

1 AN ACT creating the Fire Sprinkler Contractor Licensing
2 Act.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 1. Short title. This Act may be cited as the
6 Fire Sprinkler Contractor Licensing Act.

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

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 20 of this
20 Act.

21 "Fire sprinkler contractor" means a person who holds
22 himself or herself out to be in the business of or contracts
23 with a person to install or repair a fire sprinkler system.

24 "Fire sprinkler system" means any water-based automatic
25 fire extinguishing system employing fire sprinklers,
26 including accessory fire pumps and associated piping, fire
27 standpipes, or underground fire main systems starting at the
28 connection to the water service after the approved backflow
29 device is installed under the requirements of the Illinois
30 Plumbing Code and ending at the most remote fire sprinkler.

1 "Fire sprinkler system" includes but is not limited to a fire
2 sprinkler system in a residential, commercial, institutional,
3 educational, public, or private occupancy. "Fire sprinkler
4 system" does not include single sprinkler heads that are in a
5 loop of the potable water system, as referenced in 77 Ill.
6 Adm. Code 890.1130 and 890.1200.

7 "Licensee" means a person or business organization
8 licensed in accordance with this Act.

9 "NICET" means the National Institute for Certification in
10 Engineering Technologies.

11 "Person" means an individual, group of individuals,
12 association, trust, partnership, corporation, person doing
13 business under an assumed name, the State of Illinois, or
14 department thereof, any other state-owned and operated
15 institution, or any other entity.

16 "Supervision" means the direction and management by a
17 designated certified person of the activities of
18 non-certified personnel in the installation or repair of fire
19 sprinkler systems.

20 Section 12. License; enforcement; failure to pay tax.
21 No person shall act as a fire sprinkler contractor, or
22 advertise or assume to act as such, or use any title implying
23 that such person is engaged in such practice or occupation
24 unless licensed by the State Fire Marshal.

25 No firm, association, or corporation shall act as an
26 agency licensed under this Act, or advertise or assume to act
27 as such, or use any title implying that the firm,
28 association, or corporation is engaged in such practice,
29 unless licensed by the State Fire Marshal.

30 The State Fire Marshal, in the name of the People and
31 through the Attorney General, the State's Attorney of any
32 county, any resident of the State, or any legal entity within
33 the State may apply for injunctive relief in any court to

1 enjoin any person who has not been issued a license or whose
2 license has been suspended, revoked, or not renewed from
3 practicing a licensed activity, and upon the filing of a
4 verified petition, the court, if satisfied by affidavit or
5 otherwise, that such person is or has been practicing in
6 violation of this Act may enter a temporary restraining order
7 or preliminary injunction, without bond, enjoining the
8 defendant from such further activity. A copy of the verified
9 complaint shall be served upon the defendant and the
10 proceedings shall thereafter be conducted as in other civil
11 cases. If it is established that the defendant has been or
12 is practicing in violation of this Act, the court may enter a
13 judgment perpetually enjoining the defendant from such
14 further activity. In case of violation of any injunctive
15 order or judgment entered under the provisions of this
16 Section, the court may summarily try and punish the offender
17 for contempt of court. Such injunctive proceeding shall be
18 in addition to all penalties and other remedies in this Act.

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

26 Section 15. Licensing requirements.

27 (a) It shall be unlawful for any person or business to
28 engage in, advertise, or hold itself out to be in the
29 business of installing or repairing fire sprinkler systems in
30 this State after 6 months after the effective date of this
31 Act, unless such person or business is licensed by the State
32 Fire Marshal. This license must be renewed every year.

33 (b) In order to obtain a license, a person or business

1 must submit an application to the State Fire Marshal, on a
2 form provided by the State Fire Marshal containing the
3 information prescribed, along with the application fee.

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

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

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

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

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

26 (h) If the applicant requesting licensure to engage in
27 contracting is a business organization, such as a
28 partnership, corporation, business trust, or other legal
29 entity, the application shall state the name of the
30 partnership and its partners, the name of the corporation and
31 its officers and directors, the name of the business trust
32 and its trustees, or the name of such other legal entity and
33 its members and shall furnish evidence of statutory
34 compliance if a fictitious name is used. Such application

1 shall also show that the business entity employs a designated
2 certified person as required under Section 20. The license,
3 when issued upon application of a business organization,
4 shall be in the name of the business organization and the
5 name of the qualifying designated certified person shall be
6 noted thereon.

7 (i) No license is required for a person or business that
8 is engaged in the installation of fire sprinkler systems only
9 in single family or multiple family residential dwellings up
10 to and including 8 family units that do not exceed 2 1/2
11 stories in height from the lowest grade level.

12 Section 20. Designated certified person requirements.

13 (a) A designated certified person must either be a
14 current Illinois licensed professional engineer or hold a
15 valid NICET level 3 or higher certification in "fire
16 protection technology, automatic sprinkler system layout".

17 (b) At least one member of every firm, association, or
18 partnership and at least one corporate officer of every
19 corporation engaged in the installation and repair of fire
20 sprinkler systems must be a designated certified person.

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

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

26 (e) A designated certified person may only be the
27 designated certified person for one business location and one
28 business entity.

29 (f) A designated certified person must be directly
30 involved in supervision. The designated certified person
31 does not, however, have to be at the site of the installation
32 or repair of the fire sprinkler system at all times.

1 Section 25. Change of a designated certified person.
2 When a licensee is without a designated certified person, the
3 licensee shall notify the State Fire Marshal in writing
4 within 30 days and shall employ a designated certified person
5 no later than 180 days from the time the position of
6 designated certified person becomes vacant. Failing to fill
7 the vacant position shall cause the license of the person or
8 of the business organization to expire without further
9 operation of law.

10 Section 30. Requirements for the installation and repair
11 of fire protection systems.

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

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

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

27 (d) All fire sprinkler systems shall have a backflow
28 prevention device or, in a municipality with a population
29 over 500,000, a double detector check assembly installed by a
30 licensed plumber before the fire sprinkler system connection
31 to the water service. Connection to the backflow prevention
32 device or, in a municipality with a population over 500,000,
33 a double detector assembly shall be done in a manner

1 consistent with the Department of Public Health's Plumbing
2 Code.

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

5 Section 35. Fees and required insurance.

6 (a) The fees for an original license and each renewal
7 and for duplicate copies of licenses shall be determined by
8 the State Fire Marshal by rule.

9 (b) Any person who fails to file a renewal application
10 by the date of expiration of a license shall be assessed a
11 late filing charge, which shall be determined by the State
12 Fire Marshal by rule.

13 (c) All fees shall be paid by check or money order. Any
14 fee required by this Act is not refundable in the event that
15 the original application or application for renewal is
16 denied.

17 (d) Every application for an original license shall be
18 accompanied by a certificate of insurance issued by an
19 insurance company authorized to do business in the State of
20 Illinois or by a risk retention or purchasing group formed
21 pursuant to the federal Liability Risk Retention Act of 1986,
22 which provides primary, first dollar public liability
23 coverage of the applicant or licensee for personal injuries
24 for not less than \$500,000 per person or \$1,000,000 per
25 occurrence, and, in addition, for not less than \$1,000,000
26 per occurrence for property damage. The insurance policy
27 shall be in effect at all times during the license year and a
28 new certificate of insurance shall be filed with the State
29 Fire Marshal within 30 days after the renewal of the
30 insurance policy.

31 Section 40. Deposit of fines and fees; appropriation.
32 All administrative civil fines and fees collected pursuant to

1 the Act shall be deposited into the Fire Prevention Fund, a
2 special fund in the State treasury. The General Assembly
3 shall appropriate the amount annually collected as
4 administrative civil fines and fees to the State Fire Marshal
5 for the purposes of administering this Act.

6 Section 45. Home rule. A home rule unit may not
7 regulate the installation and repair of fire sprinkler
8 systems in a manner less restrictive than the regulation by
9 the State on the installation and repair of fire sprinkler
10 systems under this Act. This Section is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.

14 Section 50. Powers and duties of the State Fire Marshal.
15 The State Fire Marshal has all of the following powers and
16 duties:

17 (a) To prescribe and furnish application forms,
18 licenses, and any other forms necessary under this Act.

19 (b) To suspend, revoke, or refuse to issue or renew
20 licenses for cause.

21 (c) To conduct hearings concerning the suspension,
22 revocation, or refusal to issue or renew licenses.

23 (d) To levy and collect fines pursuant to this Act.

24 (e) To promulgate rules and regulations necessary for
25 the administration of this Act.

26 Section 55. Rules; public hearing. Subject to the
27 requirement for public hearings as provided in this Section,
28 the State Fire Marshal shall promulgate, publish, and adopt,
29 and may, from time to time, amend such rules as may be
30 necessary for the proper enforcement of this Act, to protect
31 the health and safety of the public. The State Fire Marshal

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

6 Section 60. Grounds for disciplinary action. The
7 following constitute grounds for disciplinary action by the
8 State Fire Marshal:

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

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 project
15 or operation when, as a result of the diversion, the
16 contractor is, or will be, unable to fulfill the terms of her
17 or his 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 protection system covered by the installation permit signed
23 by the contractor.

24 (6) Rendering a fire protection system, standpipe
25 system, or underground water supply main connecting to the
26 system inoperative except when the fire protection system,
27 standpipe system, or underground water supply main is being
28 inspected, serviced, tested, or repaired or pursuant to court
29 order.

30 (7) Improperly servicing, repairing, testing, or
31 inspecting a fire protection system, standpipe system, or
32 underground water supply main connecting to the system.

33 (8) Failing to provide proof of insurance to the State

1 Fire Marshal or failing to maintain in force the insurance
2 coverage required by this Act.

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

6 (10) Making a material misstatement or misrepresentation
7 or committing a fraud in obtaining or attempting to obtain a
8 license.

9 (11) Failing to notify the State Fire Marshal, in
10 writing, within 30 days after a change of residence address,
11 principal business address, or name.

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

17 (13) Aiding or abetting a person to violate a provision
18 of this Act, conspiring with any person to violate a
19 provision of this Act, or allowing a license to be used by
20 another person.

21 Section 65. Notice; suspension, revocation, or refusal
22 to renew a license.

23 (a) Whenever the State Fire Marshal determines that
24 there are reasonable grounds to believe that a licensee has
25 violated a provision of this Act or the rules adopted under
26 this Act, the State Fire Marshal shall give notice of the
27 alleged violation to the person whom the license was issued.
28 The notice shall (i) be in writing; (ii) include a
29 statement of the alleged violation which necessitates
30 issuance of the notice; (iii) contain an outline of remedial
31 action that, if taken, will effect compliance with the
32 provisions of this Act and the rules adopted under this Act;
33 (iv) prescribe a reasonable time, as determined by the State

1 Fire Marshal, for the performance of any action required by
2 the notice; and (v) be served upon the licensee. The notice
3 shall be deemed to have been properly served upon the person
4 when a copy of the notice has been sent by registered or
5 certified mail to his or her last known address as furnished
6 to the State Fire Marshal or when he or she has been served
7 the notice by any other method authorized by law.

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

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

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

28 (e) In the case of revocation or suspension, the notice
29 shall require the person to remove or abate the violation or
30 objectionable condition specified in the notice within 5
31 days. The State Fire Marshal may specify a longer period of
32 time as it deems necessary. If the person fails to comply
33 with the terms and conditions of the revocation or suspension
34 notice within the time specified by the State Fire Marshal,

1 the State Fire Marshal may revoke or suspend the license.

2 (f) In the case of refusal to issue a license, if the
3 person fails to comply with the Act or rules or standards
4 promulgated under the Act, the State Fire Marshal may refuse
5 to issue a license.

6 Section 70. Administrative hearing. The State Fire
7 Marshal shall give written notice by certified or registered
8 mail to an applicant or licensee of the State Fire Marshal's
9 intent to suspend, revoke, or refuse to issue a license or to
10 assess a fine. Such person has a right to a hearing before
11 the State Fire Marshal. A written notice of a request for a
12 hearing shall be served on the State Fire Marshal within 10
13 days of notice of the refusal, suspension, or revocation of a
14 license or imposition of a fine. The hearing shall be
15 conducted by the State Fire Marshal or a hearing officer
16 designated in writing by the State Fire Marshal. A
17 stenographic record shall be made of the hearing and the cost
18 of the hearing shall be borne by the State Fire Marshal. A
19 transcript of the hearing shall be made only upon request of
20 the applicant or licensee and shall be transcribed at the
21 cost of that person.

22 Section 75. Subpoena powers; administration of oath. The
23 State Fire Marshal or hearing officer may compel by subpoena
24 or subpoena duces tecum the attendance and testimony of
25 witnesses and the production of books and papers. All
26 subpoenas issued by the State Fire Marshal or hearing officer
27 may be served as provided for in a civil action. The fees of
28 witnesses for attendance and travel shall be the same as the
29 fees for witnesses before the circuit court and shall be paid
30 by the party at whose request the subpoena is issued. If such
31 subpoena is issued at the request of the State Fire Marshal,
32 the witness fee shall be paid as an administrative expense.

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

7 The State Fire Marshal or hearing officer has the
8 authority to administer oaths to witnesses.

9 Section 80. Deposition of witnesses; testimony at hearing
10 recorded. In the event of the inability of any party or the
11 State Fire Marshal to procure the attendance of witnesses to
12 give testimony or produce books and papers, the party or the
13 State Fire Marshal may take the deposition of witnesses in
14 accordance with the laws of this State. All testimony taken
15 at a hearing shall be reduced to writing and all such
16 testimony and other evidence introduced at the hearing shall
17 be a part of the record of the hearing.

18 Section 85. Certification of record. The State Fire
19 Marshal is not required to certify any record or file any
20 answer or otherwise appear in any proceeding for judicial
21 review unless the party filing the complaint deposits with
22 the clerk of the court the sum of one dollar per page
23 representing the costs of the certification. Failure on the
24 part of the plaintiff to make the deposit shall be grounds
25 for dismissal of the action.

26 Section 90. Injunction. Faulty fire sprinkler
27 installation and repair is declared a violation of this Act
28 and inimical to the public health, welfare, and safety and a
29 deceptive business practice. The State Fire Marshal, in the
30 name of the People of the State, through the Attorney General
31 or the State's Attorney of the county in which the violation

1 occurs may, in addition to other remedies herein provided,
2 bring an action for an injunction to restrain such violation
3 or enjoin the future performance of the person who committed
4 the violation until compliance with the provisions of this
5 Act has been obtained.

6 Section 95. Penalty. Any person who violates this Act or
7 any rule adopted by the State Fire Marshal, or who violates
8 any determination or order of the State Fire Marshal under
9 this Act shall be guilty of a Class A misdemeanor and shall
10 be fined a sum not less than \$100.

11 Each day's violation constitutes a separate offense. The
12 State's Attorney of the county in which the violation
13 occurred or the Attorney General shall bring such actions in
14 the name of the people of the State of Illinois.

15 Section 100. Administrative civil fines. The State Fire
16 Marshal is empowered to assess administrative civil fines
17 against a licensee for violations of this Act or its rules.
18 These fines shall not be greater than \$1,000 for each
19 offense. These fines shall be in addition to, or in lieu of,
20 license suspensions and revocations. Rules to implement this
21 Section shall be adopted by the State Fire Marshal within 6
22 months after the effective date of this Act.

23 The hearing officer shall, upon determination that a
24 violation of the Act or rules has occurred, determine the
25 amount of these fines. Any fine assessed and not paid within
26 60 days after receiving notice of the fine from the State
27 Fire Marshal may be submitted to the Attorney General's
28 office for collection. Failure to pay a fine shall also be
29 grounds for immediate suspension or revocation of a license
30 issued under this Act.

31 Section 105. Judicial review of final administrative

1 decision. The Administrative Review Law and the rules adopted
2 under the Administrative Review Law apply to and govern all
3 proceedings for judicial review of final administrative
4 decisions of the State Fire Marshal under this Act. Such
5 judicial review shall be had in the circuit court of the
6 county in which the cause of the action arose. The term
7 "administrative decision" is defined in Section 3-101 of the
8 Code of Civil Procedure.

9 Section 110. Illinois Administrative Procedure Act. The
10 provisions of the Illinois Administrative Procedure Act are
11 hereby expressly adopted and shall apply to all
12 administrative rules and procedures of the State Fire Marshal
13 under this Act, except that, in the case of conflict between
14 the Illinois Administrative Procedure Act and this Act, the
15 provisions of this Act shall control, and except that Section
16 5-35 of the Illinois Administrative Procedure Act relating to
17 procedures for rule-making does not apply to the adoption of
18 any rule required by federal law in connection with which the
19 State Fire Marshal is precluded by law from exercising any
20 discretion.

21 Section 115. Severability clause. If any part of this
22 Act is adjudged invalid, such adjudication shall not affect
23 the validity of the Act as a whole or of any other part.

24 Section 120. Grandfather clause. Any person or business
25 that, as of the effective date of this Act, is installing or
26 repairing fire sprinkler systems in the State of Illinois and
27 has a minimum of 3 years of experience in installing or
28 repairing fire sprinkler systems is exempt from having a
29 designated certified person as required in Section 20.

30 Section 999. Effective date. This Act takes effect upon

1 becoming law.