**Section 880.65 Approval of Inspection Agencies**

a) Initial Approval Procedures

1) Application Requirements. An inspection agency seeking approval shall submit a written application to the Department that shall include the following items:

A) The original articles of incorporation of the agency and all subsequent amendments to those articles, as filed in the state of incorporation.

B) The bylaws of the organization, if any.

C) The names, addresses, and business interests of all members of the board of directors and of management personnel.

D) Certification by the agency that:

i) Its board of directors and technical personnel can exercise independence of judgment;

ii) Its activities will result in no financial benefit to the agency via stock ownership, or other financial interests in any producer, supplier, or vendor of products involved, other than through standard published fees for services rendered.

E) Names, years of experience, state in which professionally registered, and other qualifications of the directors of inspection programs.

F) Names and years of experience of employees practicing in the following disciplines: architecture, structural engineering, mechanical engineering, electrical engineering, fire protection, and other branches of professional engineering; the states in which each is registered; and the services each performs.

G) An organizational chart showing management and supervisory persons, including the number of licensed graduate engineers and architects and the names of all consulting licensed engineers or architects, designating which are full-time and which are part-time. The personnel requirements of the American Society for Testing and Materials (ASTM E-54), Criteria for Agencies in System Analysis and Compliance Assurance for Manufactured Buildings, shall be met.

H) Number and location of factory inspectors, supervisors, and other technicians, including evaluators of factory inspectors and the qualifications of each specialized group, including records of work experience, licenses held, and other pertinent qualifications. Descriptions shall be included of the type of work each group and each technician is expected to perform.

I) Statement from the agency to assure that all inspectors, evaluators, and other technicians are properly trained to do each job assigned to them.

J) An outline of the general procedures for supervision of inspectors and evaluators, including checking and evaluation of their work.

K) Names of all engineers, technicians, and other personnel who will perform services for the organization but who are not employees of the organization, and the supervisory and other relationships that each will have to the agency.

L) A list of the types of products, components, equipment, structures, and other items that the organization has evaluated, tested, or inspected, and the number of years of experience the organization has had with each.

M) A list of the types of codes, standards, specifications, and requirements with which the organization has had experience in providing inspection or testing services, and the number of years of experience with each.

N) Description of the recordkeeping system the agency proposes to use, with particular regard to availability of records to the Department and the capacity to send reports to the Department.

O) Description of the frequency with which the agency performs inspections or evaluations.

P) List of the states in which the agency is now approved to inspect or evaluate modular dwellings, mobile structures or building components for compliance with approved building systems.

2) Incomplete or incorrect applications will not be accepted for processing and will be returned to the applicant within 30 days after receipt by the Department, with a written explanation of the reasons why the application was not acceptable to the Department. Applications can be resubmitted with necessary corrections.

3) Complete applications will be accepted for processing and the applicant will be notified in writing of that acceptance within 30 days after the date the application is received by the Department.

A) The Department shall conduct an evaluation either at the agency's office or at a manufacturing facility within 30 days after the application is determined to be in compliance with this Part, but prior to the issuance of the initial approval.

B) The Department shall approve inspection agencies that meet the requirements of this subsection (a) and that the Department finds qualified to perform the functions proposed to be delegated to them.

C) In the event the evaluation of the agency's office or factory finds those facilities to be inadequate to meet the requirements of this Part, the Department shall return the complete application to the applicant with a written explanation of the reasons for disapproval.

4) Approved inspection agencies shall be notified by the Department in writing. The approval letter will state the specific functions that the applicant has been approved to perform. The initial approval shall expire December 31 of the year following the date of the approval letter.

b) Annual Approval of Inspection Agencies

1) The Department shall conduct an annual evaluation of each approved inspection agency for the purpose of evaluating the performance of each agency in monitoring the manufacturer's compliance assurance program.

2) These evaluations may be conducted at any reasonable time, with or without prior notice, at either the inspection agency's office or at a manufacturer's place of business.

3) Each evaluation shall investigate:

A) The adequacy of all engineering evaluations of plans, specifications and test results;

B) Testing and analysis of compliance assurance programs;

C) Procedures used by the agency in the monitoring activity, including personnel selection, training, supervision, reporting accuracy, use of approved documents, evaluation of reports, decision criteria, and all other activities that measure the effectiveness of the manufacturer's program.

4) A report of evaluation results will be compiled and maintained by the Department. A copy of the report will be sent to the inspection agency, along with notification of any deficiencies determined during the evaluation and the means and time frame for correction of the deficiencies.

5) If deemed necessary by the Department, an agency's approval may be suspended or revoked as provided in subsection (c).

c) Suspension and Revocation

1) Grounds

A) The Department may suspend or revoke its approval of any inspection agency if the approval was issued on the basis of incorrect information or issued in violation of the Act or this Part.

B) If the Department determines that the inspection agency has failed to perform its functions properly, the Department shall notify the agency and arrange for an informal presentation of views. If an informal presentation of views fails to achieve resolution, the Department shall notify the agency in writing of its intent to suspend or revoke the approval.

2) Procedures in Event of Suspension or Revocation

A) General. If the Department suspends or revokes the approval of an inspection agency, the manufacturers being evaluated by the agencies shall be given notice in writing after the disposition of any appeal of the suspension or revocation.

B) Temporary Arrangement to Continue Manufacturing. After the suspension or revocation of any inspection agency, the Department, upon the request of any manufacturer affected, shall establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease, deliver and install modular dwellings and mobile structures in accordance with the Act and this Part until the suspension or revocation is removed or arrangements are completed to utilize another approved inspection agency.

(Source: Added at 30 Ill. Reg. 13486, effective July 28, 2006)