



Sen. Robert Peters

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LRB101 00245 RAB 57725 a

1 AMENDMENT TO SENATE BILL 1270

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1270 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Plumbing License Law is amended by  
5 changing Sections 8, 16, 19, and 35.5 and by adding Sections  
6 8.5 and 29.6 as follows:

7 (225 ILCS 320/8) (from Ch. 111, par. 1107)

8 Sec. 8. Powers and duties of the Director. The Director  
9 shall:

10 (1) Prepare forms for application for examination for a  
11 plumber's license.

12 (2) Prepare and issue licenses as provided in this Act.

13 (3) With the aid of the Board prescribe rules and  
14 regulations for examination of applicants for plumber's  
15 licenses.

16 (4) With the aid of the Board prepare and give uniform

1 and comprehensive examinations to applicants for a  
2 plumber's license which shall test their knowledge and  
3 qualifications in the planning and design of plumbing  
4 systems, their knowledge, qualifications, and manual  
5 skills in plumbing, and their knowledge of the State's  
6 minimum code of standards relating to fixtures, materials,  
7 design and installation methods of plumbing systems,  
8 promulgated pursuant to this Act.

9 (5) Issue a plumber's license and license renewal to  
10 every applicant who has passed the examination and who has  
11 paid the required license and renewal fee.

12 (6) Prescribe rules for hearings to deny, suspend,  
13 revoke or reinstate licenses as provided in this Act.

14 (7) Maintain a current record showing (a) the names and  
15 addresses of registered plumbing contractors, licensed  
16 plumbers, licensed apprentice plumbers, and licensed  
17 retired plumbers, (b) the dates of issuance of licenses,  
18 (c) the date and substance of the charges set forth in any  
19 hearing for denial, suspension or revocation of any  
20 license, (d) the date and substance of the final order  
21 issued upon each such hearing, and (e) the date and  
22 substance of all petitions for reinstatement of license and  
23 final orders on such petitions.

24 (8) Prescribe, in consultation with the Board, uniform  
25 and reasonable rules defining what constitutes an approved  
26 course of instruction in plumbing, in colleges,

1 universities, or trade schools, and approve or disapprove  
2 the courses of instruction offered by such colleges,  
3 universities, or trade schools by reference to their  
4 compliance or noncompliance with such rules. Such rules  
5 shall be designed to assure that an approved course of  
6 instruction will adequately teach the design, planning,  
7 installation, replacement, extension, alteration and  
8 repair of plumbing.

9 (9) Conduct hearings and impose civil penalties under  
10 Section 29.6 of this Law.

11 Each instructor participating in a program of  
12 instruction in plumbing shall be:

13 (a) an Illinois licensed plumber;

14 (b) an individual who possesses a provisional  
15 career and technical educator endorsement on an  
16 educator license, issued by the State Board of  
17 Education pursuant to Section 21B-20 of the School Code  
18 in a field related to plumbing, such as hydraulics,  
19 pneumatics, or water chemistry; or

20 (c) a representative of an industry or a  
21 manufacturing business related to plumbing, including,  
22 but not limited to, the copper industry, plastic pipe  
23 industry, or cast iron industry. Courses that are  
24 taught by industry representatives shall be  
25 educational and shall not be sales oriented. Industry  
26 representatives shall be assisted by an Illinois

1 licensed plumber during the presentation of a course of  
2 instruction.

3 The instructor shall provide verification of the  
4 license or certificate. A copy of the instructor's educator  
5 license will establish verification.

6 (Source: P.A. 99-504, eff. 1-1-17.)

7 (225 ILCS 320/8.5 new)

8 Sec. 8.5. Rules adopted under this Law. Rules adopted under  
9 this Law may not be subject to paragraph (9) of subsection (a)  
10 of Section 5-565 of the Civil Administrative Code of Illinois.

11 (225 ILCS 320/16) (from Ch. 111, par. 1115)

12 Sec. 16. (1) Any city, village or incorporated town, having  
13 a population of 500,000 or more may, by an ordinance containing  
14 provisions substantially the same as those in this Act and  
15 specifying educational or experience requirements equivalent  
16 to those prescribed in this Act, provide for a board of  
17 plumbing examiners to conduct examinations for, and to issue,  
18 suspend, or revoke, plumbers' licenses, within such city,  
19 village or incorporated town. Upon the enactment of such  
20 ordinance the licensing provisions of this act shall not apply  
21 within any such municipality except as otherwise provided  
22 herein.

23 (2) Any person licensed as a plumber pursuant to such  
24 ordinance, or licensed by the Department under this Act, may

1 engage in plumbing anywhere in this State.

2 (3) Any board of plumbing examiners created pursuant to  
3 this Section shall maintain a current record similar to that  
4 required of the Director by Section 8 of this Act, and shall  
5 provide the Department with a copy thereof. The Department  
6 shall be advised of changes in such record at least every six  
7 months.

8 (4) In the event that the plumbing contractor's license is  
9 suspended or revoked by any city, village, or incorporated  
10 town, having a population of 500,000 or more, the city,  
11 village, or incorporated town shall notify the Department.

12 (5) Any city, village, or incorporated town having a  
13 population of 500,000 or more that licenses an individual as a  
14 plumber shall provide a license composed of a solid plastic  
15 card that includes a photo of the licensed plumber printed  
16 directly on the card. An applicant who is 21 years of age or  
17 older seeking a religious exemption to the photo requirement of  
18 this subsection shall furnish with his or her application an  
19 approved copy of United States Department of the Treasury  
20 Internal Revenue Service Form 4029. Regardless of age, an  
21 applicant seeking a religious exemption to this photo  
22 requirement shall submit fingerprints in a form and manner  
23 prescribed by the city, village, or incorporated town with his  
24 or her application in lieu of a photo.

25 (Source: P.A. 97-365, eff. 1-1-12; 97-1137, eff. 6-1-13;  
26 98-848, eff. 1-1-15.)

1 (225 ILCS 320/19) (from Ch. 111, par. 1118)

2 Sec. 19. The Director, after notice and opportunity for  
3 hearing to the applicant, license holder, or registrant, may  
4 deny, suspend, or revoke a license or registration in any case  
5 in which he or she finds that there has been a substantial  
6 failure to comply with the provisions of this Act or the  
7 standards, rules, and regulations established under this Act or  
8 failure to pay any fee or fine imposed by the Department.

9 The Director after notice and opportunity for hearing, may  
10 assess civil penalties to any person for violations of this Act  
11 or the rules adopted under this Act. Notice shall be provided  
12 by certified mail or by personal service setting forth the  
13 particular reasons for the proposed action and fixing a date,  
14 not less than 20 days from the date of the mailing or service,  
15 within which time the person, applicant, or license holder must  
16 request in writing a hearing. Failure to serve upon the  
17 Department a request for hearing in writing within the time  
18 provided in the notice shall constitute a waiver of the  
19 person's right to an administrative hearing.

20 The hearing shall be conducted by the Director or by an  
21 individual designated in writing by the Director as a hearing  
22 officer to conduct the hearing. The Director or hearing officer  
23 shall give written notice of the time and place of the hearing,  
24 by certified mail or personal service, to the person,  
25 applicant, license holder, or registrant at least 10 days prior

1 to the hearing. On the basis of the hearing, or upon default of  
2 the applicant, license holder, or registrant, the Director  
3 shall make a determination specifying his or her findings and  
4 conclusions. A copy of the determination shall be sent by  
5 certified mail or served personally upon the person, applicant,  
6 license holder, or registrant. The decision of the Director  
7 shall be final on issues of fact and final in all respects  
8 unless judicial review is sought as provided in this Act.

9 The procedure governing hearings authorized by this  
10 Section shall be in accordance with rules promulgated by the  
11 Department. A full and complete record shall be kept of all  
12 proceedings, including the notice of hearing, complaint, and  
13 all other documents in the nature of pleadings, written motions  
14 filed in the proceedings, and the report and orders of the  
15 Director and hearing officer.

16 The Department at its expense shall provide a court  
17 reporter to take testimony. Technical error in the proceedings  
18 before the Department or hearing officer or their failure to  
19 observe the technical rules of evidence shall not be grounds  
20 for the reversal of any administrative decision unless it  
21 appears to the Court that such error or failure materially  
22 affects the rights of any party and results in substantial  
23 injustice to them.

24 The Department or hearing officer, or any parties in an  
25 investigation or hearing before the Department, may cause the  
26 depositions of witnesses within the State to be taken in the

1 manner prescribed by law for depositions in civil actions in  
2 courts of this State, and compel the attendance of witnesses  
3 and the production of books, papers, records, or memoranda.

4 The Department shall not be required to certify any record  
5 to the Court or file any answer in Court or otherwise appear in  
6 any Court in a judicial review proceeding, unless there is  
7 filed in the Court with the complaint a receipt from the  
8 Department acknowledging payment of the costs of furnishing and  
9 certifying the record. Such cost shall be paid by the party  
10 requesting a copy of the record. Failure on the part of the  
11 person requesting a copy of the record to pay the cost shall be  
12 grounds for dismissal of the action.

13 (Source: P.A. 91-678, eff. 1-26-00.)

14 (225 ILCS 320/29.6 new)

15 Sec. 29.6. Civil penalties for violations. Any person who  
16 violates any provision of this Law or any rule, regulation, or  
17 plumbing code adopted under this Law shall, in addition to any  
18 other penalty provided by this Law, be subject to a civil  
19 penalty of \$100 per day, per violation. Civil penalties  
20 collected under this Section shall be deposited into the  
21 Plumbing Licensure and Program Fund.

22 (225 ILCS 320/35.5)

23 Sec. 35.5. Lead in drinking water prevention.

24 (a) The General Assembly finds that lead has been detected



1 in the drinking water of schools in this State. The General  
2 Assembly also finds that infants and young children may suffer  
3 adverse health effects and developmental delays as a result of  
4 exposure to even low levels of lead. The General Assembly  
5 further finds that it is in the best interests of the people of  
6 the State to require school districts or chief school  
7 administrators, or the designee of the school district or chief  
8 school administrator, to test for lead in drinking water in  
9 school buildings and provide written notification of the test  
10 results.

11 The purpose of this Section is to require (i) school  
12 districts or chief school administrators, or the designees of  
13 the school districts or chief school administrators, to test  
14 for lead with the goal of providing school building occupants  
15 with an adequate supply of safe, potable water; and (ii) school  
16 districts or chief school administrators, or the designees of  
17 the school districts or chief school administrators, to notify  
18 the parents and legal guardians of enrolled students of the  
19 sampling results from their respective school buildings.

20 (b) For the purposes of this Section:

21 "Community water system" has the meaning provided in 35  
22 Ill. Adm. Code 611.101.

23 "School building" means any facility or portion thereof  
24 that was constructed on or before January 1, 2000 and may be  
25 occupied by more than 10 children or students, pre-kindergarten  
26 through grade 5, under the control of (a) a school district or

1 (b) a public, private, charter, or nonpublic day or residential  
2 educational institution.

3 "Source of potable water" means the point at which  
4 non-bottled water that may be ingested by children or used for  
5 food preparation exits any tap, faucet, drinking fountain, wash  
6 basin in a classroom occupied by children or students under  
7 grade 1, or similar point of use; provided, however, that all  
8 (a) bathroom sinks and (b) wash basins used by janitorial staff  
9 are excluded from this definition.

10 (c) Each school district or chief school administrator, or  
11 the designee of each school district or chief school  
12 administrator, shall test each source of potable water in a  
13 school building for lead contamination as required in this  
14 subsection.

15 (1) Each school district or chief school  
16 administrator, or the designee of each school district or  
17 chief school administrator, shall, at a minimum, (a)  
18 collect a first-draw 250 milliliter sample of water, (b)  
19 flush for 30 seconds, and (c) collect a second-draw 250  
20 milliliter sample from each source of potable water located  
21 at each corresponding school building; provided, however,  
22 that to the extent that multiple sources of potable water  
23 utilize the same drain, (i) the foregoing collection  
24 protocol is required for one such source of potable water,  
25 and (ii) only a first-draw 250 milliliter sample of water  
26 is required from the remaining such sources of potable

1 water. The water corresponding to the first-draw 250  
2 milliliter sample from each source of potable water shall  
3 have been standing in the plumbing pipes for at least 8  
4 hours, but not more than 18 hours, without any flushing of  
5 the source of potable water before sample collection.

6 (2) Each school district or chief school  
7 administrator, or the designee of each school district or  
8 chief school administrator, shall arrange to have the  
9 samples it collects pursuant to subdivision (1) of this  
10 subsection submitted to a laboratory that is certified for  
11 the analysis of lead in drinking water in accordance with  
12 accreditation requirements developed by a national  
13 laboratory accreditation body, such as the National  
14 Environmental Laboratory Accreditation Conference ~~(NELAC)~~  
15 Institute ~~(TNI)~~. Samples submitted to laboratories  
16 pursuant to this subdivision (2) shall be analyzed for lead  
17 using one of the test methods for lead that is described in  
18 40 CFR 141.23(k) (1). Within 7 days after receiving a final  
19 analytical result concerning a sample collected pursuant  
20 to subdivision (1) of this subsection, the school district  
21 or chief school administrator, or a designee of the school  
22 district or chief school administrator, that collected the  
23 sample shall provide the final analytical result to the  
24 Department.

25 (3) If any of the samples taken in the school exceed 5  
26 parts per billion, the school district or chief school

1 administrator, or the designee of the school district or  
2 chief school administrator, shall promptly provide an  
3 individual notification of the sampling results, via  
4 written or electronic communication, to the parents or  
5 legal guardians of all enrolled students and include the  
6 following information: the corresponding sampling location  
7 within the school building and the United States  
8 Environmental Protection Agency's website for information  
9 about lead in drinking water. If any of the samples taken  
10 at the school are at or below 5 parts per billion,  
11 notification may be made as provided in this paragraph or  
12 by posting on the school's website.

13 (4) Sampling and analysis required under this Section  
14 shall be completed by the following applicable deadlines:  
15 for school buildings constructed prior to January 1, 1987,  
16 by December 31, 2017; and for school buildings constructed  
17 between January 2, 1987 and January 1, 2000, by December  
18 31, 2018.

19 (5) A school district or chief school administrator, or  
20 the designee of the school district or chief school  
21 administrator, may seek a waiver of the requirements of  
22 this subsection from the Department, if (A) the school  
23 district or chief school administrator, or the designee of  
24 the school district or chief school administrator,  
25 collected at least one 250 milliliter or greater sample of  
26 water from each source of potable water that had been

1 standing in the plumbing pipes for at least 6 hours and  
2 that was collected without flushing the source of potable  
3 water before collection, (B) a laboratory described in  
4 subdivision (2) of this subsection analyzed the samples in  
5 accordance with a test method described in that  
6 subdivision, (C) test results were obtained prior to the  
7 effective date of this amendatory Act of the 99th General  
8 Assembly, but after January 1, 2013, and (D) test results  
9 were submitted to the Department within 120 days of the  
10 effective date of this amendatory Act of the 99th General  
11 Assembly.

12 (6) The owner or operator of a community water system  
13 may agree to pay for the cost of the laboratory analysis of  
14 the samples required under this Section and may utilize the  
15 lead hazard cost recovery fee under Section 11-150.1-1 of  
16 the Illinois Municipal Code or other available funds to  
17 defray said costs.

18 (7) Lead sampling results obtained shall not be used  
19 for purposes of determining compliance with the Board's  
20 rules that implement the national primary drinking water  
21 regulations for lead and copper.

22 (c-5) Each park district, municipal park, forest preserve,  
23 museum, publicly funded institution of higher learning, and  
24 recreation agency, or special recreation agency, or its  
25 designee, shall test each source of potable water in each of  
26 its public buildings and parks for lead contamination as

1 required in this subsection and notify the public according to  
2 the following requirements:

3 (1) Collect water samples in accordance with rules  
4 adopted by the Department and submit to the Illinois  
5 Environmental Protection Agency Laboratory in accordance  
6 with rules adopted by the Department.

7 (2) Laboratory test results for any sample taken under  
8 this subsection received by the park district, municipal  
9 park, forest preserve, museum, publicly funded institution  
10 of higher learning and recreation agency, or special  
11 recreation agency, or its designee, shall be provided to  
12 the public via a publication circulated in the county where  
13 the public buildings and parks are located, and on a  
14 website which is used by the public to obtain general  
15 information about the public building or park or by a  
16 physical posting in a conspicuous location at the public  
17 building or park in such fashion so as to be seen by the  
18 public. The public notifications shall include the  
19 following: (i) the corresponding sampling location within  
20 the public building or park, (ii) the actual test results  
21 for each location sampled, and (iii) the Department's  
22 website for information about lead in drinking water.

23 (3) A park district, municipal park, forest preserve,  
24 publicly funded institution of higher learning and  
25 recreation agency, or special recreation agency, or its  
26 designee, may seek a waiver of testing requirements of this

1       subsection from the Department as prescribed by the rules  
2       adopted by the Department.

3       The Department shall adopt rules that prescribe the  
4       procedures and standards to be used by the Department in  
5       assessing levels of lead in water in school buildings that  
6       serve children under the age of 6 and public buildings and  
7       parks operated by a park district, municipal park, forest  
8       preserve, museum, publicly funded institution of higher  
9       learning and recreation agency, or special recreation agency.  
10      Such rules shall, at a minimum, prescribe sampling methods,  
11      compliance deadlines, submission of analytical results,  
12      testing parameters, waiver of requirements, remediation  
13      requirements and validation for remediation in accordance with  
14      this Section.

15      The owner or operator of a community water system may agree  
16      to pay for the cost of the laboratory analysis of the samples  
17      required under this subsection and may utilize the lead hazard  
18      cost recovery fee under Section 11-150 of the Illinois  
19      Municipal Code or other available funds to defray costs.

20      Lead sampling results obtained shall not be used for  
21      determining compliance with the Pollution Control Board's  
22      rules implementing the national primary drinking regulations  
23      for lead and copper.

24           (d) By no later than June 30, 2019, the Department shall  
25      determine whether it is necessary and appropriate to protect  
26      public health to require schools constructed in whole or in

1 part after January 1, 2000 to conduct testing for lead from  
2 sources of potable water, taking into account, among other  
3 relevant information, the results of testing conducted  
4 pursuant to this Section. Schools constructed on or before  
5 January 1, 2014 shall conduct testing for lead in water in  
6 accordance with this Section and the rules adopted by the  
7 Department.

8 (e) Within 90 days of the effective date of this amendatory  
9 Act of the 99th General Assembly, the Department shall post on  
10 its website guidance on mitigation actions for lead in drinking  
11 water, and ongoing water management practices, in schools. In  
12 preparing such guidance, the Department may, in part, reference  
13 the United States Environmental Protection Agency's 3Ts for  
14 Reducing Lead in Drinking Water in Schools.

15 (Source: P.A. 99-922, eff. 1-17-17; 100-103, eff. 8-11-17.)

16 Section 10. The Environmental Protection Act is amended by  
17 adding Section 17.12 as follows:

18 (415 ILCS 5/17.12 new)

19 Sec. 17.12. Lead testing fee.

20 (a) The Agency shall accept drinking water samples  
21 collected under Section 35.5 of the Illinois Plumbing License  
22 Law and analyze the accepted samples for lead using one of the  
23 test methods for lead that is described in 40 C.F.R  
24 141.23(k)(1). The agency shall analyze each collected sample



1 for lead within the holding time specified in the applicable  
2 test method, and within 30 days after completing its analysis,  
3 shall report the test results to the Department of Public  
4 Health and the person who submitted the sample to the agency.

5 (b) The Agency shall collect a \$20 lead testing fee for  
6 each sample accepted for analysis under this Section. Fees  
7 collected by the agency under this Section shall be deposited  
8 in the Community Water Supply Laboratory Fund and used by the  
9 agency for the purposes of providing services under this  
10 Section and Section 17.7.

11 (c) The Agency is authorized to adopt rules necessary to  
12 implement this Section."