

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Fire Investigation Act is amended by
5 changing Sections 6, 6.1, 7, 8, 9, 9a, 9b, 9e, 9f, 12, 13, and
6 13.1 and by adding Sections 3, 8a, and 9g as follows:

7 (425 ILCS 25/3 new)

8 Sec. 3. Definitions. In this Act:

9 "Chief of the fire department" means the senior fire
10 officer of a municipal fire department, volunteer fire
11 department, or fire protection district.

12 "Local authority having jurisdiction" means a unit of local
13 government or fire protection district located within the
14 State.

15 "Local fire prevention and life safety standards" means the
16 fire prevention and life safety standards adopted by a local
17 authority having jurisdiction.

18 "Local officers" means the officers responsible for fire
19 and building code enforcement within their unit of local
20 government or fire protection district.

21 "Notice" means a notice of violation issued to an owner,
22 occupant, or other person interested in a premises that
23 identifies violations of the fire prevention and life safety

1 rules adopted by the Office.

2 "Office" means the Office of the Illinois State Fire
3 Marshal and its officers, investigators, inspectors, and
4 administrative employees.

5 "Order" means an administrative order issued to an owner,
6 occupant, or other person interested in a premises that directs
7 immediate compliance with the fire prevention and life safety
8 rules adopted by the Office.

9 "Owner, occupant, or other person interested in the
10 premises" means the owner, occupant, or other person with a
11 legal interest in any building, structure, or the real property
12 upon which the building or structure is situated.

13 "Premises" means any building or structure or the real
14 property upon which the building or structure is situated.

15 "State Fire Marshal" means the Illinois State Fire Marshal
16 or his or her designee.

17 (425 ILCS 25/6) (from Ch. 127 1/2, par. 6)

18 Sec. 6. Investigation and record of fires; Office of the
19 State Fire Marshal.

20 (a) The chief of the fire department ~~of every municipality~~
21 ~~in which a fire department is established and the fire chief of~~
22 ~~every legally organized fire protection district~~ shall
23 investigate the cause, origin and circumstances of every fire
24 occurring in a ~~such~~ municipality or fire protection district,
25 or in any area or on any property which is furnished fire

1 protection by the fire department of such municipality or fire
2 protection district, by which property has been destroyed or
3 damaged, and shall especially make investigation as to whether
4 such fire was the result of carelessness or design. Such
5 investigation shall be begun within two days, not including
6 Sunday, of the occurrence of such fire, and the Office ~~of the~~
7 ~~State Fire Marshal~~ shall have the right to supervise and direct
8 such investigation whenever it deems it expedient or necessary.
9 The officer making investigation of fires occurring in cities,
10 villages, towns, fire protection districts or townships shall
11 forthwith notify the Office ~~of the State Fire Marshal~~ and shall
12 by the 15th of the month following the occurrence of the fire,
13 furnish to the Office a statement of all facts relating to the
14 cause and origin of the fire, and such other information as may
15 be called for in a format approved or on forms provided by the
16 Office.

17 (b) In every case in which a fire is determined to be a
18 contributing factor in a death, the coroner of the county where
19 the death occurred shall report the death to the Office ~~of the~~
20 ~~State Fire Marshal~~ as provided in Section 3-3013 of the
21 Counties Code.

22 (c) The Office ~~of the State Fire Marshal~~ shall keep a
23 record of all fires occurring in the State, together with all
24 facts, statistics and circumstances, including the origin of
25 the fires, which may be determined by the investigations
26 provided by this act; such record shall at all times be open to

1 the public inspection, and such portions of it as the State
2 Director of Insurance may deem necessary shall be transcribed
3 and forwarded to him within fifteen days from the first of
4 January of each year.

5 (d) In addition to the reporting of fires, the chief of the
6 fire department shall furnish to the Office such other
7 information as the State Fire Marshal deems of importance to
8 the fire services.

9 (Source: P.A. 95-224, eff. 1-1-08; 96-1059, eff. 7-14-10.)

10 (425 ILCS 25/6.1)

11 Sec. 6.1. Fire and hazardous material incident reporting
12 rules ~~Rules~~. The State Fire Marshal may adopt necessary rules
13 for the administration of the reporting of fires, hazardous
14 material incidents, and other incidents or events that the
15 State Fire Marshal deems of importance to the fire services.
16 The reporting of such information shall be based upon the
17 nationally recognized standards of the United States Fire
18 Administration's National Fire ~~fire~~ Incident Reporting System
19 (NFIRS ~~NIFRS~~).

20 (Source: P.A. 95-224, eff. 1-1-08.)

21 (425 ILCS 25/7) (from Ch. 127 1/2, par. 7)

22 Sec. 7. Arson investigations; arrests; prosecution. The
23 Office ~~of the State Fire Marshal~~ shall, when in its opinion
24 further investigation is necessary, take or cause to be taken

1 the testimony on oath of all persons supposed to be cognizant
2 of any facts or to have means of knowledge in relation to the
3 matter as to which an examination is herein required to be
4 made, and shall cause the same to be reduced to writing; and if
5 it shall be of the opinion that there is evidence sufficient to
6 charge any person with the crime of arson, or with the attempt
7 to commit the crime of arson, or of conspiracy to defraud, or
8 criminal conduct in connection with such fire, it shall cause
9 such person to be arrested and charged with such offense or
10 either of them, and shall furnish to the proper prosecuting
11 attorney all such evidence, together with the names of
12 witnesses and all of the information obtained by it, including
13 a copy of all pertinent and material testimony taken in the
14 case.

15 (Source: P.A. 80-147.)

16 (425 ILCS 25/8) (from Ch. 127 1/2, par. 8)

17 Sec. 8. Summons, oaths, and affirmations. The Office ~~of the~~
18 ~~State Fire Marshal~~ shall have power in any county in the State
19 of Illinois to summon and compel the attendance of witnesses
20 before it to testify in relation to any matter which is by the
21 provision of this Act a subject of inquiry and investigation,
22 and may require the production of any book, paper or other
23 document it deems pertinent thereto, and it may require the
24 prompt disclosure of the beneficiaries of any trust by the
25 trustee, the disclosure by any named beneficiary of a trust of

1 all persons who have any direct or indirect interest in the
2 trust or who derive any direct or indirect benefit therefrom,
3 the disclosure of a principal by his nominee, and the
4 disclosure by a corporation of each person who holds 5% or more
5 of the shares of stock of the corporation. The Office is hereby
6 authorized and empowered to administer oaths and affirmations
7 to any persons appearing as witnesses before it, and false
8 swearing in any manner or proceeding aforesaid is perjury and
9 shall be punished as such. Any witness who refuses to be sworn,
10 or who refuses to testify, or disclose any information sought
11 by the Office to which it is entitled, or who disobeys any
12 lawful order of the Office, or who fails or refuses to produce
13 any book, paper or other document touching any matter under
14 examination, or who is guilty of any contemptuous conduct after
15 being summoned to appear before the Office to give testimony in
16 relation to any matter or subject under investigation as
17 aforesaid, is guilty of a Class A misdemeanor and it shall be
18 the duty of the State Fire Marshal to make complaint against
19 the person or persons so refusing to comply with the summons or
20 order of the State Fire Marshal, before the circuit court in
21 the county in which the investigation is being had, and upon
22 the filing of such complaint, such cause shall proceed in the
23 same manner as other criminal cases. ~~The Office of the State~~
24 ~~Fire Marshal shall have the authority at all times of day or~~
25 ~~night in the performance of the duties imposed by the~~
26 ~~provisions of this Act, to enter upon and examine any building~~

1 ~~er premises where any fire has occurred and other buildings and~~
2 ~~premises adjoining or near the same. All investigations held by~~
3 ~~or under the direction of the Office of the State Fire Marshal~~
4 ~~may, in its discretion, be private, and persons other than~~
5 ~~those required to be present by the provisions of this Act, may~~
6 ~~be excluded from the place where such investigation is held,~~
7 ~~and witnesses may be kept separate and apart from each other~~
8 ~~and not allowed to communicate with each other until they have~~
9 ~~been examined.~~

10 (Source: P.A. 80-147.)

11 (425 ILCS 25/8a new)

12 Sec. 8a. Right of entry; examination of witnesses. The
13 Office shall have the authority at all times of day or night in
14 the performance of the duties imposed by the provisions of this
15 Act, to enter upon and examine any building or premises where
16 any fire has occurred and other buildings and premises
17 adjoining or near the same. All investigations held by or under
18 the direction of the Office may, in its discretion, be private,
19 and persons other than those required to be present by the
20 provisions of this Act, may be excluded from the place where
21 such investigation is held, and witnesses may be kept separate
22 and apart from each other and not allowed to communicate with
23 each other until they have been examined.

24 (425 ILCS 25/9) (from Ch. 127 1/2, par. 9)

1 Sec. 9. Inspections, duties, rules, and enforcement. No
2 person, being the owner, occupant, or other person interested
3 in the premises ~~lessee of any building or other structure~~ which
4 is so occupied or so situated as to endanger persons or
5 property, shall permit such building or structure by reason of
6 faulty construction, age, lack of proper repair, or any other
7 cause to become especially liable to fire, or to become liable
8 to cause injury or damage by collapsing or otherwise. No
9 person, being the owner, occupant, or other person interested
10 in the premises ~~lessee of any building, or structure,~~ shall
11 keep or maintain or allow to be kept or maintained on such
12 premises, combustible or explosive material or flammable
13 ~~inflammable~~ conditions, which endanger the safety of said
14 buildings or premises.

15 The Office ~~of the State Fire Marshal~~ shall adopt and
16 promulgate such reasonable fire prevention and life safety
17 rules as may be necessary to protect the public from the
18 dangers specified in the preceding paragraph. Such rules shall
19 require the installation, inspection or maintenance of
20 necessary fire extinguishers, fire suppression systems,
21 chemical fire suppression systems and fire alarm and protection
22 devices. A copy of any rule adopted by the Office under this
23 Act that is^r certified by the State Fire Marshal shall be
24 received in evidence in all courts of this State with the same
25 effect as the original.

26 Subject to Section 9g, all ~~All~~ local officers charged with

1 the duty of investigating fires or conducting fire prevention
2 and life safety inspections shall enforce such rules, under the
3 direction of the Office ~~of the State Fire Marshal~~, except in
4 those localities which have adopted fire prevention and life
5 safety standards that have been determined by the Office to be
6 equal to or higher than such rules adopted by the Office ~~of the~~
7 ~~State Fire Marshal~~.

8 Subject to Section 9g, the ~~The~~ Office ~~of the State Fire~~
9 ~~Marshal~~, and the officers of cities, villages, towns,
10 townships, municipalities, and fire protection districts ~~by~~
11 ~~this Act~~, charged with the duty of investigating fires or
12 conducting fire prevention and life safety inspections under
13 this Act ~~fire~~, shall, under the direction of the Office ~~of the~~
14 ~~State Fire Marshal~~, inspect and examine at reasonable hours,
15 any premises, and the buildings and other structures thereon,
16 and if, such dangerous condition or fire hazard is found to
17 exist contrary to the rules herein referred to, or if a
18 dangerous condition or fire hazard is found to exist as
19 specified in the first paragraph of this Section, and the rules
20 herein referred to are not applicable to such dangerous
21 condition or fire hazard, shall identify ~~order~~ the dangerous
22 condition ~~removed or remedied~~, and shall so notify the owner,
23 occupant, or other person interested in the premises. Service
24 of the notice upon the owner, occupant, or other person
25 interested in the premises ~~interested person~~ shall be in
26 person, by electric transmission, or by registered or certified

1 mail. If no corrective action is taken by the owner, occupant,
2 or other person interested in the premises to remove or remedy
3 the dangerous condition or fire hazard within a reasonable
4 time, as determined by the Office or the local authority having
5 jurisdiction, an order shall be served upon the owner,
6 occupant, or other person interested in the premises directing
7 that the dangerous condition be removed or remedied
8 immediately. Service of the order upon the owner, occupant, or
9 other person interested in the premises shall be in person, by
10 electronic transmission, or by registered or certified mail.

11 The amendatory Act of 1975 is not a limit on any home rule
12 unit.

13 (Source: P.A. 85-1434.)

14 (425 ILCS 25/9a) (from Ch. 127 1/2, par. 10)

15 Sec. 9a. Appeals and hearings. The owner, occupant, or
16 other person interested in such ~~building or~~ premises, within 10
17 days after receiving an order from the Office ~~such notice,~~ may
18 appeal the order in writing ~~from orders of deputies of the~~
19 ~~Office of the State Fire Marshal,~~ to the Office ~~of the State~~
20 ~~Fire Marshal.~~ The Office shall thereupon conduct a hearing
21 pursuant to the Illinois Administrative Procedure Act, as
22 amended, and the administrative hearing rules adopted by the
23 Office, and the State Fire Marshal shall either sustain, modify
24 or revoke the order. If the order is sustained or modified, or
25 if no appeal is made to the Office, it shall be the duty of the

1 owner, ~~or~~ occupant, or other person interested in the premises
2 to immediately comply with such order. The process for appeals
3 of orders served upon an owner, occupant, or other person
4 interested in the premises by a local authority having
5 jurisdiction shall be according to local ordinance.

6 (Source: P.A. 84-954.)

7 (425 ILCS 25/9b) (from Ch. 127 1/2, par. 11)

8 Sec. 9b. Administrative review. When an order to remove or
9 remedy a dangerous condition or fire hazard has been modified
10 or sustained by the ~~Office of the~~ State Fire Marshal, the
11 owner, occupant, or other person interested in the premises
12 ~~person~~ against whom the order has been entered may seek review
13 in the circuit court of the county in which the property
14 affected by the order is located, pursuant to the
15 Administrative Review Law, as amended.

16 (Source: P.A. 84-1308.)

17 (425 ILCS 25/9e) (from Ch. 127 1/2, par. 14)

18 Sec. 9e. Penalties; concurrent jurisdiction. A willful
19 ~~Willful~~ failure, neglect, or refusal to comply (1) with the
20 order of the Office ~~of the State Fire Marshal~~ or other officers
21 after it has become final by reason of failure to prosecute an
22 appeal as provided by this Act, or (2) with the judgment of the
23 circuit court sustaining or modifying the order of the Office
24 is a petty offense, and in the event of a continuance of such

1 willful ~~wilful~~ failure, neglect, or refusal to comply with such
2 order, each day's continuance is a separate offense.

3 The provisions of Sections 9, 9a, 9b, ~~9c, 9d~~ and 9e shall
4 not be construed to affect or repeal any ordinances of any
5 local authority having jurisdiction ~~municipality~~ relating to
6 building inspection, fire limits, fire prevention, or safety
7 standards, but the jurisdiction of the Office of the State Fire
8 Marshal shall, in such local authorities having jurisdiction
9 ~~municipalities~~, be concurrent with that of the local ~~municipal~~
10 authorities having jurisdiction.

11 (Source: P.A. 80-147.)

12 (425 ILCS 25/9f)

13 Sec. 9f. Duties owed to fire fighters. The owner or
14 occupier of the premises and his or her agents owe fire
15 fighters who are on the premises in the performance of their
16 official duties conducting fire investigations or inspections
17 or responding to fire alarms or actual fires on the premises a
18 duty of reasonable care in the maintenance of the premises
19 according to applicable fire safety codes, regulations,
20 ordinances, and generally applicable safety standards,
21 including any decisions by the Illinois courts. The owner or
22 occupier of the premises and his or her agents are not relieved
23 of the duty of reasonable care if the fire fighter is injured
24 due to the lack of maintenance of the premises in the course of
25 responding to a fire, false alarm, or his or her inspection or

1 investigation of the premises.

2 ~~For purposes of this Section, the term "premises" means any~~
3 ~~building or structure or the real property upon which the~~
4 ~~building or structure is situated.~~

5 This Section applies to all causes of action that have
6 accrued, will accrue, or are currently pending before a court
7 of competent jurisdiction, including courts of review.

8 (Source: P.A. 93-233, eff. 7-22-03.)

9 (425 ILCS 25/9g new)

10 Sec. 9g. Applicability within home rule units. The
11 provisions of Sections 9, 9a, 9b, and 9e of this Act do not
12 apply within the geographical boundaries of home rule units
13 that have adopted fire prevention and life safety standards by
14 local ordinance, except with respect to State-owned buildings
15 or State licensed facilities. Nothing in this Act prohibits any
16 home rule unit from voluntarily adopting, in their entirety,
17 the fire prevention and life safety rules adopted by the Office
18 and enforcing those rules concurrently with the Office. Nothing
19 in this Act prohibits the Office from inspecting State-owned
20 buildings or State licensed facilities that are located within
21 the geographical boundaries of home rule units.

22 (425 ILCS 25/12) (from Ch. 127 1/2, par. 16)

23 Sec. 12. Insurance assessment. Every fire insurance
24 company, whether upon the stock or mutual plan, and every other

1 personal or business entity doing any form of fire insurance
2 business in the State of Illinois, shall pay to the Department
3 of Insurance in the month of March, such amount as may be
4 assessed by the Department of Insurance, which may not exceed
5 1% of the gross fire, sprinkler leakage, riot, civil commotion,
6 explosion and motor vehicle fire risk premium receipts of such
7 company or other entity from such business done in the State of
8 Illinois during the preceding year, and shall make an annual
9 report or statement under oath to the Department specifying the
10 amount of such premiums received during the preceding year. The
11 Department of Insurance shall pay the money so received into
12 the Fire Prevention Fund, to be used as specified in Section
13 13.1 of this Act.

14 (Source: P.A. 85-718.)

15 (425 ILCS 25/13) (from Ch. 127 1/2, par. 17)

16 Sec. 13. Insurance assessment penalties. Every company,
17 firm, co-partnership, association or aggregation of
18 individuals, or body of persons insuring each other, or their
19 agents, representatives, or attorneys in fact, who shall refuse
20 or neglect to comply with the requirements of Section 12 of
21 this Act, is liable, in addition to the amount due, for such
22 penalty and interest charges as are provided for under Section
23 412 of the "Illinois Insurance Code". The Director through the
24 Attorney General, may institute an action in the name of the
25 People of the State of Illinois, in any court of competent

1 jurisdiction for the recovery of the amount of such taxes and
2 penalties due, and prosecute the same to final judgment, and
3 take such steps as are necessary to collect the same. If such
4 violation is by a company, association, co-partnership or
5 aggregation of individuals licensed to do business in the State
6 of Illinois, such license may be revoked by the Department of
7 Insurance.

8 (Source: P.A. 83-43.)

9 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

10 Sec. 13.1. Fire Prevention Fund.

11 (a) There shall be a special fund in the State Treasury
12 known as the Fire Prevention Fund.

13 (b) The following moneys shall be deposited into the Fund:

14 (1) Moneys received by the Department of Insurance
15 under Section 12 of this Act.

16 (2) All fees and reimbursements received by the Office
17 ~~of the State Fire Marshal.~~

18 (3) All receipts from boiler and pressure vessel
19 certification, as provided in Section 13 of the Boiler and
20 Pressure Vessel Safety Act.

21 (4) Such other moneys as may be provided by law.

22 (c) The moneys in the Fire Prevention Fund shall be used,
23 subject to appropriation, for the following purposes:

24 (1) Of the moneys deposited into the fund under Section
25 12 of this Act, 12.5% shall be available for the

1 maintenance of the Illinois Fire Service Institute and the
2 expenses, facilities, and structures incident thereto, and
3 for making transfers into the General Obligation Bond
4 Retirement and Interest Fund for debt service requirements
5 on bonds issued by the State of Illinois after January 1,
6 1986 for the purpose of constructing a training facility
7 for use by the Institute. An additional 2.5% of the moneys
8 deposited into the Fire Prevention Fund shall be available
9 to the Illinois Fire Service Institute for support of the
10 Cornerstone Training Program.

11 (2) Of the moneys deposited into the Fund under Section
12 of this Act, 10% shall be available for the maintenance
13 of the Chicago Fire Department Training Program and the
14 expenses, facilities and structures incident thereto, in
15 addition to any moneys payable from the Fund to the City of
16 Chicago pursuant to the Illinois Fire Protection Training
17 Act.

18 (3) For making payments to local governmental agencies
19 and individuals pursuant to Section 10 of the Illinois Fire
20 Protection Training Act.

21 (4) For the maintenance and operation of the Office of
22 the State Fire Marshal, and the expenses incident thereto.

23 (4.5) For the maintenance, operation, and capital
24 expenses of the Mutual Aid Box Alarm System (MABAS).

25 (4.6) For grants awarded by the Small Fire-fighting and
26 Ambulance Service Equipment Grant Program established by

1 Section 2.7 of the State Fire Marshal Act.

2 (5) For any other purpose authorized by law.

3 (c-5) As soon as possible after April 8, 2008 (the
4 effective date of Public Act 95-717) ~~this amendatory Act of the~~
5 ~~95th General Assembly,~~ the Comptroller shall order the transfer
6 and the Treasurer shall transfer \$2,000,000 from the Fire
7 Prevention Fund to the Fire Service and Small Equipment Fund,
8 \$9,000,000 from the Fire Prevention Fund to the Fire Truck
9 Revolving Loan Fund, and \$4,000,000 from the Fire Prevention
10 Fund to the Ambulance Revolving Loan Fund. Beginning on July 1,
11 2008, each month, or as soon as practical thereafter, an amount
12 equal to \$2 from each fine received shall be transferred from
13 the Fire Prevention Fund to the Fire Service and Small
14 Equipment Fund, an amount equal to \$1.50 from each fine
15 received shall be transferred from the Fire Prevention Fund to
16 the Fire Truck Revolving Loan Fund, and an amount equal to \$4
17 from each fine received shall be transferred from the Fire
18 Prevention Fund to the Ambulance Revolving Loan Fund. These
19 moneys shall be transferred from the moneys deposited into the
20 Fire Prevention Fund pursuant to Public Act 95-154, together
21 with not more than 25% of any unspent appropriations from the
22 prior fiscal year. These moneys may be allocated to the Fire
23 Truck Revolving Loan Fund, Ambulance Revolving Loan Fund, and
24 Fire Service and Small Equipment Fund at the discretion of the
25 Office ~~of the State Fire Marshal~~ for the purpose of
26 implementation of this Act.

1 (d) Any portion of the Fire Prevention Fund remaining
2 unexpended at the end of any fiscal year which is not needed
3 for the maintenance and expenses of the Office ~~of the State~~
4 ~~Fire Marshal~~ or the maintenance and expenses of the Illinois
5 Fire Service Institute, shall remain in the Fire Prevention
6 Fund for the exclusive and restricted uses provided in
7 subsections (c) and (c-5) of this Section.

8 (e) The Office ~~of the State Fire Marshal~~ shall keep on file
9 an itemized statement of all expenses incurred which are
10 payable from the Fund, other than expenses incurred by the
11 Illinois Fire Service Institute, and shall approve all vouchers
12 issued therefor before they are submitted to the State
13 Comptroller for payment. Such vouchers shall be allowed and
14 paid in the same manner as other claims against the State.

15 (Source: P.A. 96-286, eff. 8-11-09; 96-1176, eff. 7-22-10;
16 97-114, eff. 1-1-12; 97-901, eff. 1-1-13.)

17 (425 ILCS 25/10 rep.)

18 Section 10. The Fire Investigation Act is amended by
19 repealing Section 10.

20 Section 97. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.