



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5230

Introduced 2/8/2012, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

225 ILCS 317/10
225 ILCS 317/15
225 ILCS 317/30
225 ILCS 317/65

Amends the Fire Sprinkler Contractor Licensing Act. Defines "fire pump assembly". Provides that a person or business that seeks a license renewal as a fire sprinkler contractor must provide evidence of at least one fire sprinkler permit legally issued to the person or business named on the application for each of the 2 prior calendar years. Provides that the State Fire Marshal may refuse to issue a license after making a determination that the designated party has a history of acting illegally, fraudulently, incompetently, or with gross negligence. Makes other changes. Effective immediately.

LRB097 17453 CEL 62655 b

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 65 as follows:

6 (225 ILCS 317/10)

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

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

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

19 "Fire pump assembly" means the fire pumps, jockey pumps,
20 and pump controllers but does not include the interconnected
21 pipe, fittings, valves, and other similar parts attached to the
22 automatic fire sprinkler system.

23 "Fire sprinkler contractor" means a person who holds

1 himself or herself out to be in the business of or contracts
2 with a person to install or repair a fire sprinkler system.

3 "Fire sprinkler system" means any water-based automatic
4 fire extinguishing system employing fire sprinklers, including
5 accessory fire pumps and associated piping, fire standpipes, or
6 underground fire main systems starting at the connection to the
7 water service after the approved backflow device is installed
8 under the requirements of the Illinois Plumbing Code and ending
9 at the most remote fire sprinkler. "Fire sprinkler system"
10 includes but is not limited to a fire sprinkler system in a
11 residential, commercial, institutional, educational, public,
12 or private occupancy. "Fire sprinkler system" does not include
13 single sprinkler heads that are in a loop of the potable water
14 system, as referenced in 77 Ill. Adm. Code 890.1130 and
15 890.1200.

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

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

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

25 "Supervision" means the direction and management by a
26 designated certified person of the activities of non-certified

1 personnel in the installation or repair of fire sprinkler
2 systems.

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

4 (225 ILCS 317/15)

5 Sec. 15. Licensing requirements.

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

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

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

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

25 (e) A person or business applying for a license must show

1 proof of having workers' compensation insurance covering its
2 employees or be approved as a self-insurer of workers'
3 compensation in accordance with the laws of this State.

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

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

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

26 (i) No license is required for a person or business that is

1 engaged in the installation of fire sprinkler systems only in
2 single family or multiple family residential dwellings up to
3 and including 8 family units that do not exceed 2 1/2 stories
4 in height from the lowest grade level.

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

14 (k) A person or business that seeks a license renewal as a
15 fire sprinkler contractor must provide evidence of at least one
16 fire sprinkler permit legally issued to the person or business
17 named on the application for each of the 2 prior calendar
18 years. Permits must have been issued from a jurisdiction with
19 legal standing and authority to issue permits for fire
20 sprinkler system installation or modification, excluding work
21 solely limited to fire pump assembly.

22 (Source: P.A. 97-112, eff. 7-14-11.)

23 (225 ILCS 317/30)

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

1 (a) Equipment shall be listed by a nationally recognized
2 testing laboratory, such as Underwriters Laboratories, Inc. or
3 Factory Mutual Laboratories, Inc., or shall comply with
4 nationally accepted standards. The State Fire Marshal shall
5 adopt by rule procedures for determining whether a laboratory
6 is nationally recognized, taking into account the laboratory's
7 facilities, procedures, use of nationally recognized
8 standards, and any other criteria reasonably calculated to
9 reach an informed determination.

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

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

16 (d) All fire sprinkler systems shall have a backflow
17 prevention device or, in a municipality with a population over
18 500,000, a double detector check assembly installed by a
19 licensed plumber before the fire sprinkler system connection to
20 the water service. Connection to the backflow prevention device
21 or, in a municipality with a population over 500,000, a double
22 detector assembly shall be done in a manner consistent with the
23 Department of Public Health's Plumbing Code.

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

26 (f) Inspections and testing of existing fire sprinkler

1 systems and control equipment must be performed by a licensee
2 or an individual employed or contracted by a licensee. Any
3 individual who performs inspection and testing duties under
4 this subsection (f) must possess proof of (i) certification by
5 a nationally recognized certification organization at an
6 appropriate level, such as NICET Level II in Inspection and
7 Testing of Water Based Systems or the equivalent, by January 1,
8 2009 or (ii) satisfactory completion of a certified sprinkler
9 fitter apprenticeship program approved by the U.S. Department
10 of Labor. State employees who perform inspections and testing
11 on behalf of State institutions and who meet all other
12 requirements of this subsection (f) need not be licensed under
13 this Act or employed by a licensee under this Act in order to
14 perform inspection and testing duties under this subsection
15 (f). The requirements of this subsection (f) do not apply to
16 individuals performing inspections or testing of fire
17 sprinkler systems on behalf of a municipality, a county, a fire
18 protection district, or the Office of the State Fire Marshal.
19 This subsection (f) does not apply to cursory weekly and
20 monthly inspections of gauges and control valves conducted in
21 accordance with the standards of the National Fire Protection
22 Association and pump tests that are performed by individuals
23 certified by the pump manufacturer.

24 A copy of the inspection report for an inspection performed
25 pursuant to this subsection (f) must be forwarded by the entity
26 performing the inspection to the local fire department or fire

1 protection district in which the sprinkler system is located.
2 The inspection report must include the NICET Level II
3 Inspection and Testing of Water Based Systems certification
4 number or journeymen number of the person performing the
5 inspection.

6 (Source: P.A. 96-256, eff. 1-1-10; 97-112, eff. 7-14-11.)

7 (225 ILCS 317/65)

8 Sec. 65. Notice; suspension, revocation, or refusal to
9 renew a license.

10 (a) Whenever the State Fire Marshal determines that there
11 are reasonable grounds to believe that a licensee has violated
12 a provision of this Act or the rules adopted under this Act,
13 the State Fire Marshal shall give notice of the alleged
14 violation to the person whom the license was issued. The notice
15 shall (i) be in writing; (ii) include a statement of the
16 alleged violation which necessitates issuance of the notice;
17 (iii) contain an outline of remedial action that, if taken,
18 will effect compliance with the provisions of this Act and the
19 rules adopted under this Act; (iv) prescribe a reasonable time,
20 as determined by the State Fire Marshal, for the performance of
21 any action required by the notice; and (v) be served upon the
22 licensee. The notice shall be deemed to have been properly
23 served upon the person when a copy of the notice has been sent
24 by registered or certified mail to his or her last known
25 address as furnished to the State Fire Marshal or when he or

1 she has been served the notice by any other method authorized
2 by law.

3 (b) If the person to whom the notice is served does not
4 comply with the terms of the notice within the time limitations
5 specified in the notice, the State Fire Marshal may proceed
6 with action to suspend, revoke, or refuse to issue a license as
7 provided in this Section.

8 (c) Other requirements of this Act notwithstanding, when
9 the State Fire Marshal determines that reasonable grounds exist
10 to indicate that a violation of this Act has been committed and
11 the violation is the third separate violation by that person in
12 an 18-month period, the notice requirement of subsection (a) of
13 this Section is waived and the State Fire Marshal may proceed
14 immediately with action to suspend, revoke, or refuse to issue
15 a license.

16 (d) In any proceeding to suspend, revoke, or refuse to
17 issue a license, the State Fire Marshal shall first serve or
18 cause to be served upon the licensee a written notice of the
19 State Fire Marshal's intent to take action. The notice shall
20 specify the way in which the person has failed to comply with
21 this Act or any other rules or standards of the State Fire
22 Marshal.

23 (e) In the case of revocation or suspension, the notice
24 shall require the person to remove or abate the violation or
25 objectionable condition specified in the notice within 5 days.
26 The State Fire Marshal may specify a longer period of time as

1 it deems necessary. If the person fails to comply with the
2 terms and conditions of the revocation or suspension notice
3 within the time specified by the State Fire Marshal, the State
4 Fire Marshal may revoke or suspend the license.

5 (f) In the case of refusal to issue a license, if the
6 person fails to comply with the Act or rules or standards
7 promulgated under the Act, or after making a determination that
8 the designated party has a history of acting illegally,
9 fraudulently, incompetently, or with gross negligence, the
10 State Fire Marshal may refuse to issue a license.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.