



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0732

by Rep. Daniel J. Burke

SYNOPSIS AS INTRODUCED:

225 ILCS 335/2
225 ILCS 335/11

from Ch. 111, par. 7502
from Ch. 111, par. 7511

Amends the Illinois Roofing Industry Licensing Act. Provides that nothing in the Act shall be construed to require an employee who performs roofing or waterproofing work to his or her employer's residential property, where there exists an employee-employer relationship or for no consideration, to be licensed as a roofing contractor. Provides that nothing in the Act shall be construed to require a person who performs roof repair (rather than roofing) or waterproofing work to his or her employer's commercial or industrial property (rather than his or her employer's property) to be licensed as a roofing contractor, where there exists an employer-employee relationship. Defines "roof repair". Effective immediately.

LRB100 05795 SMS 15818 b

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 Illinois Roofing Industry Licensing Act is
5 amended by changing Sections 2 and 11 as follows:

6 (225 ILCS 335/2) (from Ch. 111, par. 7502)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Licensure" means the act of obtaining or holding a
11 license issued by the Department as provided in this Act.

12 (b) "Department" means the Department of Financial and
13 Professional Regulation.

14 (c) "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 (d) "Person" means any individual, partnership,
17 corporation, business trust, limited liability company, or
18 other legal entity.

19 (e) "Roofing contractor" is one who has the experience,
20 knowledge and skill to construct, reconstruct, alter, maintain
21 and repair roofs and use materials and items used in the
22 construction, reconstruction, alteration, maintenance and
23 repair of all kinds of roofing and waterproofing as related to

1 roofing, all in such manner to comply with all plans,
2 specifications, codes, laws, and regulations applicable
3 thereto, but does not include such contractor's employees to
4 the extent the requirements of Section 3 of this Act apply and
5 extend to such employees.

6 (f) "Board" means the Roofing Advisory Board.

7 (g) "Qualifying party" means the individual filing as a
8 sole proprietor, partner of a partnership, officer of a
9 corporation, trustee of a business trust, or party of another
10 legal entity, who is legally qualified to act for the business
11 organization in all matters connected with its roofing
12 contracting business, has the authority to supervise roofing
13 installation operations, and is actively engaged in day to day
14 activities of the business organization.

15 "Qualifying party" does not apply to a seller of roofing
16 materials or services when the construction, reconstruction,
17 alteration, maintenance, or repair of roofing or waterproofing
18 is to be performed by a person other than the seller or the
19 seller's employees.

20 (h) "Limited roofing license" means a license made
21 available to contractors whose roofing business is limited to
22 roofing residential properties consisting of 8 units or less.

23 (i) "Unlimited roofing license" means a license made
24 available to contractors whose roofing business is unlimited in
25 nature and includes roofing on residential, commercial, and
26 industrial properties.

1 (j) "Seller of services or materials" means a business
2 entity primarily engaged in the sale of tangible personal
3 property at retail.

4 (k) "Building permit" means a permit issued by a unit of
5 local government for work performed within the local
6 government's jurisdiction that requires a license under this
7 Act.

8 (l) "Address of record" means the designated address
9 recorded by the Department in the applicant's or licensee's
10 application file or license file as maintained by the
11 Department's licensure maintenance unit. It is the duty of the
12 applicant or licensee to inform the Department of any change of
13 address, and those changes must be made either through the
14 Department's website or by contacting the Department.

15 (m) "Roof repair" means reconstruction or renewal of any
16 part of an existing roof for the purpose of its maintenance.

17 (Source: P.A. 99-469, eff. 8-26-15.)

18 (225 ILCS 335/11) (from Ch. 111, par. 7511)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 11. Application of Act.

21 (1) Nothing in this Act limits the power of a municipality,
22 city, county, or incorporated area to regulate the quality and
23 character of work performed by roofing contractors through a
24 system of permits, fees, and inspections which are designed to
25 secure compliance with and aid in the implementation of State

1 and local building laws or to enforce other local laws for the
2 protection of the public health and safety.

3 (2) Nothing in this Act shall be construed to require a
4 seller of roofing materials or services to be licensed as a
5 roofing contractor when the construction, reconstruction,
6 alteration, maintenance or repair of roofing or waterproofing
7 is to be performed by a person other than the seller or the
8 seller's employees.

9 (3) Nothing in this Act shall be construed to require a
10 person who performs roofing or waterproofing work to his or her
11 own property, or for no consideration, to be licensed as a
12 roofing contractor.

13 (3.5) Nothing in this Act shall be construed to require an
14 employee who performs roofing or waterproofing work to his or
15 her employer's residential property, where there exists an
16 employee-employer relationship or for no consideration, to be
17 licensed as a roofing contractor.

18 (4) Nothing in this Act shall be construed to require a
19 person who performs roof repair ~~roofing~~ or waterproofing work
20 to his or her employer's commercial or industrial property to
21 be licensed as a roofing contractor, where there exists an
22 employer-employee relationship. Nothing in this Act shall be
23 construed to apply to the installation of plastics, glass or
24 fiberglass to greenhouses and related horticultural
25 structures, or to the repair or construction of farm buildings.

26 (5) Nothing in this Act limits the power of a municipality,

1 city, county, or incorporated area to collect occupational
2 license and inspection fees for engaging in roofing
3 contracting.

4 (6) Nothing in this Act limits the power of the
5 municipalities, cities, counties, or incorporated areas to
6 adopt any system of permits requiring submission to and
7 approval by the municipality, city, county, or incorporated
8 area of plans and specifications for work to be performed by
9 roofing contractors before commencement of the work.

10 (7) Any official authorized to issue building or other
11 related permits shall ascertain that the applicant contractor
12 is duly licensed before issuing the permit. The evidence shall
13 consist only of the exhibition to him or her of current
14 evidence of licensure.

15 (8) This Act applies to any roofing contractor performing
16 work for the State or any municipality, city, county, or
17 incorporated area. Officers of the State or any municipality,
18 city, county or incorporated area are required to determine
19 compliance with this Act before awarding any contracts for
20 construction, improvement, remodeling, or repair.

21 (9) If an incomplete contract exists at the time of death
22 of a licensee, the contract may be completed by any person even
23 though not licensed. Such person shall notify the Department
24 within 30 days after the death of the contractor of his or her
25 name and address. For the purposes of this subsection, an
26 incomplete contract is one which has been awarded to, or

1 entered into by, the licensee before his or her death or on
2 which he or she was the low bidder and the contract is
3 subsequently awarded to him or her regardless of whether any
4 actual work has commenced under the contract before his or her
5 death.

6 (10) The State or any municipality, city, county, or
7 incorporated area may require that bids submitted for roofing
8 construction, improvement, remodeling, or repair of public
9 buildings be accompanied by evidence that that bidder holds an
10 appropriate license issued pursuant to this Act.

11 (11) (Blank).

12 (12) Nothing in this Act shall prevent a municipality,
13 city, county, or incorporated area from making laws or
14 ordinances that are more stringent than those contained in this
15 Act.

16 (Source: P.A. 99-469, eff. 8-26-15.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.