



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1685

Introduced 2/20/2015, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/16-30
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Fire Alarm Service Professional Licensing Act. Provides for the licensure of fire alarm contractors, designers, installers, technicians, and agencies. Authorizes the State Fire Marshal to implement the Act. Includes provisions concerning the powers and duties of the State Fire Marshal, licensing requirements, and designated certified person requirements. Establishes requirements for the installation, repair, inspection, and testing of fire alarm systems. Authorizes the State Fire Marshal to establish fees and continuing education requirements. Sets forth grounds for disciplinary action, criminal and civil penalties for violations of the Act, and administrative procedure. Provides that fines and fees collected under the Act shall be deposited into the Fire Prevention Fund. Makes conforming changes in the Criminal Code of 2012 and the Consumer Fraud and Deceptive Business Practices Act. Preempts home rule.

LRB099 05955 HAF 26004 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 Fire
5 Alarm Service Professional Licensing Act.

6 Section 5. Legislative intent. It is declared that within
7 the State of Illinois there are, and may continue to be,
8 locations where the improper installation or repair of fire
9 alarm and emergency communication signaling systems creates
10 conditions that may adversely affect the public health and
11 general welfare. Therefore, the purpose of this Act is to
12 protect, promote, and preserve the public health and general
13 welfare by providing for the establishment of minimum standards
14 for licensure of fire alarm designers, installers, and
15 technicians.

16 Section 10. Definitions. As used in this Act, unless the
17 context otherwise requires:

18 "Designated certified person" means an individual who has
19 met the qualifications set forth under Section 25 of this Act.

20 "Designer" means an individual that supervises the
21 preparation of fire alarm design documents used for the
22 installation of fire alarm and emergency communication

1 systems.

2 "Fire alarm service professional" means a person who holds
3 himself or herself to be in the business of or contracts with a
4 person or firm to design, install, inspect, or repair a fire
5 alarm system.

6 "Fire alarm system" means a system or portion of a
7 combination system that consists of components and circuits
8 arranged to monitor and annunciate the status of fire alarm or
9 supervisory signal-initiating devices and to initiate the
10 appropriate response to those signals. "Fire alarm system"
11 includes, but is not limited to, a fire alarm system and
12 Emergency Communications Systems in a residential, commercial,
13 institutional, educational, public, or private occupancy.

14 "Fire alarm system layout documents" means layout
15 drawings, catalog information on standard products, and other
16 construction data that provide detail on the location of fire
17 alarm panels, initiating devices, notification appliances,
18 wiring methods, and power requirements in accordance with the
19 National Fire Protection Association 72, National Fire Alarm
20 and Signaling Code as adopted by the applicable jurisdiction.
21 "Fire alarm system layout documents" serve as a guide for
22 installation of a fire alarm system and shall be based upon
23 applicable standards pursuant to Section 35 of this Act.

24 "Installer" means an individual or firm that provides the
25 labor and materials to install fire alarm and emergency
26 communication signaling systems.

1 "Licensee" means a person or business organization
2 licensed in accordance with this Act.

3 "NCEES" means the National Council of Examiners for
4 Engineering and Surveying.

5 "NICET" means the National Institute for Certification in
6 Engineering Technologies.

7 "Person" means an individual, group of individuals,
8 association, trust, partnership, corporation, person doing
9 business under an assumed name, the State of Illinois or a
10 department thereof, other State-owned and operated
11 institution, or other entity.

12 "Supervision" means the direction and management by a
13 designated certified person of the activities of non-certified
14 personnel in the installation, inspection, or repair of fire
15 alarm systems.

16 "Technician" means an individual that performs any of the
17 following key tasks:

18 (1) verifies the initial fire alarm installation is
19 installed and operating correctly per applicable
20 requirements;

21 (2) provides repair services work to existing systems;
22 or

23 (3) provides inspection, testing, and maintenance of
24 existing systems.

25 Section 15. License; enforcement; failure to pay tax. No

1 person shall act as a fire alarm contractor, designer,
2 installer, or technician or advertise or assume to act as such,
3 or use any title implying that such person is engaged in such
4 practice or occupation unless licensed by the State Fire
5 Marshal.

6 No firm, association, or corporation shall act as an agency
7 licensed under this Act, advertise or assume to act as such, or
8 use any title implying that the firm, association, or
9 corporation is engaged in such practice unless licensed by the
10 State Fire Marshal.

11 The State Fire Marshal, in the name of the People and
12 through the Attorney General, the State's Attorney of any
13 county, any resident of the State, or any legal entity within
14 the State may apply for injunctive relief in any court to
15 enjoin any person who has not been issued a license or whose
16 license has been suspended, revoked, or not renewed from
17 practicing a licensed activity, and upon the filing of a
18 verified petition, the court, if satisfied by affidavit or
19 otherwise, that such person is or has been practicing in
20 violation of this Act may enter a temporary restraining order
21 or preliminary injunction, without bond, enjoining the
22 defendant from such further activity. A copy of the verified
23 complaint shall be served upon the defendant and the
24 proceedings shall thereafter be conducted as in other civil
25 cases. If it is established that the defendant has been or is
26 practicing in violation of this Act, the court may enter a

1 judgment perpetually enjoining the defendant from such further
2 activity. In case of violation of any injunctive order or
3 judgment entered under the provisions of this Section, the
4 court may summarily try and punish the offender for contempt of
5 court. Such injunctive proceeding shall be in addition to all
6 penalties and other remedies in this Act.

7 The State Fire Marshal may refuse to issue a license to or
8 may suspend the license of any person who fails to file a
9 return, to pay the tax, penalty, or interest shown in a filed
10 return, or to pay any final assessment of tax, penalty, or
11 interest as required by any tax Act administered by the
12 Illinois Department of Revenue, until such time as the
13 requirements of the tax Act are satisfied.

14 Section 20. Licensing requirements.

15 (a) It shall be unlawful for any person or business to
16 engage in, advertise, or hold itself out to be in the business
17 of installing, inspecting, or repairing fire alarm systems in
18 this State 6 months after the effective date of this Act,
19 unless such person or business is licensed by the State Fire
20 Marshal.

21 (b) A licensed electrical contractor does not need to hold
22 a fire alarm license if he or she subcontracts to a licensed
23 fire alarm contractor to perform the scope of work.

24 (c) In order to obtain a license, a person or business must
25 submit an application to the State Fire Marshal on a form

1 provided by the State Fire Marshal containing the information
2 prescribed along with the application fee.

3 (d) A business applying for a license must have a
4 designated certified person employed at the business location
5 and the designated certified person shall be identified on the
6 license application.

7 (e) A person or business applying for a license must show
8 proof of having liability and property damage insurance in such
9 amounts and under such circumstances as may be determined by
10 the State Fire Marshal. The amount of liability and property
11 damage insurance, however, shall not be less than the amount
12 specified in Section 45 of this Act.

13 (f) A person or business applying for a license must show
14 proof of having workers' compensation insurance covering its
15 employees or be approved as a self-insurer of workers'
16 compensation in accordance with the laws of this State.

17 (g) A person or business so licensed shall have a separate
18 license for each business location within the State or outside
19 the State when the business location is responsible for any
20 installation, inspection, or repair of fire alarm systems
21 performed within the State.

22 (h) When an individual proposes to do business in his or
23 her own name, a license, when granted, shall be issued only to
24 that individual.

25 (i) If the applicant requesting licensure to engage in
26 contracting is a business organization, such as a partnership,

1 corporation, business trust, or other legal entity, the
2 application shall state the name of the partnership and its
3 partners, the name of the corporation and its officers and
4 directors, the name of the business trust and its trustees, or
5 the name of such other legal entity and its members and shall
6 furnish evidence of statutory compliance if a fictitious name
7 is used. Such application shall also show that the business
8 entity employs a designated certified person as required under
9 Section 25. The license, when issued upon application of a
10 business organization, shall be in the name of the business
11 organization and the name of the qualifying designated
12 certified person shall be noted thereon.

13 (j) No license is required for a person or business that is
14 engaged in the installation of fire alarm systems with only
15 self-contained smoke alarms and not systems in single-family
16 residential dwellings.

17 (k) All fire alarm system layout documents, as defined in
18 Section 10 of this Act, shall be prepared by (i) a professional
19 engineer who has passed the NCEES Principles and Practice
20 Examination for the specific discipline of Fire Protection
21 Engineering and is licensed under the Professional Engineering
22 Practice Act of 1989, or (ii) a holder of a valid NICET level
23 III or higher certification in Fire Protection Engineer
24 Technology Fire Alarm System Layout, who is either licensed
25 under this Act or employed by an organization licensed under
26 this Act. Nothing in this Act shall prohibit a licensed

1 professional engineer meeting all of the requirements of this
2 subsection (k) from performing verification of installation to
3 ensure proper installation and operation of the system in
4 accordance with the applicable requirements, or testing the
5 operation of the system to verify the operation and
6 installation of the fire alarm system.

7 Section 25. Designated certified person requirements.

8 (a) A designated certified person must either be a current
9 Illinois licensed professional engineer who meets all
10 requirements specified in Section 20 of this Act or hold a
11 valid NICET Level III or higher certification in the sub-field
12 of Fire Protection Engineer Technology, Fire Alarm Systems.

13 (b) At least one member of every firm, association, or
14 partnership or every corporation engaged in the installation of
15 fire alarm systems must be a designated NICET Level II or
16 higher person.

17 (c) A designated certified person must be employed by the
18 licensee at a business location with a valid license.

19 (d) A designated certified person must perform his or her
20 normal duties at a business location with a valid license.

21 (e) A designated certified person may only be the
22 designated certified person for one business location and one
23 business entity.

24 (f) A designated certified person must be directly involved
25 in supervision. The designated certified person does not,

1 however, have to be at the site of the installation or repair
2 of the fire alarm system at all times.

3 Section 30. Change of a designated certified person. When a
4 licensee is without a designated certified person, the licensee
5 shall notify the State Fire Marshal in writing within 30 days
6 and shall employ a designated certified person no later than
7 180 days from the time the position of designated certified
8 person becomes vacant. Failing to fill the vacant position
9 shall cause the license of the person or of the business
10 organization to expire without further operation of law.

11 Section 35. Requirements for the installation, repair,
12 inspection, and initial acceptance testing of fire alarm
13 systems.

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

23 (b) Equipment shall be installed in accordance with the
24 applicable standards of the National Fire Protection

1 Association and the manufacturer's specifications.

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

5 (d) This licensing Act is not intended to require any
6 additional fire inspections at the State level.

7 (e) Inspections, initial acceptance testing, and repairing
8 of existing fire alarm systems and equipment must be performed
9 by a licensee or an individual employed or contracted by a
10 licensee. Any individual who performs inspection and testing
11 duties under this subsection (e) must possess proof of
12 certification by a nationally recognized certification
13 organization at an appropriate level, such as NICET Level II in
14 Fire Protection Engineer Technology, Fire Alarm Systems.

15 State employees who perform inspections and testing on
16 behalf of State institutions and who meet all other
17 requirements of this subsection (e) need not be licensed under
18 this Act or employed by a licensee under this Act in order to
19 perform inspection and testing duties under this subsection
20 (e).

21 The requirements of this subsection (e) do not apply to
22 individuals performing inspections or testing of fire alarm
23 systems on behalf of a municipality, a county, a fire
24 protection district, or the Office of the State Fire Marshal.

25 This subsection (e) does not apply to cursory weekly and
26 monthly inspections of fire alarm system components conducted

1 in accordance with the standards of the National Fire
2 Protection Association.

3 A copy of the inspection report for an inspection performed
4 pursuant to this subsection (e) must be forwarded by the entity
5 performing the inspection within 30 days to the local fire
6 department or fire protection district in which the fire alarm
7 system is located. The inspection report must include the NICET
8 Level II Fire Protection Engineer Technology of Fire Alarm
9 Systems certification number or journeymen number of the person
10 performing the inspection.

11 Section 40. Application for building permit; identity
12 theft. A person who knowingly, in the course of applying for a
13 building permit with a unit of local government, provides the
14 license number of a fire alarm contractor whom he or she does
15 not intend to have perform the work on the fire alarm portion
16 of the project commits identity theft under paragraph (8) of
17 subsection (a) of Section 16-30 of the Criminal Code of 2012.

18 Section 45. Fees, renewals, continuing education, and
19 required insurance.

20 (a) The fees for an original license, for renewal, and for
21 duplicate copies of licenses shall be determined by the State
22 Fire Marshal by rule.

23 (b) Each license must be renewed every 3 years. Each
24 licensee must complete 45 hours of continuing education in the

1 3-year period following his or her renewal or initial
2 licensure. Current licensure as a professional engineer in
3 accordance with all requirements for professional engineers in
4 this Act or proof of current NICET certification in Level III
5 for Fire Alarm Systems or higher shall satisfy this requirement
6 for designated certified persons. Continuing education offered
7 through nationally recognized building and fire code
8 organizations and their affiliates; nationally recognized fire
9 alarm organizations and their affiliates; institutions of
10 higher education; educational bodies specializing in fire
11 alarm system technology; and other entities approved by the
12 State Fire Marshal shall be also acceptable. All continuing
13 education entities seeking to be approved providers of
14 continuing education shall make an application to the State
15 Fire Marshal and offer programs that:

16 (1) contribute to the advancement, extension, or
17 enhancement of the professional skills or technical
18 knowledge of the licensee in the practice of fire alarm
19 service; and

20 (2) are developed and presented by persons with
21 education or experience in the subject matter of the
22 program.

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

1 (d) All fees shall be paid by check or money order. Any fee
2 required by this Act is not refundable in the event that the
3 original application or application for renewal is denied.

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

17 Section 50. Deposit of fines and fees; appropriation. All
18 administrative civil fines and fees collected pursuant to the
19 Act shall be deposited into the Fire Prevention Fund, a special
20 fund in the State treasury. The General Assembly shall
21 appropriate the amount annually collected as administrative
22 civil fines and fees to the State Fire Marshal for the purposes
23 of administering this Act.

24 Section 55. Home rule. A home rule unit may not regulate

1 the installation, inspection and repair of fire alarm systems
2 in a manner less restrictive than the regulation by the State
3 on the installation, inspection, and repair of fire alarm
4 systems under this Act. This Section is a limitation under
5 subsection (i) of Section 6 of Article VII of the Illinois
6 Constitution on the concurrent exercise by home rule units of
7 powers and functions exercised by the State.

8 Section 60. Powers and duties of the State Fire Marshal.
9 The State Fire Marshal has all of the following powers and
10 duties:

11 (1) To prescribe and furnish application forms, licenses,
12 and any other forms necessary under this Act.

13 (2) To suspend, revoke, or refuse to issue or renew
14 licenses for cause.

15 (3) To conduct hearings concerning the suspension,
16 revocation, or refusal to issue or renew licenses.

17 (4) To levy and collect fines pursuant to this Act.

18 (5) To adopt rules necessary for the administration of this
19 Act.

20 Section 65. Rules; public hearing. Subject to the
21 requirement for public hearings as provided in this Section,
22 the State Fire Marshal shall publish and adopt and may, from
23 time to time, amend such rules as may be necessary for the
24 proper enforcement of this Act and to protect the health and

1 safety of the public. The State Fire Marshal shall hold a
2 public hearing prior to the adoption or amendment of rules
3 required under this Act. The State Fire Marshal may, when
4 necessary, utilize the services of any other State agency to
5 assist in carrying out the purposes of this Act.

6 Section 70. Grounds for disciplinary action. The following
7 constitute grounds for disciplinary action by the State Fire
8 Marshal:

9 (1) Violation of any provision of this Act or of any
10 rule adopted under this Act.

11 (2) Violation of the applicable building codes or laws
12 of this State or any municipality or county thereof.

13 (3) Diversion of funds or property received for
14 prosecution or completion of a specified construction
15 project or operation when, as a result of the diversion,
16 the contractor is or will be unable to fulfill the terms of
17 his or her obligation or contract.

18 (4) Disciplinary action by any municipality or county,
19 which action shall be reviewed by the State Fire Marshal
20 before taking any disciplinary action.

21 (5) Failure to supervise the installation of the fire
22 alarm system covered by the installation permit signed by
23 the contractor.

24 (6) Rendering a fire alarm system inoperative, except
25 when the fire alarm system is being inspected, serviced,

1 tested, or repaired pursuant to court order.

2 (7) Improperly servicing, repairing, testing, or
3 inspecting a fire alarm system.

4 (8) Failing to provide proof of insurance to the State
5 Fire Marshal or failing to maintain in force the insurance
6 coverage required by this Act.

7 (9) Failing to obtain, retain, or maintain one or more
8 of the qualifications for a designated certified person as
9 specified in this Act.

10 (10) Failing to confirm that all employees performing
11 fire alarm work or services hold the current certifications
12 required for their scope of work.

13 (11) Making a material misstatement or
14 misrepresentation or committing a fraud in obtaining or
15 attempting to obtain a license.

16 (12) Failing to notify the State Fire Marshal, in
17 writing, within 30 days after a change of residence
18 address, principal business address, or name.

19 (13) Failure to supply within a reasonable time, upon
20 request from the State Fire Marshal or its authorized
21 representative, true information regarding material used,
22 work performed, or other information essential to the
23 administration of this Act.

24 (14) Aiding or abetting a person to violate a provision
25 of this Act, conspiring with any person to violate a
26 provision of this Act, or allowing a license to be used by

1 another person.

2 Section 75. Notice; suspension, revocation, or refusal to
3 renew a license.

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

22 (b) If the person to whom the notice is served does not
23 comply with the terms of the notice within the time limitations
24 specified in the notice, the State Fire Marshal may proceed
25 with an action to suspend, revoke, or refuse to issue a license

1 as provided in this Section.

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

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

17 (e) In the case of revocation or suspension, the notice
18 shall require the person to remove or abate the violation or
19 objectionable condition specified in the notice within 5 days.
20 The State Fire Marshal may specify a longer period of time as
21 it deems necessary. If the person fails to comply with the
22 terms and conditions of the revocation or suspension notice
23 within the time specified by the State Fire Marshal, the State
24 Fire Marshal may revoke or suspend the license.

25 (f) In the case of refusal to issue a license, if the
26 person fails to comply with the Act or rules or standards

1 adopted under the Act, the State Fire Marshal may refuse to
2 issue a license.

3 Section 80. Administrative hearing. The State Fire Marshal
4 shall give written notice by certified or registered mail to an
5 applicant or licensee of the State Fire Marshal's intent to
6 suspend, revoke, or refuse to issue a license or to assess a
7 fine. Such person has a right to a hearing before the State
8 Fire Marshal. A written notice of a request for a hearing shall
9 be served on the State Fire Marshal within 10 days of notice of
10 the refusal, suspension, or revocation of a license or
11 imposition of a fine. The hearing shall be conducted by the
12 State Fire Marshal or a hearing officer designated in writing
13 by the State Fire Marshal. A stenographic record shall be made
14 of the hearing and the cost of the hearing shall be borne by
15 the State Fire Marshal. A transcript of the hearing shall be
16 made only upon request of the applicant or licensee and shall
17 be transcribed at the cost of that person.

18 Section 85. Subpoena powers; administration of oath. The
19 State Fire Marshal or hearing officer may compel by subpoena or
20 subpoena duces tecum the attendance and testimony of witnesses
21 and the production of books and papers. All subpoenas issued by
22 the State Fire Marshal or hearing officer may be served as
23 provided for in a civil action. The fees of witnesses for
24 attendance and travel shall be the same as the fees for

1 witnesses before the circuit court and shall be paid by the
2 party at whose request the subpoena is issued. If such subpoena
3 is issued at the request of the State Fire Marshal, the witness
4 fee shall be paid as an administrative expense.

5 In the case of refusal of a witness to attend or testify,
6 or to produce books or papers concerning any matter upon which
7 he or she might be lawfully examined, the circuit court of the
8 county where the hearing is held, upon application of any party
9 to the proceeding, may compel obedience by a proceeding for
10 contempt.

11 The State Fire Marshal or hearing officer has the authority
12 to administer oaths to witnesses.

13 Section 90. Deposition of witnesses; testimony at hearing
14 recorded. In the event of the inability of any party or the
15 State Fire Marshal to procure the attendance of witnesses to
16 give testimony or produce books and papers, the party or the
17 State Fire Marshal may take the deposition of witnesses in
18 accordance with the laws of this State. All testimony taken at
19 a hearing shall be reduced to writing and all such testimony
20 and other evidence introduced at the hearing shall be a part of
21 the record of the hearing.

22 Section 95. Certification of record. The State Fire Marshal
23 is not required to certify any record or file any answer or
24 otherwise appear in any proceeding for judicial review unless

1 the party filing the complaint deposits with the clerk of the
2 court the sum of \$1 per page representing the costs of the
3 certification. Failure on the part of the plaintiff to make the
4 deposit shall be grounds for dismissal of the action.

5 Section 100. Injunction. Faulty fire alarm installation
6 and repair is declared a violation of this Act and inimical to
7 the public health, welfare, and safety and a deceptive business
8 practice. The State Fire Marshal, in the name of the People of
9 the State, through the Attorney General or the State's Attorney
10 of the county in which the violation occurs may, in addition to
11 other remedies provided in this Act, bring an action for an
12 injunction to restrain such violation or enjoin the future
13 performance of the person who committed the violation until
14 compliance with the provisions of this Act has been obtained.

15 Section 105. Penalty. Any person who violates this Act or
16 any rule adopted by the State Fire Marshal or who violates any
17 determination or order of the State Fire Marshal under this Act
18 shall be guilty of a Class A misdemeanor and shall be fined a
19 sum not less than \$100. Each day's violation constitutes a
20 separate offense. The State's Attorney of the county in which
21 the violation occurred or the Attorney General shall bring such
22 actions in the name of the people of the State of Illinois.

23 Section 110. Administrative civil fines. The State Fire

1 Marshal is empowered to assess administrative civil fines
2 against a licensee for violations of this Act or its rules.
3 These fines shall not be greater than \$1,000 for each offense.
4 These fines shall be in addition to, or in lieu of, license
5 suspensions and revocations. Rules to implement this Section
6 shall be adopted by the State Fire Marshal within 6 months
7 after the effective date of this Act.

8 The hearing officer shall, upon determination that a
9 violation of the Act or rules has occurred, determine the
10 amount of these fines. Any fine assessed and not paid within 60
11 days after receiving notice of the fine from the State Fire
12 Marshal may be submitted to the Attorney General's office for
13 collection. Failure to pay a fine shall also be grounds for
14 immediate suspension or revocation of a license issued under
15 this Act.

16 Section 115. Judicial review of final administrative
17 decision. The Administrative Review Law and the rules adopted
18 under the Administrative Review Law apply to and govern all
19 proceedings for judicial review of final administrative
20 decisions of the State Fire Marshal under this Act. Such
21 judicial review shall be in the circuit court of the county in
22 which the cause of the action arose. The term "administrative
23 decision" is defined in Section 3-101 of the Code of Civil
24 Procedure.

1 Section 120. Illinois Administrative Procedure Act. The
2 provisions of the Illinois Administrative Procedure Act are
3 hereby expressly adopted and shall apply to all administrative
4 rules and procedures of the State Fire Marshal under this Act,
5 except that, in the case of conflict between the Illinois
6 Administrative Procedure Act and this Act, the provisions of
7 this Act shall control, and except that Section 5-35 of the
8 Illinois Administrative Procedure Act relating to procedures
9 for rulemaking does not apply to the adoption of any rule
10 required by federal law in connection with which the State Fire
11 Marshal is precluded by law from exercising any discretion.

12 Section 125. Severability clause. If any part of this Act
13 is judged invalid, such adjudication shall not affect the
14 validity of the Act as a whole or of any other part.

15 Section 130. Grandfather clause. Any person or business
16 that, on the effective date of this Act, is installing,
17 acceptance testing, testing, inspecting or repairing fire
18 alarm systems in the State of Illinois and has a minimum of 3
19 years of experience in initial acceptance testing, testing,
20 inspecting, or repairing fire alarm systems has 2 years after
21 the effective date of this Act before they must have a
22 designated certified person as required in Section 25.

23 Section 135. The Criminal Code of 2012 is amended by

1 changing Section 16-30 as follows:

2 (720 ILCS 5/16-30)

3 Sec. 16-30. Identity theft; aggravated identity theft.

4 (a) A person commits identity theft when he or she
5 knowingly:

6 (1) uses any personal identifying information or
7 personal identification document of another person to
8 fraudulently obtain credit, money, goods, services, or
9 other property;

10 (2) uses any personal identification information or
11 personal identification document of another with intent to
12 commit any felony not set forth in paragraph (1) of this
13 subsection (a);

14 (3) obtains, records, possesses, sells, transfers,
15 purchases, or manufactures any personal identification
16 information or personal identification document of another
17 with intent to commit any felony;

18 (4) uses, obtains, records, possesses, sells,
19 transfers, purchases, or manufactures any personal
20 identification information or personal identification
21 document of another knowing that such personal
22 identification information or personal identification
23 documents were stolen or produced without lawful
24 authority;

25 (5) uses, transfers, or possesses document-making

1 implements to produce false identification or false
2 documents with knowledge that they will be used by the
3 person or another to commit any felony;

4 (6) uses any personal identification information or
5 personal identification document of another to portray
6 himself or herself as that person, or otherwise, for the
7 purpose of gaining access to any personal identification
8 information or personal identification document of that
9 person, without the prior express permission of that
10 person;

11 (7) uses any personal identification information or
12 personal identification document of another for the
13 purpose of gaining access to any record of the actions
14 taken, communications made or received, or other
15 activities or transactions of that person, without the
16 prior express permission of that person;

17 (7.5) uses, possesses, or transfers a radio frequency
18 identification device capable of obtaining or processing
19 personal identifying information from a radio frequency
20 identification (RFID) tag or transponder with knowledge
21 that the device will be used by the person or another to
22 commit a felony violation of State law or any violation of
23 this Article; or

24 (8) in the course of applying for a building permit
25 with a unit of local government, provides the license
26 number of a roofing, ~~or~~ fire sprinkler, or fire alarm

1 contractor whom he or she does not intend to have perform
2 the work on the roofing, ~~or~~ fire sprinkler, or fire alarm
3 portion of the project; it is an affirmative defense to
4 prosecution under this paragraph (8) that the building
5 permit applicant promptly informed the unit of local
6 government that issued the building permit of any change in
7 the roofing, ~~or~~ fire sprinkler, or fire alarm contractor.

8 (b) Aggravated identity theft. A person commits aggravated
9 identity theft when he or she commits identity theft as set
10 forth in subsection (a) of this Section:

11 (1) against a person 60 years of age or older or a
12 person with a disability; or

13 (2) in furtherance of the activities of an organized
14 gang.

15 A defense to aggravated identity theft does not exist
16 merely because the accused reasonably believed the victim to be
17 a person less than 60 years of age. For the purposes of this
18 subsection, "organized gang" has the meaning ascribed in
19 Section 10 of the Illinois Streetgang Terrorism Omnibus
20 Prevention Act.

21 (c) Knowledge shall be determined by an evaluation of all
22 circumstances surrounding the use of the other person's
23 identifying information or document.

24 (d) When a charge of identity theft or aggravated identity
25 theft of credit, money, goods, services, or other property
26 exceeding a specified value is brought, the value of the

1 credit, money, goods, services, or other property is an element
2 of the offense to be resolved by the trier of fact as either
3 exceeding or not exceeding the specified value.

4 (e) Sentence.

5 (1) Identity theft.

6 (A) A person convicted of identity theft in
7 violation of paragraph (1) of subsection (a) shall be
8 sentenced as follows:

9 (i) Identity theft of credit, money, goods,
10 services, or other property not exceeding \$300 in
11 value is a Class 4 felony. A person who has been
12 previously convicted of identity theft of less
13 than \$300 who is convicted of a second or
14 subsequent offense of identity theft of less than
15 \$300 is guilty of a Class 3 felony. A person who
16 has been convicted of identity theft of less than
17 \$300 who has been previously convicted of any type
18 of theft, robbery, armed robbery, burglary,
19 residential burglary, possession of burglary
20 tools, home invasion, home repair fraud,
21 aggravated home repair fraud, or financial
22 exploitation of an elderly or disabled person is
23 guilty of a Class 3 felony. Identity theft of
24 credit, money, goods, services, or other property
25 not exceeding \$300 in value when the victim of the
26 identity theft is an active duty member of the

1 Armed Services or Reserve Forces of the United
2 States or of the Illinois National Guard serving in
3 a foreign country is a Class 3 felony. A person who
4 has been previously convicted of identity theft of
5 less than \$300 who is convicted of a second or
6 subsequent offense of identity theft of less than
7 \$300 when the victim of the identity theft is an
8 active duty member of the Armed Services or Reserve
9 Forces of the United States or of the Illinois
10 National Guard serving in a foreign country is
11 guilty of a Class 2 felony. A person who has been
12 convicted of identity theft of less than \$300 when
13 the victim of the identity theft is an active duty
14 member of the Armed Services or Reserve Forces of
15 the United States or of the Illinois National Guard
16 serving in a foreign country who has been
17 previously convicted of any type of theft,
18 robbery, armed robbery, burglary, residential
19 burglary, possession of burglary tools, home
20 invasion, home repair fraud, aggravated home
21 repair fraud, or financial exploitation of an
22 elderly or disabled person is guilty of a Class 2
23 felony.

24 (ii) Identity theft of credit, money, goods,
25 services, or other property exceeding \$300 and not
26 exceeding \$2,000 in value is a Class 3 felony.

1 Identity theft of credit, money, goods, services,
2 or other property exceeding \$300 and not exceeding
3 \$2,000 in value when the victim of the identity
4 theft is an active duty member of the Armed
5 Services or Reserve Forces of the United States or
6 of the Illinois National Guard serving in a foreign
7 country is a Class 2 felony.

8 (iii) Identity theft of credit, money, goods,
9 services, or other property exceeding \$2,000 and
10 not exceeding \$10,000 in value is a Class 2 felony.
11 Identity theft of credit, money, goods, services,
12 or other property exceeding \$2,000 and not
13 exceeding \$10,000 in value when the victim of the
14 identity theft is an active duty member of the
15 Armed Services or Reserve Forces of the United
16 States or of the Illinois National Guard serving in
17 a foreign country is a Class 1 felony.

18 (iv) Identity theft of credit, money, goods,
19 services, or other property exceeding \$10,000 and
20 not exceeding \$100,000 in value is a Class 1
21 felony. Identity theft of credit, money, goods,
22 services, or other property exceeding \$10,000 and
23 not exceeding \$100,000 in value when the victim of
24 the identity theft is an active duty member of the
25 Armed Services or Reserve Forces of the United
26 States or of the Illinois National Guard serving in

1 a foreign country is a Class X felony.

2 (v) Identity theft of credit, money, goods,
3 services, or other property exceeding \$100,000 in
4 value is a Class X felony.

5 (B) A person convicted of any offense enumerated in
6 paragraphs (2) through (7.5) of subsection (a) is
7 guilty of a Class 3 felony. A person convicted of any
8 offense enumerated in paragraphs (2) through (7.5) of
9 subsection (a) when the victim of the identity theft is
10 an active duty member of the Armed Services or Reserve
11 Forces of the United States or of the Illinois National
12 Guard serving in a foreign country is guilty of a Class
13 2 felony.

14 (C) A person convicted of any offense enumerated in
15 paragraphs (2) through (5) and (7.5) of subsection (a)
16 a second or subsequent time is guilty of a Class 2
17 felony. A person convicted of any offense enumerated in
18 paragraphs (2) through (5) and (7.5) of subsection (a)
19 a second or subsequent time when the victim of the
20 identity theft is an active duty member of the Armed
21 Services or Reserve Forces of the United States or of
22 the Illinois National Guard serving in a foreign
23 country is guilty of a Class 1 felony.

24 (D) A person who, within a 12-month period, is
25 found in violation of any offense enumerated in
26 paragraphs (2) through (7.5) of subsection (a) with

1 respect to the identifiers of, or other information
2 relating to, 3 or more separate individuals, at the
3 same time or consecutively, is guilty of a Class 2
4 felony. A person who, within a 12-month period, is
5 found in violation of any offense enumerated in
6 paragraphs (2) through (7.5) of subsection (a) with
7 respect to the identifiers of, or other information
8 relating to, 3 or more separate individuals, at the
9 same time or consecutively, when the victim of the
10 identity theft is an active duty member of the Armed
11 Services or Reserve Forces of the United States or of
12 the Illinois National Guard serving in a foreign
13 country is guilty of a Class 1 felony.

14 (E) A person convicted of identity theft in
15 violation of paragraph (2) of subsection (a) who uses
16 any personal identification information or personal
17 identification document of another to purchase
18 methamphetamine manufacturing material as defined in
19 Section 10 of the Methamphetamine Control and
20 Community Protection Act with the intent to unlawfully
21 manufacture methamphetamine is guilty of a Class 2
22 felony for a first offense and a Class 1 felony for a
23 second or subsequent offense. A person convicted of
24 identity theft in violation of paragraph (2) of
25 subsection (a) who uses any personal identification
26 information or personal identification document of

1 another to purchase methamphetamine manufacturing
2 material as defined in Section 10 of the
3 Methamphetamine Control and Community Protection Act
4 with the intent to unlawfully manufacture
5 methamphetamine when the victim of the identity theft
6 is an active duty member of the Armed Services or
7 Reserve Forces of the United States or of the Illinois
8 National Guard serving in a foreign country is guilty
9 of a Class 1 felony for a first offense and a Class X
10 felony for a second or subsequent offense.

11 (F) A person convicted of identity theft in
12 violation of paragraph (8) of subsection (a) of this
13 Section is guilty of a Class 4 felony.

14 (2) Aggravated identity theft.

15 (A) Aggravated identity theft of credit, money,
16 goods, services, or other property not exceeding \$300
17 in value is a Class 3 felony.

18 (B) Aggravated identity theft of credit, money,
19 goods, services, or other property exceeding \$300 and
20 not exceeding \$10,000 in value is a Class 2 felony.

21 (C) Aggravated identity theft of credit, money,
22 goods, services, or other property exceeding \$10,000
23 in value and not exceeding \$100,000 in value is a Class
24 1 felony.

25 (D) Aggravated identity theft of credit, money,
26 goods, services, or other property exceeding \$100,000

1 in value is a Class X felony.

2 (E) Aggravated identity theft for a violation of
3 any offense enumerated in paragraphs (2) through (7.5)
4 of subsection (a) of this Section is a Class 2 felony.

5 (F) Aggravated identity theft when a person who,
6 within a 12-month period, is found in violation of any
7 offense enumerated in paragraphs (2) through (7.5) of
8 subsection (a) of this Section with identifiers of, or
9 other information relating to, 3 or more separate
10 individuals, at the same time or consecutively, is a
11 Class 1 felony.

12 (G) A person who has been previously convicted of
13 aggravated identity theft regardless of the value of
14 the property involved who is convicted of a second or
15 subsequent offense of aggravated identity theft
16 regardless of the value of the property involved is
17 guilty of a Class X felony.

18 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-333, eff.
19 8-12-11, and 97-388, eff. 1-1-12; 97-1109, eff. 1-1-13.)

20 Section 140. The Consumer Fraud and Deceptive Business
21 Practices Act is amended by changing Section 2Z as follows:

22 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

23 Sec. 2Z. Violations of other Acts. Any person who knowingly
24 violates the Automotive Repair Act, the Automotive Collision

1 Repair Act, the Home Repair and Remodeling Act, the Dance
2 Studio Act, the Physical Fitness Services Act, the Hearing
3 Instrument Consumer Protection Act, the Illinois Union Label
4 Act, the Job Referral and Job Listing Services Consumer
5 Protection Act, the Travel Promotion Consumer Protection Act,
6 the Credit Services Organizations Act, the Automatic Telephone
7 Dialers Act, the Pay-Per-Call Services Consumer Protection
8 Act, the Telephone Solicitations Act, the Illinois Funeral or
9 Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care
10 Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales
11 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
12 the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
13 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
14 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
15 Internet Caller Identification Act, paragraph (6) of
16 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
17 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,
18 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
19 Residential Real Property Disclosure Act, the Automatic
20 Contract Renewal Act, ~~or~~ the Personal Information Protection
21 Act, or Section 100 of the Fire Alarm Service Professional
22 Licensing Act commits an unlawful practice within the meaning
23 of this Act.

24 (Source: P.A. 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11;
25 96-1376, eff. 7-29-10; 97-333, eff. 8-12-11.)