

AN ACT concerning regulation.

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

Section 5. The Fire Sprinkler Contractor Licensing Act is amended by changing Sections 5, 10, 12, 15, 20, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, and 120 and by adding Sections 14, 16, 17, 22, 31, 62, and 116 as follows:

(225 ILCS 317/5)

Sec. 5. Legislative intent. It is declared that within the State of Illinois ~~there are, and may continue to be, locations where~~ the improper service installation or repair of fire sprinkler systems and associated components creates conditions that may adversely affect the public health and general welfare. Therefore, the purpose of this Act is to protect, promote, and preserve the public health and general welfare by providing for the State administrative control, supervision, licensure, and regulation of persons involved in the service of fire sprinkler systems, ensuring that those who hold themselves out as possessing professional qualifications to engage in service of fire sprinkler systems are qualified to render service, and providing for the high standards of professional conduct by those licensed to service fire

sprinkler systems. This Act shall be liberally construed to promote the public interest and to accomplish the purpose stated in this Section. ~~establishment of minimum standards for licensure of fire sprinkler installation contractors.~~

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

(225 ILCS 317/10)

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

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

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

"Fire sprinkler contractor" means a person who holds himself or herself out to be in the business of providing service for a fire sprinkler system or contracts with a person to provide service for ~~install or repair~~ a fire sprinkler system.

"Fire sprinkler contractor license" means a license issued to a qualified fire sprinkler contractor.

"Fire sprinkler inspector" means an individual who is qualified to perform routine inspection or testing of fire sprinkler systems pursuant to Section 17 and who is employed or contracted by a fire sprinkler contractor.

"Fire sprinkler inspector license" means a license issued to a qualified fire sprinkler inspector.

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

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

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

"Office" means the Office of the State Fire Marshal.

"Person" means an individual, group of individuals, association, trust, partnership, corporation, limited

liability company, firm, business, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, or any other entity.

"Responsible managing employee" means the individual designated by the fire sprinkler contractor that is not required to have a designated certified person under Section 120.

"Routine inspection or testing" means inspection or testing to verify the condition of an existing fire sprinkler system at predetermined intervals in accordance with the standards of the National Fire Protection Association.

"Rules" means the rules adopted pursuant to this Act.

"Service" means work on a fire sprinkler system, including, but not limited to, installation, repair, inspection, testing, and maintenance, within the scope of this Act.

"Standards" means those standards or codes referenced in this Act or its rules.

"Supervision" means the direction and management by a designated certified person or responsible managing employee of the activities of non-certified personnel in the service ~~installation or repair~~ of fire sprinkler systems.

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

Sec. 12. Licenses ~~License~~; enforcement; failure to pay tax. No person shall act as a licensee ~~fire-sprinkler contractor~~, or advertise or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the Office ~~State Fire Marshal~~.

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

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

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

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

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

(225 ILCS 317/14 new)

Sec. 14. Fire protection system layout documents. All fire protection system layout documents of fire sprinkler systems shall be prepared by: (1) a professional engineer who is licensed under the Professional Engineering Practice Act of 1989, (2) an architect who is licensed under the Illinois Architecture Practice Act of 1989, or (3) a holder of a valid NICET Level III or IV certification in water-based fire protection systems layout who is either licensed under this Act or employed by an organization licensed under this Act.

(225 ILCS 317/15)

Sec. 15. Licensing requirements.

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

(b) Applications for initial licensure and renewal shall be made to the Office on forms or electronically as prescribed by the Office, and applicants shall pay the license fee. ~~In order to obtain a license, a person or business must submit an application to the State Fire Marshal, on a form provided by the State Fire Marshal containing the information prescribed, along with the application fee.~~

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

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

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

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

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

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

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

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

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

(225 ILCS 317/16 new)

Sec. 16. Fire sprinkler contractor license.

(a) A person applying for a fire sprinkler contractor license shall have a designated certified person who meets the requirements pursuant to Section 20 or a responsible managing employee pursuant to Section 120 employed at the business location. The designated certified person or responsible managing employee shall be identified on the license application.

(b) A person applying for a fire sprinkler contractor license shall show proof of having liability and property damage insurance in such amounts and under such circumstances as may be determined by the Office. The amount of liability and property damage insurance, however, shall not be less than the amount specified in Section 35.

(c) A person applying for a fire sprinkler contractor license shall show proof of having workers' compensation insurance covering its employees or be approved as a self-insurer of workers' compensation in accordance with the laws of this State.

(d) A fire sprinkler contractor licensee shall have a separate license for each business location within the State or outside the State when the business location is responsible for any installation, repair, inspection, testing, maintenance, or service of fire sprinkler systems performed within the State.

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

(f) If the applicant requesting licensure to engage in contracting is a business organization, such as a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or

the name of the other legal entity and its members and shall furnish evidence of statutory compliance if a fictitious name is used. Application for a fire sprinkler contractor license shall also show that the business entity employs a designated certified person or responsible managing employee. The license, when issued upon application of a business organization, shall be in the name of the business organization and the name of the qualifying designated certified person or responsible managing employee shall be noted on the license. Changes to the information required in this Section shall be reported to the Office within 30 days after the change.

(g) Each fire sprinkler contractor shall be subject to requirements for license renewal and continuing education under Section 35.

(225 ILCS 317/17 new)

Sec. 17. Fire sprinkler inspector license; application; minimum qualifications for routine inspection or testing.

(a) Any individual who performs routine inspection or testing of any fire sprinkler system under this Act shall: (i) be employed by a licensed fire sprinkler contractor; and (ii) meet the minimum qualifications of this Section except where the individual is exempted by subsection (c).

Beginning January 1, 2024, any individual who performs routine inspection or testing of any fire sprinkler system

under this Act shall be individually licensed and possess on his or her person a fire sprinkler inspector license including a photo identification issued by the Office.

A person applying for an initial fire sprinkler inspector license or renewing a fire sprinkler inspector license shall demonstrate to the Office proof of minimum qualifications as required by subsection (b) of this Section, except where the individual is exempted by subsection (c).

(b) Any individual who performs routine inspection or testing of any fire sprinkler system under this Act shall possess proof of:

(1) current certification by a nationally recognized certification organization, such as NICET certification in Inspection and Testing of Water Based Systems, at an appropriate level, or the equivalent; on or after the effective date of this amendatory Act of the 102nd General assembly through December 31, 2022, an appropriate level in NICET certification in Inspection and Testing of Water Based Systems shall be level II; on and after January 1, 2023, an appropriate level in NICET certification in Inspection and Testing of Water Based Systems shall be level III;

(2) current ASSE 15010 certification in inspection, testing, and maintenance for water-based fire protection systems by the American Society of Sanitary Engineering;
or

(3) satisfactory completion of a certified sprinkler fitter apprenticeship program approved by the U.S. Department of Labor.

(c) The following are exemptions to the licensing requirements of this Section:

(1) State employees who perform routine inspection or testing on behalf of State institutions and who meet the requirements of subsection (b) need not be licensed under this Section or employed by a fire sprinkler contractor under this Act in order to perform routine inspection or testing duties while engaged in the performance of their official duties.

(2) The requirements of this Section do not apply to individuals performing inspection or testing of fire sprinkler systems on behalf of a municipality, a county, a fire department, a fire protection district, or the Office while engaged in the performance of their official duties.

(3) The requirements of this Section do not apply to a stationary engineer, operating engineer, or other individual employed on a full-time basis by the facility owner or owner's representative performing weekly and monthly inspections and tests in accordance with applicable standards adopted under the rules.

(d) Each fire sprinkler inspector shall be subject to the requirements for license renewal and continuing education under Section 35.

(225 ILCS 317/20)

Sec. 20. Designated certified person requirements; change of a designated certified person.

(a) A designated certified person shall ~~must~~ either be a current Illinois licensed professional engineer pursuant to the Professional Engineering Practice Act of 1989 or hold a valid NICET Level III ~~level 3~~ or higher certification in water-based fire protection systems layout ~~"fire protection technology, automatic sprinkler system layout"~~.

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

(c) A designated certified person shall ~~must~~ be employed by the fire sprinkler contractor ~~licensee~~ at each ~~a~~ business location with a valid license.

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

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

(f) A designated certified person shall ~~must~~ be directly involved in supervision. The designated certified person does

not, however, have to be at the site of the service installation or repair of the fire sprinkler system at all times.

(g) A designated certified person shall provide an affirmative statement acknowledging his or her role as the designated certified person for the fire sprinkler contractor.

(h) When a fire sprinkler contractor is without a designated certified person, the fire sprinkler contractor shall notify the Office in writing within 30 days and shall employ a designated certified person no later than 180 days from the time the position of designated certified person becomes vacant. Failing to fill the vacant position shall cause the fire sprinkler contractor license to expire without further operation of law.

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

(225 ILCS 317/22 new)

Sec. 22. Licenses; photo exemption. An applicant who is 21 years of age or older seeking a religious exemption to the requirement under this Act that all licenses contain the licensees' photo shall furnish with his or her application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Regardless of age, an applicant seeking a religious exemption to this photo requirement shall submit fingerprints in a form and manner prescribed by the Office with his or her application in lieu of

a photo.

(225 ILCS 317/30)

Sec. 30. Requirements for the service ~~installation,~~
~~repair, inspection, and testing~~ of fire sprinkler ~~protection~~
systems.

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

(b) Service for equipment ~~Equipment~~ shall be provided
~~installed~~ in accordance with the applicable standards as
adopted in the rules ~~of the National Fire Protection~~
~~Association~~ and the manufacturer's specifications.

(c) The contractor shall furnish the user with operating instructions for all equipment installed, together with as-built plans ~~a diagram~~ of the final installation.

(d) All fire sprinkler systems shall have a backflow prevention device or, in a municipality with a population over 500,000, a double detector check assembly installed by a licensed plumber before the fire sprinkler system connection

to the water service. Connection to the backflow prevention device or, in a municipality with a population over 500,000, a double detector assembly shall be done in a manner consistent with the Department of Public Health's Plumbing Code.

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

(f) Routine inspection or ~~Before January 1, 2022,~~ ~~inspection and~~ testing of existing fire sprinkler systems and control equipment shall ~~must~~ be performed by an individual qualified under Section 17 ~~a licensee or an individual employed or contracted by a licensee. A copy of the inspection report for routine inspection or testing of a fire sprinkler system shall be sent to the local fire jurisdiction as provided by Section 31. Any individual who performs inspection and testing duties under this subsection (f) must possess proof of (i) certification by a nationally recognized certification organization at an appropriate level, such as NICET Level II in Inspection and Testing of Water Based Systems or the equivalent, (ii) a valid ASSE 15010 certification in "inspection, testing and maintenance for water-based fire protection systems", or (iii) satisfactory completion of a certified sprinkler fitter apprenticeship program approved by the U.S. Department of Labor. State employees who perform inspections and testing on behalf of State institutions and who meet all other requirements of this subsection (f) need not be licensed under this Act or employed~~

~~by a licensee under this Act in order to perform inspection and testing duties under this subsection (f). The requirements of this subsection (f) do not apply to individuals performing inspections or testing of fire sprinkler systems on behalf of a municipality, a county, a fire protection district, or the Office of the State Fire Marshal. This subsection (f) does not apply to a stationary engineer, operating engineer, or other individual employed on a full time basis by the facility owner or owner's representative performing weekly and monthly inspections and tests in accordance with applicable National Fire Protection Association standards.~~

~~Before January 1, 2022, a copy of the inspection report for an inspection performed pursuant to this subsection (f) must be forwarded by the entity performing the inspection to the local fire department or fire protection district in which the sprinkler system is located. The inspection report must include the NICET Level II Inspection and Testing of Water Based Systems certification number, ASSE 15010 certification number for "inspection, testing and maintenance for water based fire protection systems", or journeymen number of the person performing the inspection.~~

~~After December 31, 2021, inspection and testing of existing fire sprinkler systems and control equipment must be performed by a licensee or an individual employed or contracted by a licensee. Any individual who performs inspection and testing duties under this subsection (f) must~~

~~possess proof of (i) certification by a nationally recognized certification organization at an appropriate level, such as NICET Level III in Inspection and Testing of Water Based Systems or the equivalent, (ii) a valid ASSE 15010 certification in "inspection, testing and maintenance for water based fire protection systems", or (iii) satisfactory completion of a certified sprinkler fitter apprenticeship program approved by the United States Department of Labor. State employees who perform inspections and testing on behalf of State institutions and who meet all other requirements of this subsection (f) need not be licensed under this Act or employed by a licensee under this Act in order to perform inspection and testing duties under this subsection (f). The requirements of this subsection (f) do not apply to individuals performing inspections or testing of fire sprinkler systems on behalf of a municipality, a county, a fire protection district, or the Office of the State Fire Marshal. This subsection (f) does not apply to a stationary engineer, operating engineer, or other individual employed on a full-time basis by the facility owner or owner's representative performing weekly and monthly inspections and tests in accordance with applicable National Fire Protection Association standards.~~

~~After December 31, 2021, a copy of the inspection report for an inspection performed pursuant to this subsection (f) must be forwarded by the entity performing the inspection to~~

~~the local fire department or fire protection district in which the sprinkler system is located. The inspection report must include the NICET Level III Inspection and Testing of Water Based Systems certification number, ASSE 15010 certification number for "inspection, testing and maintenance for water based fire protection systems", or journeymen number of the person performing the inspection.~~

(Source: P.A. 101-626, eff. 6-1-20.)

(225 ILCS 317/31 new)

Sec. 31. Reporting of routine inspection or testing activity. A copy of the inspection report for routine inspection or testing of a fire sprinkler system provided by a fire sprinkler inspector shall be forwarded by the entity performing the routine inspection or testing to the local fire jurisdiction in which the fire sprinkler system is located within 20 business days after the routine inspection or testing or within the time frame required by the local fire jurisdiction, whichever is less.

The report for routine inspection or testing shall include: (1) the name and license number of the individual or individuals who performed the routine inspection or testing; and (2) the name and license number of the fire sprinkler contractor by whom the individual or individuals are employed.

(225 ILCS 317/35)

Sec. 35. Fees, renewals, continuing education, and required insurance.

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

(b) Each license shall ~~must~~ be renewed every 2 years. Each licensee shall ~~must~~ complete at least 16 hours of continuing education in the 2-year period following the licensee's ~~his or her~~ renewal or initial licensure, with at least 8 hours of continuing education completed during each year of the current license ~~after the effective date of this amendatory Act of the 97th General Assembly.~~

To satisfy the continuing education requirement for fire sprinkler contractors, continuing education shall be completed by the designated certified person or responsible managing employee on behalf of the fire sprinkler contractor licensee. Current licensure as a professional engineer or proof of current NICET ~~certification in~~ Level III or IV certification in water-based fire protection systems layout shall satisfy the continuing education ~~this~~ requirement for designated certified persons.

Continuing education offered through nationally recognized building and fire code organizations and their affiliates; nationally recognized fire sprinkler organizations and their affiliates; institutions of higher education; educational bodies specializing in automatic fire suppression system

technology; as well as other entities approved by the Office
~~State Fire Marshal~~ shall be also acceptable. All continuing
education entities seeking to be approved providers of
continuing education shall make application to the Office
~~State Fire Marshal~~ and offer programs that:

(1) contribute to the advancement, extension, or
enhancement of the professional skills or technical
knowledge of the licensee in the practice of fire
sprinkler contracting; and

(2) are developed and presented by persons with
education or experience in the subject manner of the
program.

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

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

(e) Every application for an initial ~~original~~ license or
renewal of a fire sprinkler contractor license shall be
accompanied by a certificate of insurance issued by an
insurance company authorized to do business in the State of
Illinois or by a risk retention or purchasing group formed
pursuant to the federal Liability Risk Retention Act of 1986,

which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than \$500,000 per person or \$1,000,000 per occurrence, and, in addition, for not less than \$1,000,000 per occurrence for property damage. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the Office ~~State Fire Marshal~~ within 30 days after the renewal of the insurance policy.

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

(225 ILCS 317/40)

Sec. 40. Deposit of fines and fees; appropriation. All administrative civil fines and fees collected pursuant to the Act shall be deposited into the Fire Prevention Fund, a special fund in the State treasury. ~~The General Assembly shall appropriate the amount annually collected as administrative civil fines and fees to the State Fire Marshal for the purposes of administering this Act.~~

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

(225 ILCS 317/45)

Sec. 45. Home rule. A home rule unit may not regulate the service ~~installation and repair~~ of fire sprinkler systems in a manner less restrictive than the regulation by the State on the service ~~installation and repair~~ of fire sprinkler systems under this Act. This Section is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

The changes made to this Section by this amendatory Act of the 102nd General Assembly are intended to be a restatement and clarification of existing law.

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

(225 ILCS 317/50)

Sec. 50. Powers and duties of the Office ~~State Fire Marshal~~. The Office ~~State Fire Marshal~~ has all of the following powers and duties:

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

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

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

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

(e) To adopt ~~promulgate~~ rules ~~and regulations~~ and incorporate standards necessary for the administration of this Act and to enforce the rules and standards adopted under the Act or its rules.

(f) To investigate applications, complaints, and allegations of violations associated with this Act.

(g) To establish fee schedules for licenses.

(h) To establish a database of licensed fire sprinkler contractors and licensed fire sprinkler inspectors.

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

(225 ILCS 317/55)

Sec. 55. Rules; public hearing. Subject to the requirement for public hearings as provided in this Section, the Office ~~State Fire Marshal~~ shall ~~promulgate,~~ publish, and adopt, and may, from time to time, amend such rules as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public. The Office ~~State Fire Marshal~~ shall hold a public hearing prior to the adoption or amendment of rules required under this Act. The Office ~~State Fire Marshal~~ may, when necessary, utilize the services of any other State agency to assist in carrying out the purposes of this Act.

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

(225 ILCS 317/60)

Sec. 60. Grounds for disciplinary action. The following constitute grounds for disciplinary action by the Office ~~State Fire Marshal~~:

(1) Violation of any provision of this Act or rules or standards adopted under this Act or its rules ~~or of any rule adopted pursuant thereto.~~

(2) Violation of the applicable building, fire, or life safety codes or laws of this State or any municipality or

county thereof.

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

(4) Any final disciplinary ~~Disciplinary~~ action by any municipality or county of this State, which action shall be reviewed by the Office ~~State Fire Marshal~~ before the Office takes ~~taking~~ any disciplinary action.

(5) Failure to supervise the service ~~installation~~ of the fire sprinkler ~~protection~~ system performed ~~covered by the installation permit signed~~ by the contractor.

(6) Rendering a fire sprinkler ~~protection~~ system, standpipe system, or underground water supply main connecting to the system inoperative except when the fire sprinkler ~~protection~~ system, standpipe system, or underground water supply main is being serviced ~~inspected, serviced, tested, or repaired~~ or pursuant to court order.

(7) Improperly ~~servicing, repairing, testing, or inspecting~~ a fire sprinkler ~~protection~~ system, standpipe system, or underground water supply main connecting to the system based upon applicable standards of this Act or as adopted by rule.

(8) Failing to provide proof of insurance to the Office ~~State Fire Marshal~~ or failing to maintain in force the

insurance coverage required by this Act.

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

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

(11) Failing to notify the Office ~~State Fire Marshal~~, in writing, within 30 days after a change of residence address, principal business address, ~~or name,~~ or designated certified person or responsible managing employee.

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

(13) Aiding or assisting ~~abetting~~ a person to violate any ~~a~~ provision of this Act or its rules, or conspiring with any person to violate any ~~a~~ provision of this Act or its rules, ~~or allowing a license to be used by another person.~~

(14) Discipline by another U.S. jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(15) Improperly advertising services for installing, maintaining, servicing, repairing, testing, or inspecting a fire sprinkler system.

(16) Making a material misstatement or misrepresentation or committing fraud in the installation, repair, inspection, testing, maintenance, or service of a fire sprinkler system, standpipe system, or underground water supply main connecting to the system.

(17) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is a felony or misdemeanor, an essential element of which is dishonesty, or that is directly related to the business practices or the installation, repair, inspection, testing, maintenance, or service of a fire sprinkler system, standpipe system, or underground water supply main connecting to the system.

(18) Directly or indirectly willfully receiving compensation for any professional service related to the license, not properly or actually rendered, including inspections.

(19) Permitting the use of a license issued under this Act to enable an unlicensed person or agency to operate as a licensee.

(20) Use of a license or license number issued under this Act by an unlicensed person to operate as a licensee.

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

(225 ILCS 317/62 new)

Sec. 62. Unlicensed practice; violation; civil penalty.

(a) Any person, entity, or business that offers fire sprinkler contractor services under this Act without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty, which shall be deposited into the Fire Prevention Fund, in an amount not to exceed \$10,000 for each offense, as determined by the Office. The civil penalty shall be assessed by the Office after a hearing is held in accordance with the provisions of this Act regarding the provision of a hearing for the discipline of a licensee.

(b) Use of the title "fire sprinkler inspector" is limited to those individuals licensed under this Act. Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a fire sprinkler inspector without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty, which shall be deposited into the Fire Prevention Fund, in an amount not to exceed \$10,000 for each offense, as determined by the Office. The civil penalty shall be assessed by the Office after a hearing is held in accordance with the provisions of this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Office may investigate any actual, alleged, or

suspected unlicensed activity.

(d) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(225 ILCS 317/65)

Sec. 65. Notice; administrative action; suspension, revocation, or refusal to renew a license.

(a) Whenever the Office State Fire Marshal determines that there are reasonable grounds to believe that a licensee has violated a provision of this Act or the rules or standards adopted under this Act or its rules, the Office State Fire Marshal shall give notice of the alleged violation ~~to the person whom the license was issued.~~ The notice shall (i) be in writing and; (ii) include a statement of the alleged violation which necessitates issuance of the notice; ~~(iii) contain an outline of remedial action that, if taken, will effect compliance with the provisions of this Act and the rules adopted under this Act;~~ (iv) prescribe a reasonable time, ~~as determined by the State Fire Marshal, for the performance of any action required by the notice;~~ and (v) be served upon the licensee. The notice shall be deemed to have been properly served upon the person when a copy of the notice has been sent by registered or certified mail to the person's

~~his or her~~ last known address as furnished to the Office State Fire Marshal or when the person ~~he or she~~ has been served the notice by any other method authorized by law.

(b) If the person to whom the notice is served does not abate the violation ~~comply with the terms of the notice within the time limitations specified in the notice~~, the Office State Fire Marshal may proceed with action, including civil and administrative fines, penalties, suspension, revocation, and refusal ~~to suspend, revoke, or refuse to issue or renew~~ a license as provided in this Act Section.

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

(d) In any proceeding to administratively fine, penalize, suspend, revoke, or refuse to issue or renew a license, the Office State Fire Marshal shall first serve or cause to be served upon the person licensee a written notice of the Office's State Fire Marshal's intent to take action. The notice shall specify the way in which the person has failed to comply with this Act or any other rules or standards of the Office State Fire Marshal. The notice shall be deemed to have

been properly served upon the person when a copy of the notice has been sent by registered or certified mail to the person's last known address as furnished to the Office or when the person has been served the notice by any other method authorized by law.

(e) In the case of revocation or suspension, the notice shall require the person to remove or abate the violation or objectionable condition specified in the notice within 10 ~~5~~ days. The Office ~~State Fire Marshal~~ may specify a longer period of time as it deems necessary. If the person fails to comply with the terms and conditions of the revocation or suspension notice within the time specified by the Office ~~State Fire Marshal~~, the Office ~~State Fire Marshal~~ may summarily revoke or suspend the license.

(f) ~~If In the case of refusal to issue a license, if~~ the person has violated or fails to comply with the Act or rules or standards adopted promulgated under this the Act or its rules, the Office ~~State Fire Marshal~~ may refuse to issue or renew a license.

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

(225 ILCS 317/70)

Sec. 70. Administrative hearing. The Office ~~State Fire Marshal~~ shall give written notice by certified or registered mail to an applicant, ~~or~~ licensee, or person of the Office's ~~State Fire Marshal's~~ intent to suspend, revoke, or refuse to

issue or renew a license or to assess a fine. Such person has a right to a hearing before the Office ~~State Fire Marshal~~. A written notice of a request for a hearing shall be served on the Office ~~State Fire Marshal~~ within 10 days of notice of the refusal, suspension, or revocation of a license or imposition of a fine. The hearing shall be conducted by the Office ~~State Fire Marshal~~ or a hearing officer designated in writing by the Office ~~State Fire Marshal~~. A stenographic record shall be made of the hearing and the cost of the hearing shall be borne by the Office ~~State Fire Marshal~~. A transcript of the hearing shall be made only upon request of the applicant, or licensee, ~~or~~ or person and shall be transcribed at the cost of that person.

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

(225 ILCS 317/75)

Sec. 75. Subpoena powers; administration of oath. The Office ~~State Fire Marshal~~ or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers. All subpoenas issued by the Office ~~State Fire Marshal~~ or hearing officer may be served as provided for in a civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party at whose request the subpoena is issued. If such subpoena is issued at the request of the Office ~~State Fire Marshal~~, the witness fee shall be paid as an administrative

expense.

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

The Office ~~State Fire Marshal~~ or hearing officer has the authority to administer oaths to witnesses.

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

(225 ILCS 317/80)

Sec. 80. Deposition of witnesses; testimony at hearing recorded. In the event of the inability of any party or the Office ~~State Fire Marshal~~ to procure the attendance of witnesses to give testimony or produce books and papers, the party or the Office ~~State Fire Marshal~~ may take the deposition of witnesses in accordance with the laws of this State. All testimony taken at a hearing shall be reduced to writing and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

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

(225 ILCS 317/85)

Sec. 85. Certification of record. The Office ~~State Fire Marshal~~ is not required to certify any record or file any

answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of one dollar per page representing the costs of the certification. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action.

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

(225 ILCS 317/90)

Sec. 90. Injunction. Unlicensed, faulty, or noncompliant ~~Faulty~~ fire sprinkler installation, ~~and~~ repair, inspection, testing, maintenance, and service is declared a violation of this Act and inimical to the public health, welfare, and safety and a deceptive business practice. If any person violates the provisions of this Act, the Office may, in the name of the People of the State of Illinois, through the Attorney General, petition, in a circuit court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties

~~provided by this Act. The State Fire Marshal, in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs may, in addition to other remedies herein provided, bring an action for an injunction to restrain such violation or enjoin the future performance of the person who committed the violation until compliance with the provisions of this Act has been obtained.~~

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

(225 ILCS 317/95)

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

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

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

(225 ILCS 317/100)

Sec. 100. Administrative civil fines. The Office ~~State Fire Marshal~~ is empowered to assess administrative civil fines against a licensee for violations of this Act or its rules.

These fines shall not be greater than \$1,000 for each offense. These fines shall be in addition to, or in lieu of, license suspensions and revocations. Rules to implement this Section shall be adopted by the Office ~~State Fire Marshal~~ within ~~6 months after the effective date of this Act.~~

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

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

(225 ILCS 317/105)

Sec. 105. Judicial review of final administrative decision. The Administrative Review Law and the rules adopted under the Administrative Review Law apply to and govern all proceedings for judicial review of final administrative decisions of the Office ~~State Fire Marshal~~ under this Act. Such judicial review shall be had in the circuit court of the county in which the cause of the action arose. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

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

(225 ILCS 317/110)

Sec. 110. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Office ~~State Fire Marshal~~ under this Act, except that, in the case of conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Office ~~State Fire Marshal~~ is precluded by law from exercising any discretion.

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

(225 ILCS 317/116 new)

Sec. 116. Exceptions.

(a) The provisions of this Act do not apply to facilities licensed by the Nuclear Regulatory Commission under the provisions of 10 CFR 50 or 10 CFR 52 or their employees while engaged in the performance of their official duties.

(b) The provisions of this Act do not apply to a professional engineer who is operating within the scope of the Professional Engineering Practice Act of 1989 or an architect who is operating within the scope of the Illinois Architecture

Practice Act of 1989.

(225 ILCS 317/120)

Sec. 120. Grandfather clause. Any person or business that, as of January 3, 2003 ~~was the effective date of this Act,~~ is installing or repairing fire sprinkler systems in the State of Illinois and had ~~has~~ a minimum of 3 years of experience in installing or repairing fire sprinkler systems before January 3, 2003 is exempt from having a designated certified person as required in Section 20. A fire sprinkler contractor that is exempt from having a designated certified person shall have a responsible managing employee.

Beginning July 1, 2021, no person or business organization shall be issued an initial fire sprinkler contractor license using such exemption.

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

(225 ILCS 317/25 rep.)

Section 10. The Fire Sprinkler Contractor Licensing Act is amended by repealing Section 25.

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