

# SB0137



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB0137

Introduced 1/30/2009, by Sen. Louis S. Viverito

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 80/4.29

Creates the Electricians Licensing Act. Provides for the regulation of electricians and electrical contractors by the Department of Labor. Sets forth powers and duties of the Director of Labor, licensure requirements, grounds for discipline, penalties for violation of the Act, and administrative procedure. Establishes the Illinois State Board of Electrical Examiners. Provides for concurrent exercise by home rule units. Amends the Regulatory Sunset Act to set a repeal date for the new Act of January 1, 2019. Effective January 1, 2010.

LRB096 04617 ASK 14674 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the  
5 Electricians Licensing Act.

6 Section 5. Purpose and policy. It has been established by  
7 documented evidence that improper electrical wiring can  
8 adversely affect the well being of the public. Improper  
9 electrical wiring can cause fires due to short circuits and  
10 overloading of protection devices. Faulty wiring is  
11 potentially lethal and can cause widespread fires with  
12 disastrous consequences to persons and property. To protect the  
13 health of the public, it is essential that electrical wiring be  
14 installed by persons who have proven their skill in installing  
15 electrical wiring.

16 Consistent with its duty to safeguard the health of the  
17 people of this State, the General Assembly declares that  
18 individuals who plan, inspect, install, alter, extend, repair,  
19 and maintain electrical wiring systems shall be individuals of  
20 proven skill. Further, the General Assembly declares that a  
21 guide for minimum control of electrical materials and  
22 equipment, the design of electrical systems, and the  
23 construction and installation methods of electrical systems is

1 essential for the protection of public health. In order to  
2 insure proper electrical wiring practice, this Act provides for  
3 the licensing of electricians and electrical contractors and  
4 for the adoption of the National Electrical Code as standards  
5 by the Department. This Act is therefore declared to be  
6 essential to the public interest.

7 Section 10. Definitions. As used in this Act:

8 "Approved apprenticeship program" means an apprenticeship  
9 program approved by the United States Department of Labor  
10 Bureau of Apprenticeship and Training.

11 "Board" means the Illinois State Board of Electrical  
12 Examiners.

13 "Department" means the Illinois Department of Labor.

14 "Director" means the Director of Labor.

15 "Electrical contractor" means a person, firm, or  
16 corporation operating a business that undertakes or offers to  
17 undertake to plan for, lay out, supervise, or install or to  
18 make additions, alterations, maintenance, or repairs in the  
19 installation of wiring, apparatus or equipment for electric  
20 light, heat, or power with or without compensation and who is  
21 licensed as an electrical contractor by the Department of  
22 Labor. An electrical contractor's license does not of itself  
23 qualify its holder to perform the electrical work authorized by  
24 holding any class of electrician's license.

25 "Electrical work" means the wiring, installation,

1 maintenance, and repair of electrical wiring, apparatus, and  
2 equipment and the planning, laying out, and supervision of the  
3 installation, maintenance, and repair of such wiring,  
4 apparatus, and equipment for electric heat, light, and power.

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7 equipment and the planning, laying out, and supervision of the  
8 installation, maintenance, and repair of such wiring,  
9 apparatus, and equipment for electric heat, light, and power.

10 "Journeyman electrician" means a person having the  
11 necessary qualifications, training, experience, and technical  
12 knowledge to wire for, install, maintain, and repair electrical  
13 wiring, apparatus, and equipment who is licensed as a  
14 journeyman electrician by the Department of Labor.

15 "Master electrician" means a person having the necessary  
16 qualifications, training, experience, and technical knowledge  
17 to install, maintain, and repair and to properly plan, lay out,  
18 and supervise the installation of wiring, apparatus, and  
19 equipment for electric light, heat, power, and other purposes  
20 who is licensed as a master electrician by the Department of  
21 Labor.

22 "Owner" means a natural person who physically performs  
23 electrical work on premises the person owns and actually  
24 occupies as a single family residence or owns and will occupy  
25 as a single family residence upon completion of construction.

26 "Registered apprentice" means a person registered with the

1 Department of Labor, who is learning the trade under the  
2 supervision of a licensed electrician.

3 "Residential electrician" means a person having the  
4 necessary qualifications, training, experience, and technical  
5 knowledge involving the construction, wiring, alteration,  
6 maintenance, or repair of single family houses or apartment  
7 buildings and who is licensed as a residential electrician by  
8 the Department of Labor.

9 "Supervision" means that any new electrical work done by a  
10 registered apprentice electrician must be inspected at least  
11 once after initial rough-in and once upon completion by an  
12 Illinois licensed electrician. In addition, all renovation,  
13 alteration, repair, extension, modification, and maintenance  
14 work done by a registered apprentice electrician on an existing  
15 electrical system must be approved by an Illinois licensed  
16 electrician.

17 Section 15. Exemptions.

18 (a) Employees of, or independent contractors performing  
19 work for, any electric utility or electric utility affiliate,  
20 or communications or railway utility or any electric system  
21 owned and operated by a municipal corporation or unit of local  
22 government (notwithstanding any other provision of this Act),  
23 electric cooperative as defined in Section 3.4 of the Electric  
24 Supplier Act, telephone or telecommunications cooperative as  
25 defined in Section 13-212 of the Public Utilities Act, or a

1 telephone company shall not be required to hold a license while  
2 performing work on installations, materials, or equipment that  
3 are owned or leased, operated, and maintained by the electric  
4 utility or electric utility affiliate, communications or  
5 railway utility, electric system owned and operated by a  
6 municipal corporation or unit of local government, electric,  
7 telephone, or telecommunications cooperative, or telephone  
8 company in the exercise of its utility or telephone function,  
9 and that (i) are used exclusively for the generation,  
10 transformation, distribution, transmission, or metering of  
11 electric current, or the operation of railway signals, or the  
12 transmission of intelligence and do not have as a principal  
13 function the consumption or use of electric current by or for  
14 the benefit of any person other than the electric utility or  
15 electric utility affiliate, communications or railway utility,  
16 electric system owned and operated by a municipal corporation  
17 or unit of local government, electric, telephone, or  
18 telecommunications cooperative, or telephone company and (ii)  
19 are generally accessible only to employees of the electric  
20 utility or electric utility affiliate, communications or  
21 railway utility, electric system owned and operated by a  
22 municipal corporation or unit of local government, electric,  
23 telephone, or telecommunications cooperative, or telephone  
24 company or persons acting under its control or direction.  
25 Persons performing work subcontracted out to an electrical or  
26 construction contractor, however, must be in compliance with

1 the licensure requirements of this Act.

2 (b) An owner shall not be required to hold a license under  
3 this Act. Nevertheless, electrical work performed by an owner  
4 shall comply with the minimum standards contained in the  
5 National Electrical Code and shall be subject to inspection by  
6 the Department. An owner shall not employ anyone other than an  
7 electrician licensed under this Act to assist him or her.

8 (c) Any city, village, or incorporated town having a  
9 population of 500,000 or more may, by an ordinance containing  
10 provisions substantially the same as those in this Act and  
11 specifying educational or experience requirements equivalent  
12 to those prescribed in the Act, provide for a board of  
13 electrical examiners to conduct examinations for, and to issue,  
14 suspend, or revoke, electricians' licenses within the city,  
15 village, or incorporated town. Upon the enactment of such an  
16 ordinance, the provisions of this Act shall not apply within  
17 that municipality except as otherwise provided in this Act. Any  
18 person licensed as an electrician under a local ordinance, or  
19 licensed by the Department under this Act, may engage in  
20 electrical wiring installation anywhere in this State.

21 (d) Nothing in this Act shall be construed to prevent an  
22 owner or operator of a farm or his or her employees from  
23 installing, making additions to, altering, maintaining, or  
24 repairing wiring, apparatus, or equipment for electric light,  
25 heat, or power on the farm that he or she owns or operates. For  
26 purposes of this subsection, "farm" means land or a building

1 appurtenant to land that is used for an agricultural purpose or  
2 for a purpose accessory to an agriculture purpose.

3 (e) Employees of a manufacturing corporation that engage in  
4 activities normally requiring licensure under this Act are  
5 exempt when such activities are incidental to the operation or  
6 maintenance of its existing business and facilities. A  
7 manufacturing corporation that is involved in new construction  
8 that results in the expansion of its business and facilities  
9 must utilize licensed electricians for any associated  
10 electrical work.

11 (f) The minor repair of existing electrical systems does  
12 not require licensure under this Act. For the purposes of this  
13 subsection, "minor repair" means repairs to existing  
14 electrical systems that do not require a permit to be issued  
15 under any local ordinance.

16 (g) Elevator construction does not require licensure under  
17 this Act.

18 Section 20. Board of Electrical Examiners. There is created  
19 the Illinois State Board of Electrical Examiners which shall  
20 exercise its duties provided in this Act under the supervision  
21 of the Department of Labor. The Board shall consist of 11  
22 members appointed by the Director of Labor. The Board shall be  
23 composed of 3 licensed master electricians, 3 licensed  
24 electrical contractors who are members of the National  
25 Electrical Contractors Association, one licensed electrical

1 engineer, one electrical inspector who holds a master or  
2 journeyman electrician's license, one representative of a  
3 public utility, the State Fire Marshal, and a licensed real  
4 estate professional. In making the appointments to the Board,  
5 the Director shall consider the recommendations of  
6 individuals, firms, or organizations involved in electrical  
7 wiring installation in this State. The Director shall also take  
8 into consideration the minority representation in the  
9 population when making appointments to the Board. Members of  
10 the Board shall serve 4-year terms and until their successors  
11 are appointed and qualified. The initial appointments,  
12 however, shall be as follows: 3 members for terms of 2 years, 3  
13 members for 3 years, and 4 members for 4 years. The State Fire  
14 Marshal's service on the Board shall be continuous. Board  
15 members shall receive no compensation but shall be reimbursed  
16 for expenses incurred in connection with their duties as Board  
17 members.

18 Section 25. Powers and duties of the Director. The Director  
19 shall take all actions necessary under this Act to carry out  
20 the duties and responsibilities of the Department under this  
21 Act. The Director, with the assistance of the Board, shall:

22 (1) prepare and issue licenses and provide for  
23 registration as provided in this Act;

24 (2) prescribe rules and regulations for examination of  
25 applicants for master, journeyman, and residential

1 licenses;

2 (3) prepare and give uniform examinations to  
3 applicants for master, journeyman, and residential  
4 licenses that shall test their knowledge and  
5 qualifications in the planning and design of electrical  
6 systems, their knowledge, qualifications, and manual  
7 skills in electrical installations, and their knowledge of  
8 the National Electrical Code relating to materials,  
9 design, and installation of methods of electrical systems;

10 (4) issue electrical contractor and master,  
11 journeyman, and residential licenses and license renewals  
12 to applicants who have met the requirements for licensure  
13 and complied with all the prerequisites to licensure;

14 (5) prescribe rules for hearings to deny, suspend,  
15 revoke, or reinstate licenses as provided in this Act;

16 (6) maintain a current record showing (i) the names and  
17 addresses of licensed electrical contractors, master,  
18 journeyman, and residential electricians, and registered  
19 apprentices; (ii) the dates of issuance of licenses; (iii)  
20 the date and substance for the charges set forth in any  
21 hearing for denial, suspension, or revocation of any  
22 license; (iv) the date and substance of the final order  
23 issued upon a hearing; and (v) the date and substance of  
24 all petitions for reinstatement of license and final orders  
25 on petitions;

26 (7) establish and collect fees for the examination,

1 issuance, and renewal of licenses;

2 (8) provide for the inspection of new electrical  
3 installations in construction, remodeling, replacement,  
4 maintenance, and repair work, where required by this Act;

5 (9) establish and collect fees for the handling and  
6 inspection of new electrical installations; and

7 (10) formulate and publish rules necessary or  
8 appropriate to carrying out the provisions of this Act.

9 Section 30. License and registration.

10 (a) Master electrician. Except as otherwise provided by  
11 law, no person shall plan, install, repair, maintain, lay out,  
12 or supervise the installation of wiring, apparatus, or  
13 equipment for electrical light, heat, power, or other purposes  
14 unless the person is:

15 (1) licensed by the Department as a master electrician;  
16 and

17 (2) the work is for a licensed electrical contractor  
18 and the person is the licensed electrical contractor or an  
19 employee, partner, or officer of the licensed electrical  
20 contractor, or the work is performed for the person's  
21 employer on electrical equipment, apparatus, or facilities  
22 owned or leased by the employer that is located within the  
23 limits of property owned or leased, operated, and  
24 maintained by the employer.

25 An applicant for a master electrician's license shall (i)

1 have a Bachelor of Science degree from an accredited electrical  
2 engineering program and have had at least one year's  
3 experience, acceptable to the Board, as a licensed journeyman;  
4 (ii) have had at least 5 years experience, acceptable to the  
5 Board, in planning for, laying out, supervising, and installing  
6 wiring, apparatus, or equipment for electrical light, heat, and  
7 power; or (iii) have had at least 6 years experience,  
8 acceptable to the Board, with an electrical contracting company  
9 in planning, estimating, laying out, and supervising, under the  
10 supervision of a licensed master electrician, the installation  
11 of electrical work for electric light, heat, and power.

12 (b) Journeyman electrician. Except as otherwise provided  
13 by law, no person shall wire for, install, maintain, or repair  
14 electrical wiring, apparatus, or equipment, unless the person  
15 is licensed by the Department as a journeyman electrician  
16 employed by a licensed electrical contractor. Nothing in this  
17 subsection (b), however, shall prohibit a master electrician  
18 from performing the work of a journeyman electrician.

19 An applicant for a journeyman electrician's license shall  
20 have had at least 5 years of experience, acceptable to the  
21 Board, in wiring for, installing, and repairing electrical  
22 wiring, apparatus, or equipment. The Department may by rule  
23 provide for the allowance of one year of experience credit for  
24 successful completion of a 2 year post high school electrical  
25 course approved by the Board.

26 (c) Registered apprentice. A person who is enrolled in an

1 approved apprenticeship program may perform electrical work  
2 only under the supervision of a licensed electrician. All  
3 apprentices shall be registered with the Department.

4 (d) Residential electrician. Except as otherwise provided  
5 by law, no person shall construct, wire, alter, maintain, or  
6 repair single family houses or apartment buildings unless the  
7 person is licensed by the Department as a residential  
8 electrician employed by a licensed electrical contractor.  
9 Nothing in this subsection (d), however, shall prohibit a  
10 master electrician or journeyman electrician from performing  
11 the work of a residential electrician.

12 An applicant for a residential electrician's license shall  
13 have had at least 4 years of experience, acceptable to the  
14 Board, in having the necessary qualifications, training, and  
15 technical knowledge involving the construction, wiring,  
16 alteration, or repair of single family houses or apartment  
17 buildings. The Department may by rule provide for the allowance  
18 of one year of experience credit for successful completion of a  
19 2 year post high school electrical course approved by the  
20 Board.

21 (e) Contractors. Except as otherwise provided by law, no  
22 person other than an employee of a licensed electrical  
23 contractor as defined in this Act shall undertake or offer to  
24 undertake to plan for, lay out, supervise, or install or to  
25 make additions, alterations, or repairs in the installation of,  
26 or to maintain, wiring apparatus and equipment for electrical

1 light, heat, or power with or without compensation unless the  
2 person obtains an electrical contractor's license. An  
3 electrical contractor's license shall be issued by the  
4 Department upon the contractor's giving bond to the State in an  
5 amount to be determined by the Department. The bond shall be  
6 filed with the Department and shall be in lieu of all other  
7 license bonds to any political subdivision. The bond shall be  
8 written by a corporate surety licensed to do business in the  
9 State of Illinois.

10 Each licensed electrical contractor shall have and  
11 maintain in effect insurance. Specific insurance requirements  
12 and minimum limits per occurrence shall be determined by the  
13 Department in consultation with the Board. The insurance shall  
14 be written by an insurer licensed to do business in the State  
15 of Illinois and each licensed electrical contractor shall  
16 maintain on file with the Department a certificate evidencing  
17 insurance that provides that the insurance shall not be  
18 cancelled without the insurer first giving 15 days written  
19 notice to the Department of the cancellation.

20 No contractor shall engage in business unless he or she is  
21 or has in his or her employ a licensed master electrician, who  
22 shall be responsible for the performance of all electrical work  
23 in accordance with the requirements of this Act. When an  
24 electrical contractor's license is held by an individual,  
25 partnership, or corporation and the individual, one of the  
26 partners, or an officer of the corporation, respectively, is

1 not the responsible master electrician of record, all requests  
2 for inspection shall be signed by the responsible master  
3 electrician of record. The application for an electrical  
4 contractor's license must include a verified statement that the  
5 designated responsible master electrician is a full time  
6 employee of the individual, partnership, or corporation  
7 applying for an electrical contractor's license. For purposes  
8 of this Section, a full time employee of a licensed electrical  
9 contractor is an individual who is not employed in any capacity  
10 as a licensed electrician by any other electrical contractor.

11 (f) The Department shall prepare guidelines as to what work  
12 experience qualifies in determining whether an applicant meets  
13 the requirements for licensure under the Act. The Board has  
14 discretion in determining whether any particular applicant's  
15 experience shall count toward the experience necessary for  
16 licensure under this Act.

17 Section 35. Examination. In addition to other requirements  
18 imposed by this Act and except as otherwise provided in this  
19 Act, as a precondition to issuance of an electrician's license,  
20 each applicant must pass a written examination given by the  
21 Department for the type of license sought to insure the  
22 competence of each applicant for license. No person failing an  
23 examination may retake it for 6 months, but may, within 6  
24 months, take an examination for a lesser grade of license. Any  
25 licensee failing to renew his or her license for 2 years or

1 more after its expiration shall be required to retake the  
2 examination before he or she is issued a new license.

3 Section 40. Prior practice. Electrical contractors who are  
4 in business on January 1, 2010 and who file a license  
5 application with the Department within 180 days after the  
6 effective date of this Act shall be granted a license which  
7 shall be valid for one year from the date of issuance.  
8 Thereafter, electrical contractors shall comply with all of the  
9 requirements of this Act. These licenses shall be subject to  
10 annual renewal as provided in this Act.

11 Persons who have a minimum of 5 years experience in  
12 performing electrical work as defined in this Act on January 1,  
13 2010 and who file a license application with the Department  
14 within 180 days after January 1, 2010 shall be granted a  
15 license without examination, which shall be valid for one year  
16 from the date of issuance. The category of initial licensure  
17 shall be determined by the Department. These licenses shall be  
18 subject to annual renewal as provided in this Act.

19 Electrical inspectors who are employed by a governmental  
20 unit and engaged in the regulation and inspection of electrical  
21 wiring activities regulated under this Act on January 1, 2010,  
22 and who file an application with the Department within 180 days  
23 after January 1, 2010, shall be permitted to conduct electrical  
24 inspections for one year from the application date. Thereafter,  
25 the inspectors must meet all of the requirements of this Act.

1           Section 45. Endorsement. The Department may grant a  
2 license, without examination, of the same grade and class to an  
3 electrician who has been licensed by any other state that  
4 provides for the licensing of electricians in a similar manner.  
5 The license may be granted for at least one year, upon payment  
6 by the applicant of the required fee and upon the Department  
7 being furnished with proof that the qualifications of the  
8 applicant are equal to the qualifications of holders of similar  
9 licenses in Illinois.

10           Section 50. Renewal; restoration; military service.

11           (a) The expiration date and renewal period for each license  
12 issued under this Act shall be set by the Department by rule.  
13 The Department may adopt rules concerning the completion of  
14 continuing education requirements as a condition of renewal.

15           (b) Any person who has permitted his or her license to  
16 expire may have his or her license restored by applying to the  
17 Department, filing proof acceptable to the Department of his or  
18 her fitness to have the license restored, which may include  
19 sworn evidence certifying to active practice in another  
20 jurisdiction satisfactory to the Department, and paying the  
21 required restoration fee. If the person has not maintained an  
22 active practice in another jurisdiction satisfactory to the  
23 Department, the Department shall determine, by an evaluation  
24 program established by rule, the person's fitness to resume

1 active status and may require the successful completion of an  
2 examination.

3 (c) Any person whose license has expired while he or she  
4 has been engaged (i) in federal service on active duty with the  
5 Armed Forces of the United States or the State Militia called  
6 into service or training or (ii) in training or education under  
7 the supervision of the United States preliminary to induction  
8 into the military service, may have his or her license renewed  
9 or restored without paying any lapsed renewal fees if, within 2  
10 years after termination of service, training, or education,  
11 other than by dishonorable discharge, he or she furnishes the  
12 Department with satisfactory evidence to the effect that he or  
13 she has been so engaged and that the service, training, or  
14 education has been so terminated.

15 Section 55. Inactive licenses. Any electrician or  
16 electrical contractor who notifies the Department in writing on  
17 forms prescribed by the Department may elect to place his or  
18 her license on inactive status and shall, subject to rules of  
19 the Department, be excused from payment of renewal fees until  
20 he or she notifies the Department in writing of his or her  
21 desire to resume active status. An electrician or electrical  
22 contractor requesting restoration from inactive status shall  
23 be required to pay the current renewal fee and shall be  
24 required to restore his or her license as provided in this Act.  
25 Any electrician or electrical contractor whose license is on

1 inactive status shall not practice the profession in this  
2 State; any such practice conducted shall be deemed unlicensed  
3 practice.

4 Section 60. Continuation of business by estates. Upon the  
5 death of a master electrician who is an electrical contractor,  
6 the Department may permit the decedent's representative to  
7 carry on the business of the decedent for a period not in  
8 excess of one year, for the purpose of completing work under  
9 contract or otherwise to comply with this Act. The decedent's  
10 representative may petition the Board for an extension of the  
11 one-year period in the event he or she can demonstrate undue  
12 hardship or other special circumstances. The extension may be  
13 granted at the recommendation of the Board, subject to  
14 Department approval. The representative shall give any bond as  
15 the Department may require conditioned upon the faithful and  
16 lawful performance of the work. The bond shall be for the  
17 benefit of persons injured or suffering financial loss by  
18 reason of failure of performance. The bond shall be written by  
19 a corporate surety licensed to do business in the State of  
20 Illinois. The decedent's representative shall also comply with  
21 all public liability and property damage insurance  
22 requirements imposed by this Act upon a licensed electrical  
23 contractor.

24 Section 65. Governmental units. No municipal corporation

1 or political subdivision shall engage in electrical work unless  
2 the electrical work is performed by one or more licensed  
3 electricians or apprentice electricians under the supervision  
4 of licensed electricians. A governmental unit may, however,  
5 contract for electrical work with any person authorized to  
6 engage in electrical work in this State.

7 Section 70. Display of license. Persons who advertise  
8 electrical wiring services shall, at their place of business,  
9 display the master electrician's license of at least one member  
10 of the firm, partnership or officer of the corporation and  
11 shall maintain a register listing the names and license numbers  
12 of all licensed electricians and all registered apprentices  
13 currently employed by them. When advertising electrical wiring  
14 services, the license number shall be included in all forms of  
15 written or printed advertising and included with the electrical  
16 wiring identification of vehicles. The Department may, by rule  
17 or regulation, require additional information concerning  
18 licensed electricians and registered apprentices to be  
19 maintained in the register.

20 Section 75. Safety standards. All electrical wiring,  
21 apparatus, and equipment for electric light, heat, and power  
22 shall comply with all applicable rules of the Department of  
23 Labor and shall be installed in conformity with accepted  
24 standards of construction for safety to life and property. For

1 the purposes of this Act, the regulations and safety standards  
2 stated at the time the work is done in the then most recently  
3 published edition of the National Electrical Code as adopted by  
4 the National Fire Protection Association, Inc. and approved by  
5 the American National Standards Institute, and the National  
6 Electrical Safety Code as published by the Institute of  
7 Electrical and Electronics Engineers, Inc. and approved by the  
8 American National Standards Institute, shall be prima facie  
9 evidence of accepted standards of construction for safety to  
10 life and property. In the event an Illinois building code is  
11 formulated containing approved methods of electrical  
12 construction for safety to life and property, compliance with  
13 the methods of electrical construction of that code shall also  
14 constitute compliance with this Section. Nothing in this Act  
15 shall prohibit any political subdivision from making and  
16 enforcing more stringent requirements than set forth in this  
17 Act and those requirements shall be complied with by all  
18 licensed electricians working within the jurisdiction of that  
19 political subdivision; except that nothing in this Act shall be  
20 construed to give a political subdivision the authority to  
21 apply those standards or requirements to electrical work  
22 performed on a farm.

23 Section 80. Inspections.

24 (a) Except where any political subdivision has by ordinance  
25 provided for electrical inspection similar to that provided in

1 this Act, every new electrical installation in any  
2 construction, remodeling, replacement, or repair shall be  
3 inspected by the Department for compliance with accepted  
4 standards of construction for safety to life and property.

5 (b) No such inspections shall be required for electrical  
6 work performed by persons exempt from licensure under Section  
7 15 of this Act; except that inspections shall be required for  
8 work performed under subsection (b) of Section 15.

9 (c) All inspectors for the Department shall hold licenses  
10 as master or journeyman electricians under this Act; except  
11 that in areas of this State where a sufficient number of master  
12 or journeyman electricians are not available to the Department  
13 to perform inspections under this Act, the Department may  
14 designate other persons whom it determines to be suitably  
15 qualified by training or experience.

16 Section 85. Procedures for inspection.

17 (a) At or before commencement of any installation required  
18 to be inspected by the Department, the electrical contractor or  
19 owner making the installation shall submit to the Department a  
20 request for inspection, in a form prescribed by the Department,  
21 together with the fees required for the installation.

22 (b) The fees required are a handling fee and an inspection  
23 fee. The handling fee shall be set by the Department in an  
24 amount sufficient to pay the cost of bringing and handling the  
25 form requesting an inspection. The inspection fee shall be set

1 by the Department in an amount sufficient to pay the actual  
2 costs of the inspection and the Department's costs in  
3 administering the inspection.

4 (c) If the inspector finds that the installation is not in  
5 compliance with accepted standards of construction for safety  
6 to life and property as required by this Act, the inspector  
7 shall, by written order, condemn the installation or the  
8 noncomplying portion of the installation, or order service to  
9 the installation disconnected, and shall send a copy of the  
10 order to the Department. If the installation or the  
11 noncomplying part will seriously and proximately endanger  
12 human life and property, the order of the inspector, when  
13 approved by the inspector's superior, shall require immediate  
14 condemnation or disconnection. In all other cases, the order of  
15 the inspector shall permit a reasonable opportunity for the  
16 installation to be brought into compliance with accepted  
17 standards of construction for safety to life and property prior  
18 to the effective time established for condemnation or  
19 disconnection.

20 (d) Copies of each condemnation or disconnection order  
21 shall be served personally or by mail upon the property owner,  
22 the electrical contractor or electrician making the  
23 installation, and other persons as the Department by rule may  
24 direct. An aggrieved party may appeal any condemnation or  
25 disconnection order by filing with the Department a notice of  
26 appeal within 10 days after (i) service upon the aggrieved

1 party of the condemnation or disconnection order, if this  
2 service is required or (ii) filing of the order with the  
3 Department, whichever is later. The Department shall adopt  
4 rules providing procedures for the conduct of appeals,  
5 including provisions for the stay of enforcement of the order  
6 of the inspector pending an appeal when justified by the  
7 circumstances.

8 (e) The inspectors of the Department shall have the  
9 authority to enter any building or premises at any reasonable  
10 hour in the discharge of their duties, and they shall have the  
11 authority, when necessary, to order the removal of any existing  
12 obstructions such as laths, plastering, boarding, or  
13 partitions that may prevent a proper inspection of the  
14 electrical installation.

15 (f) No electrical installation subject to inspection by the  
16 Department shall be newly connected or reconnected for use  
17 until there is filed, with the electrical utility supplying  
18 power, a certificate of the property owner or licensed  
19 electrician directing the work that inspection has been  
20 requested and that the conditions of the installation are safe  
21 for energization. In all cases where an order of condemnation  
22 or disconnection has been issued against the installation or  
23 any part of the installation, prior to connection or  
24 reconnection, there shall also first be filed with the  
25 electrical utility supplying the power a copy of an order of  
26 the inspector or the Department dismissing the prior order of

1 condemnation or disconnection or approving the installation as  
2 being in compliance with accepted standards of construction for  
3 safety to life and property. With respect to transient  
4 projects, this certificate shall also contain a certification  
5 that the request for inspection has been or will be filed with  
6 the Department so as to be received by it at least 5 days prior  
7 to the date and time energization of the installation by the  
8 utility is to occur, and that the request for inspection states  
9 the date and time. It shall be the responsibility of the  
10 Department to have inspection of the transient project occur  
11 prior to the date and time at which the request states  
12 energization is to occur.

13 (g) Any political subdivision may make provision for  
14 inspection of electrical installations within its  
15 jurisdiction, in which case it shall keep on file with the  
16 Department copies of its current inspection ordinances and  
17 codes. Any political subdivision may require any individual,  
18 partnership, corporation, or other business association  
19 holding a license from the Department to pay any license,  
20 registration fee, or permit fees. Any political subdivision may  
21 provide by ordinance a requirement that each individual,  
22 partnership, corporation, or other business association doing  
23 electrical work within the jurisdiction of the political  
24 subdivision have on file with the political subdivision a copy  
25 of the current license issued by the Department or other  
26 evidence of the license as may be provided by the Department.

1 Each electrical inspector of any political subdivision shall be  
2 a licensed master or journeyman electrician under this Act.

3 Section 90. Grounds for discipline.

4 (a) The Department may refuse to issue or renew or may  
5 revoke, suspend, place on probation, reprimand, or take other  
6 disciplinary action that the Department considers appropriate,  
7 including the imposition of fines not to exceed \$1,000 for each  
8 violation, with regard to any license or licensee for any one  
9 or more of the following:

10 (1) has filed an application for a license that  
11 contains any statement that, in light of the circumstances  
12 under which it is made, is false or misleading with respect  
13 to any material fact;

14 (2) has engaged in any fraudulent, deceptive, or  
15 dishonest practice;

16 (3) has been convicted within the past 5 years of a  
17 misdemeanor involving a violation of this Act; or

18 (4) has violated or failed to comply with this Act or  
19 its rules or any order issued under this Act. A violation  
20 need not be willful.

21 The Department may adopt rules further specifying the  
22 grounds for suspension, revocation, and refusal to renew a  
23 license and establishing standards of conduct for licensees.

24 (b) The Department may refuse to issue or may suspend the  
25 license of any person who fails to file a tax return, to pay

1 the tax, penalty, or interest shown in a filed tax return, or  
2 to pay any final assessment of tax, penalty, or interest, as  
3 required by any tax Act administered by the Illinois Department  
4 of Revenue, until such time as the requirements of the tax Act  
5 are satisfied.

6 (c) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission, as  
8 provided in the Mental Health and Developmental Disabilities  
9 Code, operates as an automatic license suspension. The  
10 suspension will end only upon (i) a finding by a court that the  
11 patient is no longer subject to involuntary admission or  
12 judicial admission and the issuance of a court order so finding  
13 and discharging the patient and (ii) the recommendation of the  
14 Board to the Director that the licensee be allowed to resume  
15 his or her practice.

16 (d) In enforcing this Section, the Department or Board,  
17 upon a showing of a possible violation, may compel an  
18 individual licensed to practice under this Act or who has  
19 applied for licensure under this Act to submit to a mental or  
20 physical examination or both, as required by and at the expense  
21 of the Department. The Department or Board may order the  
22 examining physician to present testimony concerning the mental  
23 or physical examination of the licensee or applicant. No  
24 information shall be excluded by reason of any common law or  
25 statutory privilege relating to communications between the  
26 licensee or applicant and the examining physician. The

1 examining physicians shall be specifically designated by the  
2 Board or Department. The individual to be examined may have, at  
3 his or her own expense, another physician of his or her choice  
4 present during all aspects of this examination. The examination  
5 shall be performed by a physician licensed to practice medicine  
6 in all its branches. Failure of an individual to submit to a  
7 mental or physical examination when directed shall be grounds  
8 for suspension of his or her license until the individual  
9 submits to the examination if the Department finds, after  
10 notice and hearing, that the refusal to submit to the  
11 examination was without reasonable cause.

12 If the Department or Board finds an individual unable to  
13 practice because of the reasons set forth in this Section, the  
14 Department or Board may require that individual to submit to  
15 care, counseling, or treatment by physicians approved or  
16 designated by the Department or Board, as a condition, term, or  
17 restriction for continued, reinstated, or renewed licensure to  
18 practice; or, in lieu of care, counseling, or treatment, the  
19 Department may file, or the Board may recommend to the  
20 Department to file, a complaint to immediately suspend, revoke,  
21 or otherwise discipline the license of the individual. An  
22 individual whose license was granted, continued, reinstated,  
23 renewed, disciplined or supervised subject to such terms,  
24 conditions, or restrictions, and who fails to comply with such  
25 terms, conditions, or restrictions, shall be referred to the  
26 Director for a determination as to whether the individual shall

1 have his or her license suspended immediately, pending a  
2 hearing by the Department.

3 In instances in which the Director immediately suspends a  
4 person's license under this Section, a hearing on that person's  
5 license must be convened by the Department within 15 days after  
6 the suspension and completed without appreciable delay. The  
7 Department and Board shall have the authority to review the  
8 individual's record of treatment and counseling regarding the  
9 impairment to the extent permitted by applicable federal  
10 statutes and regulations safeguarding the confidentiality of  
11 medical records.

12 An individual licensed under this Act and affected under  
13 this Section shall be afforded an opportunity to demonstrate to  
14 the Department or Board that he or she can resume practice in  
15 compliance with acceptable and prevailing standards under the  
16 provisions of his or her license.

17 Section 95. Violations.

18 (a) Any person violating any provision of this Act or its  
19 rules shall be guilty of a Class B misdemeanor and fined a  
20 minimum of \$100 for the first offense. A second or subsequent  
21 violation of this Act shall be a Class A misdemeanor with a  
22 minimum fine of \$200. Each day a violation continues  
23 constitutes a separate offense. The State's Attorney of the  
24 County in which the violation occurred or the Attorney General  
25 may prosecute these actions in the name of the People of the

1 State of Illinois. The court may enjoin the use of electricity  
2 installed in violation of this Act or its rules until it has  
3 been corrected to comply with the National Electrical Code.

4 (b) If it is established that the defendant, contrary to  
5 this Act, has been engaging, is engaging, or is about to engage  
6 in electrical work without having been issued a license, or has  
7 been engaging or is about to engage in electrical work after  
8 his or her license has been suspended or revoked or after his  
9 or her license has not been renewed, the Department may levy a  
10 penalty not to exceed \$5,000 per offense. This penalty shall be  
11 assessed by the Department after a hearing is held in  
12 accordance with the provisions set forth in this Act.

13 Section 100. Temporary suspension of a license. The  
14 Director may temporarily suspend the license of an electrician  
15 or electrical contractor without a hearing, simultaneously  
16 with the institution of proceedings for a hearing provided for  
17 in this Act, if the Director finds that the evidence in his or  
18 her possession indicates that continuation in practice would  
19 constitute an imminent danger to the public. In the event that  
20 the Director temporarily suspends the license of an electrician  
21 or electrical contractor without a hearing, a hearing by the  
22 Board must be held within 30 calendar days after the suspension  
23 has occurred.

24 Section 105. Deposit of fees and fines; appropriations. All

1 fees and fines collected under this Act shall be deposited into  
2 the General Professions Dedicated Fund. All moneys in the Fund  
3 shall be used by the Department of Financial and Professional  
4 Regulation, as appropriated, for the ordinary and contingent  
5 expenses of the Department.

6 Section 110. Returned checks; fines. Any person who  
7 delivers a check or other payment to the Department that is  
8 returned to the Department unpaid by the financial institution  
9 upon which it is drawn shall pay to the Department, in addition  
10 to the amount already owed to the Department, a fine of \$50.  
11 The fines imposed by this Section are in addition to any other  
12 discipline provided under this Act for unlicensed practice or  
13 practice on a nonrenewed license. The Department shall notify  
14 the person that payment of fees and fines shall be paid to the  
15 Department by certified check or money order within 30 calendar  
16 days of the notification. If, after the expiration of 30 days  
17 from the date of the notification, the person has failed to  
18 submit the necessary remittance, the Department shall  
19 automatically terminate the license or deny the application,  
20 without hearing. If, after termination or denial, the person  
21 seeks a license, he or she shall apply to the Department for  
22 restoration or issuance of the license and pay all fees and  
23 fines due to the Department. The Department may establish a fee  
24 for the processing of an application for restoration of a  
25 license to pay all expenses of processing this application. The

1 Director may waive the fines due under this Section in  
2 individual cases where the Director finds that the fines would  
3 be unreasonable or unnecessarily burdensome.

4 Section 115. Investigations; notice and hearing. The  
5 Department may investigate the actions of any applicant or of  
6 any person holding or claiming to hold a license. The  
7 Department shall, before refusing to issue or renew a license  
8 or to discipline a licensee pursuant to Section 90, notify the  
9 applicant or holder of a license in writing, at least 30 days  
10 prior to the date set for the hearing, of the nature of the  
11 charges and that a hearing will be held on the date designated.  
12 The notice shall direct the applicant or licensee to file a  
13 written answer to the Board under oath within 20 days after the  
14 service of the notice, and shall inform the applicant or  
15 licensee that failure to file an answer will result in a  
16 default judgment being entered against the applicant or  
17 licensee. A default judgment may result in the license being  
18 suspended, revoked, or placed on probationary status, or other  
19 disciplinary action may be taken, including limiting the scope,  
20 nature, or extent of practice, as the Director may deem proper.  
21 Written notice may be served by personal delivery or certified  
22 or registered mail to the respondent at the address of his or  
23 her last notification to the Department. In case the person  
24 fails to file an answer after receiving notice, his or her  
25 license or certificate may, in the discretion of the

1 Department, be suspended, revoked, or placed on probationary  
2 status and the Department may take whatever disciplinary action  
3 it deems proper, including limiting the scope, nature, or  
4 extent of the person's practice or the imposition of a fine,  
5 without a hearing, if the act or acts charged constitute  
6 sufficient grounds for that action under this Act. At the time  
7 and place fixed in the notice, the Board shall proceed to hear  
8 the charges and the parties or their counsel shall be accorded  
9 ample opportunity to present statements, testimony, evidence  
10 and argument that may be pertinent to the charges or to the  
11 licensee's defense. The Board may continue a hearing from time  
12 to time.

13 Section 120. Record; transcript. The Department, at its  
14 expense, shall preserve a record of all proceedings at the  
15 formal hearing of any case involving the refusal to issue or  
16 renew a license or the discipline of a licensee. The notice of  
17 hearing, complaint and all other documents in the nature of  
18 pleadings and written motions filed in the proceedings, the  
19 transcript of testimony, the report of the Board, and the order  
20 of the Department shall be the record of the proceeding.

21 Section 125. Compelling testimony. Any circuit court, upon  
22 application of the Department or its designee or of the  
23 applicant or licensee against whom proceedings pursuant to  
24 Section 90 of this Act are pending, may enter an order

1 requiring the attendance of witnesses and their testimony and  
2 the production of documents, papers, files, books, and records  
3 in connection with any hearing or investigation. The court may  
4 compel obedience to its order by proceedings for contempt.

5 Section 130. Findings and recommendations. At the  
6 conclusion of the hearing, the Board shall present to the  
7 Director a written report of its findings and recommendations.  
8 The report shall contain a finding of whether or not the  
9 accused person violated this Act or failed to comply with the  
10 conditions required in this Act. The Board shall specify the  
11 nature of the violation or failure to comply and shall make its  
12 recommendations to the Director.

13 The report of findings and recommendations of the Board  
14 shall be the basis for the Department's order or refusal or for  
15 the granting of a license unless the Director shall determine  
16 that the Board's report is contrary to the manifest weight of  
17 the evidence, in which case the Director may issue an order in  
18 contravention of the Board's report. The finding is not  
19 admissible in evidence against the person in a criminal  
20 prosecution brought for the violation of this Act, but the  
21 hearing and finding are not a bar to a criminal prosecution  
22 brought for the violation of this Act.

23 Section 135. Rehearing. In any case involving the refusal  
24 to issue or renew a license or discipline of a licensee, a copy

1 of the Board's report shall be served upon the respondent by  
2 the Department, either personally or as provided in this Act  
3 for the service of the notice of hearing. Within 20 days after  
4 service, the respondent may present to the Department a motion,  
5 in writing and specifying particular grounds, for a rehearing.  
6 If no motion for rehearing is filed, then upon the expiration  
7 of the time specified for filing the motion, or if a motion for  
8 rehearing is denied, then upon the denial, the Director may  
9 enter an order in accordance with recommendations of the Board,  
10 except as otherwise provided in this Act. If the respondent  
11 shall order from the reporting service and pay for a transcript  
12 of the record within the time for filing a motion for  
13 rehearing, the 20 day period within which the motion may be  
14 filed shall commence upon the delivery of the transcript to the  
15 respondent.

16 Section 140. Director; rehearing. Whenever the Director is  
17 satisfied that substantial justice has not been done in the  
18 revocation, suspension, or refusal to issue or renew a license,  
19 the Director may order a rehearing by the same or other  
20 examiners.

21 Section 145. Appointment of a hearing officer. The Director  
22 shall have the authority to appoint any attorney duly licensed  
23 to practice law in this State to serve as the hearing officer  
24 in any action for refusal to issue or renew a license or permit

1 or for the discipline of a licensee. The hearing officer shall  
2 have full authority to conduct the hearing. At least one member  
3 of the Board shall attend each hearing. The hearing officer  
4 shall report his or her findings and recommendations to the  
5 Board and the Director. The Board shall have 60 days after  
6 receipt of the report to review the report of the hearing  
7 officer and present its findings of fact, conclusions of law,  
8 and recommendations to the Director. If the Board fails to  
9 present its report within the 60-day period, the Director shall  
10 issue an order based on the report of the hearing officer. If  
11 the Director determines that the Board's report is contrary to  
12 the manifest weight of the evidence, he or she may issue an  
13 order in contravention of the Board's report.

14 Section 150. Order or certified copy; prima facie proof. An  
15 order or a certified copy thereof, over the seal of the  
16 Department and purporting to be signed by the Director, shall  
17 be prima facie proof that:

18 (1) the signature is the genuine signature of the Director;  
19 (2) the Director is duly appointed and qualified; and  
20 (3) the Board and the members of the Board are qualified to  
21 act.

22 Section 155. Surrender of license. Upon the revocation or  
23 suspension of any license, the licensee shall surrender the  
24 license to the Department and, if the licensee fails to do so,

1 the Department shall have the right to seize the license.

2 Section 160. Administrative review; venue. All final  
3 administrative decisions of the Department are subject to  
4 judicial review pursuant to the Administrative Review Law and  
5 its rules. The term "administrative decision" is defined as in  
6 Section 3-101 of the Code of Civil Procedure. Proceedings for  
7 judicial review shall be commenced in the circuit court of the  
8 county in which the party applying for relief resides; but if  
9 the party is not a resident of this State, the venue shall be  
10 in Sangamon County.

11 The Department shall not be required to certify any record  
12 to the court or file any answer in court or otherwise appear in  
13 any court in a judicial review proceeding, unless there is  
14 filed in the court, with the complaint, a receipt from the  
15 Department acknowledging payment of the costs of furnishing and  
16 certifying the record. Failure on the part of the plaintiff to  
17 file a receipt in court shall be grounds for dismissal of the  
18 action.

19 Section 165. Administrative Procedure Act. The Illinois  
20 Administrative Procedure Act is hereby expressly adopted and  
21 incorporated herein as if all of the provisions of that Act  
22 were included in this Act, except that the provision of  
23 subsection (d) of Section 10-65 of the Illinois Administrative  
24 Procedure Act that provides that at hearings the licensee has

1 the right to show compliance with all lawful requirements for  
2 retention, continuation, or renewal of the license is  
3 specifically excluded. For the purposes of this Act the notice  
4 required under Section 10-25 of the Administrative Procedure  
5 Act is deemed sufficient when mailed to the last known address  
6 of a party.

7 Section 170. Home rule. A home rule unit may not regulate  
8 the licensing of electricians and electrical contractors in a  
9 manner inconsistent with the regulation by the State of  
10 electricians and electrical contractors. This Section is a  
11 limitation under subsection (i) of Section 6 of Article VII of  
12 the Illinois Constitution on the concurrent exercise by home  
13 rule units of powers and functions exercised by the State.

14 Section 900. The Regulatory Sunset Act is amended by  
15 changing Section 4.29 as follows:

16 (5 ILCS 80/4.29)

17 Sec. 4.29. Act repealed on January 1, 2019. The following  
18 Acts are ~~Act is~~ repealed on January 1, 2019:

19 The Electricians Licensing Act.

20 The Environmental Health Practitioner Licensing Act.

21 (Source: P.A. 95-1020, eff. 12-29-08.)

22 Section 999. Effective date. This Act takes effect on  
23 January 1, 2010.