



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2596

Introduced 2/7/2018, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

225 ILCS 317/5
225 ILCS 317/10
225 ILCS 317/12
225 ILCS 317/15
225 ILCS 317/20
225 ILCS 317/30
225 ILCS 317/35
225 ILCS 317/120

Amends the Fire Sprinkler Contractor Licensing Act. Provides licensure requirements and licensure scope for fire pump testing contractors. Provides that certificates for factory certified pump testing personnel shall be kept on file by all fire pump testing licensees. Provides requirements for a designated certified person. Provides requirements for inspecting and testing fire sprinkler systems or fire pumps. Provides that an inspection report for fire pump testing must include a NICET Level III (rather than Level II) Inspection and Testing of Water Based Systems certification number, a journeymen number of the person performing the inspection, or the name of the person who has received factory certified training for fire pump and jockey pump equipment. Provides renewal and continuing education requirements for fire pump testing contractor licenses. Provides that a person or business that currently has a responsible managing employee is exempt from having a designated certified person for a period not to exceed 5 years from the most recent license renewal. Makes other changes.

LRB100 16689 XWW 31827 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Fire Sprinkler Contractor Licensing Act is
5 amended by changing Sections 5, 10, 12, 15, 20, 30, 35, and 120
6 as follows:

7 (225 ILCS 317/5)

8 Sec. 5. Legislative intent. It is declared that within the
9 State of Illinois there are, and may continue to be, locations
10 where the improper installation or repair of fire sprinkler
11 systems creates conditions that may adversely affect the public
12 health and general welfare. Therefore, the purpose of this Act
13 is to protect, promote, and preserve the public health and
14 general welfare by providing for the establishment of minimum
15 standards for licensure of fire sprinkler ~~installation~~
16 contractors and fire pump testing contractors.

17 (Source: P.A. 92-871, eff. 1-3-03.)

18 (225 ILCS 317/10)

19 Sec. 10. Definitions. As used in this Act, unless the
20 context otherwise requires:

21 "Designated certified person" means an individual who has
22 met the qualifications set forth under Section 20 of this Act.

1 "Fire protection system layout documents" means layout
2 drawings, catalog information on standard products, and other
3 construction data that provide detail on the location of
4 risers, cross mains, branch lines, sprinklers, piping per
5 applicable standard, and hanger locations. "Fire protection
6 system layout documents" serve as a guide for fabrication and
7 installation of a fire sprinkler system and shall be based upon
8 applicable standards pursuant to Section 30 of this Act.

9 "Fire pump testing contractor" means a person who holds
10 himself or herself out to be in the business of testing,
11 repair, or service of fire pumps, jockey pumps, and their
12 associated specialty equipment unique to the fire pump and
13 jockey pump assembly, drivers, and their controllers only.

14 "Fire sprinkler contractor" means a person who holds
15 himself or herself out to be in the business of or contracts
16 with a person to inspect, test, maintain, evaluate, install, or
17 repair all aspects of all a fire sprinkler systems, including
18 fire pumps system.

19 "Fire sprinkler system" means any water-based automatic
20 fire extinguishing system employing fire sprinklers, including
21 accessory fire pumps and associated piping, fire standpipes, or
22 underground fire main systems starting at the connection to the
23 water service after the approved backflow device is installed
24 under the requirements of the Illinois Plumbing Code and ending
25 at the most remote fire sprinkler. "Fire sprinkler system"
26 includes but is not limited to a fire sprinkler system in a

1 residential, commercial, institutional, educational, public,
2 or private occupancy. "Fire sprinkler system" does not include
3 single sprinkler heads that are in a loop of the potable water
4 system, as referenced in 77 Ill. Adm. Code 890.1130 and
5 890.1200.

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
13 department thereof, any other state-owned and operated
14 institution, or any 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 preparation of fire protection system layout
18 documents and sizing of piping per applicable standards
19 ~~installation or repair of fire sprinkler systems.~~

20 "Factory certified" means trained and certified by a fire
21 pump, controller, or specialty component manufacturer.

22 (Source: P.A. 94-367, eff. 1-1-06.)

23 (225 ILCS 317/12)

24 Sec. 12. License; enforcement; failure to pay tax. No
25 person shall act as a fire sprinkler contractor or fire pump

1 testing contractor, or advertise or assume to act as such, or
2 use any title implying that such person is engaged in such
3 practice or occupation unless licensed by the State Fire
4 Marshal.

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

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

1 activity. In case of violation of any injunctive order or
2 judgment entered under the provisions of this Section, the
3 court may summarily try and punish the offender for contempt of
4 court. Such injunctive proceeding shall be in addition to all
5 penalties and other remedies in this Act.

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

13 (Source: P.A. 92-871, eff. 1-3-03.)

14 (225 ILCS 317/15)

15 Sec. 15. Licensing requirements.

16 (a) It shall be unlawful for any person or business to
17 engage in, advertise, or hold itself out to be in the business
18 of installing, ~~or~~ repairing fire sprinkler systems, or testing
19 fire pumps in this State upon ~~after 6 months after~~ the
20 effective date of this Act, unless such person or business is
21 licensed by the State Fire Marshal.

22 (b) In order to obtain a license, a person or business must
23 submit an application to the State Fire Marshal, on a form
24 provided by the State Fire Marshal containing the information
25 prescribed, along with the application fee.

1 (c) A business applying for a license must have a
2 designated certified person employed at the business location
3 and the designated certified person shall be identified on the
4 license application.

5 (d) A person or business applying for a license must show
6 proof of having liability and property damage insurance in such
7 amounts and under such circumstances as may be determined by
8 the State Fire Marshal. The amount of liability and property
9 damage insurance, however, shall not be less than the amount
10 specified in Section 35 of this Act.

11 (e) A person or business applying for a license must show
12 proof of having workers' compensation insurance covering its
13 employees or be approved as a self-insurer of workers'
14 compensation in accordance with the laws of this State.

15 (f) A person or business so licensed shall have a separate
16 license for each business location within the State or outside
17 the State when the business location is responsible for any
18 installation or repair of fire sprinkler systems or fire pump
19 testing performed within the State.

20 (g) When an individual proposes to do business in her or
21 his own name, a license, when granted, shall be issued only to
22 that individual.

23 (h) If the applicant requesting licensure to engage in
24 contracting is a business organization, such as a partnership,
25 corporation, business trust, or other legal entity, the
26 application shall state the name of the partnership and its

1 partners, the name of the corporation and its officers and
2 directors, the name of the business trust and its trustees, or
3 the name of such other legal entity and its members and shall
4 furnish evidence of statutory compliance if a fictitious name
5 is used. Such application shall also show that the business
6 entity employs a designated certified person as required under
7 Section 20. The license, when issued upon application of a
8 business organization, shall be in the name of the business
9 organization and the name of the qualifying designated
10 certified person shall be noted thereon.

11 (i) The fire pump testing contractor license is strictly
12 limited to the repair or service of fire pumps, jockey pumps,
13 and the associated specialty equipment unique to the fire pump
14 and jockey pump assemblies, both electric and mechanical, but
15 limited to the fire pump, jockey pump, its driver, and its
16 controller. The repair, replacement, or service of other
17 components that are routinely employed in the construction of
18 sprinkler systems, but may also be present in the fire pump and
19 jockey pump assemblies or the room in which the fire pump and
20 jockey pump assemblies are located, are not covered by the pump
21 testing license. No license is required for a person or
22 business that is engaged in the installation of fire sprinkler
23 systems only in single family or multiple family residential
24 dwelling up to and including 8 family units that do not exceed
25 2 1/2 stories in height from the lowest grade level.

26 (j) Certificates for factory certified pump testing

1 personnel shall be kept on file by all fire pump testing
2 contractor licensees.

3 (k) ~~(j)~~ All fire protection system layout documents of fire
4 sprinkler systems, as defined in Section 10 of this Act, shall
5 be prepared by (i) a professional engineer who is licensed
6 under the Professional Engineering Practice Act of 1989, (ii)
7 an architect who is licensed under the Illinois Architecture
8 Practice Act of 1989, or (iii) a holder of a valid NICET Level
9 III or IV ~~level 3 or 4~~ certification in fire protection
10 technology automatic sprinkler system layout who is either
11 licensed under this Act or exclusively employed by an
12 organization licensed under this Act.

13 (Source: P.A. 97-112, eff. 7-14-11.)

14 (225 ILCS 317/20)

15 Sec. 20. Designated certified person requirements.

16 (a) A designated certified person must either be a current
17 Illinois licensed professional engineer or hold a valid NICET
18 Level III ~~level 3~~ or higher certification in "fire protection
19 technology, automatic sprinkler system layout".

20 (b) At least one member of every firm, association, or
21 partnership and at least one corporate officer of every
22 corporation engaged in the installation and repair of fire
23 sprinkler systems must be a designated certified person.

24 (c) A designated certified person must be exclusively
25 employed by the licensee at a business location with a valid

1 license.

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

4 (e) A designated certified person may only be the
5 designated certified person for one business location and one
6 business entity.

7 (f) A designated certified person must be directly involved
8 in the supervision and preparation of all fire protection
9 system layout documents and sizing of piping per applicable
10 standards. The designated certified person does not, however,
11 have to be at the site of the installation or repair of the
12 fire sprinkler system at all times.

13 (g) A designated certified person can only be the
14 designated certified person for one fire sprinkler contractor.

15 (h) Fire pump testing contractors shall not be required to
16 have a designated certified person.

17 (Source: P.A. 92-871, eff. 1-3-03.)

18 (225 ILCS 317/30)

19 Sec. 30. Requirements for the installation, repair,
20 inspection, fire pump testing, and testing of fire protection
21 systems.

22 (a) Equipment shall be listed by a nationally recognized
23 testing laboratory, such as Underwriters Laboratories, Inc. or
24 Factory Mutual Laboratories, Inc., or shall comply with
25 nationally accepted standards. The State Fire Marshal shall

1 adopt by rule procedures for determining whether a laboratory
2 is nationally recognized, taking into account the laboratory's
3 facilities, procedures, use of nationally recognized
4 standards, and any other criteria reasonably calculated to
5 reach an informed determination.

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

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

12 (d) All fire sprinkler systems shall have a backflow
13 prevention device or, in a municipality with a population over
14 500,000, a double detector check assembly installed by a
15 licensed plumber before the fire sprinkler system connection to
16 the water service. Connection to the backflow prevention device
17 or, in a municipality with a population over 500,000, a double
18 detector assembly shall be done in a manner consistent with the
19 Department of Public Health's Plumbing Code.

20 (e) This licensing Act is not intended to require any
21 additional fire inspections at State level.

22 (f) Inspections and testing of existing fire sprinkler
23 systems and control equipment must be performed by a licensee
24 or ~~an~~ individual exclusively employed ~~or contracted~~ by a
25 licensee. Any individual who performs inspection and testing
26 duties under this subsection (f) must possess proof of (i)

1 through December 31, 2020, certification by a nationally
2 recognized certification organization at an appropriate level,
3 such as NICET Level II in Inspection and Testing of Water Based
4 Systems or the equivalent and, beginning January 1, 2021,
5 certification by a nationally recognized certification
6 organization at an appropriate level, such as NICET Level III
7 in Inspection and Testing of Water Based Systems or the
8 equivalent; ~~by January 1, 2009~~ or (ii) satisfactory completion
9 of a certified sprinkler fitter apprenticeship program
10 approved by the U.S. Department of Labor. State employees who
11 perform inspections and testing on behalf of State institutions
12 and who meet all other requirements of this subsection (f) need
13 not be licensed under this Act or employed by a licensee under
14 this Act in order to perform inspection and testing duties
15 under this subsection (f). The requirements of this subsection
16 (f) do not apply to individuals performing inspections or
17 testing of fire sprinkler systems on behalf of a municipality,
18 a county, a fire protection district, or the Office of the
19 State Fire Marshal. This subsection (f) does not apply to
20 cursory weekly and monthly inspections of gauges and control
21 valves conducted in accordance with the standards of the
22 National Fire Protection Association.

23 (g) Fire pump testing (acceptance or annual testing),
24 specialty repairs to fire pumps, jockey pumps, drivers, and
25 controllers can be performed by a licensee meeting the
26 requirements of subsection (f) or by a factory certified

1 representative trained in fire pump and jockey pump testing and
2 repair.

3 A copy of the inspection report for an inspection performed
4 pursuant to ~~this~~ subsection (f) and subsection (g) must be
5 forwarded by the entity performing the inspection to the local
6 fire department or fire protection district in which the
7 sprinkler system is located. The inspection report must
8 include: the (1) NICET Level II Inspection and Testing of Water
9 Based Systems certification number or NICET Level III
10 Inspection and Testing of Water Based Systems certification
11 number, whichever is applicable, or (2) journeymen number of
12 the person performing the inspection. For fire pump testing
13 reports, the inspection report must include the requirements
14 described in items (1) or (2) or the name of the person who has
15 received factory certified training for fire pump and jockey
16 pump equipment.

17 (Source: P.A. 96-256, eff. 1-1-10; 97-112, eff. 7-14-11.)

18 (225 ILCS 317/35)

19 Sec. 35. Fees, renewals, continuing education, and
20 required insurance.

21 (a) The fees for an original license and each renewal and
22 for duplicate copies of licenses shall be determined by the
23 State Fire Marshal by rule.

24 (b) A fire sprinkler contractor ~~Each~~ license must be
25 renewed every 2 years. A ~~Each~~ licensee must complete 16 hours

1 of continuing education in the 2-year period following his or
2 her renewal or initial licensure ~~after the effective date of~~
3 ~~this amendatory Act of the 97th General Assembly.~~ Current
4 licensure as a professional engineer or proof of current NICET
5 certification in Level III or IV shall satisfy this requirement
6 for designated certified persons.

7 A fire pump testing contractor license must be renewed
8 every 2 years. Each licensee must complete 16 hours of
9 continuing education in the 2-year period following his or her
10 renewal or initial licensure. Certificates of successful
11 manufacturer's equipment training equivalent to 16 hours of
12 continuing education shall satisfy this requirement.

13 Continuing education offered through nationally recognized
14 building and fire code organizations and their affiliates;
15 nationally recognized fire sprinkler organizations and their
16 affiliates; institutions of higher education; educational
17 bodies specializing in automatic fire suppression system
18 technology; fire pump manufacturers; as well as other entities
19 approved by the State Fire Marshal shall be also acceptable.
20 All continuing education entities seeking to be approved
21 providers of continuing education shall make application to the
22 State Fire Marshal and offer programs that:

23 (1) contribute to the advancement, extension, or
24 enhancement of the professional skills or technical
25 knowledge of the licensee in the practice of fire sprinkler
26 contracting; and

1 (2) are developed and presented by persons with
2 education or experience in the subject manner of the
3 program.

4 (c) Any person who fails to file a renewal application by
5 the date of expiration of a license shall be assessed a late
6 filing charge, which shall be determined by the State Fire
7 Marshal by rule.

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

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

24 (Source: P.A. 97-112, eff. 7-14-11.)

25 (225 ILCS 317/120)

1 Sec. 120. Grandfather clause. Any person or business that
2 currently has a responsible managing employee and, ~~as of the~~
3 ~~effective date of this Act,~~ is installing or repairing fire
4 sprinkler systems in the State of Illinois ~~and has a minimum of~~
5 ~~3 years of experience in installing or repairing fire sprinkler~~
6 ~~systems~~ is exempt from having a designated certified person as
7 required in Section 20 for a period not to exceed 5 years from
8 the most recent license renewal. This exemption is terminated
9 and will not be granted if the business is sold or transferred
10 to another owner or entity or the business is sold or
11 transferred to another owner or entity.

12 No responsible managing employee license will be issued
13 after the effective date of this amendatory Act of the 100th
14 General Assembly.

15 (Source: P.A. 92-871, eff. 1-3-03.)