



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0691

Introduced 2/8/2021, by Rep. Kathleen Willis

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.32  
5 ILCS 80/4.41 new  
225 ILCS 729/35  
225 ILCS 729/45  
225 ILCS 729/60  
225 ILCS 729/65  
225 ILCS 729/73 new

Amends the Petroleum Equipment Contractors Licensing Act. Provides that, if a corporation or business entity does not have evidence of current registration, such as a Secretary of State issued Certificate of Good Standing, the Office of the State Fire Marshal has the authority to deny or revoke the license of such a corporation or business entity. Provides that a lapsed license may not be reinstated until an application (rather than a written application) is filed. Removes language providing that, if a license or certificate is lost, a duplicate shall be issued upon payment of the required fee. Removes language providing that licensees shall be subject to disciplinary action for being a habitual drunk or having a habitual addiction to the use of morphine, cocaine, controlled substances, or other habit-forming drugs. Allows the Office of the State Fire Marshal to adopt rules to permit the issuance of citations for certain violations of the Act or the rules adopted under the Act. Amends the Regulatory Sunset Act. Extends the repeal date of the Petroleum Equipment Contractors Licensing Act from January 1, 2022 to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 10385 SPS 15712 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by  
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following  
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and  
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology  
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 ~~The Petroleum Equipment Contractors Licensing Act.~~

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

2 The Water Well and Pump Installation Contractor's License  
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;  
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following  
8 Act is repealed on January 1, 2032:

9 The Petroleum Equipment Contractors Licensing Act.

10 Section 10. The Petroleum Equipment Contractors Licensing  
11 Act is amended by changing Sections 35, 45, 60, and 65 and by  
12 adding Section 73 as follows:

13 (225 ILCS 729/35)

14 (Section scheduled to be repealed on January 1, 2022)

15 Sec. 35. Licensure qualifications and fees.

16 (a) Applicants for a license must submit to the Office all  
17 of the following:

18 (1) fees as established by the Office;

19 (2) evidence of current registration as an Illinois  
20 corporation or other business entity and, when applicable,  
21 evidence of compliance with the Assumed Business Name Act;  
22 if the corporation or business entity does not have  
23 evidence of current registration, such as a Secretary of

1       State issued Certificate of Good Standing, the Office has  
2       the authority to deny or revoke the license of such a  
3       corporation or business entity;

4           (3) evidence of financial responsibility in a minimum  
5       amount of \$1,000,000 through liability insurance,  
6       self-insurance, group insurance, group self-insurance, or  
7       risk retention groups that must include completed  
8       operations and environmental impairment; and

9           (4) evidence of compliance with the qualifications and  
10       standards established by the Office.

11       (b) The contractor must possess a license from the Office  
12       to perform the following types of activity:

13           (1) installation of underground storage tanks;

14           (2) repair of USTs, which shall include retrofitting  
15       and installation of cathodic protection systems;

16           (3) decommissioning of USTs including abandonment in  
17       place;

18           (4) relining of USTs;

19           (5) tank and piping tightness testing;

20           (6) testing of cathodic protection systems; and

21           (7) any other category established by the Office of  
22       the State Fire Marshal.

23       (c) (Blank).

24       (Source: P.A. 97-428, eff. 8-16-11.)

25       (225 ILCS 729/45)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 45. Issuance of license; renewal.

3 (a) The State Fire Marshal shall, upon the applicant's  
4 satisfactory completion of the requirements authorized under  
5 this Act, and upon receipt of the requisite fees, issue the  
6 appropriate license showing the name and business location of  
7 the licensee and the dates of issuance and expiration.

8 (b) Each licensee may apply for renewal of his or her  
9 license upon payment of the requisite fee. The expiration date  
10 and renewal period for each license issued under this Act  
11 shall be set by rule. Failure to renew by the expiration date  
12 shall cause the license to lapse. A lapsed license may not be  
13 reinstated until an ~~a written~~ application is filed, the  
14 renewal fee is paid, and a \$50 reinstatement fee is paid. The  
15 renewal and reinstatement fees shall be waived for persons who  
16 did not renew while on active duty in the military and who file  
17 for renewal or restoration within one year after discharge  
18 from the active duty service.

19 (c) All fees paid pursuant to this Act are non-refundable.  
20 This shall not preclude the State Fire Marshal from refunding  
21 accidental overpayment of fees.

22 (Source: P.A. 97-428, eff. 8-16-11.)

23 (225 ILCS 729/60)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 60. License renewal; display of license; inspection.

1 (a) As a condition of renewal of a license, the State Fire  
2 Marshal may require the licensee to report information  
3 pertaining to his or her practice that the State Fire Marshal  
4 determines to be in the interest of public safety.

5 (b) A licensee shall report a change in home or office  
6 address within 10 days.

7 (c) Each licensee shall prominently display his or her  
8 license to practice at each place from which the practice is  
9 being performed. If more than one location is used, branch  
10 office certificates shall be issued upon payment of the fees  
11 to be established by the State Fire Marshal.

12 ~~(d) If a license or certificate is lost, a duplicate shall~~  
13 ~~be issued upon payment of the required fee to be established by~~  
14 ~~the State Fire Marshal.~~ If a licensee wishes to change his or  
15 her name, the State Fire Marshal shall issue a license in the  
16 new name upon payment of the required fee and upon receipt of  
17 satisfactory proof that the change was done in accordance with  
18 law.

19 (e) Each licensee shall permit his or her facilities to be  
20 inspected by representatives of the Office of the State Fire  
21 Marshal.

22 (Source: P.A. 97-428, eff. 8-16-11.)

23 (225 ILCS 729/65)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 65. Disciplinary actions. Licensees shall be subject

1 to disciplinary action for any of the following:

2 (1) obtaining or renewing a license by the use of  
3 fraud or material deception;

4 (2) being professionally incompetent as manifested by  
5 poor standards of service;

6 (3) engaging in dishonorable, unethical, or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud, or harm the public in the course of professional  
9 services or activities;

10 (4) being convicted of a crime that has a substantial  
11 relationship to his or her practice or an essential  
12 element of which is misstatement, fraud, or dishonesty,  
13 being convicted in this or another state of any crime that  
14 is a felony under the laws of Illinois or of that state, or  
15 being convicted of a felony in a federal court, unless the  
16 licensee demonstrates that he or she has been sufficiently  
17 rehabilitated to warrant the public trust;

18 (5) performing any service in a grossly negligent  
19 manner or permitting any licensed employee to perform  
20 services in a grossly negligent manner, regardless of  
21 whether actual damage or damage to the public is  
22 established;

23 (6) (blank); ~~being a habitual drunk or having a~~  
24 ~~habitual addiction to the use of morphine, cocaine,~~  
25 ~~controlled substances, or other habit-forming drugs;~~

26 (7) willfully receiving compensation, directly or

1 indirectly, for any professional service not actually  
2 rendered;

3 (8) having disciplinary action taken against his or  
4 her license in another State;

5 (9) contracting or assisting unlicensed persons to  
6 perform services for which a license is required under  
7 this Act;

8 (10) permitting the use of his or her license to  
9 enable an unlicensed person or agency to operate as a  
10 licensee;

11 (11) performing and charging for services without  
12 having authorization to do so from the member of the  
13 public being served; or

14 (12) failing to comply with any provision of this Act  
15 or the rules adopted under this Act.

16 (Source: P.A. 92-618, eff. 7-11-02.)

17 (225 ILCS 729/73 new)

18 Sec. 73. Citations.

19 (a) The Office of the State Fire Marshal may adopt rules to  
20 permit the issuance of citations for certain violations of  
21 this Act or the rules adopted under this Act. The citation  
22 shall be issued to the licensee and shall contain the  
23 licensee's name and address, the licensee's license number, a  
24 brief factual statement, the Sections of the law or rules  
25 allegedly violated, and the penalty imposed. The citation must



1 clearly state that the licensee may choose, in lieu of  
2 accepting the citation, to request a hearing to appeal the  
3 citation. If the licensee does not file a written appeal of the  
4 citation with the Office of the State Fire Marshal within 15  
5 days after the citation is served, then the citation shall  
6 become a final order imposing a monetary penalty. The penalty  
7 shall be a monetary civil fine. In the event of a timely  
8 written appeal, the Office of the State Fire Marshal shall  
9 conduct an administrative hearing governed by the Illinois  
10 Administrative Procedure Act and enter an order to sustain,  
11 modify, or revoke such citation. Any appeal from such hearing  
12 order shall be to the circuit court of the county in which the  
13 violation took place and shall be governed by the  
14 Administrative Review Law.

15 (b) The Office of the State Fire Marshal shall adopt rules  
16 designating violations for which a citation may be issued,  
17 which may specify separate hearing procedures for appeals of  
18 such citations so long as the hearing procedures are not  
19 inconsistent with the Illinois Administrative Procedure Act.

20 (c) Service of a citation may be made by personal service  
21 or certified mail to the licensee at the licensee's last known  
22 address as listed with the Office of the State Fire Marshal.

23 Section 99. Effective date. This Act takes effect January  
24 1, 2022, except that this Section and Section 5 take effect  
25 upon becoming law.