



Rep. Kathleen Willis

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10200HB4301ham001

LRB102 21851 AMQ 35592 a

1 AMENDMENT TO HOUSE BILL 4301

2 AMENDMENT NO. _____. Amend House Bill 4301 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.33 and by adding 4.43 as follows:

6 (5 ILCS 80/4.33)

7 Sec. 4.33. Acts repealed on January 1, 2023. The following
8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 The Elevator Safety and Regulation Act.

11 ~~The Fire Equipment Distributor and Employee Regulation Act~~
12 ~~of 2011.~~

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional

1 Counselor Licensing and Practice Act.

2 The Wholesale Drug Distribution Licensing Act.

3 (Source: P.A. 101-621, eff. 12-20-19.)

4 (5 ILCS 80/4.43 new)

5 Sec. 4.43. Act repealed on January 1, 2033. The following
6 Act is repealed on January 1, 2033:

7 The Fire Equipment Distributor and Employee Regulation Act
8 of 2011.

9 Section 10. The Fire Equipment Distributor and Employee
10 Regulation Act of 2011 is amended by changing Sections 5, 10,
11 20, 30, 40, 45, 60, 65, 70, 75, 80, 85, 90, 105, 115, and 120
12 as follows:

13 (225 ILCS 217/5)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 5. Definitions. As used in this Act:

16 "Employee" means a licensee or a person who is currently
17 employed by a fire equipment distributor licensed under this
18 Act whose full or part-time duties include servicing,
19 recharging, hydro-testing, installing, maintaining, or
20 inspecting fire equipment.

21 "Fire equipment" means any portable or fixed fire
22 extinguishing device or system other than a fire sprinkler
23 system under the Fire Sprinkler Contractor Licensing Act.

1 "Fire equipment distributor" means any person, company or
2 corporation that services, recharges, hydro-tests, inspects,
3 installs, maintains, alters, repairs, replaces, or services
4 fire equipment for customers, clients, or other third parties.

5 "ICC" means the International Code Council.

6 "NAFED" means the National Association of Fire Equipment
7 Distributors.

8 "NFPA" means the National Fire Protection Association.

9 "NICET" means the National Institute for Certification in
10 Engineering Technologies.

11 "Office" or "State Fire Marshal" means the Office of the
12 State Fire Marshal.

13 "Person" means a natural person or any company,
14 corporation, or other business entity.

15 ~~(a) "Employee" means a licensee or a person who is~~
16 ~~currently employed by a distributor licensed under this Act~~
17 ~~whose full or part time duties include servicing, recharging,~~
18 ~~hydro testing, installing, maintaining, or inspecting all~~
19 ~~types of fire extinguishing devices or systems, other than~~
20 ~~water sprinkler systems.~~

21 ~~(b) "Board" means the Fire Equipment Distributor and~~
22 ~~Employee Advisory Board.~~

23 ~~(c) "Person" means a natural person or any company,~~
24 ~~corporation, or other business entity.~~

25 ~~(d) "Fire equipment distributor" means any person, company~~
26 ~~or corporation that services, recharges, hydro tests,~~

1 ~~inspects, installs, maintains, alters, repairs, replaces, or~~
2 ~~services fire extinguishing devices or systems, other than~~
3 ~~water sprinkler systems, for customers, clients, or other~~
4 ~~third parties. "Fire equipment distributor" does not include a~~
5 ~~person, company, or corporation employing 2,000 or more~~
6 ~~employees within the State of Illinois that engages in these~~
7 ~~activities incidental to its own business.~~

8 ~~(e) "Public member" means a person who is not a licensee or~~
9 ~~a relative of a licensee, or who is not an employer or employee~~
10 ~~of a licensee. The term "relative" shall be determined by~~
11 ~~rules of the State Fire Marshal.~~

12 ~~(f) "Residency" means an actual domicile in Illinois for a~~
13 ~~period of not less than one year.~~

14 ~~(g) "Inspection" means a determination that a fire~~
15 ~~extinguisher is available in its designated place and has not~~
16 ~~been actuated or tampered with. "Inspection" does not include~~
17 ~~the inspection that may be performed by the building owner,~~
18 ~~tenant, or insurance representative.~~

19 ~~(h) "Maintenance" means a determination that an~~
20 ~~extinguisher will operate effectively and safely. It includes~~
21 ~~a thorough examination and any necessary repair or~~
22 ~~replacement. It also includes checking the date of manufacture~~
23 ~~or last hydrostatic test to see if internal inspection of the~~
24 ~~eylinder or hydrostatic testing is necessary, and checking for~~
25 ~~cuts, bulges, dents, abrasions, corrosion, condition of paint,~~
26 ~~shell hanger attachment, maintenance of nameplate, weight of~~

1 ~~contents, pressure gauge, valve, removal of pull pin,~~
2 ~~discharge nozzle, hose assembly, and operating instructions.~~

3 ~~(i) "NAFED" means the National Association of Fire~~
4 ~~Equipment Distributors located in Chicago, Illinois.~~

5 ~~(j) "ICC" means the International Code Council.~~

6 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

7 (225 ILCS 217/10)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 10. License requirement; injunction; cease and desist
10 order.

11 (a) No person shall act as a fire equipment distributor or
12 employee, or advertise or assume to act as such, or use any
13 title implying that such person is engaged in such practice or
14 occupation unless licensed by the State Fire Marshal.

15 No firm, association, or corporation shall act as an
16 agency licensed under this Act, or advertise or assume to act
17 as such, or use any title implying that the firm, association,
18 or corporation is engaged in such practice, unless licensed by
19 the State Fire Marshal.

20 (b) The State Fire Marshal, in the name of the People and
21 through the Attorney General, the State's Attorney of any
22 county, any interested resident of the State, or any
23 interested legal entity within the State, may petition the
24 court with appropriate jurisdiction for an order seeking
25 injunctive relief to enjoin from practicing a licensed

1 activity in violation of this Act any person, firm,
2 association, or corporation who has not been issued a license,
3 or whose license has been suspended, revoked, or not renewed.
4 If any person, firm, association, or corporation holds itself
5 out as being a licensee under this Act and is not licensed to
6 do so, then any licensee, interested party, or any person
7 injured thereby may petition for relief as provided in this
8 Section. Upon the filing of a verified complaint, a copy shall
9 be served upon the defendant and the proceedings shall
10 thereafter be conducted as in other civil cases. The court
11 with appropriate jurisdiction may issue a temporary
12 restraining order without notice or bond. If it is established
13 that the defendant has been or is practicing in violation of
14 this Act, the court may enter a judgment permanently enjoining
15 the defendant from such further activity. In case of violation
16 of any injunctive order or judgment entered under the
17 provisions of this Section, the court may summarily try and
18 punish the offender for contempt of court. Such injunctive
19 proceeding shall be in addition to all penalties and other
20 remedies in this Act.

21 (c) Whenever, in the opinion of the State Fire Marshal, a
22 person, firm, association, or corporation violates any
23 provision of this Act, the State Fire Marshal may issue an
24 order to show cause why an order to cease and desist should not
25 be entered against that person, firm, association, or
26 corporation. The order shall clearly set forth the grounds

1 relied upon by the State Fire Marshal and shall allow the
2 person, firm, association, or corporation at least 7 days
3 after the date of the order to file an answer satisfactory to
4 the State Fire Marshal. A failure to answer an order to show
5 cause to the satisfaction of the State Fire Marshal shall
6 result in the issuance of an order to cease and desist.

7 (d) The State Fire Marshal may refuse to issue a license
8 to, or may suspend the license of, any person or business
9 entity that is not in good standing with the Department of
10 Revenue until the person or business entity is in good
11 standing with the Department of Revenue ~~who fails to file a~~
12 ~~return, to pay the tax, penalty, or interest shown in a filed~~
13 ~~return, or to pay any final assessment of tax, penalty, or~~
14 ~~interest, as required by any tax Act administered by the~~
15 ~~Illinois Department of Revenue, until such time as the~~
16 ~~requirements of any such tax Act are satisfied.~~

17 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

18 (225 ILCS 217/20)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 20. Deposit of fees and fines. All fees and fines
21 collected under this Act shall be deposited into the Fire
22 Prevention Fund.

23 (Source: P.A. 96-1499, eff. 1-18-11.)

24 (225 ILCS 217/30)

1 (Section scheduled to be repealed on January 1, 2023)

2 Sec. 30. Rules; report.

3 (a) The State Fire Marshal shall adopt rules consistent
4 with the provisions of this Act for the administration and
5 enforcement thereof, and may prescribe forms that shall be
6 issued in connection therewith. The rules shall include
7 standards and criteria for registration, professional conduct,
8 and discipline. The Office may, by rule, establish fees,
9 including, but not limited to, license fees, reinstatement
10 fees, and processing fees.

11 (b) (Blank).

12 (c) (Blank).

13 (d) In the adopting of rules relating to fire equipment
14 distributors and employees, the State Fire Marshal shall be
15 guided by the national fire safety standards and codes and
16 fire equipment and facility standards and code, including, but
17 not limited to, those adopted by the National Fire Protection
18 Association and the National Association of Fire Equipment
19 Distributors.

20 (e) In the adopting of rules relating to the maintenance
21 and operation of hydrostatic testing equipment and tools for
22 all fire equipment distributors and employees, the State Fire
23 Marshal shall be guided by the requirements of the United
24 States Department of Transportation as set forth in Section
25 173.34(e)(1) of Title 49 of Code of Federal Regulations.

26 (f) The State Fire Marshal shall by rule establish

1 procedures for an applicant for any class fire equipment
2 employee license to work for a licensed fire equipment
3 distributor for training.

4 (g) The rules adopted by the Office of the State Fire
5 Marshal under the Fire Equipment Distributor and Employee
6 Regulation Act of 2000 shall remain in effect until such time
7 as the Office of the State Fire Marshal adopts rules under this
8 Act.

9 (h) (Blank).

10 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

11 (225 ILCS 217/40)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 40. Qualifications for licensure; fees.

14 (a) No person shall engage in practice as a fire equipment
15 distributor or fire equipment employee without first applying
16 for and obtaining a license for that purpose from the Office of
17 the State Fire Marshal.

18 (b) To qualify for a Class A Fire Equipment Distributor
19 License to service, recharge, hydro-test, install, maintain,
20 or inspect all types of fire extinguishers, an applicant shall
21 employ a currently licensed Class 1 Fire Equipment Employee
22 and ~~must~~ provide all of the following:

23 (1) A triennial ~~An annual~~ license fee as determined by
24 rule ~~of \$100.~~

25 (2) Evidence of current registration as an Illinois

1 corporation or other business entity and, when applicable,
2 evidence of compliance with the Assumed Business Name Act
3 and a list of officers.

4 (3) Evidence of financial responsibility in a minimum
5 amount of \$1,000,000 ~~\$300,000~~ through liability insurance,
6 self-insurance, group insurance, group self-insurance, or
7 risk retention groups.

8 (3.5) Evidence of workers' compensation insurance
9 covering its employees or approval as a self-insurer of
10 workers' compensation in accordance with the laws of this
11 State.

12 (4) Evidence of owning, leasing, renting, or having
13 access to proper testing equipment that is in compliance
14 with the national standards adopted by the State Fire
15 Marshal for the maintenance and operation of testing tools
16 for use with all Class A fire equipment.

17 (c) To qualify for a Class B Fire Equipment Distributor
18 License to service, recharge, hydro-test, install, maintain,
19 or inspect all types of pre-engineered fire extinguishing
20 systems, an applicant shall employ a currently licensed Class
21 2K Fire Equipment Employee or Class 2I Fire Equipment Employee
22 and ~~must~~ provide all of the following:

23 (1) A triennial ~~An annual~~ license fee as determined by
24 rule ~~of \$200.~~

25 (2) Evidence of current registration as an Illinois
26 corporation or other business entity and, when applicable,

1 evidence of compliance with the Assumed Business Name Act
2 and a list of officers.

3 (3) Evidence of financial responsibility in a minimum
4 amount of \$1,000,000 ~~\$300,000~~ through liability insurance,
5 self-insurance, group insurance, group self-insurance, or
6 risk retention groups.

7 (3.5) Evidence of workers' compensation insurance
8 covering its employees or approval as a self-insurer of
9 workers' compensation in accordance with the laws of this
10 State.

11 (4) Evidence of owning, leasing, renting, or having
12 access to proper testing equipment that is in compliance
13 with the national standards adopted by the State Fire
14 Marshal for the maintenance and operation of testing tools
15 for use with all Class B fire equipment.

16 (d) To qualify for a Class C Fire Equipment Distributor
17 License to service, repair, hydro-test, inspect, and engineer
18 all types of engineered fire suppression systems, an applicant
19 shall employ a currently licensed Class 3 Fire Equipment
20 Employee and ~~must~~ provide all of the following:

21 (1) A triennial ~~An annual~~ license fee as determined by
22 rule ~~of \$300.~~

23 (2) Evidence of current registration as an Illinois
24 corporation or other business entity and, when applicable,
25 evidence of compliance with the Assumed Business Name Act
26 and a list of officers.

1 (3) Evidence of financial responsibility in a minimum
2 amount of \$1,000,000 ~~\$300,000~~ through liability insurance,
3 self-insurance, group insurance, group self-insurance, or
4 risk retention groups.

5 (3.5) Evidence of workers' compensation insurance
6 covering its employees or approval as a self-insurer of
7 workers' compensation in accordance with the laws of this
8 State.

9 (4) Evidence of owning, leasing, renting, or having
10 access to proper testing equipment that is in compliance
11 with the national standards adopted by the State Fire
12 Marshal for the maintenance and operation of testing tools
13 for use with all Class C fire equipment.

14 (e) To qualify for a Class 1 Fire Equipment Employee
15 License to service, recharge, hydro-test, install, maintain,
16 or inspect all types of fire extinguishers, a candidate shall
17 ~~an applicant must~~ complete all of the following:

18 (1) Current certification by ICC or NAFED in Portable
19 Fire Extinguishers ~~Pass the ICC/NAFED examination~~
20 ~~administered by the ICC as a technician certified to~~
21 ~~service a Portable Fire Extinguisher.~~

22 (2) Pay a triennial ~~an annual~~ license fee as
23 determined by rule ~~of \$20.~~

24 (3) Provide a digital color photograph of sufficient
25 quality ~~2 copies of a current photograph at least 1" x 1"~~
26 ~~in size.~~ An applicant who is 21 years of age or older

1 seeking a religious exemption to this photograph
2 requirement shall furnish with the ~~his or her~~ application
3 an approved copy of United States Department of the
4 Treasury Internal Revenue Service Form 4029. Regardless of
5 age, an applicant seeking a religious exemption to this
6 photograph requirement shall submit fingerprints in a form
7 and manner prescribed by the State Fire Marshal with the
8 ~~his or her~~ application in lieu of a photograph.

9 (4) Provide a copy of a valid government-issued photo
10 identification.

11 (f) To qualify for a Class 2I Fire Equipment Employee
12 License to service, recharge, hydro-test, install, maintain,
13 or inspect all types of pre-engineered industrial fire
14 extinguishing systems, a candidate shall ~~an applicant must~~
15 complete all of the following:

16 (1) Current certification by ICC or NAFED in ~~Pass the~~
17 ~~ICC/NAFED examination administered by the ICC as a~~
18 ~~technician certified to service~~ Pre-Engineered Industrial
19 Fire Suppression Systems.

20 (2) Pay a triennial ~~an annual~~ license fee as
21 determined by rule ~~of \$20.~~

22 (3) Provide a digital color photograph of sufficient
23 quality ~~2 copies of a current photograph at least 1" x 1"~~
24 ~~in size.~~ An applicant who is 21 years of age or older
25 seeking a religious exemption to this photograph
26 requirement shall furnish with the ~~his or her~~ application

1 an approved copy of United States Department of the
2 Treasury Internal Revenue Service Form 4029. Regardless of
3 age, an applicant seeking a religious exemption to this
4 photograph requirement shall submit fingerprints in a form
5 and manner prescribed by the State Fire Marshal with the
6 ~~his or her~~ application in lieu of a photograph.

7 (4) Provide a copy of a valid government-issued photo
8 identification.

9 (f-5) To qualify for a Class 2K Fire Equipment Employee
10 License to service, recharge, hydro-test, install, maintain,
11 or inspect all types of pre-engineered kitchen fire
12 extinguishing systems, a candidate shall ~~an applicant must~~
13 complete all of the following:

14 (1) Current certification by ICC or NAFED in ~~Pass the~~
15 ~~ICC/NAFED examination administered by the ICC as a~~
16 ~~technician certified to service~~ Pre-Engineered Kitchen
17 Fire Extinguishing Systems.

18 (2) Pay a triennial license ~~an annual~~ fee as
19 determined by rule ~~of \$20~~.

20 (3) Provide a digital color photograph of sufficient
21 quality ~~2 copies of a current photograph at least 1" x 1"~~
22 ~~in size~~. An applicant who is 21 years of age or older
23 seeking a religious exemption to this photograph
24 requirement shall furnish with the ~~his or her~~ application
25 an approved copy of United States Department of the
26 Treasury Internal Revenue Service Form 4029. Regardless of

1 age, an applicant seeking a religious exemption to this
2 photograph requirement shall submit fingerprints in a form
3 and manner prescribed by the State Fire Marshal with the
4 ~~his or her~~ application in lieu of a photograph.

5 (4) Provide a copy of a valid government-issued photo
6 identification.

7 (g) To qualify for a Class 3 Fire Equipment Employee
8 License to service, recharge, hydro-test, install, maintain,
9 inspect, or engineer all types of engineered fire
10 extinguishing systems, an applicant must complete all of the
11 following:

12 (1) Current certification by NAFED in Engineered Fire
13 Suppression Systems or current NICET Level III
14 certification in Special Hazards Systems ~~Pass the~~
15 ~~examination.~~

16 (2) Pay a triennial ~~an annual~~ license fee as
17 determined by rule ~~of \$20.~~

18 (3) Provide a digital color photograph of sufficient
19 quality ~~current photograph at least 1" x 1" in size.~~ An
20 applicant who is 21 years of age or older seeking a
21 religious exemption to this photograph requirement shall
22 furnish with the ~~his or her~~ application an approved copy
23 of United States Department of the Treasury Internal
24 Revenue Service Form 4029. Regardless of age, an applicant
25 seeking a religious exemption to this photograph
26 requirement shall submit fingerprints in a form and manner

1 prescribed by the State Fire Marshal with the ~~his or her~~
2 application in lieu of a photograph.

3 (4) Provide a copy of a valid government-issued photo
4 identification.

5 (h) (Blank). ~~All licenses issued under this Act shall~~
6 ~~remain in effect unless the licensee is otherwise notified by~~
7 ~~the Office of the State Fire Marshal.~~

8 (Source: P.A. 97-979, eff. 8-17-12; 98-848, eff. 1-1-15.)

9 (225 ILCS 217/45)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 45. Applications. Each application for a license to
12 practice under this Act shall be ~~in writing and~~ signed by the
13 applicant on forms provided by the State Fire Marshal. Each
14 application for a fire equipment distributor license shall be
15 signed by an authorized officer of the fire equipment
16 distributor. Each application for an employee license shall be
17 signed by an authorized officer of the fire equipment
18 distributor and by the candidate for the employee license.

19 (Source: P.A. 96-1499, eff. 1-18-11.)

20 (225 ILCS 217/60)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 60. Issuance of license; renewal.

23 (a) The Office ~~State Fire Marshal~~ shall, upon the
24 applicant's satisfactory completion of the requirements

1 authorized under this Act and upon receipt of the requisite
2 fees, issue the appropriate license and certificate or wallet
3 card, as applicable, showing the name and business location of
4 the licensee, and the dates of issuance and expiration. For an
5 employee license, the wallet card shall also contain a
6 photograph of the licensee, unless the licensee has a
7 religious exemption in accordance with Section 40. ~~and shall~~
8 ~~contain a photograph of the licensee provided to the State~~
9 ~~Fire Marshal. An applicant who is 21 years of age or older~~
10 ~~seeking a religious exemption to the photograph required by~~
11 ~~this subsection shall furnish with his or her application an~~
12 ~~approved copy of United States Department of the Treasury~~
13 ~~Internal Revenue Service Form 4029. Regardless of age, an~~
14 ~~applicant seeking a religious exemption to this photograph~~
15 ~~requirement shall submit fingerprints in a form and manner~~
16 ~~prescribed by the State Fire Marshal with his or her~~
17 ~~application in lieu of a photograph.~~

18 (b) (Blank). ~~Any license valid on December 31, 2010 under~~
19 ~~the Fire Equipment Distributor and Employee Regulation Act of~~
20 ~~2000 shall be a valid license under this Act and expires when~~
21 ~~the valid license issued under the Fire Equipment Distributor~~
22 ~~and Employee Regulation Act of 2000 was scheduled to expire.~~

23 (c) An applicant for license renewal shall, at the time of
24 renewal application, provide proof of qualifications for
25 licensure under Section 40 for the respective license to the
26 Office. Upon receipt of the requisite fees, the Office shall

1 issue the license in accordance with subsection (a). ~~Each~~
2 ~~licensee may apply for renewal of his license upon payment of~~
3 ~~fees, as set forth in this Act.~~ The expiration date and renewal
4 period for each license issued under this Act shall be set by
5 rule. Failure to renew by ~~within 60 days of~~ the expiration date
6 shall lapse the license. A lapsed license may not be renewed
7 ~~reinstated~~ until a written application is filed, an applicant
8 has demonstrated proof of qualifications for licensure, and
9 the renewal fee is paid, and a \$50 reinstatement fee is paid.
10 If not renewed, a license shall become inactive following 60
11 days after the expiration date of the license. An inactive
12 license may not be reinstated until a written application is
13 filed, an applicant has demonstrated proof of qualifications
14 for licensure, the renewal fee is paid, and the reinstatement
15 fee is paid. A license may not be reinstated after one year
16 from the expiration date of the license. Renewal and
17 reinstatement fees shall be waived for persons who did not
18 renew while on active duty in the military and who file for
19 renewal or reinstatement ~~restoration~~ within one year after
20 discharge from such service. ~~A lapsed license may not be~~
21 ~~reinstated after 5 years have elapsed, except upon passing an~~
22 ~~examination to determine fitness to have the license restored~~
23 ~~and by paying the required fees.~~

24 (d) As a condition of renewal of a license, the State Fire
25 Marshal may require the licensee to report information
26 pertaining to the licensee's ~~his~~ practice which the State Fire

1 Marshal determines to be in the interest of public safety.

2 (e) All fees paid under this Act are non-refundable. This
3 shall not preclude the State Fire Marshal from refunding
4 accidental overpayment of fees.

5 (Source: P.A. 98-848, eff. 1-1-15.)

6 (225 ILCS 217/65)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 65. Returned checks; notification of lapsed or
9 inactive license. The Office may require that any ~~Any~~ person
10 who on 2 or more occasions issues or delivers a check or other
11 order to the Office ~~State Fire Marshal~~ that is not honored by
12 the financial institution upon which it is drawn because of
13 insufficient funds on account ~~shall pay to the State Fire~~
14 ~~Marshal,~~ in addition to the amount owing upon the check or
15 other order, a fee of \$50. The State Fire Marshal shall notify
16 the licensee whose license has lapsed or become inactive,
17 within 30 days after the discovery by the State Fire Marshal
18 that the licensee is practicing without a current license,
19 that the individual, person, or distributor is acting as a
20 fire equipment distributor or employee, as the case may be,
21 without a license, and the amount due to the State Fire
22 Marshal, which shall include the ~~lapsed~~ renewal fee,
23 reinstatement fee, and all other fees required in order to
24 renew or reinstate the license ~~by this Section.~~ ~~If after the~~
25 ~~expiration of 30 days from the date of such notification, the~~

1 ~~licensee whose license has lapsed seeks a current license, he~~
2 ~~shall thereafter apply to the State Fire Marshal for~~
3 ~~reinstatement of the license and pay all fees due to the State~~
4 ~~Fire Marshal. The State Fire Marshal may establish a fee for~~
5 ~~the processing of an application for reinstatement of a~~
6 ~~license that allows the State Fire Marshal to pay all costs and~~
7 ~~expenses incident to the processing of this application. The~~
8 ~~State Fire Marshal may waive the fees due under this Section in~~
9 ~~individual cases where he finds that the fees would be~~
10 ~~unreasonable or unnecessarily burdensome.~~

11 (Source: P.A. 96-1499, eff. 1-18-11.)

12 (225 ILCS 217/70)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 70. Change of address; display of license; duplicate
15 license or certificate.

16 (a) A licensee shall report a change in home or office
17 address within 10 days of when it occurs.

18 (b) Each licensee shall prominently display the ~~his or her~~
19 license to practice at each place from which the practice is
20 being performed. A fire equipment distributor licensee shall
21 have a separate license for each business location within the
22 State or outside the State if the business location is
23 responsible for the performance of any applicable work under
24 this Act performed within the State. ~~If more than one location~~
25 ~~is used, branch office certificates shall be issued upon~~

1 ~~payment of the fees to be established by the State Fire~~
2 ~~Marshal. Each fire equipment employee shall carry on his or~~
3 ~~her person a wallet card issued by the State Fire Marshal.~~

4 (c) If a license or certificate is lost, a duplicate shall
5 be issued upon payment of the required fee to be established by
6 the State Fire Marshal. If a licensee wishes to change the name
7 on the license ~~his or her name~~, the State Fire Marshal shall
8 issue a license in the new name upon satisfactory proof that
9 such change was done in accordance with law and upon payment of
10 the ~~required~~ fee as determined by rule.

11 (d) Each licensee shall permit the licensee's ~~his or her~~
12 facilities to be inspected by representatives of the State
13 Fire Marshal.

14 (Source: P.A. 96-1499, eff. 1-18-11.)

15 (225 ILCS 217/75)

16 (Section scheduled to be repealed on January 1, 2023)

17 Sec. 75. Grounds for disciplinary sanctions. Licensees
18 subject to this Act shall conduct their practice in accordance
19 with this Act and with any rules adopted under this Act. The
20 State Fire Marshal may refuse to issue or renew any license and
21 it may suspend or revoke any license or may place on probation,
22 censure, reprimand, or take other disciplinary action deemed
23 appropriate by the State Fire Marshal and enumerated in this
24 Act, including the imposition of fines not to exceed \$5,000
25 for each violation, with regard to any license issued under

1 this Act for any one or more of the reasons enumerated in this
2 Section. Any civil penalty assessed by the State Fire Marshal
3 pursuant to this Act shall be paid within 60 days after the
4 effective date of the order imposing the civil penalty. The
5 order shall constitute a judgment and may be filed and
6 executed in the same manner as any judgment from any court of
7 record.

8 Grounds for discipline under this Act are:

9 (1) fraud or material deception in obtaining or
10 renewing of a license;

11 (2) professional incompetence as manifested by poor
12 standards of service;

13 (3) engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public in the course of professional
16 services or activities;

17 (4) conviction of any crime by a licensee that has a
18 substantial relationship to his or her practice or an
19 essential element of which is misstatement, fraud, or
20 dishonesty, or conviction in this or another state of any
21 crime that is a felony under the laws of Illinois or
22 conviction of a felony in a federal court, unless the
23 person demonstrates that he or she has been sufficiently
24 rehabilitated to warrant the public trust;

25 (5) performing any services in a grossly negligent
26 manner or permitting any of his or her licensed employees

1 to perform services in a grossly negligent manner,
2 regardless of whether actual damage or damages to the
3 public is established;

4 (6) (blank); ~~habitual drunkenness or habitual~~
5 ~~addiction to the use of morphine, cocaine, controlled~~
6 ~~substances, or other habit forming drugs;~~

7 (7) directly or indirectly willfully receiving
8 compensation for any professional services not actually
9 rendered;

10 (8) having disciplinary action taken against his or
11 her license in another state;

12 (9) making differential treatment against any person
13 to his or her detriment because of race, color, creed,
14 sex, religion, or national origin;

15 (10) engaging in unprofessional conduct;

16 (11) engaging in false or misleading advertising;

17 (12) contracting or assisting unlicensed persons to
18 perform services for which a license is required under
19 this Act;

20 (13) permitting the use of his or her license to
21 enable any unlicensed person or agency to operate as a
22 licensee;

23 (14) performing and charging for services without
24 having authorization to do so from the member of the
25 public being served;

26 (15) failure to comply with any provision of this Act

1 or the rules adopted under this Act;

2 (16) conducting business regulated by this Act without
3 a currently valid license; ~~and~~

4 (17) engaging in any unethical or criminal activity
5 incidental to activities within the scope of licensure.

6 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

7 (225 ILCS 217/80)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 80. Complaints. All complaints concerning violations
10 regarding licensees or unlicensed activity shall be received
11 and logged by the State Fire Marshal ~~and reported to the Board.~~

12 (Source: P.A. 96-1499, eff. 1-18-11.)

13 (225 ILCS 217/85)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 85. Formal charges.

16 (a) Before revoking, suspending, annulling, withdrawing,
17 amending materially, or refusing to renew any valid license,
18 the State Fire Marshal shall file formal charges against the
19 licensee. The formal charges shall, at a minimum, inform the
20 licensee of the facts that make up the basis of the charge and
21 that are specific enough to enable the licensee to defend
22 himself.

23 (b) Each licensee whose conduct is the subject of a formal
24 charge that seeks to impose disciplinary action against the

1 licensee shall be served notice of said formal charge at least
2 30 days before the date of the hearing, which shall be presided
3 over by a hearing officer authorized by the State Fire
4 Marshal. Service shall be considered to have been given if the
5 notice was personally received by the licensee or if the
6 notice was sent by certified mail, return receipt requested to
7 the licensee at the licensee's last known address, as listed
8 with the State Fire Marshal.

9 (c) The notice of formal charges shall consist at a
10 minimum of the following information:

11 (1) the time, place, and date of the hearing;

12 (2) that the licensee shall appear personally at the
13 hearing and may be represented by counsel;

14 (3) that the licensee shall have the right to produce
15 witnesses and evidence on the licensee's ~~in his~~ behalf and
16 shall have the right to cross-examine witnesses and refute
17 evidence produced against the licensee ~~him or her~~;

18 (4) that the hearing could result in disciplinary
19 action being taken against the ~~his or her~~ license;

20 (5) that rules for the conduct of these hearings exist
21 and it may be in the licensee's best interest to obtain a
22 copy;

23 (6) that a hearing officer authorized by the State
24 Fire Marshal shall preside at the hearing and following
25 the conclusion of said hearing shall make findings of
26 fact, conclusions of law, and recommendations, separately

1 stated, to the State Fire Marshal as to what disciplinary
2 action, if any, should be imposed on the licensee;

3 (7) that the State Fire Marshal may continue such
4 hearing;

5 (8) that the licensee shall file a written answer to
6 the charges with the State Fire Marshal under oath within
7 20 days after service of the notice; and

8 (9) that if the accused fails to answer, a default
9 judgment shall be taken against him, her, or it, or that
10 his, her, or its license may be suspended, revoked, placed
11 on probationary status, or subject to other disciplinary
12 action as the State Fire Marshal deems proper, without a
13 hearing, if the act or acts charged constitute sufficient
14 grounds for such action under this Act.

15 (d) The hearing officer authorized by the State Fire
16 Marshal shall hear evidence produced in support of the formal
17 charges and contrary evidence produced by the licensee, if
18 any. At the conclusion of the hearing, the hearing officer
19 shall make findings of fact, conclusions of law, and
20 recommendations, separately stated, and submit them to the
21 State Fire Marshal and to all parties to the proceeding.
22 Submission to the licensee shall be considered as having been
23 made if done in a similar fashion as service of the notice of
24 formal charges. Within 20 days after such service, any party
25 to the proceeding may present to the State Fire Marshal a
26 motion, in writing, for a rehearing which written motion shall

1 specify the particular grounds therefor.

2 (e) The State Fire Marshal, following the time allowed for
3 filing a motion for rehearing, shall review the hearing
4 officer's findings of fact, conclusions of law, and
5 recommendations, and any motions filed subsequent thereto.
6 After review of such information the State Fire Marshal may
7 hear oral arguments and thereafter shall issue an order. The
8 report of findings of fact, conclusions of law, and
9 recommendations of the hearing officer shall be the basis for
10 the State Fire Marshal's order. If the State Fire Marshal
11 finds that substantial justice was not done, he or she may
12 issue an order in contravention of the findings of fact,
13 conclusions of law, and recommendations of the hearing
14 officer. The finding is not admissible in evidence against the
15 person in criminal prosecution brought for the violation of
16 this Act, but the hearing and findings are not a bar to a
17 criminal prosecution brought for the violation of this Act.

18 (f) All proceedings under this Section are matters of
19 public record and shall be preserved.

20 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

21 (225 ILCS 217/90)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 90. Disciplinary sanctions; hearings.

24 (a) The State Fire Marshal shall impose any of the
25 following sanctions, singly or in combination, when he or she

1 finds that a licensee is guilty of any offense described in
2 Section 75:

3 (1) revocation;

4 (2) suspension for any period of time;

5 (3) reprimand or censure;

6 (4) (blank); ~~placement on probationary status and the~~
7 ~~requirement of the submission of any of the following:~~

8 ~~(i) report regularly to the Board or State Fire~~
9 ~~Marshal upon matters that are the basis of the~~
10 ~~probation;~~

11 ~~(ii) continuation or renewal of professional~~
12 ~~education until a satisfactory degree of skill has~~
13 ~~been attained in those areas that are the basis of the~~
14 ~~probation; or~~

15 ~~(iii) such other reasonable requirements or~~
16 ~~restrictions as are proper;~~

17 (5) refusal to issue, renew, reinstate, or restore;

18 (6) (blank); ~~or revocation of probation that has been~~
19 ~~granted and imposition of any other discipline in this~~
20 ~~subsection (a) when the requirements of probation have not~~
21 ~~been fulfilled or have been violated; or~~

22 (7) imposition of a fine not to exceed \$5,000 for each
23 violation of this Act or the rules adopted under this Act.

24 (b) The State Fire Marshal may summarily suspend a license
25 under this Act, without a hearing, simultaneously with the
26 filing of a formal complaint and notice for a hearing provided

1 under this Section if the State Fire Marshal finds that the
2 continued operations of the individual would constitute an
3 immediate danger to the public. In the event the State Fire
4 Marshal suspends a license under this subsection, a hearing by
5 the hearing officer designated by the State Fire Marshal shall
6 begin within 20 days after such suspension begins, unless
7 continued at the request of the licensee.

8 (c) Disposition may be made of any formal complaint by
9 consent order between the State Fire Marshal and the licensee.

10 (d) The State Fire Marshal shall reinstate any license to
11 good standing under this Act, upon recommendation to the State
12 Fire Marshal, after a hearing before the hearing officer
13 authorized by the State Fire Marshal. The State Fire Marshal
14 shall be satisfied that the applicant's renewed practice is
15 not contrary to the public interest.

16 (e) (Blank). ~~The State Fire Marshal may order a licensee~~
17 ~~to submit to a reasonable physical examination if his or her~~
18 ~~physical capacity to practice safely is at issue in a~~
19 ~~disciplinary proceeding. Failure to comply with a State Fire~~
20 ~~Marshal order to submit to a physical examination shall render~~
21 ~~a licensee liable to the summary suspension procedures~~
22 ~~described in this Section.~~

23 (f) The State Fire Marshal may conduct hearings and issue
24 cease and desist orders to persons who engage in activities
25 prohibited by this Act without having a valid license,
26 certificate, or registration. Any person in violation of a

1 cease and desist order entered by the State Fire Marshal shall
2 be subject to all of the remedies provided by law, and in
3 addition, shall be subject to a civil penalty payable to the
4 party injured by the violation.

5 (g) The State Fire Marshal shall seek to achieve
6 consistency in the application of the foregoing sanctions and
7 consent orders and significant departure from prior decisions
8 involving similar conduct shall be explained in the State Fire
9 Marshal's orders.

10 (Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

11 (225 ILCS 217/115)

12 (Section scheduled to be repealed on January 1, 2023)

13 Sec. 115. Publication of records. The State Fire Marshal
14 shall, upon request, publish a list of the names and addresses
15 of all fire equipment distributor licensees and the names of
16 all fire equipment employee licensees under the provisions of
17 this Act. The State Fire Marshal shall publish a list of all
18 persons whose licenses have been disciplined within one year,
19 and a quarterly list of each individual who was denied
20 employment status because of a criminal history, together with
21 such other information as it may deem of interest to the
22 public.

23 (Source: P.A. 96-1499, eff. 1-18-11.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".