



Sen. Linda Holmes

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10200HB4245sam001

LRB102 21906 AMQ 41752 a

1 AMENDMENT TO HOUSE BILL 4245

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4245 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Plumbing License Law is amended  
5 by 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7 (Section scheduled to be repealed on January 1, 2024)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

1 per occurrence, property damage insurance with a minimum of  
2 \$50,000, and worker's compensation insurance with a minimum of  
3 \$500,000. No registration may be issued in the absence of the  
4 certificate of insurance. The certificate must be in force at  
5 all times for registration to remain valid.

6 On a form provided by the Department, every irrigation  
7 contractor must provide to the Department an indemnification  
8 bond in the amount of \$20,000 or an irrevocable letter of  
9 credit from a financial institution guaranteeing that funds  
10 shall be available only to the Department and shall be  
11 released upon written notification by the Department in the  
12 same amount for any work on lawn sprinkler systems performed  
13 by the registered irrigation contractor. The letter of credit  
14 shall be printed on the letterhead of the issuing financial  
15 institution, be signed by an officer of the same financial  
16 institution, name the Department as the sole beneficiary, and  
17 expire on February 28 of each year.

18 Every irrigation contractor doing business in this State  
19 shall also register with the Department each and every  
20 employee who installs or supervises the installation of lawn  
21 sprinkler systems. The registration shall include the  
22 employee's name, home address, and telephone number. The  
23 Department may provide by rule for the administration of  
24 registrations under this subsection. The annual registration  
25 fee shall be set by the Department pursuant to Section 30 of  
26 this Act. Each registered irrigation contractor must provide

1 proof that he or she employs at least one irrigation employee  
2 who has completed and passed an approved class in the design  
3 and installation of lawn sprinkler systems.

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

7 (c) A licensed plumber shall inspect every sprinkler  
8 system installed by an irrigation contractor to ensure the  
9 provisions of this Section have been met and that the system  
10 works mechanically. The inspecting ~~A~~ licensed plumber shall  
11 make the physical connection between a lawn sprinkler system  
12 and the backflow prevention device. The inspecting licensed  
13 plumber shall inspect every aspect of the sprinkler system,  
14 including all piping, fittings, and heads, to ensure the  
15 provisions of this Section have been met.

16 Upon the installation of every lawn sprinkler system in  
17 this State from the effective date of this amendatory Act of  
18 the 91st General Assembly forward, a licensed plumber shall  
19 affix to the backflow prevention device a tag certifying that  
20 the installation of that system has been completed in  
21 compliance with the minimum code of plumbing standards  
22 promulgated under this Act. The Department shall provide by  
23 rule for the registration of every lawn sprinkler system  
24 installed after the effective date of this amendatory Act of  
25 the 91st General Assembly, including the means by which the  
26 Department shall be able to identify by registration number

1 the identity of the responsible irrigation contractor and by  
2 license number the identity of the responsible licensed  
3 plumber. No lawn sprinkler system installed after the  
4 effective date of this amendatory Act of the 91st General  
5 Assembly may be operated without the certification tag  
6 required under this Section.

7 The registered irrigation contractor and the licensed  
8 plumber whose identifying information is contained on the  
9 certification tag shall both be subject to the penalty  
10 provisions of this Act for violations for improper  
11 installation of a lawn sprinkler system installed after the  
12 effective date of this amendatory Act of the 91st General  
13 Assembly.

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

23 An irrigation contractor who has registered with the  
24 Department 8 to 12 persons who are authorized to install or  
25 supervise the installation of lawn sprinkler systems shall  
26 either employ or contract with at least 2 licensed plumbers

1 who shall install or be responsible for the installation of  
2 every lawn sprinkler system installed after the effective date  
3 of this amendatory Act of the 91st General Assembly. A  
4 licensed plumber shall inspect the risers and sprinkler heads  
5 before backfilling.

6 An irrigation contractor who has registered with the  
7 Department 13 to 20 persons who are authorized to install or  
8 supervise the installation of lawn sprinkler systems shall  
9 either employ or contract with at least 3 licensed plumbers  
10 who shall install or be responsible for the installation of  
11 every lawn sprinkler system installed after the effective date  
12 of this amendatory Act of the 91st General Assembly. A  
13 licensed plumber shall inspect the risers and sprinkler heads  
14 before backfilling.

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

24 An irrigation contractor who has registered with the  
25 Department 29 to 35 persons who are authorized to install or  
26 supervise the installation of lawn sprinkler systems shall

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

7 An irrigation contractor who has registered with the  
8 Department 36 or more persons who are authorized to install or  
9 supervise the installation of lawn sprinkler systems shall  
10 either employ or contract with at least 6 licensed plumbers  
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. A  
14 licensed plumber shall inspect the risers and sprinkler heads  
15 before backfilling.

16 The Department may provide by rule for the temporary  
17 waiver process for registered irrigation contractors who are  
18 unable to comply with the requirements of this subsection.  
19 When a temporary waiver is granted, it shall not be for a  
20 duration of more than 3 consecutive months. Upon the  
21 expiration of a temporary waiver issued by the Department, the  
22 registered irrigation contractor shall demonstrate that  
23 justifiable reasons exist why he or she is still unable to  
24 comply with the requirements of this subsection, despite good  
25 faith efforts to comply with the requirements. In no case  
26 shall a temporary waiver be granted for an irrigation

1 contractor for more than a total of 6 months in a 2-year  
2 ~~two-year~~ period. In no case shall an irrigation contractor be  
3 relieved of the requirement that a licensed plumber shall  
4 inspect every sprinkler system installed by an irrigation  
5 contractor to ensure the provisions of this Section have been  
6 met and that the system works mechanically and make the  
7 physical connection between a sprinkler system and the  
8 backflow prevention device.

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

11 No person shall attach to a lawn sprinkler system any  
12 fixture other than the backflow prevention device, sprinkler  
13 heads, valves, and other parts integral to the operation of  
14 the system, unless the fixture is clearly marked as being for  
15 non-potable uses only.

16 (f) A college, university, trade school, vocational  
17 school, or association that has established a program  
18 providing a course of instruction in lawn sprinkler design and  
19 installation may submit a letter to the Department requesting  
20 approval of its program or course of instruction.

21 The request for approval shall include information on the  
22 curriculum offered by the program and the qualifications of  
23 the organization. The course shall consist of a minimum of 2  
24 days of classroom education and an exam and shall include a  
25 provision for continuing education.

26 The Department shall evaluate the curriculum and

1 organization before making a determination to approve or deny  
2 a request for approval.

3 In addition to providing to the Department the names of  
4 licensed plumbers who are employed by or contract with an  
5 irrigation contractor, an irrigation contractor must also  
6 provide to the Department the names of employees who have  
7 successfully completed an approved course on the installation  
8 of lawn sprinkler systems and proof that the course was  
9 successfully completed and that continuing education is also  
10 being completed.

11 (g) All automatically operated lawn sprinkler systems  
12 shall have furnished and installed technology that inhibits or  
13 interrupts operation of the landscape irrigation system during  
14 periods of sufficient moisture or rainfall. The technology  
15 must be adjustable either by the end user or the irrigation  
16 contractor.

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

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

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

22 (225 ILCS 320/29.5)

23 Sec. 29.5. Unlicensed and unregistered practice;  
24 violation; civil penalties.

25 (a) A person who practices, offers to practice, attempts



1 to practice, or holds himself or herself out to practice as a  
2 plumber or plumbing contractor without being licensed or  
3 registered under this Act, shall, in addition to any other  
4 penalty provided by law, pay a civil penalty to the Department  
5 in an amount not to exceed \$5,000 for each offense as  
6 determined by the Department. The civil penalty shall be  
7 assessed by the Department after a hearing is held in  
8 accordance with the provisions set forth in this Act regarding  
9 the provision of a hearing for the discipline of a licensee or  
10 registrant.

11 (b) The Department has the authority and power to  
12 investigate any person who practices, offers to practice,  
13 attempts to practice, or holds himself or herself out to  
14 practice as a plumber or plumbing contractor without being  
15 licensed or registered under this Act, or as an irrigation  
16 contractor without being registered under this Act.

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

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

5 (1) For a first offense:

6 (A) Where no violations of the Illinois Plumbing  
7 Code are found, the person shall pay a civil penalty of  
8 \$1,000 and may be referred to the State's Attorney or  
9 the Attorney General for prosecution under Section 29  
10 of this Act.

11 (B) Where violations of the Illinois Plumbing Code  
12 are found, the person shall pay a civil penalty of  
13 \$3,000 (the amount of \$3,000 may be reduced to \$1,000  
14 upon the condition that the unregistered person pays  
15 for a licensed plumber who is acceptable to the other  
16 party to the original contract or agreement to correct  
17 the violations of the Illinois Plumbing Code) and may  
18 be referred to the State's Attorney or the Attorney  
19 General for prosecution under Section 29 of this Act.

20 (2) For a second offense:

21 (A) Where no violations of the Illinois Plumbing  
22 Code are found, the person shall pay a civil penalty of  
23 \$3,000 and may be referred to the State's Attorney or  
24 the Attorney General for prosecution under Section 29  
25 of this Act.

26 (B) Where violations of the Illinois Plumbing Code

1           are found, the person shall pay a civil penalty of  
2           \$5,000 (the amount of \$5,000 may be reduced to \$3,000  
3           upon the condition that the unregistered person pays  
4           for a licensed plumber who is acceptable to the other  
5           party to the original contract or agreement to correct  
6           the violations of the Illinois Plumbing Code) and may  
7           be referred to the State's Attorney or the Attorney  
8           General for prosecution under Section 29 of this Act.

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

13          (e) A registered irrigation contractor, firm, corporation,  
14          partnership, or association that directs, authorizes, or  
15          allows a person to practice, offer to practice, attempt to  
16          practice, or hold himself or herself out to practice as an  
17          irrigation employee without being registered under the  
18          provisions of this Act, shall be subject to the following:

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

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

21                   (B) shall be required to pay for a licensed  
22          plumber who is acceptable to the other party to the  
23          original contract or agreement to correct any  
24          violations of the Illinois Plumbing Code;

25                   (C) shall have his, her, or its plumbing license  
26          suspended; and

1 (D) may be referred to the State's Attorney or the  
2 Attorney General for prosecution under Section 29 of  
3 this Act.

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

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

6 (B) shall be required to pay for a licensed  
7 plumber who is acceptable to the other party to the  
8 original contract or agreement to correct any  
9 violations of the Illinois Plumbing Code;

10 (C) shall have his, her, or its registration  
11 revoked; and

12 (D) shall be referred to the State's Attorney or  
13 the Attorney General for prosecution under Section 29  
14 of this Act.

15 (f) If the inspecting licensed plumber does not inspect  
16 every sprinkler system installed by an irrigation contractor  
17 to ensure the provisions of this Act have been met and that the  
18 system works mechanically or signs off on the installation  
19 without making the physical connection between a lawn  
20 sprinkler system and the backflow prevention device, the  
21 licensed plumber:

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

23 (2) shall be required to pay for a licensed plumber  
24 who is acceptable to the other party to the original  
25 contract or agreement to correct any violations of the  
26 Act;

1           (3) shall have his, her, or its plumbing license  
2           suspended; and

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

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