

1 AMENDMENT TO HOUSE BILL 2148

2 AMENDMENT NO. _____. Amend House Bill 2148, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Plumbing License Law is amended
6 by changing Sections 1, 2, 3, 8, 20, and 29.5 and by adding
7 Section 13.1 as follows:

8 (225 ILCS 320/1) (from Ch. 111, par. 1101)

9 Sec. 1. Purpose. It has been established by scientific
10 evidence that improper plumbing can result in the
11 introduction of pathogenic organisms into the potable water
12 supply, result in the escape of toxic gases into the
13 environment, and result in potentially lethal disease and
14 epidemic. It is further found that minimum numbers of
15 plumbing facilities and fixtures are necessary for the
16 comfort and convenience of workers and persons in public
17 places.

18 Consistent with its duty to safeguard the health of the
19 people of this State, the General Assembly therefore declares
20 that the regulation of plumbing and the plumbing trade is
21 necessary for the protection of the public health,
22 convenience, and welfare. The General Assembly therefore

1 declares that individuals who plan, inspect, install, alter,
2 extend, repair and maintain plumbing systems shall be
3 individuals of proven skill. Further, the General Assembly
4 declares that a guide for the minimum control and number of
5 plumbing materials and fixtures, the design of plumbing
6 systems, and the construction and installation methods of
7 plumbing systems is essential for the protection of public
8 health and convenience. In order to insure plumbing skill and
9 to authoritatively establish what shall be good plumbing
10 practice, this Act provides for the licensing of plumbers and
11 registration of plumbing contractors and for the promulgation
12 of a Minimum Plumbing Code of standards by the Department.⁷
13 This Act is therefore declared to be essential to the public
14 interest.

15 (Source: P.A. 87-885.)

16 (225 ILCS 320/2) (from Ch. 111, par. 1102)

17 Sec. 2. When used in this Act:

18 "Agent" means a person designated by a sponsor as
19 responsible for supervision of an apprentice plumber and who
20 is also an Illinois licensed plumber.

21 "Apprentice plumber" means any licensed person who is
22 learning and performing plumbing under the supervision of a
23 sponsor or his agent in accordance with the provisions of
24 this Act.

25 "Approved apprenticeship program" means an apprenticeship
26 program approved by the U.S. Department of Labor's Bureau of
27 Apprenticeship and Training and the Department under rules.

28 "Board" means the Illinois State Board of Plumbing
29 Examiners.

30 "Building drain" means that part of the lowest horizontal
31 piping of a drainage system that receives the discharge from
32 soil, waste, and other drainage pipes inside the walls of a
33 building and conveys it to 5 feet beyond the foundation walls

1 where it is connected to the building sewer.

2 "Building sewer" means that part of the horizontal piping
3 of a drainage system that extends from the end of the
4 building drain, receives the discharge of the building drain
5 and conveys it to a public sewer or private sewage disposal
6 system.

7 "Department" means the Illinois Department of Public
8 Health.

9 "Director" means the Director of the Illinois Department
10 of Public Health.

11 "Governmental unit" means a city, village, incorporated
12 town, county, or sanitary or water district.

13 "Irrigation contractor" means a person who installs or
14 supervises the installation of lawn sprinkler systems subject
15 to Section 2.5 of this Act, other than a licensed plumber or
16 a licensed apprentice plumber.

17 "Lawn sprinkler system" means any underground irrigation
18 system of lawn, shrubbery and other vegetation from any
19 potable water sources; and from any water sources, whether or
20 not potable, in: (i) any county with a population of
21 3,000,000 or more; (ii) any county with a population of
22 275,000 or more which is contiguous in whole or in part to a
23 county with a population of 3,000,000 or more; and (iii) any
24 county with a population of 37,000 or more but less than
25 150,000 which is contiguous to 2 or more counties with
26 respective populations in excess of 275,000. "Lawn sprinkler
27 system" includes without limitation the water supply piping,
28 valves, and sprinkler heads or other irrigation outlets, but
29 does not include the backflow prevention device. "Lawn
30 sprinkler system" does not include an irrigation system used
31 primarily for agricultural purposes.

32 "Person" means any natural person, firm, corporation,
33 partnership, or association.

34 "Plumber" means any licensed person authorized to perform

1 plumbing as defined in this Act, but does not include retired
2 plumbers as defined in this Act.

3 "Plumbing" means the actual installation, repair,
4 maintenance, alteration or extension of a plumbing system by
5 any person.

6 "Plumbing" includes all piping, fixtures, appurtenances
7 and appliances for a supply of water for all purposes,
8 including without limitation lawn sprinkler systems and
9 backflow prevention devices connected to lawn sprinkler
10 systems, from the source of a private water supply on the
11 premises or from the main in the street, alley or at the curb
12 to, within and about any building or buildings where a person
13 or persons live, work or assemble.

14 "Plumbing" includes all piping, from discharge of pumping
15 units to and including pressure tanks in water supply
16 systems.

17 "Plumbing" includes all piping, fixtures, appurtenances,
18 and appliances for a building drain and a sanitary drainage
19 and related ventilation system of any building or buildings
20 where a person or persons live, work or assemble from the
21 point of connection of such building drain to the building
22 sewer or private sewage disposal system 5 feet beyond the
23 foundation walls.

24 "Plumbing" does not mean or include the trade of
25 drain-laying, the trade of drilling water wells which
26 constitute the sources of private water supplies, and of
27 making connections between such wells and pumping units in
28 the water supply systems of buildings served by such private
29 water supplies, or the business of installing water softening
30 equipment and of maintaining and servicing the same, or the
31 business of manufacturing or selling plumbing fixtures,
32 appliances, equipment or hardware, or to the installation and
33 servicing of electrical equipment sold by a not-for-profit
34 corporation providing electrification on a cooperative basis,

1 that either on or before January 1, 1971, is or has been
2 financed in whole or in part under the federal Rural
3 Electrification Act of 1936 and the Acts amendatory thereof
4 and supplementary thereto, to its members for use on farms
5 owned by individuals or operated by individuals, nor does it
6 mean or include minor repairs which do not require changes in
7 the piping to or from plumbing fixtures or involve the
8 removal, replacement, installation or re-installation of any
9 pipe or plumbing fixtures. Plumbing does not include the
10 installation, repair, maintenance, alteration or extension of
11 building sewers.

12 "Plumbing contractor" means any person who performs
13 plumbing, as defined in this Act, for another person.

14 "Plumbing contractor" shall not include licensed plumbers and
15 licensed apprentice plumbers who either are employed by
16 persons engaged in the plumbing business or are employed by
17 another person for the performance of plumbing solely for
18 that other person, including, but not limited to, a hospital,
19 university, or business maintenance staff.

20 "Plumbing fixtures" means installed receptacles, devices
21 or appliances that are supplied with water or that receive or
22 discharge liquids or liquid borne wastes, with or without
23 discharge into the drainage system with which they may be
24 directly or indirectly connected.

25 "Plumbing system" means the water service, water supply
26 and distribution pipes; plumbing fixtures and traps; soil,
27 waste and vent pipes; building drains; including their
28 respective connections, devices and appurtenances.

29 "Plumbing system" does not include building sewers as
30 defined in this Act.

31 "Retired plumber" means any licensed plumber in good
32 standing who meets the requirements of this Act and the
33 requirements prescribed by Department rule to be licensed as
34 a retired plumber and voluntarily surrenders his plumber's

1 license to the Department, in exchange for a retired
2 plumber's license. Retired plumbers cannot perform plumbing
3 as defined in this Act, cannot sponsor or supervise
4 apprentice plumbers, and cannot inspect plumbing under this
5 Act. A retired plumber cannot fulfill the requirements of
6 subsection (3) of Section 3 of this Act.

7 "Supervision" with respect to first and second year
8 licensed apprentice plumbers means that such apprentices must
9 perform all designing and planning of plumbing systems and
10 all plumbing as defined in this Act under the direct personal
11 supervision of the sponsor or his or her agent who must also
12 be an Illinois licensed plumber, except for maintenance and
13 repair work on existing plumbing systems done by second year
14 apprentice plumbers; provided that before performing any
15 maintenance and repair work without such supervision, such
16 apprentice has received the minimum number of hours of annual
17 classroom instruction recommended by the United States
18 Department of Labor's Bureau of Apprenticeship and Training
19 for apprentice plumbers in a Bureau of Apprenticeship and
20 Training approved plumber apprenticeship program or its
21 equivalent. "Supervision" with respect to all other
22 apprentice plumbers means that, except for maintenance and
23 repair work on existing plumbing systems, any plumbing done
24 by such apprentices must be inspected daily, after initial
25 rough-in and after completion by the sponsor or his or her
26 agent who is also an Illinois licensed plumber. In addition,
27 all repair and maintenance work done by a licensed apprentice
28 plumber on an existing plumbing system must be approved by
29 the sponsor or his or her agent who is also an Illinois
30 licensed plumber.

31 "Sponsor" is an Illinois licensed plumber or an approved
32 apprenticeship program that has accepted an individual as an
33 Illinois licensed apprentice plumber for education and
34 training in the field of plumbing and whose name and license

1 number or apprenticeship program number shall appear on the
2 individual's application for an apprentice plumber's license.

3 "Sponsored" means that each Illinois licensed apprentice
4 plumber has been accepted by an Illinois licensed plumber or
5 an approved apprenticeship program for apprenticeship
6 training.

7 "Telecommunications carrier" means a telecommunications
8 carrier as defined in the Public Utilities Act.

9 (Source: P.A. 91-184, eff. 1-1-00; 91-678, eff. 1-26-00.)

10 (225 ILCS 320/3) (from Ch. 111, par. 1103)

11 Sec. 3. (1) All planning and designing of plumbing
12 systems and all plumbing shall be performed only by plumbers
13 licensed under the provisions of this Act hereinafter called
14 "licensed plumbers" and "licensed apprentice plumbers". The
15 inspection of plumbing and plumbing systems shall be done
16 only by the sponsor or his or her agent who shall be an
17 Illinois licensed plumber. Nothing herein contained shall
18 prohibit licensed plumbers or licensed apprentice plumbers
19 under supervision from planning, designing, inspecting,
20 installing, repairing, maintaining, altering or extending
21 building sewers in accordance with this Act. No person who
22 holds a license or certificate of registration under the
23 Illinois Architecture Practice Act of 1989, or the Structural
24 Engineering Practice Act of 1989, or the Professional
25 Engineering Practice Act of 1989 shall be prevented from
26 planning and designing plumbing systems.

27 (2) Nothing herein contained shall prohibit the owner
28 occupant or lessee occupant of a single family residence, or
29 the owner of a single family residence under construction for
30 his or her occupancy, from planning, installing, altering or
31 repairing the plumbing system of such residence, provided
32 that (i) such plumbing shall comply with the minimum
33 standards for plumbing contained in the Illinois State

1 Plumbing Code, and shall be subject to inspection by the
2 Department or the local governmental unit if it retains a
3 licensed plumber as an inspector; and (ii) such owner, owner
4 occupant or lessee occupant shall not employ other than a
5 plumber licensed pursuant to this Act to assist him or her.

6 For purposes of this subsection, a person shall be
7 considered an "occupant" if and only if he or she has taken
8 possession of and is living in the premises as his or her
9 bona fide sole and exclusive residence, or, in the case of
10 an owner of a single family residence under construction for
11 his or her occupancy, he or she expects to take possession of
12 and live in the premises as his or her bona fide sole and
13 exclusive residence, and he or she has a current intention to
14 live in such premises as his or her bona fide sole and
15 exclusive residence for a period of not less than 6 months
16 after the completion of the plumbing work performed pursuant
17 to the authorization of this subsection, or, in the case of
18 an owner of a single family residence under construction for
19 his or her occupancy, for a period of not less than 6 months
20 after the completion of construction of the residence.
21 Failure to possess and live in the premises as a sole and
22 exclusive residence for a period of 6 months or more shall
23 create a rebuttable presumption of a lack of such intention.

24 (3) The employees of a firm, association, partnership or
25 corporation who engage in plumbing shall be licensed plumbers
26 or licensed apprentice plumbers. At least one member of every
27 firm, association or partnership engaged in plumbing work,
28 and at least one corporate officer of every corporation
29 engaged in plumbing work, as the case may be, shall be a
30 licensed plumber. A retired plumber cannot fulfill the
31 requirements of this subsection (3). Plumbing contractors
32 are also required to be registered pursuant to the provisions
33 of this Act.

34 Notwithstanding the provisions of this subsection (3), it

1 shall be lawful for an irrigation contractor registered under
2 Section 2.5 of this Act to employ or contract with one or
3 more licensed plumbers in connection with work on lawn
4 sprinkler systems pursuant to Section 2.5 of this Act.

5 (4) (a) A licensed apprentice plumber shall plan, design
6 and install plumbing only under the supervision of the
7 sponsor or his or her agent who is also an Illinois
8 licensed plumber.

9 (b) An applicant for licensing as an apprentice
10 plumber shall be at least 16 years of age and apply on
11 the application form provided by the Department. Such
12 application shall verify that the applicant is sponsored
13 by an Illinois licensed plumber or an approved
14 apprenticeship program and shall contain the name and
15 license number of the licensed plumber or program
16 sponsor.

17 (c) No licensed plumber shall sponsor more than 2
18 licensed apprentice plumbers at the same time. If 2
19 licensed apprentice plumbers are sponsored by a plumber
20 at the same time, one of the apprentices must have, at a
21 minimum, 2 years experience as a licensed apprentice. No
22 licensed plumber sponsor or his or her agent may
23 supervise 2 licensed apprentices with less than 2 years
24 experience at the same time. The sponsor or agent shall
25 supervise and be responsible for the plumbing performed
26 by a licensed apprentice.

27 (d) No agent shall supervise more than 2 licensed
28 apprentices at the same time.

29 (e) No licensed plumber may, in any capacity,
30 supervise more than 2 licensed apprentice plumbers at the
31 same time.

32 (f) No approved apprenticeship program may sponsor
33 more licensed apprentices than 2 times the number of
34 licensed plumbers available to supervise those licensed

1 apprentices.

2 (g) No approved apprenticeship program may sponsor
3 more licensed apprentices with less than 2 years
4 experience than it has licensed plumbers available to
5 supervise those licensed apprentices.

6 (h) No individual shall work as an apprentice
7 plumber unless he or she is properly licensed under this
8 Act. The Department shall issue an apprentice plumber's
9 license to each approved applicant.

10 (i) No licensed apprentice plumber shall serve more
11 than a 6 year licensed apprenticeship period. If, upon
12 completion of a 6 year licensed apprenticeship period,
13 such licensed apprentice plumber does not apply for the
14 examination for a plumber's license and successfully pass
15 the examination for a plumber's license, his or her
16 apprentice plumber's license shall not be renewed.

17 Nothing contained in P.A. 83-878, entitled "An Act in
18 relation to professions", approved September 26, 1983, was
19 intended by the General Assembly nor should it be construed
20 to require the employees of a governmental unit or privately
21 owned municipal water supplier who operate, maintain or
22 repair a water or sewer plant facility which is owned or
23 operated by such governmental unit or privately owned
24 municipal water supplier to be licensed plumbers under this
25 Act. In addition, nothing contained in P.A. 83-878 was
26 intended by the General Assembly nor should it be construed
27 to permit persons other than licensed plumbers to perform the
28 installation, repair, maintenance or replacement of plumbing
29 fixtures, such as toilet facilities, floor drains, showers
30 and lavatories, and the piping attendant to those fixtures,
31 within such facility or in the construction of a new
32 facility.

33 Nothing contained in P.A. 83-878, entitled "An Act in
34 relation to professions", approved September 26, 1983, was

1 intended by the General Assembly nor should it be construed
2 to require the employees of a governmental unit or privately
3 owned municipal water supplier who install, repair or
4 maintain water service lines from water mains in the street,
5 alley or curb line to private property lines and who install,
6 repair or maintain water meters to be licensed plumbers under
7 this Act if such work was customarily performed prior to the
8 effective date of such Act by employees of such governmental
9 unit or privately owned municipal water supplier who were not
10 licensed plumbers. Any such work which was customarily
11 performed prior to the effective date of such Act by persons
12 who were licensed plumbers or subcontracted to persons who
13 were licensed plumbers must continue to be performed by
14 persons who are licensed plumbers or subcontracted to persons
15 who are licensed plumbers. When necessary under this Act,
16 the Department shall make the determination whether or not
17 persons who are licensed plumbers customarily performed such
18 work.

19 (Source: P.A. 91-91, eff. 1-1-00; 91-678, eff. 1-26-00.)

20 (225 ILCS 320/8) (from Ch. 111, par. 1107)

21 Sec. 8. The Director shall:

22 (1) Prepare forms for application for examination for a
23 plumber's license.

24 (2) Prepare and issue licenses as provided in this Act.

25 (3) With the aid of the Board prescribe rules and
26 regulations for examination of applicants for plumber's
27 licenses.

28 (4) With the aid of the Board prepare and give uniform
29 and comprehensive examinations to applicants for a plumber's
30 license which shall test their knowledge and qualifications
31 in the planning and design of plumbing systems, their
32 knowledge, qualifications, and manual skills in plumbing, and
33 their knowledge of the State's minimum code of standards

1 relating to fixtures, materials, design and installation
2 methods of plumbing systems, promulgated pursuant to this
3 Act.

4 (5) Issue a plumber's license and license renewal to
5 every applicant who has passed the examination and who has
6 paid the required license and renewal fee.

7 (6) Prescribe rules for hearings to deny, suspend,
8 revoke or reinstate licenses as provided in this Act.

9 (7) Maintain a current record showing (a) the names and
10 addresses of registered plumbing contractors, licensed
11 plumbers, licensed apprentice plumbers, and licensed retired
12 plumbers, (b) the dates of issuance of licenses, (c) the date
13 and substance of the charges set forth in any hearing for
14 denial, suspension or revocation of any license, (d) the date
15 and substance of the final order issued upon each such
16 hearing, and (e) the date and substance of all petitions for
17 reinstatement of license and final orders on such petitions.

18 (8) Prescribe, in consultation with the Board, uniform
19 and reasonable rules defining what constitutes an approved
20 course of instruction in plumbing, in colleges, universities,
21 or trade schools, and approve or disapprove the courses of
22 instruction offered by such colleges, universities, or trade
23 schools by reference to their compliance or noncompliance
24 with such rules. Such rules shall be designed to assure that
25 an approved course of instruction will adequately teach the
26 design, planning, installation, replacement, extension,
27 alteration and repair of plumbing.

28 (Source: P.A. 89-665, eff. 8-14-96.)

29 (225 ILCS 320/13.1 new)

30 Sec. 13.1. Plumbing contractors; registration;
31 applications.

32 (1) On and after May 1, 2002, all persons or
33 corporations desiring to engage in the business of

1 plumbing contractor, other than any entity that maintains
2 an audited net worth of shareholders' equity equal to or
3 exceeding \$100,000,000, shall register in accordance with
4 the provisions of this Act.

5 (2) Application for registration shall be filed
6 with the Department each year, on or before the last day
7 of April, in writing and on forms prepared and furnished
8 by the Department. All plumbing contractor registrations
9 expire on the last day of April of each year.

10 (3) Applications shall contain the name, address,
11 and telephone number of the person and the plumbing
12 license of (i) the individual, if a sole proprietorship;
13 (ii) the partner, if a partnership; or (iii) an officer,
14 if a corporation. The application shall contain the
15 business name, address, and telephone number, a current
16 copy of the plumbing license, and any other information
17 the Department may require by rule.

18 (4) Applicants shall submit an original certificate
19 of insurance documenting that the contractor carries
20 general liability insurance with a minimum of \$100,000
21 per occurrence, bodily injury insurance with a minimum of
22 \$300,000 per occurrence, property damage insurance with a
23 minimum of \$50,000, and workers compensation insurance
24 with a minimum \$500,000. No registration may be issued
25 in the absence of this certificate. Certificates must be
26 in force at all times for registration to remain valid.

27 (5) Applicants shall submit, on a form provided by
28 the Department, an indemnification bond in the amount of
29 \$20,000 or a letter of credit in the same amount for work
30 performed in accordance with this Act and the rules
31 promulgated under this Act.

32 (6) All employees of a registered plumbing
33 contractor who engage in plumbing work shall be licensed
34 plumbers or apprentice plumbers in accordance with this

1 Act.

2 (7) Plumbing contractors shall submit an annual
3 registration fee in an amount to be established by rule.

4 (8) The Department shall be notified in advance of
5 any changes in the business structure, name, or location
6 or of the addition or deletion of the owner or officer
7 who is the licensed plumber listed on the application.
8 Failure to notify the Department of this information is
9 grounds for suspension or revocation of the plumbing
10 contractor's registration.

11 (9) In the event that the plumber's license on the
12 application for registration of a plumbing contractor is
13 a license issued by City of Chicago, it shall be the
14 responsibility of the applicant to forward a copy of the
15 plumber's license to the Department, noting the name of
16 the registered plumbing contractor, when it is renewed.

17 (225 ILCS 320/20) (from Ch. 111, par. 1119)

18 Sec. 20. Grounds for discipline. (1) The Director may
19 deny, revoke or suspend a license or registration when
20 findings show one or more of the following:

21 (a) That the licensee or registrant obtained or
22 conspired with others to obtain a license or registration
23 by inducing the issuance thereof in consideration of the
24 payment of money or delivery of any other thing of value
25 or by and through misrepresentation of facts.

26 (b) That the licensee or registrant willfully
27 violated any law of this State or any rule, regulation or
28 code promulgated thereunder regulating plumbing, licensed
29 or registered plumbing contractors, licensed plumbers,
30 licensed apprentice plumbers, licensed retired plumbers,
31 water well pump installations and private sewage disposal
32 systems.

33 (c) That the licensee or registrant has been

1 guilty of negligence or incompetence in the performance
2 of plumbing.

3 (d) That the licensee or registrant has loaned or
4 in any manner transferred his or her license to another
5 person.

6 (e) That the sponsor or his or her agent has failed
7 to properly supervise a licensed apprentice plumber.

8 (f) That the owner or officer of a registered
9 plumbing contractor failed to maintain a valid plumbing
10 license.

11 (g) That the registered plumbing contractor used a
12 plumbing license without the permission of the licensee.

13 (2) If a license is suspended or revoked, the license
14 shall be surrendered to the Department but, if suspended, it
15 shall be returned to the licensee upon the termination of the
16 suspension period.

17 The Department may refuse to issue or may suspend the
18 license of any person who fails to file a return, or to pay
19 the tax, penalty or interest shown in a filed return, or to
20 pay any final assessment of tax, penalty or interest, as
21 required by any tax Act administered by the Illinois
22 Department of Revenue, until such time as the requirements of
23 any such tax Act are satisfied.

24 (Source: P.A. 87-885.)

25 (225 ILCS 320/29.5)

26 Sec. 29.5. Unlicensed and unregistered practice;
27 violation; civil penalty.

28 (a) A person who practices, offers to practice, attempts
29 to practice, or holds himself or herself out to practice as a
30 plumber or plumbing contractor without being licensed or
31 registered under this Act, or as an irrigation contractor
32 without being registered under this Act, shall, in addition
33 to any other penalty provided by law, pay a civil penalty to

1 the Department in an amount not to exceed \$5,000 for each
2 offense as determined by the Department. The civil penalty
3 shall be assessed by the Department after a hearing is held
4 in accordance with the provisions set forth in this Act
5 regarding the provision of a hearing for the discipline of a
6 licensee or registrant.

7 (b) The Department has the authority and power to
8 investigate any person who practices, offers to practice,
9 attempts to practice, or holds himself or herself out to
10 practice as a plumber or plumbing contractor without being
11 licensed or registered under this Act, or as an irrigation
12 contractor without being registered under this Act.

13 (c) The civil penalty shall be paid within 60 days after
14 the effective date of the order imposing the civil penalty.
15 The order shall constitute a judgment and may be filed and
16 execution had on the judgment in the same manner as a
17 judgment from a court of record. All fines and penalties
18 collected by the Department under this Section of the Act and
19 accrued interest shall be deposited into the Plumbing
20 Licensure and Program Fund for use by the Department in
21 performing activities relating to the administration and
22 enforcement of this Act.

23 (Source: P.A. 90-714, eff. 8-7-98; 91-678, eff. 1-26-00.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."