



Rep. Kathleen Willis

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10200HB4301ham002

LRB102 21851 AMQ 36447 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 Sections 4.33 and 4.38 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 Acts repealed on January 1, 2023.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8 Acts are repealed on January 1, 2023: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 80/4.38)

5 Sec. 4.38. Acts repealed on January 1, 2028. The following
6 Acts are repealed on January 1, 2028:

7 The Acupuncture Practice Act.

8 The Clinical Social Work and Social Work Practice Act.

9 The Fire Equipment Distributor and Employee Regulation Act
10 of 2011.

11 The Home Medical Equipment and Services Provider License
12 Act.

13 The Illinois Petroleum Education and Marketing Act.

14 The Illinois Speech-Language Pathology and Audiology
15 Practice Act.

16 The Interpreter for the Deaf Licensure Act of 2007.

17 The Nurse Practice Act.

18 The Nursing Home Administrators Licensing and Disciplinary
19 Act.

20 The Physician Assistant Practice Act of 1987.

21 The Podiatric Medical Practice Act of 1987.

22 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
23 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
24 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
25 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

1 Section 10. The Fire Equipment Distributor and Employee
2 Regulation Act of 2011 is amended by changing Sections 5, 10,
3 20, 30, 40, 45, 60, 65, 70, 75, 80, 85, 90, 105, 115, and 120
4 as follows:

5 (225 ILCS 217/5)

6 (Section scheduled to be repealed on January 1, 2023)

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

8 "Employee" means a licensee or a person who is currently
9 employed by a fire equipment distributor licensed under this
10 Act whose full or part-time duties include servicing,
11 recharging, hydro-testing, installing, maintaining, or
12 inspecting fire equipment.

13 "Fire equipment" means any portable or fixed fire
14 extinguishing device or system other than a fire sprinkler
15 system under the Fire Sprinkler Contractor Licensing Act.

16 "Fire equipment distributor" means any person, company or
17 corporation that services, recharges, hydro-tests, inspects,
18 installs, maintains, alters, repairs, replaces, or services
19 fire equipment for customers, clients, or other third parties.

20 "ICC" means the International Code Council.

21 "NAFED" means the National Association of Fire Equipment
22 Distributors.

23 "NFPA" means the National Fire Protection Association.

24 "NICET" means the National Institute for Certification in

1 Engineering Technologies.

2 "Office" or "State Fire Marshal" means the Office of the
3 State Fire Marshal.

4 "Person" means a natural person or any company,
5 corporation, or other business entity.

6 ~~(a) "Employee" means a licensee or a person who is~~
7 ~~currently employed by a distributor licensed under this Act~~
8 ~~whose full or part time duties include servicing, recharging,~~
9 ~~hydro testing, installing, maintaining, or inspecting all~~
10 ~~types of fire extinguishing devices or systems, other than~~
11 ~~water sprinkler systems.~~

12 ~~(b) "Board" means the Fire Equipment Distributor and~~
13 ~~Employee Advisory Board.~~

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

16 ~~(d) "Fire equipment distributor" means any person, company~~
17 ~~or corporation that services, recharges, hydro tests,~~
18 ~~inspects, installs, maintains, alters, repairs, replaces, or~~
19 ~~services fire extinguishing devices or systems, other than~~
20 ~~water sprinkler systems, for customers, clients, or other~~
21 ~~third parties. "Fire equipment distributor" does not include a~~
22 ~~person, company, or corporation employing 2,000 or more~~
23 ~~employees within the State of Illinois that engages in these~~
24 ~~activities incidental to its own business.~~

25 ~~(e) "Public member" means a person who is not a licensee or~~
26 ~~a relative of a licensee, or who is not an employer or employee~~

1 ~~of a licensee. The term "relative" shall be determined by~~
2 ~~rules of the State Fire Marshal.~~

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

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

10 ~~(h) "Maintenance" means a determination that an~~
11 ~~extinguisher will operate effectively and safely. It includes~~
12 ~~a thorough examination and any necessary repair or~~
13 ~~replacement. It also includes checking the date of manufacture~~
14 ~~or last hydrostatic test to see if internal inspection of the~~
15 ~~cylinder or hydrostatic testing is necessary, and checking for~~
16 ~~cuts, bulges, dents, abrasions, corrosion, condition of paint,~~
17 ~~shell hanger attachment, maintenance of nameplate, weight of~~
18 ~~contents, pressure gauge, valve, removal of pull pin,~~
19 ~~discharge nozzle, hose assembly, and operating instructions.~~

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

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

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

24 (225 ILCS 217/10)

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

1 Sec. 10. License requirement; injunction; cease and desist
2 order.

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

7 No firm, association, or corporation shall act as an
8 agency licensed under this Act, or advertise or assume to act
9 as such, or use any title implying that the firm, association,
10 or corporation is engaged in such practice, unless licensed by
11 the State Fire Marshal.

12 (b) The State Fire Marshal, in the name of the People and
13 through the Attorney General, the State's Attorney of any
14 county, any interested resident of the State, or any
15 interested legal entity within the State, may petition the
16 court with appropriate jurisdiction for an order seeking
17 injunctive relief to enjoin from practicing a licensed
18 activity in violation of this Act any person, firm,
19 association, or corporation who has not been issued a license,
20 or whose license has been suspended, revoked, or not renewed.
21 If any person, firm, association, or corporation holds itself
22 out as being a licensee under this Act and is not licensed to
23 do so, then any licensee, interested party, or any person
24 injured thereby may petition for relief as provided in this
25 Section. Upon the filing of a verified complaint, a copy shall
26 be served upon the defendant and the proceedings shall

1 thereafter be conducted as in other civil cases. The court
2 with appropriate jurisdiction may issue a temporary
3 restraining order without notice or bond. If it is established
4 that the defendant has been or is practicing in violation of
5 this Act, the court may enter a judgment permanently enjoining
6 the defendant from such further activity. In case of violation
7 of any injunctive order or judgment entered under the
8 provisions of this Section, the court may summarily try and
9 punish the offender for contempt of court. Such injunctive
10 proceeding shall be in addition to all penalties and other
11 remedies in this Act.

12 (c) Whenever, in the opinion of the State Fire Marshal, a
13 person, firm, association, or corporation violates any
14 provision of this Act, the State Fire Marshal may issue an
15 order to show cause why an order to cease and desist should not
16 be entered against that person, firm, association, or
17 corporation. The order shall clearly set forth the grounds
18 relied upon by the State Fire Marshal and shall allow the
19 person, firm, association, or corporation at least 7 days
20 after the date of the order to file an answer satisfactory to
21 the State Fire Marshal. A failure to answer an order to show
22 cause to the satisfaction of the State Fire Marshal shall
23 result in the issuance of an order to cease and desist.

24 (d) The State Fire Marshal may refuse to issue a license
25 to, or may suspend the license of, any person or business
26 entity that is not in good standing with the Department of

1 Revenue until the person or business entity is in good
2 standing with the Department of Revenue ~~who fails to file a~~
3 ~~return, to pay the tax, penalty, or interest shown in a filed~~
4 ~~return, or to pay any final assessment of tax, penalty, or~~
5 ~~interest, as required by any tax Act administered by the~~
6 ~~Illinois Department of Revenue, until such time as the~~
7 ~~requirements of any such tax Act are satisfied.~~

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

9 (225 ILCS 217/20)

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

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

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

15 (225 ILCS 217/30)

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

17 Sec. 30. Rules; report.

18 (a) The State Fire Marshal shall adopt rules consistent
19 with the provisions of this Act for the administration and
20 enforcement thereof, and may prescribe forms that shall be
21 issued in connection therewith. The rules shall include
22 standards and criteria for registration, professional conduct,
23 and discipline. The Office may, by rule, establish fees,
24 including, but not limited to, license fees, reinstatement

1 fees, and processing fees.

2 (b) (Blank).

3 (c) (Blank).

4 (d) In the adopting of rules relating to fire equipment
5 distributors and employees, the State Fire Marshal shall be
6 guided by the national fire safety standards and codes and
7 fire equipment and facility standards and code, including, but
8 not limited to, those adopted by the National Fire Protection
9 Association and the National Association of Fire Equipment
10 Distributors.

11 (e) In the adopting of rules relating to the maintenance
12 and operation of hydrostatic testing equipment and tools for
13 all fire equipment distributors and employees, the State Fire
14 Marshal shall be guided by the requirements of the United
15 States Department of Transportation as set forth in Section
16 173.34(e)(1) of Title 49 of Code of Federal Regulations.

17 (f) The State Fire Marshal shall by rule establish
18 procedures for an applicant for any class fire equipment
19 employee license to work for a licensed fire equipment
20 distributor for training.

21 (g) The rules adopted by the Office of the State Fire
22 Marshal under the Fire Equipment Distributor and Employee
23 Regulation Act of 2000 shall remain in effect until such time
24 as the Office of the State Fire Marshal adopts rules under this
25 Act.

26 (h) (Blank).

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

2 (225 ILCS 217/40)

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

4 Sec. 40. Qualifications for licensure; fees.

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

9 (b) To qualify for a Class A Fire Equipment Distributor
10 License to service, recharge, hydro-test, install, maintain,
11 or inspect all types of fire extinguishers, an applicant shall
12 employ a currently licensed Class 1 Fire Equipment Employee
13 and must provide all of the following:

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

16 (2) Evidence of current registration as an Illinois
17 corporation or other business entity and, when applicable,
18 evidence of compliance with the Assumed Business Name Act
19 and a list of officers.

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

24 (3.5) Evidence of workers' compensation insurance
25 covering its employees or approval as a self-insurer of

1 workers' compensation in accordance with the laws of this
2 State.

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

8 (c) To qualify for a Class B Fire Equipment Distributor
9 License to service, recharge, hydro-test, install, maintain,
10 or inspect all types of pre-engineered fire extinguishing
11 systems, an applicant shall employ a currently licensed Class
12 2K Fire Equipment Employee or Class 2I Fire Equipment Employee
13 and ~~must~~ provide all of the following:

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

16 (2) Evidence of current registration as an Illinois
17 corporation or other business entity and, when applicable,
18 evidence of compliance with the Assumed Business Name Act
19 and a list of officers.

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

24 (3.5) Evidence of workers' compensation insurance
25 covering its employees or approval as a self-insurer of
26 workers' compensation in accordance with the laws of this

1 State.

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

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

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

14 (2) Evidence of current registration as an Illinois
15 corporation or other business entity and, when applicable,
16 evidence of compliance with the Assumed Business Name Act
17 and a list of officers.

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

22 (3.5) Evidence of workers' compensation insurance
23 covering its employees or approval as a self-insurer of
24 workers' compensation in accordance with the laws of this
25 State.

26 (4) Evidence of owning, leasing, renting, or having

1 access to proper testing equipment that is in compliance
2 with the national standards adopted by the State Fire
3 Marshal for the maintenance and operation of testing tools
4 for use with all Class C fire equipment.

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

9 (1) Current certification by ICC or NAFED in Portable
10 Fire Extinguishers ~~Pass the ICC/NAFED examination~~
11 ~~administered by the ICC as a technician certified to~~
12 ~~service a Portable Fire Extinguisher.~~

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

15 (3) Provide a digital color photograph of sufficient
16 quality ~~2 copies of a current photograph at least 1" x 1"~~
17 ~~in size.~~ An applicant who is 21 years of age or older
18 seeking a religious exemption to this photograph
19 requirement shall furnish with the ~~his or her~~ application
20 an approved copy of United States Department of the
21 Treasury Internal Revenue Service Form 4029. Regardless of
22 age, an applicant seeking a religious exemption to this
23 photograph requirement shall submit fingerprints in a form
24 and manner prescribed by the State Fire Marshal with the
25 ~~his or her~~ application in lieu of a photograph.

26 (4) Provide a copy of a valid government-issued photo

1 identification.

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

7 (1) Current certification by ICC or NAFED in ~~Pass the~~
8 ~~ICC/NAFED examination administered by the ICC as a~~
9 ~~technician certified to service~~ Pre-Engineered Industrial
10 Fire Suppression Systems.

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

13 (3) Provide a digital color photograph of sufficient
14 quality ~~2 copies of a current photograph at least 1" x 1"~~
15 ~~in size~~. An applicant who is 21 years of age or older
16 seeking a religious exemption to this photograph
17 requirement shall furnish with the ~~his or her~~ application
18 an approved copy of United States Department of the
19 Treasury Internal Revenue Service Form 4029. Regardless of
20 age, an applicant seeking a religious exemption to this
21 photograph requirement shall submit fingerprints in a form
22 and manner prescribed by the State Fire Marshal with the
23 ~~his or her~~ application in lieu of a photograph.

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

26 (f-5) To qualify for a Class 2K Fire Equipment Employee

1 License to service, recharge, hydro-test, install, maintain,
2 or inspect all types of pre-engineered kitchen fire
3 extinguishing systems, a candidate shall ~~an applicant must~~
4 complete all of the following:

5 (1) Current certification by ICC or NAFED in ~~Pass the~~
6 ~~ICC/NAFED examination administered by the ICC as a~~
7 ~~technician certified to service~~ Pre-Engineered Kitchen
8 Fire Extinguishing Systems.

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

11 (3) Provide a digital color photograph of sufficient
12 quality ~~2 copies of a current photograph at least 1" x 1"~~
13 ~~in size~~. An applicant who is 21 years of age or older
14 seeking a religious exemption to this photograph
15 requirement shall furnish with the ~~his or her~~ application
16 an approved copy of United States Department of the
17 Treasury Internal Revenue Service Form 4029. Regardless of
18 age, an applicant seeking a religious exemption to this
19 photograph requirement shall submit fingerprints in a form
20 and manner prescribed by the State Fire Marshal with the
21 ~~his or her~~ application in lieu of a photograph.

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

24 (g) To qualify for a Class 3 Fire Equipment Employee
25 License to service, recharge, hydro-test, install, maintain,
26 inspect, or engineer all types of engineered fire

1 extinguishing systems, an applicant must complete all of the
2 following:

3 (1) Current certification by NAFED in Engineered Fire
4 Suppression Systems or current NICET Level III
5 certification in Special Hazards Systems ~~Pass the~~
6 ~~examination.~~

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

9 (3) Provide a digital color photograph of sufficient
10 quality ~~current photograph at least 1" x 1" in size.~~ An
11 applicant who is 21 years of age or older seeking a
12 religious exemption to this photograph requirement shall
13 furnish with the ~~his or her~~ application an approved copy
14 of United States Department of the Treasury Internal
15 Revenue Service Form 4029. Regardless of age, an applicant
16 seeking a religious exemption to this photograph
17 requirement shall submit fingerprints in a form and manner
18 prescribed by the State Fire Marshal with the ~~his or her~~
19 application in lieu of a photograph.

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

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

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

1 (225 ILCS 217/45)

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

3 Sec. 45. Applications. Each application for a license to
4 practice under this Act shall be ~~in writing and~~ signed by the
5 applicant on forms provided by the State Fire Marshal. Each
6 application for a fire equipment distributor license shall be
7 signed by an authorized officer of the fire equipment
8 distributor. Each application for an employee license shall be
9 signed by an authorized officer of the fire equipment
10 distributor and by the candidate for the employee license.

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

12 (225 ILCS 217/60)

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

14 Sec. 60. Issuance of license; renewal.

15 (a) The Office ~~State Fire Marshal~~ shall, upon the
16 applicant's satisfactory completion of the requirements
17 authorized under this Act and upon receipt of the requisite
18 fees, issue the appropriate license and certificate or wallet
19 card, as applicable, showing the name and business location of
20 the licensee, and the dates of issuance and expiration. For an
21 employee license, the wallet card shall also contain a
22 photograph of the licensee, unless the licensee has a
23 religious exemption in accordance with Section 40. ~~and shall~~
24 contain a photograph of the licensee provided to the State
25 Fire Marshal. An applicant who is 21 years of age or older

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

9 (b) (Blank). ~~Any license valid on December 31, 2010 under~~
10 ~~the Fire Equipment Distributor and Employee Regulation Act of~~
11 ~~2000 shall be a valid license under this Act and expires when~~
12 ~~the valid license issued under the Fire Equipment Distributor~~
13 ~~and Employee Regulation Act of 2000 was scheduled to expire.~~

14 (c) An applicant for license renewal shall, at the time of
15 renewal application, provide proof of qualifications for
16 licensure under Section 40 for the respective license to the
17 Office. Upon receipt of the requisite fees, the Office shall
18 issue the license in accordance with subsection (a). ~~Each~~
19 ~~licensee may apply for renewal of his license upon payment of~~
20 ~~fees, as set forth in this Act.~~ The expiration date and renewal
21 period for each license issued under this Act shall be set by
22 rule. Failure to renew by ~~within 60 days of~~ the expiration date
23 shall lapse the license. A lapsed license may not be renewed
24 ~~reinstated~~ until a written application is filed, an applicant
25 has demonstrated proof of qualifications for licensure, and
26 the renewal fee is paid, ~~and a \$50 reinstatement fee is paid.~~

1 If not renewed, a license shall become inactive following 60
2 days after the expiration date of the license. An inactive
3 license may not be reinstated until a written application is
4 filed, an applicant has demonstrated proof of qualifications
5 for licensure, the renewal fee is paid, and the reinstatement
6 fee is paid. A license may not be reinstated after one year
7 from the expiration date of the license. Renewal and
8 reinstatement fees shall be waived for persons who did not
9 renew while on active duty in the military and who file for
10 renewal or reinstatement ~~restoration~~ within one year after
11 discharge from such service. ~~A lapsed license may not be~~
12 ~~reinstated after 5 years have elapsed, except upon passing an~~
13 ~~examination to determine fitness to have the license restored~~
14 ~~and by paying the required fees.~~

15 (d) As a condition of renewal of a license, the State Fire
16 Marshal may require the licensee to report information
17 pertaining to the licensee's ~~his~~ practice which the State Fire
18 Marshal determines to be in the interest of public safety.

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

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

23 (225 ILCS 217/65)

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

25 Sec. 65. Returned checks; notification of lapsed or

1 inactive license. The Office may require that any ~~Any~~ person
2 who on 2 or more occasions issues or delivers a check or other
3 order to the Office ~~State Fire Marshal~~ that is not honored by
4 the financial institution upon which it is drawn because of
5 insufficient funds on account ~~shall pay to the State Fire~~
6 ~~Marshal~~, in addition to the amount owing upon the check or
7 other order, a fee of \$50. The State Fire Marshal shall notify
8 the licensee whose license has lapsed or become inactive,
9 within 30 days after the discovery by the State Fire Marshal
10 that the licensee is practicing without a current license,
11 that the individual, person, or distributor is acting as a
12 fire equipment distributor or employee, as the case may be,
13 without a license, and the amount due to the State Fire
14 Marshal, which shall include the ~~lapsed~~ renewal fee,
15 reinstatement fee, and all other fees required in order to
16 renew or reinstate the license ~~by this Section~~. ~~If after the~~
17 ~~expiration of 30 days from the date of such notification, the~~
18 ~~licensee whose license has lapsed seeks a current license, he~~
19 ~~shall thereafter apply to the State Fire Marshal for~~
20 ~~reinstatement of the license and pay all fees due to the State~~
21 ~~Fire Marshal. The State Fire Marshal may establish a fee for~~
22 ~~the processing of an application for reinstatement of a~~
23 ~~license that allows the State Fire Marshal to pay all costs and~~
24 ~~expenses incident to the processing of this application. The~~
25 ~~State Fire Marshal may waive the fees due under this Section in~~
26 ~~individual cases where he finds that the fees would be~~

1 ~~unreasonable or unnecessarily burdensome.~~

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

3 (225 ILCS 217/70)

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

5 Sec. 70. Change of address; display of license; duplicate
6 license or certificate.

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

9 (b) Each licensee shall prominently display the ~~his or her~~
10 license to practice at each place from which the practice is
11 being performed. A fire equipment distributor licensee shall
12 have a separate license for each business location within the
13 State or outside the State if the business location is
14 responsible for the performance of any applicable work under
15 this Act performed within the State. ~~If more than one location~~
16 ~~is used, branch office certificates shall be issued upon~~
17 ~~payment of the fees to be established by the State Fire~~
18 ~~Marshal. Each fire equipment employee shall carry on his or~~
19 ~~her person a wallet card issued by the State Fire Marshal.~~

20 (c) If a license or certificate is lost, a duplicate shall
21 be issued upon payment of the required fee to be established by
22 the State Fire Marshal. If a licensee wishes to change the name
23 on the license ~~his or her name~~, the State Fire Marshal shall
24 issue a license in the new name upon satisfactory proof that
25 such change was done in accordance with law and upon payment of

1 the ~~required~~ fee as determined by rule.

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

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

6 (225 ILCS 217/75)

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

8 Sec. 75. Grounds for disciplinary sanctions. Licensees
9 subject to this Act shall conduct their practice in accordance
10 with this Act and with any rules adopted under this Act. The
11 State Fire Marshal may refuse to issue or renew any license and
12 it may suspend or revoke any license or may place on probation,
13 censure, reprimand, or take other disciplinary action deemed
14 appropriate by the State Fire Marshal and enumerated in this
15 Act, including the imposition of fines not to exceed \$5,000
16 for each violation, with regard to any license issued under
17 this Act for any one or more of the reasons enumerated in this
18 Section. Any civil penalty assessed by the State Fire Marshal
19 pursuant to this Act shall be paid within 60 days after the
20 effective date of the order imposing the civil penalty. The
21 order shall constitute a judgment and may be filed and
22 executed in the same manner as any judgment from any court of
23 record.

24 Grounds for discipline under this Act are:

25 (1) fraud or material deception in obtaining or

1 renewing of a license;

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

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

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

16 (5) performing any services in a grossly negligent
17 manner or permitting any of his or her licensed employees
18 to perform services in a grossly negligent manner,
19 regardless of whether actual damage or damages to the
20 public is established;

21 (6) (blank); ~~habitual drunkenness or habitual~~
22 ~~addiction to the use of morphine, cocaine, controlled~~
23 ~~substances, or other habit-forming drugs;~~

24 (7) directly or indirectly willfully receiving
25 compensation for any professional services not actually
26 rendered;

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

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

6 (10) engaging in unprofessional conduct;

7 (11) engaging in false or misleading advertising;

8 (12) contracting or assisting unlicensed persons to
9 perform services for which a license is required under
10 this Act;

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

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

17 (15) failure to comply with any provision of this Act
18 or the rules adopted under this Act;

19 (16) conducting business regulated by this Act without
20 a currently valid license; and-

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

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

24 (225 ILCS 217/80)

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

1 Sec. 80. Complaints. All complaints concerning violations
2 regarding licensees or unlicensed activity shall be received
3 and logged by the State Fire Marshal ~~and reported to the Board.~~
4 (Source: P.A. 96-1499, eff. 1-18-11.)

5 (225 ILCS 217/85)

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

7 Sec. 85. Formal charges.

8 (a) Before revoking, suspending, annulling, withdrawing,
9 amending materially, or refusing to renew any valid license,
10 the State Fire Marshal shall file formal charges against the
11 licensee. The formal charges shall, at a minimum, inform the
12 licensee of the facts that make up the basis of the charge and
13 that are specific enough to enable the licensee to defend
14 himself.

15 (b) Each licensee whose conduct is the subject of a formal
16 charge that seeks to impose disciplinary action against the
17 licensee shall be served notice of said formal charge at least
18 30 days before the date of the hearing, which shall be presided
19 over by a hearing officer authorized by the State Fire
20 Marshal. Service shall be considered to have been given if the
21 notice was personally received by the licensee or if the
22 notice was sent by certified mail, return receipt requested to
23 the licensee at the licensee's last known address, as listed
24 with the State Fire Marshal.

25 (c) The notice of formal charges shall consist at a

1 minimum of the following information:

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

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

5 (3) that the licensee shall have the right to produce
6 witnesses and evidence on the licensee's ~~in his~~ behalf and
7 shall have the right to cross-examine witnesses and refute
8 evidence produced against the licensee ~~him or her~~;

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

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

14 (6) that a hearing officer authorized by the State
15 Fire Marshal shall preside at the hearing and following
16 the conclusion of said hearing shall make findings of
17 fact, conclusions of law, and recommendations, separately
18 stated, to the State Fire Marshal as to what disciplinary
19 action, if any, should be imposed on the licensee;

20 (7) that the State Fire Marshal may continue such
21 hearing;

22 (8) that the licensee shall file a written answer to
23 the charges with the State Fire Marshal under oath within
24 20 days after service of the notice; and

25 (9) that if the accused fails to answer, a default
26 judgment shall be taken against him, her, or it, or that

1 his, her, or its license may be suspended, revoked, placed
2 on probationary status, or subject to other disciplinary
3 action as the State Fire Marshal deems proper, without a
4 hearing, if the act or acts charged constitute sufficient
5 grounds for such action under this Act.

6 (d) The hearing officer authorized by the State Fire
7 Marshal shall hear evidence produced in support of the formal
8 charges and contrary evidence produced by the licensee, if
9 any. At the conclusion of the hearing, the hearing officer
10 shall make findings of fact, conclusions of law, and
11 recommendations, separately stated, and submit them to the
12 State Fire Marshal and to all parties to the proceeding.
13 Submission to the licensee shall be considered as having been
14 made if done in a similar fashion as service of the notice of
15 formal charges. Within 20 days after such service, any party
16 to the proceeding may present to the State Fire Marshal a
17 motion, in writing, for a rehearing which written motion shall
18 specify the particular grounds therefor.

19 (e) The State Fire Marshal, following the time allowed for
20 filing a motion for rehearing, shall review the hearing
21 officer's findings of fact, conclusions of law, and
22 recommendations, and any motions filed subsequent thereto.
23 After review of such information the State Fire Marshal may
24 hear oral arguments and thereafter shall issue an order. The
25 report of findings of fact, conclusions of law, and
26 recommendations of the hearing officer shall be the basis for

1 the State Fire Marshal's order. If the State Fire Marshal
2 finds that substantial justice was not done, he or she may
3 issue an order in contravention of the findings of fact,
4 conclusions of law, and recommendations of the hearing
5 officer. The finding is not admissible in evidence against the
6 person in criminal prosecution brought for the violation of
7 this Act, but the hearing and findings are not a bar to a
8 criminal prosecution brought for the violation of this Act.

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

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

12 (225 ILCS 217/90)

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

14 Sec. 90. Disciplinary sanctions; hearings.

15 (a) The State Fire Marshal shall impose any of the
16 following sanctions, singly or in combination, when he or she
17 finds that a licensee is guilty of any offense described in
18 Section 75:

19 (1) revocation;

20 (2) suspension for any period of time;

21 (3) reprimand or censure;

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

24 ~~(i) report regularly to the Board or State Fire~~
25 ~~Marshal upon matters that are the basis of the~~

1 ~~probation;~~

2 ~~(ii) continuation or renewal of professional~~
3 ~~education until a satisfactory degree of skill has~~
4 ~~been attained in those areas that are the basis of the~~
5 ~~probation; or~~

6 ~~(iii) such other reasonable requirements or~~
7 ~~restrictions as are proper;~~

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

9 (6) (blank); or ~~revocation of probation that has been~~
10 ~~granted and imposition of any other discipline in this~~
11 ~~subsection (a) when the requirements of probation have not~~
12 ~~been fulfilled or have been violated; or~~

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

15 (b) The State Fire Marshal may summarily suspend a license
16 under this Act, without a hearing, simultaneously with the
17 filing of a formal complaint and notice for a hearing provided
18 under this Section if the State Fire Marshal finds that the
19 continued operations of the individual would constitute an
20 immediate danger to the public. In the event the State Fire
21 Marshal suspends a license under this subsection, a hearing by
22 the hearing officer designated by the State Fire Marshal shall
23 begin within 20 days after such suspension begins, unless
24 continued at the request of the licensee.

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

1 (d) The State Fire Marshal shall reinstate any license to
2 good standing under this Act, upon recommendation to the State
3 Fire Marshal, after a hearing before the hearing officer
4 authorized by the State Fire Marshal. The State Fire Marshal
5 shall be satisfied that the applicant's renewed practice is
6 not contrary to the public interest.

7 (e) (Blank). ~~The State Fire Marshal may order a licensee~~
8 ~~to submit to a reasonable physical examination if his or her~~
9 ~~physical capacity to practice safely is at issue in a~~
10 ~~disciplinary proceeding. Failure to comply with a State Fire~~
11 ~~Marshal order to submit to a physical examination shall render~~
12 ~~a licensee liable to the summary suspension procedures~~
13 ~~described in this Section.~~

14 (f) The State Fire Marshal may conduct hearings and issue
15 cease and desist orders to persons who engage in activities
16 prohibited by this Act without having a valid license,
17 certificate, or registration. Any person in violation of a
18 cease and desist order entered by the State Fire Marshal shall
19 be subject to all of the remedies provided by law, and in
20 addition, shall be subject to a civil penalty payable to the
21 party injured by the violation.

22 (g) The State Fire Marshal shall seek to achieve
23 consistency in the application of the foregoing sanctions and
24 consent orders and significant departure from prior decisions
25 involving similar conduct shall be explained in the State Fire
26 Marshal's orders.

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

2 (225 ILCS 217/115)

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

4 Sec. 115. Publication of records. The State Fire Marshal
5 shall, upon request, publish a list of the names and addresses
6 of all fire equipment distributor licensees and the names of
7 all fire equipment employee licensees under the provisions of
8 this Act. The State Fire Marshal shall publish a list of all
9 persons whose licenses have been disciplined within one year,
10 and a quarterly list of each individual who was denied
11 employment status because of a criminal history, together with
12 such other information as it may deem of interest to the
13 public.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."