



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1887

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

225 ILCS 317/10
225 ILCS 317/13 new
225 ILCS 317/15
225 ILCS 317/30
225 ILCS 317/35

Amends the Fire Sprinkler Contractor Licensing Act. Creates the State Fire Sprinkler Contractor Advisory Board. Provides that the Board shall (i) advise the State Fire Marshal on matters of licensing, continuing education, statutory changes, and administrative rulemaking, (ii) make recommendations to the State Fire Marshal on those matters, and (iii) hear and make recommendations to the State Fire Marshal on disciplinary matters that require a formal evidentiary hearing. Extends the licensing period from one year to 2 years. Provides that each licensee must complete 16 hours of continuing education in the 2-year period preceding their renewal date, beginning with licenses renewed after January 1, 2012. Makes other changes. Effective immediately.

LRB097 06783 CEL 46874 b

FISCAL 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 5. The Fire Sprinkler Contractor Licensing Act is
5 amended by changing Sections 10, 15, 30, and 35 and by adding
6 Section 13 as follows:

7 (225 ILCS 317/10)

8 Sec. 10. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Board" means the Fire Sprinkler Contractor Advisory
11 Board.

12 "Designated certified person" means an individual who has
13 met the qualifications set forth under Section 20 of this Act.

14 "Fire protection system layout documents" means layout
15 drawings, catalog information on standard products, and other
16 construction data that provide detail on the location of
17 risers, cross mains, branch lines, sprinklers, piping per
18 applicable standard, and hanger locations. "Fire protection
19 system layout documents" serve as a guide for fabrication and
20 installation of a fire sprinkler system and shall be based upon
21 applicable standards pursuant to Section 30 of this Act.

22 "Fire sprinkler contractor" means a person who holds
23 himself or herself out to be in the business of or contracts

1 with a person to install or repair a fire sprinkler system.

2 "Fire sprinkler system" means any water-based automatic
3 fire extinguishing system employing fire sprinklers, including
4 accessory fire pumps and associated piping, fire standpipes, or
5 underground fire main systems starting at the connection to the
6 water service after the approved backflow device is installed
7 under the requirements of the Illinois Plumbing Code and ending
8 at the most remote fire sprinkler. "Fire sprinkler system"
9 includes but is not limited to a fire sprinkler system in a
10 residential, commercial, institutional, educational, public,
11 or private occupancy. "Fire sprinkler system" does not include
12 single sprinkler heads that are in a loop of the potable water
13 system, as referenced in 77 Ill. Adm. Code 890.1130 and
14 890.1200.

15 "Licensee" means a person or business organization
16 licensed in accordance with this Act.

17 "NICET" means the National Institute for Certification in
18 Engineering Technologies.

19 "Person" means an individual, group of individuals,
20 association, trust, partnership, corporation, person doing
21 business under an assumed name, the State of Illinois, or
22 department thereof, any other state-owned and operated
23 institution, or any other entity.

24 "Supervision" means the direction and management by a
25 designated certified person of the activities of non-certified
26 personnel in the installation or repair of fire sprinkler

1 systems.

2 (Source: P.A. 94-367, eff. 1-1-06.)

3 (225 ILCS 317/13 new)

4 Sec. 13. Fire Sprinkler Contractor Advisory Board. There is
5 created the State Fire Sprinkler Contractor Advisory Board
6 consisting of 5 members to be appointed by the State Fire
7 Marshal. Each member shall be a resident of Illinois. Three
8 members shall be licensed fire sprinkler contractors whose
9 company has a designated certified person under this Act, one
10 member shall be a fire inspector currently employed by a fire
11 department of fire protection district, and one member shall be
12 a representative of a labor organization. Each licensee
13 appointed to the Board shall have a minimum of 5 years'
14 experience as a licensee, be an officer in a licensed fire
15 sprinkler company, and be actively engaged in the fire
16 sprinkler business. In making Board appointments, the State
17 Fire Marshal shall give consideration to the recommendations of
18 members of the profession and of organizations representing
19 members of the profession.

20 Each Board member shall serve for a term of 4 years and
21 until his or her successor is appointed and qualified. However,
22 in making initial appointments, 2 shall be appointed to serve
23 for 2 years, 2 shall be appointed to serve for 3 years, and the
24 remaining member, shall be appointed to serve for 4 years.
25 Appointments to fill vacancies shall be made in the same manner

1 as original appointments for the unexpired portion of the
2 vacated term.

3 A member of the Board may be removed from office for just
4 cause. A member subject to formal disciplinary proceedings
5 shall disqualify himself or herself from Board business until
6 the charge is resolved. A member also shall disqualify himself
7 or herself from any matter that the member may not objectively
8 make a decision.

9 The Board members shall receive no compensation and shall
10 not be reimbursed for expenses incurred in connection with
11 their duties as board members.

12 A quorum shall consist of the members currently appointed.
13 A majority vote of the Board is required for a Board decision.

14 The Board shall elect from its membership a chairman and
15 other officers as it may deem necessary.

16 The Board members shall not be liable for any of their
17 acts, omissions, decisions, or any other conduct in connection
18 with their duties on the Board, except those involving willful,
19 wanton, or intentional misconduct.

20 The Board shall (i) advise the State Fire Marshal on
21 matters of licensing, continuing education, statutory changes,
22 and administrative rulemaking, (ii) make recommendations to
23 the State Fire Marshal on those matters, and (iii) hear and
24 make recommendations to the State Fire Marshal on disciplinary
25 matters that require a formal evidentiary hearing.

26 The Board may have additional powers as may be granted by

1 the State Fire Marshal to carry out the provisions of this Act.

2 (225 ILCS 317/15)

3 Sec. 15. Licensing requirements.

4 (a) It shall be unlawful for any person or business to
5 engage in, advertise, or hold itself out to be in the business
6 of installing or repairing fire sprinkler systems in this State
7 after 6 months after the effective date of this Act, unless
8 such person or business is licensed by the State Fire Marshal.

9 ~~This license must be renewed every year.~~

10 (b) In order to obtain a license, a person or business must
11 submit an application to the State Fire Marshal, on a form
12 provided by the State Fire Marshal containing the information
13 prescribed, along with the application fee.

14 (c) A business applying for a license must have a
15 designated certified person employed at the business location
16 and the designated certified person shall be identified on the
17 license application.

18 (d) A person or business applying for a license must show
19 proof of having liability and property damage insurance in such
20 amounts and under such circumstances as may be determined by
21 the State Fire Marshal. The amount of liability and property
22 damage insurance, however, shall not be less than the amount
23 specified in Section 35 of this Act.

24 (e) A person or business applying for a license must show
25 proof of having workers' compensation insurance covering its

1 employees or be approved as a self-insurer of workers'
2 compensation in accordance with the laws of this State.

3 (f) A person or business so licensed shall have a separate
4 license for each business location within the State or outside
5 the State when the business location is responsible for any
6 installation or repair of fire sprinkler systems performed
7 within the State.

8 (g) When an individual proposes to do business in her or
9 his own name, a license, when granted, shall be issued only to
10 that individual.

11 (h) If the applicant requesting licensure to engage in
12 contracting is a business organization, such as a partnership,
13 corporation, business trust, or other legal entity, the
14 application shall state the name of the partnership and its
15 partners, the name of the corporation and its officers and
16 directors, the name of the business trust and its trustees, or
17 the name of such other legal entity and its members and shall
18 furnish evidence of statutory compliance if a fictitious name
19 is used. Such application shall also show that the business
20 entity employs a designated certified person as required under
21 Section 20. The license, when issued upon application of a
22 business organization, shall be in the name of the business
23 organization and the name of the qualifying designated
24 certified person shall be noted thereon.

25 (i) No license is required for a person or business that is
26 engaged in the installation of fire sprinkler systems only in

1 single family or multiple family residential dwellings up to
2 and including 8 family units that do not exceed 2 1/2 stories
3 in height from the lowest grade level.

4 (j) All fire protection system layout documents of fire
5 sprinkler systems, as defined in Section 10 of this Act, shall
6 be prepared by (i) a professional engineer who is licensed
7 under the Professional Engineering Practice Act of 1989, (ii)
8 an architect who is licensed under the Illinois Architecture
9 Practice Act of 1989, or (iii) a holder of a valid NICET level
10 3 or 4 certification in fire protection technology automatic
11 sprinkler system layout who is either licensed under this Act
12 or employed by an organization licensed under this Act.

13 (Source: P.A. 94-367, eff. 1-1-06.)

14 (225 ILCS 317/30)

15 Sec. 30. Requirements for the installation, repair,
16 inspection, and testing of fire protection systems.

17 (a) Equipment shall be listed by a nationally recognized
18 testing laboratory, such as Underwriters Laboratories, Inc. or
19 Factory Mutual Laboratories, Inc., or shall comply with
20 nationally accepted standards. The State Fire Marshal shall
21 adopt by rule procedures for determining whether a laboratory
22 is nationally recognized, taking into account the laboratory's
23 facilities, procedures, use of nationally recognized
24 standards, and any other criteria reasonably calculated to
25 reach an informed determination.

1 (b) Equipment shall be installed in accordance with the
2 applicable standards of the National Fire Protection
3 Association and the manufacturer's specifications.

4 (c) The contractor shall furnish the user with operating
5 instructions for all equipment installed, together with a
6 diagram of the final installation.

7 (d) All fire sprinkler systems shall have a backflow
8 prevention device or, in a municipality with a population over
9 500,000, a double detector check assembly installed by a
10 licensed plumber before the fire sprinkler system connection to
11 the water service. Connection to the backflow prevention device
12 or, in a municipality with a population over 500,000, a double
13 detector assembly shall be done in a manner consistent with the
14 Department of Public Health's Plumbing Code.

15 (e) This licensing Act is not intended to require any
16 additional fire inspections at State level.

17 (f) Inspections and testing of existing fire sprinkler
18 systems and control equipment must be performed by a licensee
19 or an individual employed or contracted by a licensee. Any
20 individual who performs inspection and testing duties under
21 this subsection (f) must possess proof of (i) certification by
22 a nationally recognized certification organization at an
23 appropriate level, such as NICET Level II in Inspection and
24 Testing of Water Based Systems or the equivalent, by January 1,
25 2009 or (ii) satisfactory completion of a certified sprinkler
26 fitter apprenticeship program approved by the U.S. Department

1 of Labor. State employees who perform inspections and testing
2 on behalf of State institutions and who meet all other
3 requirements of this subsection (f) need not be licensed under
4 this Act or employed by a licensee under this Act in order to
5 perform inspection and testing duties under this subsection
6 (f). The requirements of this subsection (f) do not apply to
7 individuals performing inspections or testing of fire
8 sprinkler systems on behalf of a municipality, a county, a fire
9 protection district, or the Office of the State Fire Marshal.
10 This subsection (f) does not apply to cursory weekly and
11 monthly inspections of gauges and control valves conducted in
12 accordance with the standards of the National Fire Protection
13 Association.

14 A copy of the inspection report for an inspection performed
15 pursuant to this subsection (f) must be forwarded by the entity
16 performing the inspection to the local fire department or fire
17 protection district in which the sprinkler system is located.
18 The inspection report must include the NICET Level II
19 Inspection and Testing of Water Based Systems certification
20 number or journeymen number of the person performing the
21 inspection.

22 (Source: P.A. 95-305, eff. 8-20-07; 96-256, eff. 1-1-10.)

23 (225 ILCS 317/35)

24 Sec. 35. Fees and required insurance.

25 (a) The fees for an original license and each renewal and

1 for duplicate copies of licenses shall be determined by the
2 State Fire Marshal by rule.

3 (b) Each license must be renewed every 2 years. Each
4 licensee must complete 16 hours of continuing education in the
5 2-year period preceding their renewal date, beginning with
6 licenses renewed on or after January 1, 2012. The State Fire
7 Marshal shall notify licensees of the continuing education
8 requirement in renewals sent out on or after January 1, 2012.
9 Current licensure as a professional engineer or proof of
10 current NICET Certification in Level III or IV shall satisfy
11 this requirement for designated certificated persons.
12 Completion of continuing education offered through the
13 National Fire Protection Association, the National Fire
14 Sprinkler Association and its affiliates, or other fire service
15 organizations or entities approved by the Department shall also
16 be acceptable. It shall be the responsibility of the each
17 continuing education sponsor to maintain records to verify
18 attendance.

19 (c) Any person who fails to file a renewal application by
20 the date of expiration of a license shall be assessed a late
21 filing charge, which shall be determined by the State Fire
22 Marshal by rule.

23 (d) ~~(e)~~ All fees shall be paid by check or money order. Any
24 fee required by this Act is not refundable in the event that
25 the original application or application for renewal is denied.

26 (e) ~~(d)~~ Every application for an original license shall be

1 accompanied by a certificate of insurance issued by an
2 insurance company authorized to do business in the State of
3 Illinois or by a risk retention or purchasing group formed
4 pursuant to the federal Liability Risk Retention Act of 1986,
5 which provides primary, first dollar public liability coverage
6 of the applicant or licensee for personal injuries for not less
7 than \$500,000 per person or \$1,000,000 per occurrence, and, in
8 addition, for not less than \$1,000,000 per occurrence for
9 property damage. The insurance policy shall be in effect at all
10 times during the license year and a new certificate of
11 insurance shall be filed with the State Fire Marshal within 30
12 days after the renewal of the insurance policy.

13 (Source: P.A. 92-871, eff. 1-3-03.)

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