the Department of Natural Resources, or (ii)
10 to possess fireworks for that use, or (iii) to offer for
11 sale, expose for sale, or sell fireworks to a person for that
12 use. Notwithstanding any other provision of this Act, a local
13 governmental, other than a municipality of over 2,000,000
14 inhabitants, unit may not prohibit or otherwise regulate the
15 use of fireworks in a migratory waterfowl or other bird
16 depredation program approved by the United States Fish and
17 Wildlife Service, the United States Department of
18 Agriculture, or the Department of Natural Resources in a
19 manner more restrictive than the regulation by the State of
20 the use of fireworks under this amendatory Act of the 92nd
21 General Assembly.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."