**Section 855.110 Contractor Licensing**

a) The Department shall prepare and maintain a list of licensed asbestos abatement contractors. The list shall be made available upon request to all school boards or building owners and shall be used to select an asbestos abatement contractor. The contractor shall possess the qualifications detailed in subsection (b).

b) In order to qualify as a licensed asbestos abatement contractor, a company shall submit the following information to the Department:

1) A completed application provided by the Department accompanied by a $250 nonrefundable fee for the initial review.

2) *A certificate documenting that the contractor carries liability insurance from a company with at least an "A" rating accorded by A.M. Best & Co., self insurance, group insurance, or group self insurance in an amount of at least* $1,000,000 (first dollar coverage) *for work performed* pursuant *to* the Act and this Part*. Each asbestos abatement contractor shall maintain on file with the Department a current certificate of financial responsibility throughout the entire length of time the contractor's name appears on the Department's list of approved contractors. An asbestos abatement contractor shall notify the Department of any change in the status of the certificate that has been filed including expiration, renewal,* cancellation, *or alteration of the terms* by endorsement *of the certificate* [225 ILCS 207/45]. The certificate documenting evidence of insurance shall be the original and shall state that the insurance covers asbestos abatement. The certificate shall be issued by an insurance company that is authorized to do business in Illinois. The certificate shall be submitted to the Department within 48 hours after the expiration date of the certificate on file. If the Department does not receive the above mentioned certificate documenting evidence of insurance, the asbestos abatement contractor will be subject to suspension of his/her license until an acceptable certificate is received.

3) A copy of the designated supervisor's valid IDPH asbestos supervisor's license.

4) Evidence that IDPH licensed asbestos workers will be employed on all asbestos abatement projects as required by Section 855.100.

5) A list of prior contracts for asbestos abatement projects, including dates and the names, addresses, and telephone numbers of building owners for whom the projects were performed. A contractor shall have a minimum of one year of experience in asbestos abatement contracting. An applicant is also eligible to qualify for a license if employer references demonstrate a minimum of one year of experience in asbestos abatement project supervision, or shall employ a supervisor with a minimum of one year of experience in asbestos abatement project supervision. Evidence of experience must accompany the application.

6) Evidence of air monitoring data taken during and after completion of previous asbestos abatement projects in accordance with 29 CFR 1910.1001(d). This evidence shall include clearance air monitoring results from 10 different contracted asbestos abatement projects. Evidence of air monitoring data must have the name of the company that analyzed the final air monitoring results. All final results shall be below .01 fibers/cubic centimeter (f/cc). If an applicant employs a supervisor with a year of experience of asbestos removal supervision, the air monitoring results shall be from projects that the licensed supervisor has supervised.

7) A copy of the written standard operating procedures and employee protection plans, including specific reference to OSHA medical monitoring and respirator training programs as required in 29 CFR 1910.1001.

8) A description of any asbestos abatement projects which were prematurely terminated or not completed, including the circumstances surrounding termination, or a signed statement that there were no such projects.

9) A list of any contractual penalties which the contractor has paid for breach or noncompliance with contract specifications, such as overruns of completion time or liquidated damages, or a signed statement that there were no such penalties.

10) Copies of any and all citations levied against the contractor or any of his/her past or present employees or companies by any federal, state or local government agency for violations related to asbestos abatement, including names and locations of the projects, the date(s), and a description of how the allegations were resolved, or a signed statement that there were no such citations.

11) A description detailing all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his/her past or present employees or companies for asbestos-related activities, or a signed statement that there was no such legal action.

12) The contractor shall identify whether it is a sole proprietorship, partnership or corporation and identify its agent and mailing address for service of process by the Department. Additionally, if applicable, the contractor shall provide the following information to the Department:

A) Partnerships:

i) If the contractor is a partnership it shall identify the general and limited partners by name, together with their addresses and percentage of ownership interest.

ii) If the contractor is a limited liability partnership pursuant to the provisions of Section 8.1 of the Uniform Partnership Act [805 ILCS 205/8.1], it shall file annually with the Department a copy of the application, or renewal application, required to be filed with the Illinois Secretary of State.

B) Corporation: If the contractor is a corporation, either foreign or domestic, it shall file with the Department a copy of its articles of incorporation which shall include all information required by Section 2.10 of the Business Corporation Act of 1983 [805 ILCS 5/2.10] and annually thereafter a copy of the annual report which is required to be filed with the Illinois Secretary of State pursuant to Section 14.05 of the Business Corporation Act of 1983 [805 ILCS 5/14.05].

c) All licenses shall expire on May 15 of each year except licenses issued after January 15 shall expire one year after the next May 15. The fee for the issuance of a duplicate license shall be $15.

d) Successful applicants shall be notified to submit to the Department an additional $500 fee for a license and for inclusion on the list of IDPH licensed contractors.

e) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits a completed renewal application form provided by the Department and the $500 renewal fee. A current original certificate documenting evidence of insurance shall be filed with the Department before the license is issued. The designated supervisor listed on the renewal application shall be a currently licensed IDPH supervisor. If a renewal application is received after April 15, the applicant shall pay a late fee of $100 in addition to the renewal fee of $500.

f) Reinstatement of License. An applicant whose license has been expired for more than one year may apply to the Department for reinstatement of the license. The Department shall reinstate the license provided the applicant submits:

1) A completed application form provided by the Department.

2) A current certificate of financial responsibility meeting the requirements of subsection (b)(2).

3) A copy of the designated supervisor's current IDPH supervisor license.

4) The renewal fee of $500 plus a reinstatement fee of $500 for the first year and $1,000 for more than two years and less than five years. If a contractor license has been expired for more than five years, the contractor shall reapply and follow the criteria of subsection (b).

g) Suspension or Revocation of License/Denial of Application. The Department shall provide written notice, via certified mail, of its decision to deny, suspend or revoke a contractor's license. The applicant or licensee shall have 15 days to make a written request for an administrative hearing to contest the Department's decision. The Department's decision to suspend or revoke a license or deny an application shall be based upon any of the reasons provided in subsections (g)(1) through (g)(5) below:

1) Conviction, of a felony or two or more misdemeanors involving fraudulent activities, or of violations of laws relating to construction or the building trades in general, in the last five years:

A) of the contractor; or

B) if the contractor is a firm, partnership, or association, of any of its members; or

C) if a corporation, of any of its officers or directors; or

D) of any person designated to manage or supervise the asbestos abatement activities.

2) The licensure status or record, in Illinois or from any other state where the applicant has done business in a similar capacity, that indicates that the applicant has conducted asbestos abatement projects in a manner hazardous to the public health:

A) of the contractor; or

B) if the applicant is a firm, partnership, or association, of any of its members; or

C) if a corporation, of any of its officers or directors; or

D) of any person designated to manage or supervise the asbestos abatement activities.

3) The contractor has failed to complete an asbestos abatement project due to insufficient financial resources.

4) Violation of any provision of the Asbestos Abatement Act or the Commercial and Public Building Asbestos Abatement Act, or of any provision of this Part.

5) Submission of fraudulent documentation to the Department or to a building owner or representative or agent thereof.