

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 Plumbing License Law is amended by
5 changing Sections 2.5 and 29.5 as follows:

6 (225 ILCS 320/2.5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

9 (a) Every irrigation contractor doing business in this
10 State shall annually register with the Department. Every
11 irrigation contractor shall provide to the Department his or
12 her business name and address, telephone number, name of
13 principal, FEIN number, and an original certificate of
14 insurance documenting that the irrigation contractor carries
15 general liability insurance with a minimum of \$100,000 per
16 occurrence, bodily injury insurance with a minimum of \$300,000
17 per occurrence, property damage insurance with a minimum of
18 \$50,000, and worker's compensation insurance with a minimum of
19 \$500,000. No registration may be issued in the absence of the
20 certificate of insurance. The certificate must be in force at
21 all times for registration to remain valid.

22 On a form provided by the Department, every irrigation
23 contractor must provide to the Department an indemnification

1 bond in the amount of \$20,000 or an irrevocable letter of
2 credit from a financial institution guaranteeing that funds
3 shall be available only to the Department and shall be
4 released upon written notification by the Department in the
5 same amount for any work on lawn sprinkler systems performed
6 by the registered irrigation contractor. The letter of credit
7 shall be printed on the letterhead of the issuing financial
8 institution, be signed by an officer of the same financial
9 institution, name the Department as the sole beneficiary, and
10 expire on February 28 of each year.

11 Every irrigation contractor doing business in this State
12 shall also register with the Department each and every
13 employee who installs or supervises the installation of lawn
14 sprinkler systems. The registration shall include the
15 employee's name, home address, and telephone number. The
16 Department may provide by rule for the administration of
17 registrations under this subsection. The annual registration
18 fee shall be set by the Department pursuant to Section 30 of
19 this Act. Each registered irrigation contractor must provide
20 proof that he or she employs at least one irrigation employee
21 who has completed and passed an approved class in the design
22 and installation of lawn sprinkler systems.

23 (b) A licensed plumber or licensed apprentice plumber may
24 install a lawn sprinkler system connected to any water source
25 without registration under this Section.

26 (c) A licensed plumber shall inspect every sprinkler

1 system installed by an irrigation contractor to ensure the
2 provisions of this Section have been met and that the system
3 works mechanically. The inspecting ~~A~~ licensed plumber shall
4 make the physical connection between a lawn sprinkler system
5 and the backflow prevention device. The inspecting licensed
6 plumber shall inspect every aspect of the sprinkler system,
7 including all piping, fittings, and heads, to ensure the
8 provisions of this Section have been met.

9 Upon the installation of every lawn sprinkler system in
10 this State from the effective date of this amendatory Act of
11 the 91st General Assembly forward, a licensed plumber shall
12 affix to the backflow prevention device a tag certifying that
13 the installation of that system has been completed in
14 compliance with the minimum code of plumbing standards
15 promulgated under this Act. The Department shall provide by
16 rule for the registration of every lawn sprinkler system
17 installed after the effective date of this amendatory Act of
18 the 91st General Assembly, including the means by which the
19 Department shall be able to identify by registration number
20 the identity of the responsible irrigation contractor and by
21 license number the identity of the responsible licensed
22 plumber. No lawn sprinkler system installed after the
23 effective date of this amendatory Act of the 91st General
24 Assembly may be operated without the certification tag
25 required under this Section.

26 The registered irrigation contractor and the licensed

1 plumber whose identifying information is contained on the
2 certification tag shall both be subject to the penalty
3 provisions of this Act for violations for improper
4 installation of a lawn sprinkler system installed after the
5 effective date of this amendatory Act of the 91st General
6 Assembly.

7 (d) An irrigation contractor who has registered with the
8 Department 7 or fewer persons who are authorized to install or
9 supervise the installation of lawn sprinkler systems shall
10 either employ or contract with at least one licensed plumber
11 who shall install or be responsible for the installation of
12 every lawn sprinkler system installed after the effective date
13 of this amendatory Act of the 91st General Assembly. The
14 licensed plumber shall inspect the risers and sprinkler heads
15 before backfilling.

16 An irrigation contractor who has registered with the
17 Department 8 to 12 persons who are authorized to install or
18 supervise the installation of lawn sprinkler systems shall
19 either employ or contract with at least 2 licensed plumbers
20 who shall install or be responsible for the installation of
21 every lawn sprinkler system installed after the effective date
22 of this amendatory Act of the 91st General Assembly. A
23 licensed plumber shall inspect the risers and sprinkler heads
24 before backfilling.

25 An irrigation contractor who has registered with the
26 Department 13 to 20 persons who are authorized to install or

1 supervise the installation of lawn sprinkler systems shall
2 either employ or contract with at least 3 licensed plumbers
3 who shall install or be responsible for the installation of
4 every lawn sprinkler system installed after the effective date
5 of this amendatory Act of the 91st General Assembly. A
6 licensed plumber shall inspect the risers and sprinkler heads
7 before backfilling.

8 An irrigation contractor who has registered with the
9 Department 21 to 28 persons who are authorized to install or
10 supervise the installation of lawn sprinkler systems shall
11 either employ or contract with at least 4 licensed plumbers
12 who shall install or be responsible for the installation of
13 every lawn sprinkler system installed after the effective date
14 of this amendatory Act of the 91st General Assembly. A
15 licensed plumber shall inspect the risers and sprinkler heads
16 before backfilling.

17 An irrigation contractor who has registered with the
18 Department 29 to 35 persons who are authorized to install or
19 supervise the installation of lawn sprinkler systems shall
20 either employ or contract with at least 5 licensed plumbers
21 who shall install or be responsible for the installation of
22 every lawn sprinkler system installed after the effective date
23 of this amendatory Act of the 91st General Assembly. A
24 licensed plumber shall inspect the risers and sprinkler heads
25 before backfilling.

26 An irrigation contractor who has registered with the

1 Department 36 or more persons who are authorized to install or
2 supervise the installation of lawn sprinkler systems shall
3 either employ or contract with at least 6 licensed plumbers
4 who shall install or be responsible for the installation of
5 every lawn sprinkler system installed after the effective date
6 of this amendatory Act of the 91st General Assembly. A
7 licensed plumber shall inspect the risers and sprinkler heads
8 before backfilling.

9 The Department may provide by rule for the temporary
10 waiver process for registered irrigation contractors who are
11 unable to comply with the requirements of this subsection.
12 When a temporary waiver is granted, it shall not be for a
13 duration of more than 3 consecutive months. Upon the
14 expiration of a temporary waiver issued by the Department, the
15 registered irrigation contractor shall demonstrate that
16 justifiable reasons exist why he or she is still unable to
17 comply with the requirements of this subsection, despite good
18 faith efforts to comply with the requirements. In no case
19 shall a temporary waiver be granted for an irrigation
20 contractor for more than a total of 6 months in a 2-year
21 ~~two-year~~ period. In no case shall an irrigation contractor be
22 relieved of the requirement that a licensed plumber shall
23 inspect every sprinkler system installed by an irrigation
24 contractor to ensure the provisions of this Section have been
25 met and that the system works mechanically and make the
26 physical connection between a sprinkler system and the

1 backflow prevention device.

2 (e) No person shall attach to a lawn sprinkler system any
3 fixture intended to supply water for human consumption.

4 No person shall attach to a lawn sprinkler system any
5 fixture other than the backflow prevention device, sprinkler
6 heads, valves, and other parts integral to the operation of
7 the system, unless the fixture is clearly marked as being for
8 non-potable uses only.

9 (f) A college, university, trade school, vocational
10 school, or association that has established a program
11 providing a course of instruction in lawn sprinkler design and
12 installation may submit a letter to the Department requesting
13 approval of its program or course of instruction.

14 The request for approval shall include information on the
15 curriculum offered by the program and the qualifications of
16 the organization. The course shall consist of a minimum of 2
17 days of classroom education and an exam and shall include a
18 provision for continuing education.

19 The Department shall evaluate the curriculum and
20 organization before making a determination to approve or deny
21 a request for approval.

22 In addition to providing to the Department the names of
23 licensed plumbers who are employed by or contract with an
24 irrigation contractor, an irrigation contractor must also
25 provide to the Department the names of employees who have
26 successfully completed an approved course on the installation

1 of lawn sprinkler systems and proof that the course was
2 successfully completed and that continuing education is also
3 being completed.

4 (g) All automatically operated lawn sprinkler systems
5 shall have furnished and installed technology that inhibits or
6 interrupts operation of the landscape irrigation system during
7 periods of sufficient moisture or rainfall. The technology
8 must be adjustable either by the end user or the irrigation
9 contractor.

10 This subsection (g) does not apply to systems operating on
11 golf courses or agricultural lands.

12 The requirements of this subsection (g) apply to all
13 landscape irrigation systems installed after January 1, 2009.

14 (Source: P.A. 94-101, eff. 1-1-08; 95-421, eff. 1-1-09.)

15 (225 ILCS 320/29.5)

16 Sec. 29.5. Unlicensed and unregistered practice;
17 violation; civil penalties.

18 (a) A person who practices, offers to practice, attempts
19 to practice, or holds himself or herself out to practice as a
20 plumber or plumbing contractor without being licensed or
21 registered under this Act, shall, in addition to any other
22 penalty provided by law, pay a civil penalty to the Department
23 in an amount not to exceed \$5,000 for each offense as
24 determined by the Department. The civil penalty shall be
25 assessed by the Department after a hearing is held in

1 accordance with the provisions set forth in this Act regarding
2 the provision of a hearing for the discipline of a licensee or
3 registrant.

4 (b) The Department has the authority and power to
5 investigate any person who practices, offers to practice,
6 attempts to practice, or holds himself or herself out to
7 practice as a plumber or plumbing contractor without being
8 licensed or registered under this Act, or as an irrigation
9 contractor without being registered under this Act.

10 (c) The civil penalty shall be paid within 60 days after
11 the effective date of the order imposing the civil penalty.
12 The order shall constitute a judgment and may be filed and
13 execution had on the judgment in the same manner as a judgment
14 from a court of record. All fines and penalties collected by
15 the Department under this Section of the Act and accrued
16 interest shall be deposited into the Plumbing Licensure and
17 Program Fund for use by the Department in performing
18 activities relating to the administration and enforcement of
19 this Act.

20 (d) A person who practices, offers to practice, or holds
21 himself or herself out to practice as an irrigation contractor
22 without being registered under this Act shall be subject to
23 the following:

24 (1) For a first offense:

25 (A) Where no violations of the Illinois Plumbing
26 Code are found, the person shall pay a civil penalty of

1 \$1,000 and may be referred to the State's Attorney or
2 the Attorney General for prosecution under Section 29
3 of this Act.

4 (B) Where violations of the Illinois Plumbing Code
5 are found, the person shall pay a civil penalty of
6 \$3,000 (the amount of \$3,000 may be reduced to \$1,000
7 upon the condition that the unregistered person pays
8 for a licensed plumber who is acceptable to the other
9 party to the original contract or agreement to correct
10 the violations of the Illinois Plumbing Code) and may
11 be referred to the State's Attorney or the Attorney
12 General for prosecution under Section 29 of this Act.

13 (2) For a second offense:

14 (A) Where no violations of the Illinois Plumbing
15 Code are found, the person shall pay a civil penalty of
16 \$3,000 and may be referred to the State's Attorney or
17 the Attorney General for prosecution under Section 29
18 of this Act.

19 (B) Where violations of the Illinois Plumbing Code
20 are found, the person shall pay a civil penalty of
21 \$5,000 (the amount of \$5,000 may be reduced to \$3,000
22 upon the condition that the unregistered person pays
23 for a licensed plumber who is acceptable to the other
24 party to the original contract or agreement to correct
25 the violations of the Illinois Plumbing Code) and may
26 be referred to the State's Attorney or the Attorney

1 General for prosecution under Section 29 of this Act.

2 (3) For a third or subsequent offense, the person
3 shall pay a civil penalty of \$5,000 and be referred to the
4 State's Attorney or the Attorney General for prosecution
5 under Section 29 of this Act.

6 (e) A registered irrigation contractor, firm, corporation,
7 partnership, or association that directs, authorizes, or
8 allows a person to practice, offer to practice, attempt to
9 practice, or hold himself or herself out to practice as an
10 irrigation employee without being registered under the
11 provisions of this Act, shall be subject to the following:

12 (1) For a first offense, the registrant:

13 (A) shall pay a civil penalty of \$10,000 ~~\$5,000~~;

14 (B) shall be required to pay for a licensed
15 plumber who is acceptable to the other party to the
16 original contract or agreement to correct any
17 violations of the Illinois Plumbing Code;

18 (C) shall have his, her, or its plumbing license
19 suspended; and

20 (D) may be referred to the State's Attorney or the
21 Attorney General for prosecution under Section 29 of
22 this Act.

23 (2) For a second offense, the registrant:

24 (A) shall pay a civil penalty of \$10,000 ~~\$5,000~~;

25 (B) shall be required to pay for a licensed
26 plumber who is acceptable to the other party to the

1 original contract or agreement to correct any
2 violations of the Illinois Plumbing Code;

3 (C) shall have his, her, or its registration
4 revoked; and

5 (D) shall be referred to the State's Attorney or
6 the Attorney General for prosecution under Section 29
7 of this Act.

8 (f) If the inspecting licensed plumber does not inspect
9 every sprinkler system installed by an irrigation contractor
10 to ensure the provisions of this Act have been met and that the
11 system works mechanically or signs off on the installation
12 without making the physical connection between a lawn
13 sprinkler system and the backflow prevention device, the
14 licensed plumber:

15 (1) shall pay a civil penalty of \$10,000;

16 (2) shall be required to pay for a licensed plumber
17 who is acceptable to the other party to the original
18 contract or agreement to correct any violations of the
19 Act;

20 (3) shall have his, her, or its plumbing license
21 suspended; and

22 (4) may be referred to the State's Attorney or the
23 Attorney General for prosecution under Section 29 of this
24 Act.

25 (Source: P.A. 94-101, eff. 1-1-08.)