



Sen. Don Harmon

**Filed: 3/10/2017**

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LRB100 05891 RJF 23051 a

1 AMENDMENT TO SENATE BILL 71

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 71 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing  
5 Section 16-128A as follows:

6 (220 ILCS 5/16-128A)

7 (Text of Section before amendment by P.A. 99-906)

8 Sec. 16-128A. Certification of installers, maintainers, or  
9 repairers.

10 (a) Within 18 months of the effective date of this  
11 amendatory Act of the 97th General Assembly, the Commission  
12 shall adopt rules, including emergency rules, establishing  
13 certification requirements ensuring that entities installing  
14 distributed generation facilities are in compliance with the  
15 requirements of subsection (a) of Section 16-128 of this Act.

16 For purposes of this Section, the phrase "entities

1 installing distributed generation facilities" shall include,  
2 but not be limited to, all entities that are exempt from the  
3 definition of "alternative retail electric supplier" under  
4 item (v) of Section 16-102 of this Act. For purposes of this  
5 Section, the phrase "self-installer" means an individual who  
6 (i) leases or purchases a cogeneration facility for his or her  
7 own personal use and (ii) installs such cogeneration or  
8 self-generation facility on his or her own premises without the  
9 assistance of any other person.

10 (b) In addition to any authority granted to the Commission  
11 under this Act, the Commission is also authorized to: (1)  
12 determine which entities are subject to certification under  
13 this Section; (2) impose reasonable certification fees and  
14 penalties; (3) adopt disciplinary procedures; (4) investigate  
15 any and all activities subject to this Section, including  
16 violations thereof; (5) adopt procedures to issue or renew, or  
17 to refuse to issue or renew, a certification or to revoke,  
18 suspend, place on probation, reprimand, or otherwise  
19 discipline a certified entity under this Act or take other  
20 enforcement action against an entity subject to this Section;  
21 and (6) prescribe forms to be issued for the administration and  
22 enforcement of this Section.

23 (c) No electric utility shall provide a retail customer  
24 with net metering service related to interconnection of that  
25 customer's distributed generation facility unless the customer  
26 provides the electric utility with (i) a certification that the

1 customer installing the distributed generation facility was a  
2 self-installer or (ii) evidence that the distributed  
3 generation facility was installed by an entity certified under  
4 this Section that is also in good standing with the Commission.  
5 For purposes of this subsection, a retail customer includes  
6 that customer's employees, officers, and agents. An electric  
7 utility shall file a tariff or tariffs with the Commission  
8 setting forth the documentation, as specified by Commission  
9 rule, that a retail customer must provide to an electric  
10 utility. The provisions of this subsection (c) shall apply on  
11 or after the effective date of the Commission's rules  
12 prescribed pursuant to subsection (a) of this Section.

13 (d) Within 180 days after the effective date of this  
14 amendatory Act of the 97th General Assembly, the Commission  
15 shall initiate a rulemaking proceeding to establish  
16 certification requirements that shall be applicable to persons  
17 or entities that install, maintain, or repair electric vehicle  
18 charging stations. The notification and certification  
19 requirements of this Section shall only be applicable to  
20 individuals or entities that perform work on or within an  
21 electric vehicle charging station, including, but not limited  
22 to, connection of power to an electric vehicle charging  
23 station.

24 For the purposes of this Section "electric vehicle charging  
25 station" means any facility or equipment that is used to charge  
26 a battery or other energy storage device of an electric

1 vehicle.

2 Rules regulating the installation, maintenance, or repair  
3 of electric vehicle charging stations, in which the Commission  
4 may establish separate requirements based upon the  
5 characteristics of electric vehicle charging stations, so long  
6 as it is in accordance with the requirements of subsection (a)  
7 of Section 16-128 and Section 16-128A of this Act, shall:

8 (1) establish a certification process for persons or  
9 entities that install, maintain, or repair of electric  
10 vehicle charging stations;

11 (2) require persons or entities that install,  
12 maintain, or repair electric vehicle stations to be  
13 certified to do business and to be bonded in the State;

14 (3) ensure that persons or entities that install,  
15 maintain, or repair electric vehicle charging stations  
16 have the requisite knowledge, skills, training,  
17 experience, and competence to perform functions in a safe  
18 and reliable manner as required under subsection (a) of  
19 Section 16-128 of this Act;

20 (4) impose reasonable certification fees and penalties  
21 on persons or entities that install, maintain, or repair of  
22 electric vehicle charging stations for noncompliance of  
23 the rules adopted under this subsection;

24 (5) ensure that all persons or entities that install,  
25 maintain, or repair electric vehicle charging stations  
26 conform to applicable building and electrical codes;

1           (6) ensure that all electric vehicle charging stations  
2 meet recognized industry standards as the Commission deems  
3 appropriate, such as the National Electric Code (NEC) and  
4 standards developed or created by the Institute of  
5 Electrical and Electronics Engineers (IEEE), the Electric  
6 Power Research Institute (EPRI), the Detroit Edison  
7 Institute (DTE), the Underwriters Laboratory (UL), the  
8 Society of Automotive Engineers (SAE), and the National  
9 Institute of Standards and Technology (NIST);

10           (7) include any additional requirements that the  
11 Commission deems reasonable to ensure that persons or  
12 entities that install, maintain, or repair electric  
13 vehicle charging stations meet adequate training,  
14 financial, and competency requirements;

15           (8) ensure that the obligations required under this  
16 Section and subsection (a) of Section 16-128 of this Act  
17 are met prior to the interconnection of any electric  
18 vehicle charging station;

19           (9) ensure electric vehicle charging stations  
20 installed by a self-installer are not used for any  
21 commercial purpose;

22           (10) establish an inspection procedure for the  
23 conversion of electric vehicle charging stations installed  
24 by a self-installer if it is determined that the  
25 self-installed electric vehicle charging station is being  
26 used for commercial purposes;

1           (11) establish the requirement that all persons or  
2 entities that install electric vehicle charging stations  
3 shall notify the servicing electric utility in writing of  
4 plans to install an electric vehicle charging station and  
5 shall notify the servicing electric utility in writing when  
6 installation is complete;

7           (12) ensure that all persons or entities that install,  
8 maintain, or repair electric vehicle charging stations  
9 obtain certificates of insurance in sufficient amounts and  
10 coverages that the Commission so determines and, if  
11 necessary as determined by the Commission, names the  
12 affected public utility as an additional insured; and

13           (13) identify and determine the training or other  
14 programs by which persons or entities may obtain the  
15 requisite training, skills, or experience necessary to  
16 achieve and maintain compliance with the requirements set  
17 forth in this subsection and subsection (a) of Section  
18 16-128 to install, maintain, or repair electric vehicle  
19 charging stations.

20           Within 18 months after the effective date of this  
21 amendatory Act of the 97th General Assembly, the Commission  
22 shall adopt rules, and may, if it deems necessary, adopt  
23 emergency rules, for the installation, maintenance, or repair  
24 of electric vehicle charging stations.

25           All retail customers who own, maintain, or repair an  
26 electric vehicle charging station shall provide the servicing

1 electric utility (i) a certification that the customer  
2 installing the electric vehicle charging station was a  
3 self-installer or (ii) evidence that the electric vehicle  
4 charging station was installed by an entity certified under  
5 this subsection (d) that is also in good standing with the  
6 Commission. For purposes of this subsection (d), a retail  
7 customer includes that retail customer's employees, officers,  
8 and agents. If the electric vehicle charging station was not  
9 installed by a self-installer, then the person or entity that  
10 plans to install the electric vehicle charging station shall  
11 provide notice to the servicing electric utility prior to  
12 installation and when installation is complete and provide any  
13 other information required by the Commission's rules  
14 established under subsection (d) of this Section. An electric  
15 utility shall file a tariff or tariffs with the Commission  
16 setting forth the documentation, as specified by Commission  
17 rule, that a retail customer who owns, uses, operates, or  
18 maintains an electric vehicle charging station must provide to  
19 an electric utility.

20 For the purposes of this subsection, an electric vehicle  
21 charging station shall constitute a distribution facility or  
22 equipment as that term is used in subsection (a) of Section  
23 16-128 of this Act. The phrase "self-installer" means an  
24 individual who (i) leases or purchases an electric vehicle  
25 charging station for his or her own personal use and (ii)  
26 installs an electric vehicle charging station on his or her own

1 premises without the assistance of any other person.

2 (e) Fees and penalties collected under this Section shall  
3 be deposited into the Public Utility Fund and used to fund the  
4 Commission's compliance with the obligations imposed by this  
5 Section.

6 (f) The rules established under subsection (d) of this  
7 Section shall specify the initial dates for compliance with the  
8 rules.

9 (g) The certification of persons or entities that install,  
10 maintain, or repair distributed generation facilities and  
11 electric vehicle charging stations as set forth in this Section  
12 is an exclusive power and function of the State. A home rule  
13 unit or other units of local government authority may subject  
14 persons or entities that install, maintain, or repair  
15 distributed generation facilities or electric vehicle charging  
16 stations as set forth in this Section to any applicable local  
17 licensing, siting, and permitting requirements otherwise  
18 permitted under law so long as only Commission-certified  
19 persons or entities are authorized to install, maintain, or  
20 repair distributed generation facilities or electric vehicle  
21 charging stations. This Section is a limitation under  
22 subsection (h) of Section 6 of Article VII of the Illinois  
23 Constitution on the exercise by home rule units of powers and  
24 functions exclusively exercised by the State.

25 (Source: P.A. 97-616, eff. 10-26-11; 97-1128, eff. 8-28-12.)



1 (Text of Section after amendment by P.A. 99-906)

2 Sec. 16-128A. Certification of installers, maintainers, or  
3 repairers.

4 (a) Within 18 months of the effective date of this  
5 amendatory Act of the 97th General Assembly, the Commission  
6 shall adopt rules, including emergency rules, establishing  
7 certification requirements ensuring that entities installing  
8 distributed generation facilities are in compliance with the  
9 requirements of subsection (a) of Section 16-128 of this Act.

10 For purposes of this Section, the phrase "entities  
11 installing distributed generation facilities" shall include,  
12 but not be limited to, all entities that are exempt from the  
13 definition of "alternative retail electric supplier" under  
14 item (v) of Section 16-102 of this Act. For purposes of this  
15 Section, the phrase "self-installer" means an individual who  
16 (i) leases or purchases a cogeneration facility for his or her  
17 own personal use and (ii) installs such cogeneration or  
18 self-generation facility on his or her own premises without the  
19 assistance of any other person.

20 (b) In addition to any authority granted to the Commission  
21 under this Act, the Commission is also authorized to: (1)  
22 determine which entities are subject to certification under  
23 this Section; (2) impose reasonable certification fees and  
24 penalties; (3) adopt disciplinary procedures; (4) investigate  
25 any and all activities subject to this Section, including  
26 violations thereof; (5) adopt procedures to issue or renew, or

1 to refuse to issue or renew, a certification or to revoke,  
2 suspend, place on probation, reprimand, or otherwise  
3 discipline a certified entity under this Act or take other  
4 enforcement action against an entity subject to this Section;  
5 and (6) prescribe forms to be issued for the administration and  
6 enforcement of this Section.

7 (c) No electric utility shall provide a retail customer  
8 with net metering service related to interconnection of that  
9 customer's distributed generation facility unless the customer  
10 provides the electric utility with (i) a certification that the  
11 customer installing the distributed generation facility was a  
12 self-installer or (ii) evidence that the distributed  
13 generation facility was installed by an entity certified under  
14 this Section that is also in good standing with the Commission.  
15 For purposes of this subsection, a retail customer includes  
16 that customer's employees, officers, and agents. An electric  
17 utility shall file a tariff or tariffs with the Commission  
18 setting forth the documentation, as specified by Commission  
19 rule, that a retail customer must provide to an electric  
20 utility. The provisions of this subsection (c) shall apply on  
21 or after the effective date of the Commission's rules  
22 prescribed pursuant to subsection (a) of this Section.

23 (d) Within 180 days after the effective date of this  
24 amendatory Act of the 97th General Assembly, the Commission  
25 shall initiate a rulemaking proceeding to establish  
26 certification requirements that shall be applicable to persons

1 or entities that install, maintain, or repair electric vehicle  
2 charging stations. The notification and certification  
3 requirements of this Section shall only be applicable to  
4 individuals or entities that perform work on or within an  
5 electric vehicle charging station, including, but not limited  
6 to, connection of power to an electric vehicle charging  
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8 For the purposes of this Section "electric vehicle charging  
9 station" means any facility or equipment that is used to charge  
10 a battery or other energy storage device of an electric  
11 vehicle.

12 Rules regulating the installation, maintenance, or repair  
13 of electric vehicle charging stations, in which the Commission  
14 may establish separate requirements based upon the  
15 characteristics of electric vehicle charging stations, so long  
16 as it is in accordance with the requirements of subsection (a)  
17 of Section 16-128 and Section 16-128A of this Act, shall:

18 (1) establish a certification process for persons or  
19 entities that install, maintain, or repair of electric  
20 vehicle charging stations;

21 (2) require persons or entities that install,  
22 maintain, or repair electric vehicle stations to be  
23 certified to do business and to be bonded in the State;

24 (3) ensure that persons or entities that install,  
25 maintain, or repair electric vehicle charging stations  
26 have the requisite knowledge, skills, training,

1 experience, and competence to perform functions in a safe  
2 and reliable manner as required under subsection (a) of  
3 Section 16-128 of this Act;

4 (4) impose reasonable certification fees and penalties  
5 on persons or entities that install, maintain, or repair of  
6 electric vehicle charging stations for noncompliance of  
7 the rules adopted under this subsection;

8 (5) ensure that all persons or entities that install,  
9 maintain, or repair electric vehicle charging stations  
10 conform to applicable building and electrical codes;

11 (6) ensure that all electric vehicle charging stations  
12 meet recognized industry standards as the Commission deems  
13 appropriate, such as the National Electric Code (NEC) and  
14 standards developed or created by the Institute of  
15 Electrical and Electronics Engineers (IEEE), the Electric  
16 Power Research Institute (EPRI), the Detroit Edison  
17 Institute (DTE), the Underwriters Laboratory (UL), the  
18 Society of Automotive Engineers (SAE), and the National  
19 Institute of Standards and Technology (NIST);

20 (7) include any additional requirements that the  
21 Commission deems reasonable to ensure that persons or  
22 entities that install, maintain, or repair electric  
23 vehicle charging stations meet adequate training,  
24 financial, and competency requirements;

25 (8) ensure that the obligations required under this  
26 Section and subsection (a) of Section 16-128 of this Act

1 are met prior to the interconnection of any electric  
2 vehicle charging station;

3 (9) ensure electric vehicle charging stations  
4 installed by a self-installer are not used for any  
5 commercial purpose;

6 (10) establish an inspection procedure for the  
7 conversion of electric vehicle charging stations installed  
8 by a self-installer if it is determined that the  
9 self-installed electric vehicle charging station is being  
10 used for commercial purposes;

11 (11) establish the requirement that all persons or  
12 entities that install electric vehicle charging stations  
13 shall notify the servicing electric utility in writing of  
14 plans to install an electric vehicle charging station and  
15 shall notify the servicing electric utility in writing when  
16 installation is complete;

17 (12) ensure that all persons or entities that install,  
18 maintain, or repair electric vehicle charging stations  
19 obtain certificates of insurance in sufficient amounts and  
20 coverages that the Commission so determines and, if  
21 necessary as determined by the Commission, names the  
22 affected public utility as an additional insured; and

23 (13) identify and determine the training or other  
24 programs by which persons or entities may obtain the  
25 requisite training, skills, or experience necessary to  
26 achieve and maintain compliance with the requirements set

1           forth in this subsection and subsection (a) of Section  
2           16-128 to install, maintain, or repair electric vehicle  
3           charging stations.

4           Within 18 months after the effective date of this  
5           amendatory Act of the 97th General Assembly, the Commission  
6           shall adopt rules, and may, if it deems necessary, adopt  
7           emergency rules, for the installation, maintenance, or repair  
8           of electric vehicle charging stations.

9           All retail customers who own, maintain, or repair an  
10          electric vehicle charging station shall provide the servicing  
11          electric utility (i) a certification that the customer  
12          installing the electric vehicle charging station was a  
13          self-installer or (ii) evidence that the electric vehicle  
14          charging station was installed by an entity certified under  
15          this subsection (d) that is also in good standing with the  
16          Commission. For purposes of this subsection (d), a retail  
17          customer includes that retail customer's employees, officers,  
18          and agents. If the electric vehicle charging station was not  
19          installed by a self-installer, then the person or entity that  
20          plans to install the electric vehicle charging station shall  
21          provide notice to the servicing electric utility prior to  
22          installation and when installation is complete and provide any  
23          other information required by the Commission's rules  
24          established under subsection (d) of this Section. An electric  
25          utility shall file a tariff or tariffs with the Commission  
26          setting forth the documentation, as specified by Commission

1 rule, that a retail customer who owns, uses, operates, or  
2 maintains an electric vehicle charging station must provide to  
3 an electric utility.

4 For the purposes of this subsection, an electric vehicle  
5 charging station shall constitute a distribution facility or  
6 equipment as that term is used in subsection (a) of Section  
7 16-128 of this Act. The phrase "self-installer" means an  
8 individual who (i) leases or purchases an electric vehicle  
9 charging station for his or her own personal use and (ii)  
10 installs an electric vehicle charging station on his or her own  
11 premises without the assistance of any other person.

12 (e) Fees and penalties collected under this Section shall  
13 be deposited into the Public Utility Fund and used to fund the  
14 Commission's compliance with the obligations imposed by this  
15 Section.

16 (f) The rules established under subsection (d) of this  
17 Section shall specify the initial dates for compliance with the  
18 rules.

19 (g) Within 18 months of the effective date of this  
20 amendatory Act of the 99th General Assembly, the Commission  
21 shall adopt rules, including emergency rules, establishing a  
22 process for entities installing ~~a new utility-scale wind~~  
23 ~~project or~~ a new utility-scale solar project to certify  
24 compliance with the requirements of this Section. For purposes  
25 of this Section, the phrase "entities installing ~~a new~~  
26 ~~utility scale wind project or~~ a new utility-scale solar

1 project" shall include, but is not limited to, any entity  
2 installing ~~new wind projects or~~ new photovoltaic projects as  
3 such terms are defined in subsection (c) of Section 1-75 of the  
4 Illinois Power Agency Act.

5 The process shall include an option to complete the  
6 certification electronically by completing forms on-line. An  
7 entity installing ~~a new utility scale wind project or~~ a new  
8 utility-scale solar project shall be permitted to complete  
9 certification after the subject work has been completed. The  
10 Commission shall maintain on its website a list of entities  
11 installing ~~new utility scale wind projects or~~ new  
12 utility-scale solar projects measures that have successfully  
13 completed the certification process.

14 (h) In addition to any authority granted to the Commission  
15 under this Act, the Commission is also authorized to: (1)  
16 determine which entities are subject to certification under  
17 subsection (g) of this Section; (2) impose reasonable  
18 certification fees and penalties; (3) adopt disciplinary  
19 procedures; (4) investigate any and all activities subject to  
20 subsection (g) or this subsection (h) of this Section,  
21 including violations thereof; (5) adopt procedures to issue or  
22 renew, or to refuse to issue or renew, a certification or to  
23 revoke, suspend, place on probation, reprimand, or otherwise  
24 discipline a certified entity under subsection (g) of this  
25 Section or take other enforcement action against an entity  
26 subject to subsection (g) or this subsection (h) of this



1 Section; (6) prescribe forms to be issued for the  
2 administration and enforcement of subsection (g) and this  
3 subsection (h) of this Section; and (7) establish requirements  
4 to ensure that entities installing ~~a new wind project~~ or a new  
5 photovoltaic project have the requisite knowledge, skills,  
6 training, experience, and competence to perform in a safe and  
7 reliable manner as required by subsection (a) of Section 16-128  
8 of this Act.

9 (i) The certification of persons or entities that install,  
10 maintain, or repair ~~new wind projects,~~ new photovoltaic  
11 projects, distributed generation facilities, and electric  
12 vehicle charging stations as set forth in this Section is an  
13 exclusive power and function of the State. A home rule unit or  
14 other units of local government authority may subject persons  
15 or entities that install, maintain, or repair ~~new wind~~  
16 ~~projects,~~ new photovoltaic projects, distributed generation  
17 facilities, or electric vehicle charging stations as set forth  
18 in this Section to any applicable local licensing, siting, and  
19 permitting requirements otherwise permitted under law so long  
20 as only Commission-certified persons or entities are  
21 authorized to install, maintain, or repair ~~new wind projects,~~  
22 new photovoltaic projects, distributed generation facilities,  
23 or electric vehicle charging stations. This Section is a  
24 limitation under subsection (h) of Section 6 of Article VII of  
25 the Illinois Constitution on the exercise by home rule units of  
26 powers and functions exclusively exercised by the State.

1 (Source: P.A. 99-906, eff. 6-1-17.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law or on the date Public Act 99-906 takes effect,  
11 whichever is later."