



Sen. David Koehler

Filed: 5/9/2014

09800HB5735sam001

LRB098 18440 ZMM 59331 a

1 AMENDMENT TO HOUSE BILL 5735

2 AMENDMENT NO. _____. Amend House Bill 5735 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Home
5 Repair and Construction Task Force Act.

6 Section 5. Findings. The General Assembly finds as follows:

7 (1) In November, 2013, several tornadoes devastated
8 parts of many Illinois towns, including Brookport, Coal
9 City/Braidwood, Gifford, New Minden, Pekin, and
10 Washington. In previous years, Illinois has suffered
11 natural disasters, such as the flooding that destroyed
12 parts of southern Illinois in 1993. Storms, tornadoes, and
13 flooding have affected numerous parts of the State nearly
14 every year.

15 (2) Often, after natural disasters such as storms or
16 flooding, contractors from outside the local area where the

1 disaster occurred come into the area and solicit business.
2 In some cases, the contractors engage in high pressure
3 sales tactics and collect large down payments from
4 homeowners anxious to repair their homes after a disaster,
5 and then fail to complete the work in a workmanlike manner
6 or leave the area without even beginning the work.
7 Homeowners are unable to reach the contractors either
8 because the contractors provided a false physical address
9 or telephone number or because the contractors are
10 unresponsive to calls and letters.

11 (3) Each year, the Attorney General's office receives a
12 significant number of consumer complaints about home
13 repair and construction, and such complaints rank among the
14 top 10 consumer complaint types that office receives
15 annually. These complaints often involve allegations of
16 poor workmanship, failure to complete the contracted for
17 work, or failure to begin the contracted for work. These
18 complaints often arise after natural disasters, but the
19 Attorney General's office also receives numerous
20 complaints every year about routine home repair and
21 construction outside of a natural disaster.

22 (4) The Attorney General wishes to explore whether
23 Illinois residents would benefit from legislation that
24 requires home repair and construction contractors to
25 obtain a license from the Department of Financial and
26 Professional Regulation before offering home repair and

1 construction services in Illinois and, if so, whether
2 potential licensees and all their agents should be required
3 to pass a proficiency test and meet certain qualifications
4 as a condition of obtaining a license.

5 Section 10. Definition. As used in this Act, "home repair
6 and construction" means the building of a new structure
7 primarily designed or used as a residence or the fixing,
8 replacing, altering, converting, modernizing, improving, or
9 making of an addition to any real property primarily designed
10 or used as a residence other than maintenance, service, or
11 repairs under \$500. "Home repair and construction" includes the
12 construction, installation, replacement, or improvement of
13 driveways, swimming pools, porches, kitchens, bathrooms,
14 basements, chimneys, chimney liners, garages, fences, fallout
15 shelters, central air conditioning, central heating, boilers,
16 furnaces, electrical wiring, sewers, plumbing fixtures, storm
17 doors, windows, roofs, and awnings and other improvements to
18 structures within the residence or upon the land adjacent to
19 the residence. "Home repair and construction" does not include
20 the sale, installation, cleaning, or repair of carpets; the
21 repair, installation, replacement, or connection of any home
22 appliance, including, but not limited to, disposals,
23 refrigerators, ranges, garage door openers, televisions or
24 television antennas, washing machines, telephones, hot water
25 heaters, satellite dishes, or other appliances when the person

1 replacing, installing, repairing, or connecting the home
2 appliance is an employee or agent of the merchant that sold the
3 home appliance or sold new products of the same type; or
4 landscaping.

5 Section 15. Home Repair and Construction Task Force;
6 members.

7 (a) There is created the Home Repair and Construction Task
8 Force consisting of the following members:

9 (1) one member of the Senate appointed by the President
10 of the Senate;

11 (2) one member of the Senate appointed by the Minority
12 Leader of the Senate;

13 (3) one member of the House of Representatives
14 appointed by the Speaker of the House of Representatives;

15 (4) one member of the House of Representatives
16 appointed by the Minority Leader of the House of
17 Representatives;

18 (5) one member appointed by the Governor;

19 (6) one member representing the Department of
20 Financial and Professional Regulation appointed by the
21 Secretary of Financial and Professional Regulation;

22 (7) one member representing consumers' interests
23 appointed by a consumer advocacy group;

24 (8) two members representing the home repair industry
25 appointed by the head of an association representing the

1 interests of the home repair industry;

2 (9) three members representing the home builder
3 industry appointed by the head of an association
4 representing the interests of the home builder industry;

5 (10) one member representing the retail merchants that
6 subcontract with home repair industry and construction
7 industry members appointed by the head of an association
8 representing the interests of these retail merchants;

9 (11) one member representing the homeowners insurance
10 industry appointed by the head of an association
11 representing the interests of the homeowners insurance
12 industry;

13 (12) two members representing unions with members in
14 the home repair and construction industries appointed by
15 the heads of these unions;

16 (13) one member representing the interests of Illinois
17 municipalities appointed by the head of an association
18 representing the interests of Illinois municipalities;

19 (14) one member representing the interests of Illinois
20 counties appointed by the head of an association
21 representing the interests of Illinois counties;

22 (15) one member appointed by the City of Chicago
23 Commissioner of Business Affairs and Consumer Protection;

24 (16) one member representing Illinois building
25 officials appointed by the head of a statewide association
26 representing the interests of Illinois building officials;

1 and

2 (17) one member appointed by the Attorney General, who
3 shall be designated the chairperson by the Attorney
4 General.

5 (b) All appointments to the Task Force shall be made within
6 60 days after the effective date of this Act.

7 (c) Vacancies in the Task Force shall be filled by the
8 initial appointing authority within 30 days after the vacancy
9 occurs.

10 (d) The members of the Task Force shall serve without
11 compensation.

12 (e) The Task Force may consult with experts and shall
13 receive the cooperation of those State agencies it deems
14 appropriate to assist the Task Force in carrying out its
15 duties.

16 (f) The Task Force shall meet initially at the call of the
17 Attorney General no later than 90 days after the effective date
18 of this Act, and shall thereafter meet at the call of the
19 chairperson.

20 (g) The Attorney General shall provide administrative and
21 other support to the Task Force.

22 Section 20. Duties. The Task Force shall:

23 (1) discuss whether the residents of Illinois would
24 benefit from legislation requiring home repair and
25 construction service providers to obtain a license from the

1 Department of Financial and Professional Regulation before
2 offering these services in Illinois;

3 (2) if it is determined that licensure is required,
4 determine:

5 (A) the requirements applicants must meet to
6 qualify for a license;

7 (B) grounds for denial or revocation of a license;
8 and

9 (C) any other considerations relevant to a
10 licensing requirement; and

11 (3) make recommendations to the General Assembly.

12 Section 25. Report. No later than November 1, 2015, the
13 Task Force shall summarize its findings and recommendations in
14 a report to the General Assembly and shall file the report as
15 provided in Section 3.1 of the General Assembly Organization
16 Act. Upon filing its report, the Task Force is dissolved.

17 Section 30. Repealer. This Act is repealed on January 1,
18 2016.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."