

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Plumbing License Law is amended by
5 changing Sections 2, 2.5, and 29.5 as follows:

6 (225 ILCS 320/2) (from Ch. 111, par. 1102)

7 Sec. 2. When used in this Act:

8 "Agent" means a person designated by a sponsor as
9 responsible for supervision of an apprentice plumber and who is
10 also an Illinois licensed plumber.

11 "Apprentice plumber" means any licensed person who is
12 learning and performing plumbing under the supervision of a
13 sponsor or his agent in accordance with the provisions of this
14 Act.

15 "Approved apprenticeship program" means an apprenticeship
16 program approved by the U.S. Department of Labor's Bureau of
17 Apprenticeship and Training and the Department under rules.

18 "Board" means the Illinois State Board of Plumbing
19 Examiners.

20 "Building drain" means that part of the lowest horizontal
21 piping of a drainage system that receives the discharge from
22 soil, waste, and other drainage pipes inside the walls of a
23 building and conveys it to 5 feet beyond the foundation walls
24 where it is connected to the building sewer.

25 "Building sewer" means that part of the horizontal piping
26 of a drainage system that extends from the end of the building
27 drain, receives the discharge of the building drain and conveys
28 it to a public sewer or private sewage disposal system.

29 "Department" means the Illinois Department of Public
30 Health.

31 "Director" means the Director of the Illinois Department of
32 Public Health.

1 "Governmental unit" means a city, village, incorporated
2 town, county, or sanitary or water district.

3 "Irrigation contractor" means a person who installs or
4 supervises the installation of lawn sprinkler systems subject
5 to Section 2.5 of this Act, other than a licensed plumber or a
6 licensed apprentice plumber.

7 "Irrigation employee" means a person who is employed by a
8 registered irrigation contractor or a licensed plumber, and who
9 designs, repairs, alters, maintains, or installs lawn
10 sprinkler systems that are subject to Section 2.5 of this Law.

11 "Lawn sprinkler system" means any underground irrigation
12 system of lawn, shrubbery and other vegetation from any potable
13 water sources; and from any water sources, whether or not
14 potable, ~~in: (i) any county with a population of 3,000,000 or~~
15 ~~more; (ii) any county with a population of 275,000 or more~~
16 ~~which is contiguous in whole or in part to a county with a~~
17 ~~population of 3,000,000 or more; and (iii) any county with a~~
18 ~~population of 37,000 or more but less than 150,000 which is~~
19 ~~contiguous to 2 or more counties with respective populations in~~
20 ~~excess of 275,000.~~ "Lawn sprinkler system" includes without
21 limitation the water supply piping, valves, control systems,
22 low voltage wiring, and sprinkler heads or other irrigation
23 outlets, and moisture or rainfall sensing equipment, but does
24 not include the backflow prevention device. "Lawn sprinkler
25 system" does not include an irrigation system used primarily
26 for agricultural purposes.

27 "Person" means any natural person, firm, corporation,
28 partnership, or association.

29 "Plumber" means any licensed person authorized to perform
30 plumbing as defined in this Act, but does not include retired
31 plumbers as defined in this Act.

32 "Plumbing" means the actual installation, repair,
33 maintenance, alteration or extension of a plumbing system by
34 any person.

35 "Plumbing" includes all piping, fixtures, appurtenances
36 and appliances for a supply of water for all purposes,

1 including without limitation lawn sprinkler systems and
2 backflow prevention devices connected to lawn sprinkler
3 systems, from the source of a private water supply on the
4 premises or from the main in the street, alley or at the curb
5 to, within and about any building or buildings where a person
6 or persons live, work or assemble.

7 "Plumbing" includes all piping, from discharge of pumping
8 units to and including pressure tanks in water supply systems.

9 "Plumbing" includes all piping, fixtures, appurtenances,
10 and appliances for a building drain and a sanitary drainage and
11 related ventilation system of any building or buildings where a
12 person or persons live, work or assemble from the point of
13 connection of such building drain to the building sewer or
14 private sewage disposal system 5 feet beyond the foundation
15 walls.

16 "Plumbing" does not mean or include the trade of
17 drain-laying, the trade of drilling water wells which
18 constitute the sources of private water supplies, and of making
19 connections between such wells and pumping units in the water
20 supply systems of buildings served by such private water
21 supplies, or the business of installing water softening
22 equipment and of maintaining and servicing the same, or the
23 business of manufacturing or selling plumbing fixtures,
24 appliances, equipment or hardware, or to the installation and
25 servicing of electrical equipment sold by a not-for-profit
26 corporation providing electrification on a cooperative basis,
27 that either on or before January 1, 1971, is or has been
28 financed in whole or in part under the federal Rural
29 Electrification Act of 1936 and the Acts amendatory thereof and
30 supplementary thereto, to its members for use on farms owned by
31 individuals or operated by individuals, nor does it mean or
32 include minor repairs which do not require changes in the
33 piping to or from plumbing fixtures or involve the removal,
34 replacement, installation or re-installation of any pipe or
35 plumbing fixtures. Plumbing does not include the installation,
36 repair, maintenance, alteration or extension of building

1 sewers.

2 "Plumbing contractor" means any person who performs
3 plumbing, as defined in this Act, for another person. "Plumbing
4 contractor" shall not include licensed plumbers and licensed
5 apprentice plumbers who either are employed by persons engaged
6 in the plumbing business or are employed by another person for
7 the performance of plumbing solely for that other person,
8 including, but not limited to, a hospital, university, or
9 business maintenance staff.

10 "Plumbing fixtures" means installed receptacles, devices
11 or appliances that are supplied with water or that receive or
12 discharge liquids or liquid borne wastes, with or without
13 discharge into the drainage system with which they may be
14 directly or indirectly connected.

15 "Plumbing system" means the water service, water supply and
16 distribution pipes; plumbing fixtures and traps; soil, waste
17 and vent pipes; building drains; including their respective
18 connections, devices and appurtenances.

19 "Plumbing system" does not include building sewers as
20 defined in this Act.

21 "Retired plumber" means any licensed plumber in good
22 standing who meets the requirements of this Act and the
23 requirements prescribed by Department rule to be licensed as a
24 retired plumber and voluntarily surrenders his plumber's
25 license to the Department, in exchange for a retired plumber's
26 license. Retired plumbers cannot perform plumbing as defined in
27 this Act, cannot sponsor or supervise apprentice plumbers, and
28 cannot inspect plumbing under this Act. A retired plumber
29 cannot fulfill the requirements of subsection (3) of Section 3
30 of this Act.

31 "Supervision" with respect to first and second year
32 licensed apprentice plumbers means that such apprentices must
33 perform all designing and planning of plumbing systems and all
34 plumbing as defined in this Act under the direct personal
35 supervision of the sponsor or his or her agent who must also be
36 an Illinois licensed plumber, except for maintenance and repair

1 work on existing plumbing systems done by second year
2 apprentice plumbers; provided that before performing any
3 maintenance and repair work without such supervision, such
4 apprentice has received the minimum number of hours of annual
5 classroom instruction recommended by the United States
6 Department of Labor's Bureau of Apprenticeship and Training for
7 apprentice plumbers in a Bureau of Apprenticeship and Training
8 approved plumber apprenticeship program or its equivalent.

9 "Supervision" with respect to all other apprentice plumbers
10 means that, except for maintenance and repair work on existing
11 plumbing systems, any plumbing done by such apprentices must be
12 inspected daily, after initial rough-in and after completion by
13 the sponsor or his or her agent who is also an Illinois
14 licensed plumber. In addition, all repair and maintenance work
15 done by a licensed apprentice plumber on an existing plumbing
16 system must be approved by the sponsor or his or her agent who
17 is also an Illinois licensed plumber.

18 "Sponsor" is an Illinois licensed plumber or an approved
19 apprenticeship program that has accepted an individual as an
20 Illinois licensed apprentice plumber for education and
21 training in the field of plumbing and whose name and license
22 number or apprenticeship program number shall appear on the
23 individual's application for an apprentice plumber's license.

24 "Sponsored" means that each Illinois licensed apprentice
25 plumber has been accepted by an Illinois licensed plumber or an
26 approved apprenticeship program for apprenticeship training.

27 "Telecommunications carrier" means a telecommunications
28 carrier as defined in the Public Utilities Act.

29 (Source: P.A. 91-184, eff. 1-1-00; 91-678, eff. 1-26-00;
30 92-338, eff. 8-10-01.)

31 (225 ILCS 320/2.5)

32 (Section scheduled to be repealed on January 1, 2013)

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

34 (a) Every irrigation contractor doing business in this
35 State shall annually register with the Department. Every

1 irrigation contractor shall provide to the Department his or
2 her business name and address, telephone number, name of
3 principal, ~~and~~ FEIN number, and an original certificate of
4 insurance documenting that the irrigation contractor carries
5 general liability insurance with a minimum of \$100,000 per
6 occurrence, bodily injury insurance with a minimum of \$300,000
7 per occurrence, property damage insurance with a minimum of
8 \$50,000, and worker's compensation insurance with a minimum of
9 \$500,000. No registration may be issued in the absence of the
10 certificate of insurance. The certificate must be in force at
11 all times for registration to remain valid.

12 On a form provided by the Department, every irrigation
13 contractor must provide to the Department an indemnification
14 bond in the amount of \$20,000 or an irrevocable letter of
15 credit from a financial institution guaranteeing that funds
16 shall be available only to the Department and shall be released
17 upon written notification by the Department in the same amount
18 for any work on lawn sprinkler systems performed by the
19 registered irrigation contractor. The letter of credit shall be
20 printed on the letterhead of the issuing financial institution,
21 be signed by an officer of the same financial institution, name
22 the Department as the sole beneficiary, and expire on February
23 28 of each year.

24 Every irrigation contractor doing business in this State
25 shall also register with the Department each and every employee
26 who installs or supervises the installation of lawn sprinkler
27 systems. The registration shall include the employee's name,
28 home address, and telephone number. The Department may provide
29 by rule for the administration of registrations under this
30 subsection. The annual registration fee shall be set by the
31 Department pursuant to Section 30 of this Act. Each registered
32 irrigation contractor must provide proof that he or she employs
33 at least one irrigation employee who has completed and passed
34 an approved class in the design and installation of lawn
35 sprinkler systems.

36 (b) A licensed plumber or licensed apprentice plumber may

1 install a lawn sprinkler system connected to any water source
2 without registration under this Section.

3 (c) A licensed plumber shall inspect every sprinkler system
4 installed by an irrigation contractor to ensure the provisions
5 of this Section have been met and that the system works
6 mechanically. A licensed plumber shall make the physical
7 connection between a lawn sprinkler system and the backflow
8 prevention device.

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

26 The registered irrigation contractor and the licensed
27 plumber whose identifying information is contained on the
28 certification tag shall both be subject to the penalty
29 provisions of this Act for violations for improper installation
30 of a lawn sprinkler system installed after the effective date
31 of this amendatory Act of the 91st General Assembly.

32 (d) An irrigation contractor who ~~that~~ has registered with
33 the Department 7 or fewer persons who are authorized to install
34 or supervise the installation of lawn sprinkler systems shall
35 either employ or contract with at least one licensed plumber
36 who shall install or be responsible for the installation of

1 every lawn sprinkler system installed after the effective date
2 of this amendatory Act of the 91st General Assembly. The
3 licensed plumber shall inspect the risers and sprinkler heads
4 before backfilling.

5 An irrigation contractor who ~~that~~ has registered with the
6 Department 8 to 12 persons who are authorized to install or
7 supervise the installation of lawn sprinkler systems shall
8 either employ or contract with at least 2 licensed plumbers who
9 shall install or be responsible for the installation of every
10 lawn sprinkler system installed after the effective date of
11 this amendatory Act of the 91st General Assembly. A licensed
12 plumber shall inspect the risers and sprinkler heads before
13 backfilling.

14 An irrigation contractor who ~~that~~ has registered with the
15 Department 13 to 20 persons who are authorized to install or
16 supervise the installation of lawn sprinkler systems shall
17 either employ or contract with at least 3 licensed plumbers who
18 shall install or be responsible for the installation of every
19 lawn sprinkler system installed after the effective date of
20 this amendatory Act of the 91st General Assembly. A licensed
21 plumber shall inspect the risers and sprinkler heads before
22 backfilling.

23 An irrigation contractor who ~~that~~ has registered with the
24 Department 21 to 28 persons who are authorized to install or
25 supervise the installation of lawn sprinkler systems shall
26 either employ or contract with at least 4 licensed plumbers who
27 shall install or be responsible for the installation of every
28 lawn sprinkler system installed after the effective date of
29 this amendatory Act of the 91st General Assembly. A licensed
30 plumber shall inspect the risers and sprinkler heads before
31 backfilling.

32 An irrigation contractor who ~~that~~ has registered with the
33 Department 29 to 35 persons who are authorized to install or
34 supervise the installation of lawn sprinkler systems shall
35 either employ or contract with at least 5 licensed plumbers who
36 shall install or be responsible for the installation of every

1 lawn sprinkler system installed after the effective date of
2 this amendatory Act of the 91st General Assembly. A licensed
3 plumber shall inspect the risers and sprinkler heads before
4 backfilling.

5 An irrigation contractor who ~~that~~ has registered with the
6 Department 36 or more persons who are authorized to install or
7 supervise the installation of lawn sprinkler systems shall
8 either employ or contract with at least 6 licensed plumbers who
9 shall install or be responsible for the installation of every
10 lawn sprinkler system installed after the effective date of
11 this amendatory Act of the 91st General Assembly. A licensed
12 plumber shall inspect the risers and sprinkler heads before
13 backfilling.

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

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

34 No person shall attach to a lawn sprinkler system any
35 fixture other than the backflow prevention device, sprinkler
36 heads, valves, and other parts integral to the operation of the

1 system, unless the fixture is clearly marked as being for
2 non-potable uses only.

3 (f) A college, university, trade school, vocational
4 school, or association that has established a program providing
5 a course of instruction in lawn sprinkler design and
6 installation may submit a letter to the Department requesting
7 approval of its program or course of instruction.

8 The request for approval shall include information on the
9 curriculum offered by the program and the qualifications of the
10 organization. The course shall consist of a minimum of 2 days
11 of classroom education and an exam and shall include a
12 provision for continuing education.

13 The Department shall evaluate the curriculum and
14 organization before making a determination to approve or deny a
15 request for approval.

16 In addition to providing to the Department the names of
17 licensed plumbers who are employed by or contract with an
18 irrigation contractor, an irrigation contractor must also
19 provide to the Department the names of employees who have
20 successfully completed an approved course on the installation
21 of lawn sprinkler systems and proof that the course was
22 successfully completed and that continuing education is also
23 being completed.

24 (Source: P.A. 91-678, eff. 1-26-00; 92-778, eff. 8-6-02.)

25 (225 ILCS 320/29.5)

26 Sec. 29.5. Unlicensed and unregistered practice;
27 violation; civil penalties ~~penalty~~.

28 (a) A person who practices, offers to practice, attempts to
29 practice, or holds himself or herself out to practice as a
30 plumber or plumbing contractor without being licensed or
31 registered under this Act, ~~or as an irrigation contractor~~
32 ~~without being registered under this Act,~~ shall, in addition to
33 any other penalty provided by law, pay a civil penalty to the
34 Department in an amount not to exceed \$5,000 for each offense
35 as determined by the Department. The civil penalty shall be

1 assessed by the Department after a hearing is held in
2 accordance with the provisions set forth in this Act regarding
3 the provision of a hearing for the discipline of a licensee or
4 registrant.

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

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

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

24 (1) For a first offense:

25 (A) Where no violations of the Illinois Plumbing
26 Code are found, the person shall pay a civil penalty of
27 \$1,000 and may be referred to the State's Attorney or
28 the Attorney General for prosecution under Section 29
29 of this Act.

30 (B) Where violations of the Illinois Plumbing Code
31 are found, the person shall pay a civil penalty of
32 \$3,000 (the amount of \$3,000 may be reduced to \$1,000
33 upon the condition that the unregistered person pays
34 for a licensed plumber who is acceptable to the other
35 party to the original contract or agreement to correct
36 the violations of the Illinois Plumbing Code) and may

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

3 (2) For a second offense:

4 (A) Where no violations of the Illinois Plumbing
5 Code are found, the person shall pay a civil penalty of
6 \$3,000 and may be referred to the State's Attorney or
7 the Attorney General for prosecution under Section 29
8 of this Act.

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

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

22 (e) A registered irrigation contractor, firm, corporation,
23 partnership, or association that directs, authorizes, or
24 allows a person to practice, offer to practice, attempt to
25 practice, or hold himself or herself out to practice as an
26 irrigation employee without being registered under the
27 provisions of this Act, shall be subject to the following:

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

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

30 (B) shall be required to pay for a licensed plumber
31 who is acceptable to the other party to the original
32 contract or agreement to correct any violations of the
33 Illinois Plumbing Code;

34 (C) shall have his, her, or its plumbing license
35 suspended; and

36 (D) may be referred to the State's Attorney or the

1 Attorney General for prosecution under Section 29 of
2 this Act.

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

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

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

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

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

14 (Source: P.A. 91-678, eff. 1-26-00; 92-338, eff. 8-10-01.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2008.