

FREQUENTLY ASKED QUESTIONS REGARDING FIREWORKS DISPLAYS IN ILLINOIS

The Illinois Legislature amended the Fireworks Use Act (425 ILCS 35), effective July 29, 2005, and the Pyrotechnic Distributor and Operator Licensing Act (225 ILCS 227), effective January 1, 2006. The Office of the State Fire Marshal ("OSFM") has posted copies of these Acts, the Emergency Rules implementing these Acts, and applications for the various licenses on its website, www.state.il.us/osfm/. This document answers questions OSFM has received from Professional Distributors and Operators, and from Consumer Operators.

Pyrotechnic Distributors and Operators:

Q: Does Illinois grant reciprocity for licenses granted in other states?

A: No.

Q: If I have been operating professional firework displays for more than 20 years, do I still need to be licensed?

A: Yes.

Q: Are local fire departments exempt from this Act?

A: No. A member of the local fire department who acts as pyrotechnic operator must obtain a pyrotechnic operator license. As required by Section 50 of the Pyrotechnic Distributor and Operator Licensing Act, this operator license must identify the licensed pyrotechnic distributor who employs him/her. If the member of the local fire department is self-employed, he/she must obtain a Pyrotechnic Distributor License and a Pyrotechnic Operator License.

Q: Where can I purchase display fireworks for outdoor displays?

A: You can purchase display fireworks from any Pyrotechnic Distributor licensed by the Office of the State Fire Marshal.

Q: If I operate a pyrotechnic business outside of Illinois, but I sell fireworks to a person or business using the fireworks in Illinois, do I need a Pyrotechnic Distributor license in Illinois?

A: Yes. Section 5 of the Pyrotechnic Distributor and Operator Licensing Act defines a "pyrotechnic distributor" as "any person, company, association, group of persons, or corporation who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services." Moreover, Section 10 of the Act states: "[a]n out-of-state person hired for or engaged in a pyrotechnic display must have a pyrotechnic distributor license issued by" OSFM.

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Q: Should I attach a photocopy of my current IDNR license to my application?

A: No. An early draft of our application asked you to submit a copy of your IDNR license. Reproducing your IDNR license is not permitted by the Illinois Explosives Act, 225 ILCS 210/2009. Thus, please write your current IDNR number and expiration date on a separate sheet of paper and attach it to your application.

Q: I don't work for a Pyrotechnic Distributor, I just work for myself. Do I need to obtain a Pyrotechnic Distributor license and a Pyrotechnic Operator License?

A: Yes. Section 50 of the Pyrotechnic Distributor and Operator Licensing Act requires the identification of the pyrotechnic distributor employing the lead pyrotechnic operator on the operator's license. Thus, if you are self-employed, you must obtain a Pyrotechnic Distributor License and a Pyrotechnic Operator License.

Q: I'm a Pyrotechnic Distributor who performs outdoor and indoor displays, do I need to submit a \$500 fee for each type of Distributor's License?

A: No. The \$500.00 fee for a Pyrotechnic Distributor's License permits a company to operate outdoor, proximate audience and flame effect displays as long as at least 1 officer of a pyrotechnic distributor is licensed as a lead pyrotechnic operator for the type of display services provided by the company.

Q: I have several lead pyrotechnic operators performing a display. When they complete the Illinois Display Report, should one lead operator be listed as the lead operator, and the other lead operators be listed and registered with OSFM as Assistants?

A: The Illinois Display Report is a record of what took place during a display, and who worked on the display. If you have several lead pyrotechnic operators perform a display, one of the lead pyrotechnic operators should complete the Illinois Display Report. The operator completing the report should list the other lead pyrotechnic operators as pyrotechnic operators, and list each operator's OSFM license number on the report.

Fingerprint Information:

Q: I live out-of-state, can I submit my fingerprints electronically from a Livescan Vendor in my State?

A: No. You cannot submit your fingerprints electronically from another state. You will need to submit your fingerprints by mail.

Q: How do I submit my fingerprints by mail?

A: You must obtain a Fee Applicant Card from the Illinois State Police ("ISP"). This card has a unique TCN number assigned to it. You will not be able to use an FBI card or a card from another state. Once you obtain the Fee Applicant Card, have your fingerprints applied to it, and submit the card to the ISP with a check made payable to the Illinois State Police for \$44.00. You should maintain a record of the TCN number in case you need to contact the Illinois State Police about the submission.

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Q: What do I need to do to have a “consumer display” on my property?

A: First, you should determine whether your local governmental authority (City Council, Village Board of Trustees, and/or County Board) permits consumer displays where you live. If they do, they will require you to successfully complete a consumer fireworks training class. Second, the fire chief of the local jurisdiction or his/her designee must inspect the site where you intend to perform the display and determine that it complies with the Fireworks Use Act, OSFM regulations, and the requirements of the local jurisdiction. Third, you must submit a written application for the permit at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction. Once you obtain a permit, you may purchase “consumer fireworks” only for that display.

Q: Do I need insurance if I’m doing a private display?

A: If you are applying for a permit for a pyrotechnic display, you must provide proof of liability insurance in the sum of not less than \$1,000,000 to the local governmental entity issuing the permit. If you are applying for a permit for a consumer display, you should check with your local governmental authority (City Council, Village Board of Trustees, and/or County Board) to determine whether they require you to provide proof of insurance.

Q: Do I need anything if I want to purchase Sparklers for a private event?

A: No.