



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1682

Introduced 2/9/2017, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/16-30
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Fire Alarm Service Professional Licensing Act. Provides for the licensure of fire alarm contractors, installers, and technicians under the Department of Financial and Professional Regulation. Includes provisions concerning the powers and duties of the Department, licensing requirements, designated certified person requirements, and requirements for the installation, repair, inspection, and testing of fire alarm systems. Authorizes the Department to establish fees and continuing education requirements. Sets forth provisions for grounds for disciplinary action, criminal and civil penalties for violations of the Act, and administrative procedure. Provides that fines and fees collected under the Act shall be deposited into the Fire Prevention Fund. Preempts home rule powers. Amends the Criminal Code of 2012 and the Consumer Fraud and Deceptive Business Practices Act to make conforming changes.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the Fire
5 Alarm Service Professional Licensing Act.

6 Section 5. Legislative intent. It is declared that within
7 the State of Illinois there are, and may continue to be,
8 locations where the improper installation or repair of fire
9 alarm and emergency communication signaling systems creates
10 conditions that may adversely affect the public health and
11 general welfare. Therefore, the purpose of this Act is to
12 protect, promote, and preserve the public health and general
13 welfare by providing for the establishment of minimum standards
14 for licensure of fire alarm system contractors and technicians.

15 Section 10. Definitions. As used in this Act, unless the
16 context otherwise requires:

17 "Certified engineering technician" or "technician" means
18 an individual who has achieved NICET Level III or higher in the
19 appropriate subfield and who has the knowledge, experience, and
20 skills necessary to layout fire protection systems.

21 "Department" means the Department of Financial and
22 Professional Regulation.

1 "Designated certified person" means an individual who has
2 met the qualifications set forth under Section 25 of this Act.

3 "Fire alarm service professional" means a person who holds
4 himself or herself to be in the business of or contracts with a
5 person or firm to install, inspect, maintain, or repair a fire
6 alarm system.

7 "Fire alarm system" means a system or portion of a
8 combination system that consists of components and circuits
9 arranged to monitor and annunciate the status of fire alarm or
10 supervisory signal-initiating devices and to initiate the
11 appropriate response to those signals. "Fire alarm system"
12 includes, but is not limited to, a fire alarm system and
13 emergency communications system in a residential, commercial,
14 institutional, educational, public, or private occupancy.

15 "Fire alarm system layout documents" means layout
16 drawings, catalog information on standard products, and other
17 construction data that provide details on the location of fire
18 alarm panels, initiating devices, notifications appliances,
19 wiring methods, and power requirements in accordance with the
20 National Fire Protection Association (NFPA) 72, National Fire
21 Alarm and Signaling Code, as adopted by the applicable
22 jurisdiction. "Fire alarm system layout documents" serve as a
23 guide for installation of a fire alarm system and shall be
24 based upon applicable standards pursuant to Section 35 of this
25 Act.

26 "Installer" means an individual or firm that provides the

1 labor and materials to install fire alarm and emergency
2 communication signaling systems.

3 "Licensed professional engineer" means a person who is
4 licensed in accordance with the Professional Engineering
5 Practice Act of 1989.

6 "Licensee" means a person or business organization
7 licensed in accordance with this Act.

8 "NICET" means the National Institute for Certification in
9 Engineering Technologies.

10 "Person" means an individual, group of individuals,
11 association, trust, partnership, corporation, person doing
12 business under an assumed name, the State of Illinois or a
13 department thereof, other State-owned and operated
14 institution, or other entity.

15 "Supervision" means the direction and management by a
16 designated certified person of the activities of non-certified
17 personnel in the installation, inspection, or repair of fire
18 alarm systems.

19 "Technician" means an individual who performs any of the
20 following key tasks:

21 (1) verifies that the initial fire alarm installation
22 is installed and operating correctly per applicable
23 requirements;

24 (2) provides repair service work to existing systems;
25 or

26 (3) provides inspection, testing, and maintenance of

1 existing systems.

2 Section 15. License; enforcement; failure to pay tax. No
3 person shall act as a fire alarm contractor, installer, or
4 technician or advertise or assume to act as such, or use any
5 title implying that such person is engaged in such practice or
6 occupation unless licensed by the Department.

7 No firm, association, or corporation shall act as an agency
8 licensed under this Act or advertise or assume to act as such
9 or use any title implying that the firm, association, or
10 corporation is engaged in such practice unless licensed by the
11 Department.

12 The Department, in the name of the People and through the
13 Attorney General, the State's Attorney of any county, any
14 resident of the State, or any legal entity within the State,
15 may apply for injunctive relief in any court to enjoin any
16 person who has not been issued a license or whose license has
17 been suspended, revoked, or not renewed from practicing a
18 licensed activity. Upon the filing of a verified petition, the
19 court, if satisfied by affidavit or otherwise, that such person
20 is or has been practicing in violation of this Act, may enter a
21 temporary restraining order or preliminary injunction, without
22 bond, enjoining the defendant from such further activity. A
23 copy of the verified complaint shall be served upon the
24 defendant and the proceedings shall thereafter be conducted as
25 in other civil cases. If it is established that the defendant

1 has been or is practicing in violation of this Act, the court
2 may enter a judgment perpetually enjoining the defendant from
3 such further activity. In case of violation of any injunctive
4 order or judgment entered under the provisions of this Section,
5 the court may summarily try and punish the offender for
6 contempt of court. Such injunctive proceeding shall be in
7 addition to all penalties and other remedies in this Act.

8 The Department may refuse to issue a license to or may
9 suspend the license of any person who fails to file a return,
10 to pay the tax, penalty, or interest shown in a filed return,
11 or to pay any final assessment of tax, penalty, or interest as
12 required by any tax Act administered by the Department of
13 Revenue, until such time as the requirements of the tax Act are
14 satisfied.

15 Section 20. Licensing requirements.

16 (a) Beginning 6 months after the effective date of this
17 Act, it shall be unlawful for any person or business to engage
18 in, advertise, or hold itself out to be in the business of
19 installing, inspecting, or repairing fire alarm systems in this
20 State unless such person or business is licensed by the
21 Department.

22 (b) A licensed electrical contractor does not need to hold
23 a fire alarm license if he or she holds a valid NICET Level II
24 certification in Fire Protection Engineer Technology Fire
25 Alarm System, or equivalent certification approved by the

1 Department.

2 (c) In order to obtain a license, a person or business must
3 submit an application to the Department on a form provided by
4 the Department containing the information prescribed along
5 with the application fee.

6 (d) A business applying for a license must have a
7 designated certified person employed at the business location
8 and the designated certified person shall be identified on the
9 license application.

10 (e) A person or business applying for a license must show
11 proof of having liability and property damage insurance in such
12 amounts and under such circumstances as may be determined by
13 the Department. The amount of liability and property damage
14 insurance, however, shall not be less than the amount specified
15 in Section 45 of this Act.

16 (f) A person or business applying for a license must show
17 proof of having workers' compensation insurance covering its
18 employees or be approved as a self-insurer of workers'
19 compensation in accordance with the laws of this State.

20 (g) A person or business so licensed shall have a separate
21 license for each business location within the State or outside
22 the State when the business location is responsible for any
23 installation, inspection, or repair of fire alarm systems
24 performed within the State.

25 (h) When an individual proposes to do business in his or
26 her own name, a license, when granted, shall be issued only to

1 that individual.

2 (i) If the applicant requesting licensure to engage in
3 contracting is a business organization, such as a partnership,
4 corporation, business trust, or other legal entity, the
5 application shall state the name of the partnership and its
6 partners, the name of the corporation and its officers and
7 directors, the name of the business trust and its trustees, or
8 the name of such other legal entity and its members and shall
9 furnish evidence of statutory compliance if a fictitious name
10 is used. Such application shall also show that the business
11 entity employs a designated certified person as required under
12 Section 25. The license, when issued upon application of a
13 business organization, shall be in the name of the business
14 organization and the name of the qualifying designated
15 certified person shall be noted thereon.

16 (j) No license is required for a person or business that is
17 engaged in the installation of self-contained smoke alarms and
18 fire alarm systems in single-family residential dwellings.

19 (k) All fire alarm system layout documents, as defined in
20 Section 10 of this Act, shall be prepared by: (1) a licensed
21 professional engineer or (2) a holder of a valid NICET level
22 III or higher certification in Fire Protection Engineer
23 Technology Fire Alarm System Layout, or an equivalent
24 certification approved by the Department. Nothing in this Act
25 shall prohibit a licensed professional engineer from
26 performing verification of installation to ensure proper

1 installation and operation of the system in accordance with the
2 applicable requirements or testing the operation of the system
3 to verify the operation and installation of the fire alarm
4 system.

5 Section 25. Designated certified person requirements.

6 (a) A designated certified person must either be a current
7 professional engineer licensed under the Professional
8 Engineering Practice Act of 1989 or hold a valid NICET Level
9 III or higher certification in the subfield of fire protection
10 engineer technology or fire alarm systems, or an equivalent
11 certification approved by the Department.

12 (b) At least one member of every firm, association, or
13 partnership or every corporation engaged in the installation of
14 fire alarm systems must be a designated NICET Level II or
15 higher person.

16 (c) A designated certified person must be employed by the
17 licensee at a business location with a valid license.

18 (d) A designated certified person must perform his or her
19 normal duties at a business location with a valid license.

20 (e) A designated certified person may only be the
21 designated certified person for one business location and one
22 business entity.

23 (f) A designated certified person must be directly involved
24 in supervision. The designated certified person does not,
25 however, have to be at the site of the installation or repair

1 of the fire alarm system at all times.

2 Section 30. Change of a designated certified person. When a
3 licensee is without a designated certified person, the licensee
4 shall notify the Department in writing within 30 days and shall
5 employ a designated certified person no later than 180 days
6 from the time the position of designated certified person
7 becomes vacant. Failing to fill the vacant position shall cause
8 the license of the person or of the business organization to
9 expire without further operation of law.

10 Section 35. Requirements for the installation, repair,
11 inspection, and initial acceptance testing of fire alarm
12 systems.

13 (a) Equipment shall be listed by a nationally recognized
14 testing laboratory, such as Underwriters Laboratories, Inc. or
15 Factory Mutual Laboratories, Inc., or shall comply with
16 nationally accepted standards. The Department shall adopt by
17 rule procedures for determining whether a laboratory is
18 nationally recognized, taking into account the laboratory's
19 facilities, procedures, use of nationally recognized
20 standards, and any other criteria reasonably calculated to
21 reach an informed determination.

22 (b) Equipment shall be installed in accordance with the
23 applicable standards of the National Fire Protection
24 Association and the manufacturer's specifications.

1 (c) The contractor shall furnish the user with operating
2 instructions for all equipment installed, together with a
3 diagram of the final installation.

4 (d) This licensing Act is not intended to require any
5 additional fire inspections at the State level.

6 (e) Inspections, initial acceptance testing, annual
7 testing, or repairing of existing fire alarm systems and
8 equipment must be performed by a licensee or an individual
9 employed or contracted by a licensee. Any individual who
10 performs inspection and testing duties under this subsection
11 (e) must possess proof of certification by a nationally
12 recognized certification organization at an appropriate level,
13 such as NICET Level II in Fire Protection Engineer Technology,
14 Fire Alarm Systems.

15 State employees who perform inspections and testing on
16 behalf of State institutions and who meet all other
17 requirements of this subsection (e) need not be licensed under
18 this Act or employed by a licensee under this Act in order to
19 perform inspection and testing duties under this subsection
20 (e).

21 The requirements of this subsection (e) do not apply to
22 individuals performing inspections or testing of fire alarm
23 systems on behalf of a municipality, a county, a fire
24 protection district, insurance interests, or the Office of the
25 State Fire Marshal.

26 The requirements of this subsection (e) do not apply to

1 cursory periodic tests and inspections of fire alarm system
2 components conducted by property owners or management in
3 accordance with the standards of the National Fire Protection
4 Association (NFPA) if such inspections do not constitute the
5 tests and inspections required to meet the minimum requirements
6 of NFPA standards.

7 A copy of the inspection report for an inspection performed
8 pursuant to this subsection (e) must be forwarded by the entity
9 performing the inspection within 30 days to the local fire
10 department or fire protection district in which the fire alarm
11 system is located. The inspection report must include the NICET
12 Level II Fire Protection Engineer Technology, Fire Alarm
13 Systems certification number, or journeymen number of the
14 person performing the inspection.

15 Section 40. Application for building permit; identity
16 theft. A person who knowingly, in the course of applying for a
17 building permit with a unit of local government, provides the
18 license number of a fire alarm contractor whom he or she does
19 not intend to have perform the work on the fire alarm portion
20 of the project, commits identity theft under paragraph (8) of
21 subsection (a) of Section 16-30 of the Criminal Code of 2012.

22 Section 45. Fees, renewals, continuing education, and
23 required insurance.

24 (a) The fees for an original license and each renewal and

1 for duplicate copies of licenses shall be determined by the
2 Department by rule.

3 (b) Each license must be renewed every 3 years. Each
4 licensee must complete 45 hours of continuing education in the
5 3-year period following his or her renewal or initial
6 licensure. Current licensure as a professional engineer or
7 proof of current NICET certification in Level III for Fire
8 Alarm Systems or higher shall satisfy this requirement for
9 designated certified persons. Continuing education offered
10 through nationally recognized building and fire code
11 organizations and their affiliates, nationally recognized fire
12 alarm organizations and their affiliates, institutions of
13 higher education, educational bodies specializing in fire
14 alarm system technology, and other entities approved by the
15 Department shall also be acceptable. All continuing education
16 entities seeking approval shall apply to the Department and
17 offer programs that:

18 (1) contribute to the advancement, extension, or
19 enhancement of the professional skills or technical
20 knowledge of the licensee in the practice of fire alarm
21 service; and

22 (2) are developed and presented by persons with
23 education or experience in the subject matter of the
24 program.

25 (c) Any person who fails to file a renewal application by
26 the date of expiration of a license shall be assessed a late

1 filing charge, which shall be determined by the Department by
2 rule.

3 (d) All fees shall be paid by check or money order. Any fee
4 required by this Act is not refundable in the event that the
5 original application or application for renewal is denied.

6 (e) Every application for an original license shall be
7 accompanied by a certificate of insurance issued by an
8 insurance company authorized to do business in the State or by
9 a risk retention or purchasing group formed pursuant to the
10 federal Liability Risk Retention Act of 1986, which provides
11 primary, first dollar public liability coverage of the
12 applicant or licensee for personal injuries for not less than
13 \$500,000 per person or \$1,000,000 per occurrence and, in
14 addition, for not less than \$1,000,000 per occurrence for
15 property damage. The insurance policy shall be in effect at all
16 times during the license year and a new certificate of
17 insurance shall be filed with the Department within 30 days
18 after the renewal of the insurance policy.

19 Section 50. Deposit of fines and fees; appropriation. All
20 administrative civil fines and fees collected pursuant to the
21 Act shall be deposited into the Fire Prevention Fund, a special
22 fund in the State treasury. The General Assembly shall
23 appropriate the amount annually collected as administrative
24 civil fines and fees to the Department for the purposes of
25 administering this Act.

1 Section 55. Home rule. A home rule unit may not regulate
2 the installation, inspection, and repair of fire alarm systems
3 in a manner less restrictive than the regulation by the State
4 on the installation, inspection, and repair of fire alarm
5 systems under this Act. This Section is a limitation under
6 subsection (i) of Section 6 of Article VII of the Illinois
7 Constitution on the concurrent exercise by home rule units of
8 powers and functions exercised by the State.

9 Section 60. Powers and duties of the Department. The
10 Department has the following powers and duties:

- 11 (1) to prescribe and furnish application forms,
12 licenses, and any other forms necessary under this Act;
13 (2) to suspend, revoke, or refuse to issue or renew
14 licenses for cause;
15 (3) to conduct hearings concerning the suspension,
16 revocation, or refusal to issue or renew licenses;
17 (4) to levy and collect fines pursuant to this Act; and
18 (5) to adopt rules necessary for the administration of
19 this Act.

20 Section 65. Rules; public hearing. Subject to the
21 requirement for public hearings as provided in this Section,
22 the Department shall publish and adopt and may, from time to
23 time, amend such rules as may be necessary for the enforcement

1 of this Act and to protect the health and safety of the public.
2 The Department shall hold a public hearing prior to the
3 adoption or amendment of rules required under this Act. The
4 Department may, when necessary, utilize the services of any
5 other State agency to assist in carrying out the purposes of
6 this Act.

7 Section 70. Grounds for disciplinary action. The following
8 constitute grounds for disciplinary action by the Department:

9 (1) violation of any provision of this Act or of any
10 rule adopted under this Act;

11 (2) violation of the applicable building codes or laws
12 of this State or any municipality or county thereof;

13 (3) diversion of funds or property received for
14 prosecution or completion of a specified construction
15 project or operation when, as a result of the diversion,
16 the contractor is or will be unable to fulfill the terms of
17 his or her obligation or contract;

18 (4) disciplinary action by any municipality or county,
19 which action shall be reviewed by the Department before
20 taking any disciplinary action;

21 (5) failure to supervise the installation of the fire
22 alarm system covered by the installation permit signed by
23 the contractor;

24 (6) rendering a fire alarm system inoperative, except
25 when the fire alarm system is being inspected, serviced,

1 tested, or repaired pursuant to court order;

2 (7) improperly servicing, repairing, testing, or
3 inspecting a fire alarm system;

4 (8) failing to provide proof of insurance to the
5 Department, or failing to maintain in force the insurance
6 coverage required by this Act;

7 (9) failing to obtain, retain, or maintain one or more
8 of the qualifications for a designated certified person as
9 specified in this Act;

10 (10) failing to confirm that all employees performing
11 fire alarm work or services hold the current certifications
12 required for their scope of work;

13 (11) making a material misstatement or
14 misrepresentation or committing a fraud in obtaining or
15 attempting to obtain a license;

16 (12) failing to notify the Department, in writing,
17 within 30 days after a change of residence address,
18 principal business address, or name;

19 (13) failing to supply within a reasonable time, upon
20 request from the Department or its authorized
21 representative, accurate information regarding material
22 used, work performed, or other information essential to the
23 administration of this Act; or

24 (14) aiding or abetting a person to violate a provision
25 of this Act, conspiring with any person to violate a
26 provision of this Act, or allowing a license to be used by

1 another person.

2 Section 75. Notice; suspension; revocation; refusal to
3 renew a license.

4 (a) Whenever the Department determines that there are
5 reasonable grounds to believe that a licensee has violated a
6 provision of this Act or the rules adopted under this Act, the
7 Department shall give notice of the alleged violation to the
8 person to whom the license was issued. The notice shall: (1) be
9 in writing; (2) include a statement of the alleged violation
10 that necessitates issuance of the notice; (3) contain an
11 outline of remedial action that, if taken, will effect
12 compliance with the provisions of this Act and the rules
13 adopted under this Act; (4) prescribe a reasonable time, as
14 determined by the Department, for the performance of any action
15 required by the notice; and (5) be served upon the licensee.
16 The notice shall be deemed to have been properly served upon
17 the person when a copy of the notice has been sent by
18 registered or certified mail to his or her last known address,
19 as furnished to the Department, or when he or she has been
20 served the notice by any other method authorized by law.

21 (b) If the person to whom the notice is served does not
22 comply with the terms of the notice within the time limitations
23 specified in the notice, the Department may proceed with an
24 action to suspend, revoke, or refuse to issue a license as
25 provided in this Section.

1 (c) Other requirements of this Act notwithstanding, when
2 the Department determines that reasonable grounds exist to
3 indicate that a violation of this Act has been committed and
4 the violation is the third separate violation by that person in
5 an 18-month period, the notice requirement of subsection (a) of
6 this Section shall be waived and the Department may proceed
7 immediately with action to suspend, revoke, or refuse to issue
8 a license.

9 (d) In any proceeding to suspend, revoke, or refuse to
10 issue a license, the Department shall first serve or cause to
11 be served upon the licensee a written notice of the
12 Department's intent to take action. The notice shall specify
13 the way in which the person has failed to comply with this Act
14 or any other rules or standards of the Department.

15 (e) In the case of revocation or suspension, the notice
16 shall require the person to remove or abate the violation or
17 objectionable condition specified in the notice within 5 days.
18 The Department may specify a longer period of time as it deems
19 necessary. If the person fails to comply with the terms and
20 conditions of the revocation or suspension notice within the
21 time specified by the Department, the Department may revoke or
22 suspend the license.

23 (f) In the case of refusal to issue a license, if the
24 person fails to comply with this Act or rules adopted under
25 this Act, the Department may refuse to issue a license.

1 Section 80. Administrative hearing. The Department shall
2 give written notice by certified or registered mail to an
3 applicant or licensee of the Department's intent to suspend,
4 revoke, or refuse to issue a license or to assess a fine. Such
5 person has a right to a hearing before the Department. A
6 written notice of a request for a hearing shall be served on
7 the Department within 18 days of notice of the refusal,
8 suspension, or revocation of a license or imposition of a fine.
9 The hearing shall be conducted by the Department or a hearing
10 officer designated in writing by the Department. A stenographic
11 record shall be made of the hearing and cost of the hearing
12 shall be borne by the Department. A transcript of the hearing
13 shall be made only upon request of the applicant or licensee
14 and shall be transcribed at the cost of that person.

15 Section 85. Subpoena powers; administration of oath. The
16 Department or hearing officer may compel by subpoena or
17 subpoena duces tecum the attendance and testimony of witnesses
18 and the production of books and papers. All subpoenas issued by
19 the Department or hearing officer may be served as provided for
20 in a civil action. The fees of witnesses for attendance and
21 travel shall be the same as the fees for witnesses before the
22 circuit court and shall be paid by the party at whose request
23 the subpoena is issued. If such subpoena is issued at the
24 request of the Department, the witness fee shall be paid as an
25 administrative expense.

1 In the case of refusal of a witness to attend or testify,
2 or to produce books or papers concerning any matter upon which
3 he or she might be lawfully examined, the circuit court of the
4 county where the hearing is being held, upon application of any
5 party to the proceeding, may compel obedience by a proceeding
6 for contempt.

7 The Department or hearing officer has the authority to
8 administer oaths to witnesses.

9 Section 90. Deposition of witnesses; testimony at hearing
10 recorded. In the event of the inability of any party or the
11 Department to procure the attendance of witnesses to give
12 testimony or produce books and papers, the party or the
13 Department may take the deposition of witnesses in accordance
14 with the laws of this State. All testimony taken at a hearing
15 shall be reduced to writing and all such testimony and other
16 evidence introduced at the hearing shall be a part of the
17 record of the hearing.

18 Section 95. Certification of record. The Department is not
19 required to certify any record or file any answer or otherwise
20 appear in any proceeding for judicial review unless the party
21 filing the complaint deposits with the clerk of the court the
22 sum of \$1 per page representing the costs of the certification.
23 Failure on the part of the plaintiff to make the deposit shall
24 be grounds for dismissal of the action.

1 Section 100. Injunction. Faulty fire alarm installation
2 and repair is declared a violation of this Act and inimical to
3 the public health, welfare, and safety and a deceptive business
4 practice. The Department, in the name of the People of the
5 State, through the Attorney General or the State's Attorney of
6 the county in which the violation occurs may, in addition to
7 other remedies provided in this Act, bring an action for an
8 injunction to restrain such violation or enjoin the future
9 performance of the person who committed the violation until
10 compliance with the provisions of this Act has been obtained.

11 Section 105. Penalty. Any person who violates this Act or
12 any rule adopted by the Department or who violates any
13 determination or order of the Department under this Act shall
14 be guilty of a Class A misdemeanor and shall be fined a sum not
15 less than \$100. Each day's violation constitutes a separate
16 offense. The State's Attorney of the county in which the
17 violation occurred or the Attorney General shall bring such
18 actions in the name of the People of the State of Illinois.

19 Section 110. Administrative civil fines. The Department is
20 empowered to assess administrative civil fines against a
21 licensee for violations of this Act or its rules. These fines
22 shall not be greater than \$1,000 for each offense. These fines
23 shall be in addition to or in lieu of license suspensions and

1 revocations. Rules to implement this Section shall be adopted
2 by the Department within 6 months after the effective date of
3 this Act.

4 The hearing officer shall, upon determination that a
5 violation of the Act or rules has occurred, determine the
6 amount of these fines. Any fine assessed and not paid within 60
7 days after receiving notice of the fine from the Department may
8 be submitted to the Attorney General's office for collection.
9 Failure to pay a fine shall also be grounds for immediate
10 suspension or revocation of a license issued under this Act.

11 Section 115. Judicial review of final administrative
12 decision. The Administrative Review Law and the rules adopted
13 under the Administrative Review Law apply to and govern all
14 proceedings for judicial review of final administrative
15 decisions of the Department under this Act. Such judicial
16 review shall be in the circuit court of the county in which the
17 cause of the action arose. As used in this Section, the term
18 "administrative decision" has the meaning set forth in Section
19 3-101 of the Code of Civil Procedure.

20 Section 120. Illinois Administrative Procedure Act. The
21 provisions of the Illinois Administrative Procedure Act are
22 hereby expressly adopted and shall apply to all administrative
23 rules and procedures of the Department under this Act, except
24 that, in the case of conflict between the Illinois

1 Administrative Procedure Act and this Act, the provisions of
2 this Act shall control, and except that Section 5-35 of the
3 Illinois Administrative Procedure Act relating to procedures
4 for rulemaking does not apply to the adoption of any rule
5 required by federal law in connection with which the Department
6 is precluded by law from exercising any discretion.

7 Section 125. Severability clause. If any part of this Act
8 is judged invalid, such adjudication shall not affect the
9 validity of the Act as a whole or of any other part.

10 Section 130. Grandfather clause. Any person or business
11 that, on the effective date of this Act, is installing,
12 acceptance testing, testing, inspecting, or repairing fire
13 alarm systems in the State of Illinois and has a minimum of 3
14 years of experience in initial acceptance testing, testing,
15 inspecting, or repairing fire alarm systems has 2 years after
16 the effective date of this Act before they must have a
17 designated certified person as required in Section 25.

18 Section 900. The Criminal Code of 2012 is amended by
19 changing Section 16-30 as follows:

20 (720 ILCS 5/16-30)

21 Sec. 16-30. Identity theft; aggravated identity theft.

22 (a) A person commits identity theft when he or she

1 knowingly:

2 (1) uses any personal identifying information or
3 personal identification document of another person to
4 fraudulently obtain credit, money, goods, services, or
5 other property;

6 (2) uses any personal identification information or
7 personal identification document of another with intent to
8 commit any felony not set forth in paragraph (1) of this
9 subsection (a);

10 (3) obtains, records, possesses, sells, transfers,
11 purchases, or manufactures any personal identification
12 information or personal identification document of another
13 with intent to commit any felony;

14 (4) uses, obtains, records, possesses, sells,
15 transfers, purchases, or manufactures any personal
16 identification information or personal identification
17 document of another knowing that such personal
18 identification information or personal identification
19 documents were stolen or produced without lawful
20 authority;

21 (5) uses, transfers, or possesses document-making
22 implements to produce false identification or false
23 documents with knowledge that they will be used by the
24 person or another to commit any felony;

25 (6) uses any personal identification information or
26 personal identification document of another to portray

1 himself or herself as that person, or otherwise, for the
2 purpose of gaining access to any personal identification
3 information or personal identification document of that
4 person, without the prior express permission of that
5 person;

6 (7) uses any personal identification information or
7 personal identification document of another for the
8 purpose of gaining access to any record of the actions
9 taken, communications made or received, or other
10 activities or transactions of that person, without the
11 prior express permission of that person;

12 (7.5) uses, possesses, or transfers a radio frequency
13 identification device capable of obtaining or processing
14 personal identifying information from a radio frequency
15 identification (RFID) tag or transponder with knowledge
16 that the device will be used by the person or another to
17 commit a felony violation of State law or any violation of
18 this Article; or

19 (8) in the course of applying for a building permit
20 with a unit of local government, provides the license
21 number of a roofing, ~~or~~ fire sprinkler, or fire alarm
22 contractor whom he or she does not intend to have perform
23 the work on the roofing, ~~or~~ fire sprinkler, or fire alarm
24 portion of the project; it is an affirmative defense to
25 prosecution under this paragraph (8) that the building
26 permit applicant promptly informed the unit of local

1 government that issued the building permit of any change in
2 the roofing, ~~or~~ fire sprinkler, or fire alarm contractor.

3 (b) Aggravated identity theft. A person commits aggravated
4 identity theft when he or she commits identity theft as set
5 forth in subsection (a) of this Section:

6 (1) against a person 60 years of age or older or a
7 person with a disability; or

8 (2) in furtherance of the activities of an organized
9 gang.

10 A defense to aggravated identity theft does not exist
11 merely because the accused reasonably believed the victim to be
12 a person less than 60 years of age. For the purposes of this
13 subsection, "organized gang" has the meaning ascribed in
14 Section 10 of the Illinois Streetgang Terrorism Omnibus
15 Prevention Act.

16 (c) Knowledge shall be determined by an evaluation of all
17 circumstances surrounding the use of the other person's
18 identifying information or document.

19 (d) When a charge of identity theft or aggravated identity
20 theft of credit, money, goods, services, or other property
21 exceeding a specified value is brought, the value of the
22 credit, money, goods, services, or other property is an element
23 of the offense to be resolved by the trier of fact as either
24 exceeding or not exceeding the specified value.

25 (e) Sentence.

26 (1) Identity theft.

1 (A) A person convicted of identity theft in
2 violation of paragraph (1) of subsection (a) shall be
3 sentenced as follows:

4 (i) Identity theft of credit, money, goods,
5 services, or other property not exceeding \$300 in
6 value is a Class 4 felony. A person who has been
7 previously convicted of identity theft of less
8 than \$300 who is convicted of a second or
9 subsequent offense of identity theft of less than
10 \$300 is guilty of a Class 3 felony. A person who
11 has been convicted of identity theft of less than
12 \$300 who has been previously convicted of any type
13 of theft, robbery, armed robbery, burglary,
14 residential burglary, possession of burglary
15 tools, home invasion, home repair fraud,
16 aggravated home repair fraud, or financial
17 exploitation of an elderly person or person with a
18 disability is guilty of a Class 3 felony. Identity
19 theft of credit, money, goods, services, or other
20 property not exceeding \$300 in value when the
21 victim of the identity theft is an active duty
22 member of the Armed Services or Reserve Forces of
23 the United States or of the Illinois National Guard
24 serving in a foreign country is a Class 3 felony. A
25 person who has been previously convicted of
26 identity theft of less than \$300 who is convicted

1 of a second or subsequent offense of identity theft
2 of less than \$300 when the victim of the identity
3 theft is an active duty member of the Armed
4 Services or Reserve Forces of the United States or
5 of the Illinois National Guard serving in a foreign
6 country is guilty of a Class 2 felony. A person who
7 has been convicted of identity theft of less than
8 \$300 when the victim of the identity theft is an
9 active duty member of the Armed Services or Reserve
10 Forces of the United States or of the Illinois
11 National Guard serving in a foreign country who has
12 been previously convicted of any type of theft,
13 robbery, armed robbery, burglary, residential
14 burglary, possession of burglary tools, home
15 invasion, home repair fraud, aggravated home
16 repair fraud, or financial exploitation of an
17 elderly person or person with a disability is
18 guilty of a Class 2 felony.

19 (ii) Identity theft of credit, money, goods,
20 services, or other property exceeding \$300 and not
21 exceeding \$2,000 in value is a Class 3 felony.
22 Identity theft of credit, money, goods, services,
23 or other property exceeding \$300 and not exceeding
24 \$2,000 in value when the victim of the identity
25 theft is an active duty member of the Armed
26 Services or Reserve Forces of the United States or

1 of the Illinois National Guard serving in a foreign
2 country is a Class 2 felony.

3 (iii) Identity theft of credit, money, goods,
4 services, or other property exceeding \$2,000 and
5 not exceeding \$10,000 in value is a Class 2 felony.
6 Identity theft of credit, money, goods, services,
7 or other property exceeding \$2,000 and not
8 exceeding \$10,000 in value when the victim of the
9 identity theft is an active duty member of the
10 Armed Services or Reserve Forces of the United
11 States or of the Illinois National Guard serving in
12 a foreign country is a Class 1 felony.

13 (iv) Identity theft of credit, money, goods,
14 services, or other property exceeding \$10,000 and
15 not exceeding \$100,000 in value is a Class 1
16 felony. Identity theft of credit, money, goods,
17 services, or other property exceeding \$10,000 and
18 not exceeding \$100,000 in value when the victim of
19 the identity theft is an active duty member of the
20 Armed Services or Reserve Forces of the United
21 States or of the Illinois National Guard serving in
22 a foreign country is a Class X felony.

23 (v) Identity theft of credit, money, goods,
24 services, or other property exceeding \$100,000 in
25 value is a Class X felony.

26 (B) A person convicted of any offense enumerated in

1 paragraphs (2) through (7.5) of subsection (a) is
2 guilty of a Class 3 felony. A person convicted of any
3 offense enumerated in paragraphs (2) through (7.5) of
4 subsection (a) when the victim of the identity theft is
5 an active duty member of the Armed Services or Reserve
6 Forces of the United States or of the Illinois National
7 Guard serving in a foreign country is guilty of a Class
8 2 felony.

9 (C) A person convicted of any offense enumerated in
10 paragraphs (2) through (5) and (7.5) of subsection (a)
11 a second or subsequent time is guilty of a Class 2
12 felony. A person convicted of any offense enumerated in
13 paragraphs (2) through (5) and (7.5) of subsection (a)
14 a second or subsequent time when the victim of the
15 identity theft is an active duty member of the Armed
16 Services or Reserve Forces of the United States or of
17 the Illinois National Guard serving in a foreign
18 country is guilty of a Class 1 felony.

19 (D) A person who, within a 12-month period, is
20 found in violation of any offense enumerated in
21 paragraphs (2) through (7.5) of subsection (a) with
22 respect to the identifiers of, or other information
23 relating to, 3 or more separate individuals, at the
24 same time or consecutively, is guilty of a Class 2
25 felony. A person who, within a 12-month period, is
26 found in violation of any offense enumerated in

1 paragraphs (2) through (7.5) of subsection (a) with
2 respect to the identifiers of, or other information
3 relating to, 3 or more separate individuals, at the
4 same time or consecutively, when the victim of the
5 identity theft is an active duty member of the Armed
6 Services or Reserve Forces of the United States or of
7 the Illinois National Guard serving in a foreign
8 country is guilty of a Class 1 felony.

9 (E) A person convicted of identity theft in
10 violation of paragraph (2) of subsection (a) who uses
11 any personal identification information or personal
12 identification document of another to purchase
13 methamphetamine manufacturing material as defined in
14 Section 10 of the Methamphetamine Control and
15 Community Protection Act with the intent to unlawfully
16 manufacture methamphetamine is guilty of a Class 2
17 felony for a first offense and a Class 1 felony for a
18 second or subsequent offense. A person convicted of
19 identity theft in violation of paragraph (2) of
20 subsection (a) who uses any personal identification
21 information or personal identification document of
22 another to purchase methamphetamine manufacturing
23 material as defined in Section 10 of the
24 Methamphetamine Control and Community Protection Act
25 with the intent to unlawfully manufacture
26 methamphetamine when the victim of the identity theft

1 is an active duty member of the Armed Services or
2 Reserve Forces of the United States or of the Illinois
3 National Guard serving in a foreign country is guilty
4 of a Class 1 felony for a first offense and a Class X
5 felony for a second or subsequent offense.

6 (F) A person convicted of identity theft in
7 violation of paragraph (8) of subsection (a) of this
8 Section is guilty of a Class 4 felony.

9 (2) Aggravated identity theft.

10 (A) Aggravated identity theft of credit, money,
11 goods, services, or other property not exceeding \$300
12 in value is a Class 3 felony.

13 (B) Aggravated identity theft of credit, money,
14 goods, services, or other property exceeding \$300 and
15 not exceeding \$10,000 in value is a Class 2 felony.

16 (C) Aggravated identity theft of credit, money,
17 goods, services, or other property exceeding \$10,000
18 in value and not exceeding \$100,000 in value is a Class
19 1 felony.

20 (D) Aggravated identity theft of credit, money,
21 goods, services, or other property exceeding \$100,000
22 in value is a Class X felony.

23 (E) Aggravated identity theft for a violation of
24 any offense enumerated in paragraphs (2) through (7.5)
25 of subsection (a) of this Section is a Class 2 felony.

26 (F) Aggravated identity theft when a person who,

1 within a 12-month period, is found in violation of any
2 offense enumerated in paragraphs (2) through (7.5) of
3 subsection (a) of this Section with identifiers of, or
4 other information relating to, 3 or more separate
5 individuals, at the same time or consecutively, is a
6 Class 1 felony.

7 (G) A person who has been previously convicted of
8 aggravated identity theft regardless of the value of
9 the property involved who is convicted of a second or
10 subsequent offense of aggravated identity theft
11 regardless of the value of the property involved is
12 guilty of a Class X felony.

13 (Source: P.A. 99-143, eff. 7-27-15.)

14 Section 905. The Consumer Fraud and Deceptive Business
15 Practices Act is amended by changing Section 2Z as follows:

16 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

17 Sec. 2Z. Violations of other Acts. Any person who knowingly
18 violates the Automotive Repair Act, the Automotive Collision
19 Repair Act, the Home Repair and Remodeling Act, the Dance
20 Studio Act, the Physical Fitness Services Act, the Hearing
21 Instrument Consumer Protection Act, the Illinois Union Label
22 Act, the Job Referral and Job Listing Services Consumer
23 Protection Act, the Travel Promotion Consumer Protection Act,
24 the Credit Services Organizations Act, the Automatic Telephone

1 Dialers Act, the Pay-Per-Call Services Consumer Protection
2 Act, the Telephone Solicitations Act, the Illinois Funeral or
3 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
4 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
5 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
6 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
7 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
8 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
9 Internet Caller Identification Act, paragraph (6) of
10 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
11 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
12 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
13 Residential Real Property Disclosure Act, the Automatic
14 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of
15 the Youth Mental Health Protection Act, ~~or~~ the Personal
16 Information Protection Act, or Section 100 of the Fire Alarm
17 Service Professional Licensing Act commits an unlawful
18 practice within the meaning of this Act.

19 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
20 eff. 7-28-16.)