

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.33 and 4.38 as follows:

(5 ILCS 80/4.33)

Sec. 4.33. Acts repealed on January 1, 2023. The following Acts are repealed on January 1, 2023:

The Dietitian Nutritionist Practice Act.

~~The Elevator Safety and Regulation Act.~~

~~The Fire Equipment Distributor and Employee Regulation Act of 2011.~~

The Funeral Directors and Embalmers Licensing Code.

The Naprapathic Practice Act.

The Pharmacy Practice Act.

The Professional Counselor and Clinical Professional Counselor Licensing and Practice Act.

The Wholesale Drug Distribution Licensing Act.

(Source: P.A. 101-621, eff. 12-20-19.)

(5 ILCS 80/4.38)

Sec. 4.38. Acts repealed on January 1, 2028. The following Acts are repealed on January 1, 2028:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Elevator Safety and Regulation Act.

The Fire Equipment Distributor and Employee Regulation Act
of 2011.

The Home Medical Equipment and Services Provider License
Act.

The Illinois Petroleum Education and Marketing Act.

The Illinois Speech-Language Pathology and Audiology
Practice Act.

The Interpreter for the Deaf Licensure Act of 2007.

The Nurse Practice Act.

The Nursing Home Administrators Licensing and Disciplinary
Act.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

(Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;
100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.
8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;
100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

Section 10. The Fire Equipment Distributor and Employee
Regulation Act of 2011 is amended by changing Sections 5, 10,
20, 30, 40, 45, 60, 65, 70, 75, 80, 82, 83, 85, 90, and 115 and
by adding Sections 14 and 62 as follows:

(225 ILCS 217/5)

(Section scheduled to be repealed on January 1, 2023)

Sec. 5. Definitions. As used in this Act:

"Employee" means a licensee or a person who is currently employed by a fire equipment distributor licensed under this Act whose full or part-time duties include servicing, recharging, hydrotesting, installing, maintaining, or inspecting fire equipment.

"Fire equipment" means any portable or fixed fire extinguishing device or system other than a fire sprinkler system under the Fire Sprinkler Contractor Licensing Act.

"Fire equipment distributor" means any person, company or corporation that services, recharges, hydrotests, inspects, installs, maintains, alters, repairs, replaces, or services fire equipment for customers, clients, or other third parties.

"ICC" means the International Code Council.

"NAFED" means the National Association of Fire Equipment Distributors.

"NFPA" means the National Fire Protection Association.

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

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

"Person" means a natural person or any company, corporation, or other business entity.

~~(a) "Employee" means a licensee or a person who is~~

~~currently employed by a distributor licensed under this Act whose full or part-time duties include servicing, recharging, hydro testing, installing, maintaining, or inspecting all types of fire extinguishing devices or systems, other than water sprinkler systems.~~

~~(b) "Board" means the Fire Equipment Distributor and Employee Advisory Board.~~

~~(c) "Person" means a natural person or any company, corporation, or other business entity.~~

~~(d) "Fire equipment distributor" means any person, company or corporation that services, recharges, hydro tests, inspects, installs, maintains, alters, repairs, replaces, or services fire extinguishing devices or systems, other than water sprinkler systems, for customers, clients, or other third parties. "Fire equipment distributor" does not include a person, company, or corporation employing 2,000 or more employees within the State of Illinois that engages in these activities incidental to its own business.~~

~~(e) "Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or employee of a licensee. The term "relative" shall be determined by rules of the State Fire Marshal.~~

~~(f) "Residency" means an actual domicile in Illinois for a period of not less than one year.~~

~~(g) "Inspection" means a determination that a fire extinguisher is available in its designated place and has not~~

~~been actuated or tampered with. "Inspection" does not include the inspection that may be performed by the building owner, tenant, or insurance representative.~~

~~(h) "Maintenance" means a determination that an extinguisher will operate effectively and safely. It includes a thorough examination and any necessary repair or replacement. It also includes checking the date of manufacture or last hydrostatic test to see if internal inspection of the cylinder or hydrostatic testing is necessary, and checking for cuts, bulges, dents, abrasions, corrosion, condition of paint, shell hanger attachment, maintenance of nameplate, weight of contents, pressure gauge, valve, removal of pull pin, discharge nozzle, hose assembly, and operating instructions.~~

~~(i) "NAFED" means the National Association of Fire Equipment Distributors located in Chicago, Illinois.~~

~~(j) "ICC" means the International Code Council.~~

(Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

(225 ILCS 217/10)

(Section scheduled to be repealed on January 1, 2023)

Sec. 10. License requirement; injunction; cease and desist order.

(a) No person shall act as a fire equipment distributor or employee, 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 State Fire Marshal.

No 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 firm, association, or corporation is engaged in such practice, unless licensed by the State Fire Marshal.

(b) The State Fire Marshal, in the name of the People and through the Attorney General, the State's Attorney of any county, any interested resident of the State, or any interested legal entity within the State, may petition the court with appropriate jurisdiction for an order seeking injunctive relief to enjoin from practicing a licensed activity in violation of this Act any person, firm, association, or corporation who has not been issued a license, or whose license has been suspended, revoked, or not renewed. If any person, firm, association, or corporation holds itself out as being a licensee under this Act and is not licensed to do so, then any licensee, interested party, or any person injured thereby may petition for relief as provided in this Section. Upon the filing of a verified complaint, a copy shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. The court with appropriate jurisdiction may issue a temporary restraining order without notice or bond. If it is established that the defendant has been or is practicing in violation of this Act, the court may enter a judgment permanently 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 punish the offender for contempt of court. Such injunctive proceeding shall be in addition to all penalties and other remedies in this Act.

(c) The Office may issue a cease and desist order to any licensee or other person doing business without the required license, when, in the opinion of the Office, the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Office. The cease and desist order shall specify the activity or activities that the Office is seeking the licensee or other person doing business without the required license to cease and desist.

The cease and desist order permitted by this Section may be issued prior to a hearing.

The Office shall serve a notice of the Office's action, including, but not limited to, a statement of reasons for the action, either personally or by certified mail, and a return receipt requested. Service by certified mail shall be deemed completed (i) when the notice is deposited in the United States mail, received, or delivery is refused or (ii) one business day after the United States Postal Service has attempted delivery, whichever is earlier.

Within 10 days after service of a cease and desist order, the licensee or other person may request, in writing, a

hearing. The Office shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

If it is determined that the Office has the authority to issue the cease and desist order, the Office may issue the order as reasonably necessary to correct, eliminate, or remedy the conduct.

Any person in violation of a cease and desist order entered by the State Fire Marshal shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

The powers vested in the Office by this Section are additional to any and all other powers and remedies vested in the Office by law, and nothing in this Section shall be construed as requiring the Office to employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Office.

The licensee, or other person doing business without the required license, shall pay the actual costs of the hearing.

~~Whenever, in the opinion of the State Fire Marshal, a person, firm, association, or corporation violates any provision of this Act, the State Fire Marshal may issue an order to show cause why an order to cease and desist should not be entered against that person, firm, association, or~~

~~corporation. The order shall clearly set forth the grounds relied upon by the State Fire Marshal and shall allow the person, firm, association, or corporation at least 7 days after the date of the order to file an answer satisfactory to the State Fire Marshal. A failure to answer an order to show cause to the satisfaction of the State Fire Marshal shall result in the issuance of an order to cease and desist.~~

(d) The State Fire Marshal may refuse to issue a license to, or may suspend the license of, any person or business entity that is not in good standing with the Department of Revenue until the person or business entity is in good standing with the Department of Revenue ~~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. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

(225 ILCS 217/14 new)

Sec. 14. Home rule. A home rule unit may not regulate the service of fire equipment in a manner less restrictive than the regulation by the State on the service of fire equipment 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.

(225 ILCS 217/20)

(Section scheduled to be repealed on January 1, 2023)

Sec. 20. Deposit of fees and fines. All fees and fines collected under this Act shall be deposited into the Fire Prevention Fund.

(Source: P.A. 96-1499, eff. 1-18-11.)

(225 ILCS 217/30)

(Section scheduled to be repealed on January 1, 2023)

Sec. 30. Rules; report.

(a) The State Fire Marshal shall adopt rules consistent with the provisions of this Act for the administration and enforcement thereof, and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for registration, professional conduct, and discipline. The Office may, by rule, establish fees, including, but not limited to, license fees, reinstatement fees, and processing fees.

(b) (Blank).

(c) (Blank).

(d) In the adopting of rules relating to fire equipment distributors and employees, the State Fire Marshal shall be guided by the national fire safety standards and codes and fire equipment and facility standards and code, including, but

not limited to, those adopted by the National Fire Protection Association and the National Association of Fire Equipment Distributors.

(e) In the adopting of rules relating to the maintenance and operation of hydrostatic testing equipment and tools for all fire equipment distributors and employees, the State Fire Marshal shall be guided by the requirements of the United States Department of Transportation as set forth in Section 173.34(e) (1) of Title 49 of Code of Federal Regulations.

(f) The State Fire Marshal shall by rule establish procedures for a candidate ~~an applicant~~ for any class fire equipment employee license to work for a licensed fire equipment distributor for training.

(g) The rules adopted by the Office of the State Fire Marshal under the Fire Equipment Distributor and Employee Regulation Act of 2000 shall remain in effect until such time as the Office of the State Fire Marshal adopts rules under this Act.

(h) (Blank).

(i) Unless the Office adopts rules to the contrary, licenses issued before July 1, 2023 shall be valid for a period of one year and licenses issued on or after July 1, 2023 shall be valid for a period of 3 years.

(Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

(Section scheduled to be repealed on January 1, 2023)

Sec. 40. Qualifications for licensure; fees.

(a) No person shall engage in practice as a fire equipment distributor or fire equipment employee without first applying for and obtaining a license for that purpose from the Office of the State Fire Marshal.

(b) To qualify for a Class A Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of fire extinguishers, an applicant shall employ a currently licensed Class 1 Fire Equipment Employee and must provide all of the following:

(1) A ~~An annual~~ license fee as determined by rule of ~~\$100.~~

(2) Evidence of current registration as an Illinois corporation or other business entity and, when applicable, evidence of compliance with the Assumed Business Name Act and a current list of officers.

(3) Evidence of financial responsibility in a minimum amount of \$1,000,000 ~~\$300,000~~ through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.

(3.5) Evidence of workers' compensation insurance covering its employees or approval as a self-insurer of workers' compensation in accordance with the laws of this State.

(4) Evidence of owning, leasing, renting, or having

access to proper testing equipment that is in compliance with the national standards adopted by the State Fire Marshal for the maintenance and operation of testing tools for use with all Class A fire equipment.

(c) To qualify for a Class B Fire Equipment Distributor License to service, recharge, hydro-test, install, maintain, or inspect all types of pre-engineered fire extinguishing systems, an applicant shall employ a currently licensed Class 2K Fire Equipment Employee or Class 2I Fire Equipment Employee and ~~must~~ provide all of the following:

(1) ~~A~~ An annual license fee as determined by rule ~~of~~ \$200.

(2) Evidence of current registration as an Illinois corporation or other business entity and, when applicable, evidence of compliance with the Assumed Business Name Act and a current list of officers.

(3) Evidence of financial responsibility in a minimum amount of \$1,000,000 ~~\$300,000~~ through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.

(3.5) Evidence of workers' compensation insurance covering its employees or approval as a self-insurer of workers' compensation in accordance with the laws of this State.

(4) Evidence of owning, leasing, renting, or having access to proper testing equipment that is in compliance

with the national standards adopted by the State Fire Marshal for the maintenance and operation of testing tools for use with all Class B fire equipment.

(d) To qualify for a Class C Fire Equipment Distributor License to service, repair, hydro-test, inspect, and engineer all types of engineered fire suppression systems, an applicant shall employ a currently licensed Class 3 Fire Equipment Employee and ~~must~~ provide all of the following:

(1) ~~A~~ An annual license fee as determined by rule ~~of~~ \$300.

(2) Evidence of current registration as an Illinois corporation or other business entity and, when applicable, evidence of compliance with the Assumed Business Name Act and a current list of officers.

(3) Evidence of financial responsibility in a minimum amount of \$1,000,000 ~~\$300,000~~ through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.

(3.5) Evidence of workers' compensation insurance covering its employees or approval as a self-insurer of workers' compensation in accordance with the laws of this State.

(4) Evidence of owning, leasing, renting, or having access to proper testing equipment that is in compliance with the national standards adopted by the State Fire Marshal for the maintenance and operation of testing tools

for use with all Class C fire equipment.

(e) To qualify for a Class 1 Fire Equipment Employee License to service, recharge, hydro-test, install, maintain, or inspect all types of fire extinguishers, a candidate shall ~~an applicant must~~ complete all of the following:

(1) Current certification by ICC or NAFED in Portable Fire Extinguishers ~~Pass the ICC/NAFED examination administered by the ICC as a technician certified to service a Portable Fire Extinguisher.~~

(2) Pay a ~~an annual~~ license fee as determined by rule ~~of \$20.~~

(3) Provide a digital color photograph of sufficient quality ~~2 copies of a current photograph at least 1" x 1" in size.~~ A candidate ~~An applicant~~ who is 21 years of age or older seeking a religious exemption to this photograph requirement shall furnish with the ~~his or her~~ application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Regardless of age, a candidate ~~an applicant~~ seeking a religious exemption to this photograph requirement shall submit fingerprints in a form and manner prescribed by the State Fire Marshal with the ~~his or her~~ application in lieu of a photograph.

(4) Provide a copy of a valid government-issued photo identification.

(f) To qualify for a Class 2I Fire Equipment Employee

License to service, recharge, hydro-test, install, maintain, or inspect all types of pre-engineered industrial fire extinguishing systems, a candidate shall ~~an applicant must~~ complete all of the following:

(1) Current certification by ICC or NAFED in ~~Pass the ICC/NAFED examination administered by the ICC as a technician certified to service~~ Pre-Engineered Industrial Fire Suppression Systems.

(2) Pay a ~~an annual~~ license fee as determined by rule ~~of \$20.~~

(3) Provide a digital color photograph of sufficient quality ~~2 copies of a current photograph at least 1" x 1" in size.~~ A candidate ~~An applicant~~ who is 21 years of age or older seeking a religious exemption to this photograph requirement shall furnish with the ~~his or her~~ application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Regardless of age, a candidate ~~an applicant~~ seeking a religious exemption to this photograph requirement shall submit fingerprints in a form and manner prescribed by the State Fire Marshal with the ~~his or her~~ application in lieu of a photograph.

(4) Provide a copy of a valid government-issued photo identification.

(f-5) To qualify for a Class 2K Fire Equipment Employee License to service, recharge, hydro-test, install, maintain,

or inspect all types of pre-engineered kitchen fire extinguishing systems, a candidate shall ~~an applicant must~~ complete all of the following:

(1) Current certification by ICC or NAFED in ~~Pass the ICC/NAFED examination administered by the ICC as a technician certified to service~~ Pre-Engineered Kitchen Fire Extinguishing Systems.

(2) Pay a license ~~an annual~~ fee as determined by rule ~~of \$20~~.

(3) Provide a digital color photograph of sufficient quality ~~2 copies of a current photograph at least 1" x 1" in size~~. A candidate ~~An applicant~~ who is 21 years of age or older seeking a religious exemption to this photograph requirement shall furnish with the ~~his or her~~ application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Regardless of age, a candidate ~~an applicant~~ seeking a religious exemption to this photograph requirement shall submit fingerprints in a form and manner prescribed by the State Fire Marshal with the ~~his or her~~ application in lieu of a photograph.

(4) Provide a copy of a valid government-issued photo identification.

(g) To qualify for a Class 3 Fire Equipment Employee License to service, recharge, hydro-test, install, maintain, inspect, or engineer all types of engineered fire

extinguishing systems, a candidate shall ~~an applicant must~~ complete all of the following:

(1) Current certification by NAFED in Engineered Fire Suppression Systems or current NICET Level III certification in Special Hazards Systems ~~Pass the examination.~~

(2) Pay a ~~an annual~~ license fee as determined by rule ~~of \$20.~~

(3) Provide a digital color photograph of sufficient quality ~~current photograph at least 1" x 1" in size.~~ A candidate ~~An applicant~~ who is 21 years of age or older seeking a religious exemption to this photograph requirement shall furnish with the ~~his or her~~ application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Regardless of age, a candidate ~~an applicant~~ seeking a religious exemption to this photograph requirement shall submit fingerprints in a form and manner prescribed by the State Fire Marshal with the ~~his or her~~ application in lieu of a photograph.

(4) Provide a copy of a valid government-issued photo identification.

(h) (Blank). ~~All licenses issued under this Act shall remain in effect unless the licensee is otherwise notified by the Office of the State Fire Marshal.~~

(Source: P.A. 97-979, eff. 8-17-12; 98-848, eff. 1-1-15.)

(225 ILCS 217/45)

(Section scheduled to be repealed on January 1, 2023)

Sec. 45. Applications. Each application for a license to practice under this Act shall be ~~in writing and~~ signed by the applicant on forms provided by the State Fire Marshal. Each application for a fire equipment distributor license shall be signed by an authorized officer of the fire equipment distributor. Each application for an employee license shall be signed by an authorized officer of the fire equipment distributor and by the candidate for the employee license.

(Source: P.A. 96-1499, eff. 1-18-11.)

(225 ILCS 217/60)

(Section scheduled to be repealed on January 1, 2023)

Sec. 60. Issuance of license; renewal.

(a) The Office ~~State Fire Marshal~~ shall, upon the applicant's satisfactory completion of the requirements authorized under this Act and upon receipt of the requisite fees, issue the appropriate license and certificate or wallet card, as applicable, showing the name and business location of the licensee, and the dates of issuance and expiration. For an employee license, the wallet card shall also contain a photograph of the licensee, unless the licensee has a religious exemption in accordance with Section 40. ~~and shall contain a photograph of the licensee provided to the State~~

~~Fire Marshal. An applicant who is 21 years of age or older seeking a religious exemption to the photograph required by this subsection 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 photograph requirement shall submit fingerprints in a form and manner prescribed by the State Fire Marshal with his or her application in lieu of a photograph.~~

~~(b) (Blank). Any license valid on December 31, 2010 under the Fire Equipment Distributor and Employee Regulation Act of 2000 shall be a valid license under this Act and expires when the valid license issued under the Fire Equipment Distributor and Employee Regulation Act of 2000 was scheduled to expire.~~

~~(c) An applicant for license renewal shall, at the time of renewal application, provide proof of qualifications for licensure under Section 40 for the respective license to the Office. Upon receipt of the requisite fees, the Office shall issue the license in accordance with subsection (a). Each licensee may apply for renewal of his license upon payment of fees, as set forth in this Act. The expiration date and renewal period for each license issued under this Act shall be set by rule. Failure to renew by ~~within 60 days of~~ the expiration date shall lapse the license. A lapsed license may not be renewed ~~reinstated~~ until a written application is filed, an applicant has demonstrated proof of qualifications for licensure, and~~

the renewal fee is paid, ~~and a \$50 reinstatement fee is paid.~~
If not renewed, a license shall become inactive following 60 days after the expiration date of the license. An inactive license may not be reinstated until a written application is filed, an applicant has demonstrated proof of qualifications for licensure, the renewal fee is paid, and the reinstatement fee is paid. A license may not be reinstated after one year from the expiration date of the license. Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or reinstatement ~~restoration~~ within one year after discharge from such service. ~~A lapsed license may not be reinstated after 5 years have elapsed, except upon passing an examination to determine fitness to have the license restored and by paying the required fees.~~

(d) As a condition of renewal of a license, the State Fire Marshal may require the licensee to report information pertaining to the licensee's ~~his~~ practice which the State Fire Marshal determines to be in the interest of public safety.

(e) All fees paid under this Act are non-refundable. This shall not preclude the State Fire Marshal from refunding accidental overpayment of fees.

(Source: P.A. 98-848, eff. 1-1-15.)

(225 ILCS 217/62 new)

Sec. 62. Notification of employment termination; automatic

suspension of license.

(a) When employment of an employee licensee is terminated, whether voluntary or involuntary, the fire equipment distributor shall notify the Office, in a manner prescribed by the Office, of the termination within 5 business days. The failure to timely notify the Office of the termination shall subject the fire equipment distributor to discipline under this Act. The license of any employee licensee whose employment with a fire equipment distributor is terminated shall automatically become inactive immediately upon the termination, and the individual shall not be authorized to practice until the individual holds a valid employee license.

(b) Beginning July 1, 2023, if a licensee fails to meet the requirements of Section 40, the license shall automatically be suspended. A license suspended under this Section may be reinstated upon meeting the requirements of Section 40, submission of a reinstatement application, and payment of a reinstatement fee.

(225 ILCS 217/65)

(Section scheduled to be repealed on January 1, 2023)

Sec. 65. Returned checks; notification of lapsed or inactive license. The Office may require that any ~~Any~~ person who on 2 or more occasions issues or delivers a check or other order to the Office ~~State Fire Marshal~~ that is not honored by the financial institution upon which it is drawn because of

insufficient funds on account ~~shall pay to the State Fire Marshal,~~ in addition to the amount owing upon the check or other order, a fee of \$50. The State Fire Marshal shall notify the licensee whose license has lapsed or become inactive, within 30 days after the discovery by the State Fire Marshal that the licensee is practicing without a current license, that the individual, person, or distributor is acting as a fire equipment distributor or employee, as the case may be, without a license, and the amount due to the State Fire Marshal, which shall include the ~~lapsed~~ reinstatement fee, and all other fees required in order to renew or reinstate the license ~~by this Section. If after the expiration of 30 days from the date of such notification, the licensee whose license has lapsed seeks a current license, he shall thereafter apply to the State Fire Marshal for reinstatement of the license and pay all fees due to the State Fire Marshal. The State Fire Marshal may establish a fee for the processing of an application for reinstatement of a license that allows the State Fire Marshal to pay all costs and expenses incident to the processing of this application. The State Fire Marshal may waive the fees due under this Section in individual cases where he finds that the fees would be unreasonable or unnecessarily burdensome.~~

(Source: P.A. 96-1499, eff. 1-18-11.)

(Section scheduled to be repealed on January 1, 2023)

Sec. 70. Change of address; display of license; duplicate license or certificate.

(a) A licensee shall report a change in home or office address within 10 days of when it occurs.

(b) Each licensee shall prominently display the ~~his or her~~ license to practice at each place from which the practice is being performed. A fire equipment distributor licensee shall have a separate license for each business location within the State or outside the State if the business location is responsible for the performance of any applicable work under this Act performed within the State. ~~If more than one location is used, branch office certificates shall be issued upon payment of the fees to be established by the State Fire Marshal. Each fire equipment employee shall carry on his or her person a wallet card issued by the State Fire Marshal.~~

(c) If a license or certificate is lost, a duplicate shall be issued upon payment of the required fee to be established by the State Fire Marshal. If a licensee wishes to change the name on the license ~~his or her name~~, the State Fire Marshal shall issue a license in the new name upon satisfactory proof that such change was done in accordance with law and upon payment of the ~~required~~ fee as determined by rule.

(d) Each licensee shall permit the licensee's ~~his or her~~ facilities to be inspected by representatives of the State Fire Marshal.

(Source: P.A. 96-1499, eff. 1-18-11.)

(225 ILCS 217/75)

(Section scheduled to be repealed on January 1, 2023)

Sec. 75. Grounds for disciplinary sanctions. Licensees subject to this Act shall conduct their practice in accordance with this Act and with any rules adopted under this Act. The State Fire Marshal may refuse to issue or renew any license and it may suspend or revoke any license or may place on probation, censure, reprimand, or take other disciplinary action deemed appropriate by the State Fire Marshal and enumerated in this Act, including the imposition of fines not to exceed \$5,000 for each violation, with regard to any license issued under this Act for any one or more of the reasons enumerated in this Section. Any civil penalty assessed by the State Fire Marshal pursuant to this Act shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.

Grounds for discipline under this Act are:

- (1) fraud or material deception in obtaining or renewing of a license;
- (2) professional incompetence as manifested by poor standards of service;
- (3) engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities;

(4) conviction of any crime by a licensee that has a substantial relationship to his or her practice or an essential element of which is misstatement, fraud, or dishonesty, or conviction in this or another state of any crime that is a felony under the laws of Illinois or conviction of a felony in a federal court, unless the person demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust;

(5) performing any services in a grossly negligent manner or permitting any of his or her licensed employees to perform services in a grossly negligent manner, regardless of whether actual damage or damages to the public is established;

(6) (blank); ~~habitual drunkenness or habitual addiction to the use of morphine, cocaine, controlled substances, or other habit forming drugs;~~

(7) directly or indirectly willfully receiving compensation for any professional services not actually rendered;

(8) having disciplinary action taken against his or her license in another state;

(9) making differential treatment against any person to his or her detriment because of race, color, creed,

sex, religion, or national origin;

(10) engaging in unprofessional conduct;

(11) engaging in false or misleading advertising;

(12) contracting or assisting unlicensed persons to perform services for which a license is required under this Act;

(13) permitting the use of his or her license to enable any unlicensed person or agency to operate as a licensee;

(14) performing and charging for services without having authorization to do so from the member of the public being served;

(15) failure to comply with any provision of this Act or the rules adopted under this Act;

(16) conducting business regulated by this Act without a currently valid license; ~~and-~~

(17) engaging in any unethical or criminal activity incidental to activities within the scope of licensure.

(Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

(225 ILCS 217/80)

(Section scheduled to be repealed on January 1, 2023)

Sec. 80. Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the State Fire Marshal ~~and reported to the Board.~~

(Source: P.A. 96-1499, eff. 1-18-11.)

(225 ILCS 217/82)

(Section scheduled to be repealed on January 1, 2023)

Sec. 82. Investigations or records. The State Fire Marshal may investigate the actions or statements of any candidate or applicant or any person, firm, association, or corporation holding or claiming to hold a license under this Act. Before revoking, suspending, reprimanding, or taking any other disciplinary action permitted under this Act, the State Fire Marshal may issue a citation, refer the matter for prosecution, or institute formal charges as provided for in this Act.

All licensees under this Act shall maintain records of any service performed under this Act for a period of not less than 3 years. These records shall include, at minimum, the name and license number, if available, of any individual who performs service of fire equipment under this Act, the date of service, location of service, and class of fire equipment serviced.

A copy of all files, documents, records, data, or other information, including those that are electronically stored, relevant to the service of fire equipment under this Act or the activities of a licensee under this Act, shall be made available to the Office within 15 days of request by the Office, unless the Office agrees to an extension of that period.

The failure or refusal to make these records available

shall be grounds for disciplinary action.

(Source: P.A. 97-979, eff. 8-17-12.)

(225 ILCS 217/83)

(Section scheduled to be repealed on January 1, 2023)

Sec. 83. Citations.

(a) The State Fire Marshal may adopt rules to permit the issuance of citations for certain violations of this Act or the rules adopted under this Act. The citation shall be issued to the licensee or other person doing business without the required license and shall contain the person's ~~licensee's~~ name and address, the licensee's license number, if applicable, a brief factual statement, the Sections of the law or rules allegedly violated, and the penalty imposed. The citation must clearly state that the person ~~licensee~~ may choose, in lieu of accepting the citation, to request a hearing to appeal ~~on the date and at the place specified on the~~ citation. The citation shall not provide a hearing date less than 30 days after the citation's issuance date. Any dispute filed by the person ~~licensee~~ with the State Fire Marshal shall comply with the requirements for a written answer set forth in subsection (a) of Section 85 of this Act. If the person ~~licensee~~ does not file a written appeal of dispute the citation with the State Fire Marshal within 20 days after the citation is served, then the citation shall become a final order and shall constitute discipline. The penalty shall be a

fine or other conditions as established by rule.

(b) The State Fire Marshal shall adopt rules designating violations for which a citation may be issued, which may specify separate hearing procedures for appeals of the citations so long as the hearing procedures are not inconsistent with the Illinois Administrative Procedure Act. ~~Such rules shall identify citation violations for those violations for which there is, in the determination of the State Fire Marshal or his or her designee, no substantial threat to the public health, safety, or welfare. Citations shall not be utilized if, in the determination of the State Fire Marshal or his or her designee, significant consumer harm resulted from the violation.~~

(c) (Blank). ~~A citation must be issued within 6 months after the State Fire Marshal became first aware of the facts forming the basis for the citation.~~

(d) Service of a citation may be made by personal service or certified mail to the licensee or other person doing business without the required license at the person's last known address ~~licensee's address of record.~~

(Source: P.A. 97-979, eff. 8-17-12.)

(225 ILCS 217/85)

(Section scheduled to be repealed on January 1, 2023)

Sec. 85. Formal charges.

(a) Before revoking, suspending, annulling, withdrawing,

amending materially, or refusing to renew any valid license, the State Fire Marshal shall file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that make up the basis of the charge and that are specific enough to enable the licensee to defend himself.

(b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of said formal charge at least 30 days before the date of the hearing, which shall be presided over by a hearing officer authorized by the State Fire Marshal. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was sent by certified mail, return receipt requested to the licensee at the licensee's last known address, as listed with the State Fire Marshal.

(c) The notice of formal charges shall consist at a minimum of the following information:

- (1) the time, place, and date of the hearing;
- (2) that the licensee shall appear personally at the hearing and may be represented by counsel;
- (3) that the licensee shall have the right to produce witnesses and evidence on the licensee's ~~in his~~ behalf and shall have the right to cross-examine witnesses and refute evidence produced against the licensee ~~him or her~~;
- (4) that the hearing could result in disciplinary

action being taken against the ~~his or her~~ license;

(5) that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy;

(6) that a hearing officer authorized by the State Fire Marshal shall preside at the hearing and following the conclusion of said hearing shall make findings of fact, conclusions of law, and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee;

(7) that the State Fire Marshal may continue such hearing;

(8) that the licensee shall file a written answer to the charges with the State Fire Marshal under oath within 20 days after service of the notice; and

(9) that if the accused fails to answer, a default judgment shall be taken against him, her, or it, or that his, her, or its license may be suspended, revoked, placed on probationary status, or subject to other disciplinary action as the State Fire Marshal deems proper, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(d) The hearing officer authorized by the State Fire Marshal shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. At the conclusion of the hearing, the hearing officer

shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made if done in a similar fashion as service of the notice of formal charges. Within 20 days after such service, any party to the proceeding may present to the State Fire Marshal a motion, in writing, for a rehearing which written motion shall specify the particular grounds therefor.

(e) The State Fire Marshal, following the time allowed for filing a motion for rehearing, shall review the hearing officer's findings of fact, conclusions of law, and recommendations, and any motions filed subsequent thereto. After review of such information the State Fire Marshal may hear oral arguments and thereafter shall issue an order. The report of findings of fact, conclusions of law, and recommendations of the hearing officer shall be the basis for the State Fire Marshal's order. If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention of the findings of fact, conclusions of law, and recommendations of the hearing officer. The finding is not admissible in evidence against the person in criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(f) All proceedings under this Section are matters of

public record and shall be preserved.

(Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

(225 ILCS 217/90)

(Section scheduled to be repealed on January 1, 2023)

Sec. 90. Disciplinary sanctions; hearings.

(a) The State Fire Marshal shall impose any of the following sanctions, singly or in combination, when he or she finds that a licensee is guilty of any offense described in Section 75:

(1) revocation;

(2) suspension for any period of time;

(3) reprimand or censure;

(4) (blank); ~~placement on probationary status and the requirement of the submission of any of the following:~~

~~(i) report regularly to the Board or State Fire Marshal upon matters that are the basis of the probation;~~

~~(ii) continuation or renewal of professional education until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or~~

~~(iii) such other reasonable requirements or restrictions as are proper;~~

(5) refusal to issue, renew, or reinstate ~~restore~~;

(6) (blank); ~~or revocation of probation that has been~~

~~granted and imposition of any other discipline in this subsection (a) when the requirements of probation have not been fulfilled or have been violated; or~~

(7) imposition of a fine not to exceed \$5,000 for each violation of this Act or the rules adopted under this Act.

(b) The State Fire Marshal may summarily suspend a license under this Act, without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing provided under this Section if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the State Fire Marshal suspends a license under this subsection, a hearing by the hearing officer designated by the State Fire Marshal shall begin within 20 days after such suspension begins, unless continued at the request of the licensee.

(c) Disposition may be made of any formal complaint by consent order between the State Fire Marshal and the licensee.

(d) The State Fire Marshal shall reinstate any license to good standing under this Act, upon recommendation to the State Fire Marshal, after a hearing before the hearing officer authorized by the State Fire Marshal. The State Fire Marshal shall be satisfied that the applicant's renewed practice is not contrary to the public interest.

(e) (Blank). ~~The State Fire Marshal may order a licensee to submit to a reasonable physical examination if his or her physical capacity to practice safely is at issue in a~~

~~disciplinary proceeding. Failure to comply with a State Fire Marshal order to submit to a physical examination shall render a licensee liable to the summary suspension procedures described in this Section.~~

~~(f) (Blank). The State Fire Marshal may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act without having a valid license, certificate, or registration. Any person in violation of a cease and desist order entered by the State Fire Marshal shall be subject to all of the remedies provided by law, and in addition, shall be subject to a civil penalty payable to the party injured by the violation.~~

(g) The State Fire Marshal shall seek to achieve consistency in the application of the foregoing sanctions and consent orders and significant departure from prior decisions involving similar conduct shall be explained in the State Fire Marshal's orders.

(Source: P.A. 96-1499, eff. 1-18-11; 97-979, eff. 8-17-12.)

(225 ILCS 217/115)

(Section scheduled to be repealed on January 1, 2023)

Sec. 115. Publication of records. The State Fire Marshal shall, upon request, publish a list of the names and addresses of all fire equipment distributor licensees and the names of all fire equipment employee licensees under the provisions of this Act. The State Fire Marshal shall publish a list of all

persons whose licenses have been disciplined within one year, and a quarterly list of each individual who was denied employment status because of a criminal history, together with such other information as it may deem of interest to the public.

(Source: P.A. 96-1499, eff. 1-18-11.)

Section 15. The Elevator Safety and Regulation Act is amended by changing Sections 10, 15, 25, 35, 95, and 140 as follows:

(225 ILCS 312/10)

(Section scheduled to be repealed on January 1, 2023)

Sec. 10. Applicability.

(a) This Act covers the construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, and ASME A18.1):

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.

(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.

(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists within the scope of ANSI A10.5.

(2) Manlifts within the scope of ASME A90.1.

(3) Mobile scaffolds, towers, and platforms within the scope of ANSI A92.

(4) Powered platforms and equipment for exterior and

interior maintenance within the scope of ANSI 120.1.

(5) Conveyors and related equipment within the scope of ASME B20.1.

(6) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30.

(7) Industrial trucks within the scope of ASME B56.

(8) Portable equipment, except for portable escalators that are covered by ANSI A17.1.

(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.

(10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.

(11) Skip or furnace hoists.

(12) Wharf ramps.

(13) Railroad car lifts or dumpers.

(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.

(15) (Blank).

(16) Conveyances located in a private residence not accessible to the public.

(17) Special purpose personnel elevators within the scope of ASME A17.1 and used only by authorized personnel.

(18) Personnel hoists within the scope of ANSI A10.4.

(19) Wind turbine tower elevators within the scope of

ASME A17.8.

(d) This Act does not apply to a municipality with a population over 500,000 with the exception of any State-owned building within such municipality.

(Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09; 96-342, eff. 8-11-09; 96-1000, eff. 7-2-10.)

(225 ILCS 312/15)

(Section scheduled to be repealed on January 1, 2023)

Sec. 15. Definitions. For the purpose of this Act:

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

"Alteration" means any change to equipment, including its parts, components, or subsystems, other than maintenance, repair, or replacement of the equipment, including its parts, components, or subsystems.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.

"ASME A17.1" means the Safety Code for Elevators and Escalators, an American National Standard, and CSA B44, the National Standard of Canada.

"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

"ASME A17.7" means the Performance-Based Safety Code for

Elevators and Escalators, an American National Standard, and CSA B44.7, the National Standard of Canada.

"ASME A18.1" means the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator or the Local Administrator that indicates that the conveyance; has passed the required safety inspection and tests; has been registered; and fees have been paid as set forth in this Act.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts, stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractor's license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her

qualifications and ability and has been authorized by the Administrator to work on conveyance equipment. It shall entitle the holder thereof to engage in the business of constructing, installing, altering, servicing, testing, repairing, or maintaining and performing electrical work on elevators or related conveyances covered by this Act within any building or structure, including, but not limited to, private residences. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining a specific type of conveyance within any building or structure, excluding private residences.

"Elevator helper" means an individual registered with the Administrator who works under the general direction of a licensed elevator mechanic. Licensure is not required for an elevator helper.

"Elevator industry apprentice" means an individual who is enrolled in an apprenticeship program approved by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and who is registered by the Administrator and works under the general direction of a licensed elevator mechanic. Licensure is not required for an elevator industry apprentice.

"Elevator inspector" means any inspector, as that term is defined in ASME QEI, who possesses an elevator inspector's license in accordance with the provisions of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Administrator to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator mechanic's license authorizing an individual to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining a specific type of conveyance within any building or structure.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" or "inspection company license" means a license issued to an ASME QEI certified elevator inspector or inspection company that has proven the inspector's or the company's qualifications and ability and has been authorized by the Administrator to possess this type

of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act. New and renewed licenses issued after January 1, 2010 will include a photo of the licensee.

"Local Administrator" means the municipality or municipalities or county or counties that entered into a local elevator agreement with the Administrator to operate its own elevator safety program in accordance with this Act and the adopted administrative rules.

"Material alteration" means an "alteration", as defined in the referenced standards.

"Moving walk" means an installation defined as a "moving walk" in ASME A17.1.

"Owner" means the owner of the conveyance, which could be an individual, a group of individuals, an association, trust, partnership, corporation, or person doing business under an assumed name. The owner may delegate his, her, or its authority to manage the day-to-day operations of the conveyance to another party, but may not delegate his, her, or its responsibilities and duties under this Act and the

administrative rules.

"Private residence" means a separate dwelling or a separate apartment or condominium unit in a multiple-family dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning set forth in the referenced standards. "Repair" does not require a permit.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

(1) with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;

(2) with a car that is parked and hoistway doors that are in the closed and latched position;

(3) with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;

(4) that shall not be used again until it has been put in safe running order and is in condition for use;

(5) requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;

(6) that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a 5-year period;

(7) requiring the inspector to file a report with the Administrator describing the current conditions; and

(8) with a wire seal and padlock that shall not be

removed for any purpose without permission from the elevator inspector.

~~"Temporary certificate of operation" means a temporary certificate of operation issued by the Administrator or the Local Administrator that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.~~

All other building transportation terms are as defined in the latest edition of ASME A17.1 and ASME A18.1.

"Temporary limited authority" means an authorization issued, for a period not to exceed one year, by the Administrator to an individual that the Administrator deems qualified to perform work on a specific type of conveyance.

(Source: P.A. 99-22, eff. 1-1-16.)

(225 ILCS 312/25)

(Section scheduled to be repealed on January 1, 2023)

Sec. 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 17 members. The Administrator shall appoint 3 members who shall be representatives of fire service communities. The Governor shall appoint the remaining 14 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one

representative of the architectural design profession; one representative of the general public; one representative of an advocacy group for people with physical disabilities; one representative of an advocacy group for senior citizens; one representative nominated by a municipality in this State with a population under 25,000; one representative nominated by a municipality in this State with a population of 25,000 or over but under 50,000; one representative nominated by a municipality in this State with a population of 50,000 or over but under 500,000; one representative of an advocacy group for condominium owners; one representative of an institution of higher education that operates an in-house elevator maintenance program; one representative of a building owner or manager; and 2 representatives of labor, one from Cook County and one from a county in the State other than Cook County, involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 4 for terms of 4 years. The representative of the advocacy group for senior citizens

shall serve an initial term of 4 years. The representative of an advocacy group for condominium owners, the representative of the institution of higher education that operates an in-house elevator maintenance program, and both representatives of labor involved in the installation, maintenance, and repair of elevators shall serve an initial term of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. A member shall serve until his or her successor is appointed and qualified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

Nine Board members shall constitute a quorum. A quorum is required for all Board decisions.

(Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09.)

(225 ILCS 312/35)

(Section scheduled to be repealed on January 1, 2023)

Sec. 35. Powers and duties of the Board and Administrator.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the provisions of the Performance-Based Safety Code for Elevators and Escalators (ASME A17.7), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), the Safety Requirements for Personnel Hoists and Employee Elevators (ANSI A10.4), and the Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1). The Board shall adopt or amend and adopt the latest editions of the standards referenced in this subsection within 12 months after the effective date of the standards.

The Board shall make determinations authorized by this Act regarding variances, interpretations, and the installation of new technology. Such determinations shall have a binding precedential effect throughout the State regarding equipment, structure, or the enforcement of codes unless limited by the Board to the fact-specific issues.

(b) The Administrator or Local Administrator shall have the authority to grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare. The Administrator has the right to review and object to any exceptions or variances granted by the Local Administrator. The Board shall have the authority to hear appeals, for any denial by the Local Administrator or for any denial or objection by the Administrator. The Board shall hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses, and registrations issued by the Administrator. The Board shall also establish fee schedules for permits and certificates for conveyances not under a Local Administrator. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to

legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) (Blank).

(h) Notwithstanding anything else in this Section, the following upgrade requirements of the 2007 edition of the Safety Code for Elevators and Escalators (ASME A17.1) and the 2005 edition of the Safety Code for Existing Elevators (ASME A17.3) must be completed by January 1, 2015, but the Administrator or Local Administrator may not require their completion prior to January 1, 2013:

(i) (blank);

(ii) car illumination;

(iii) emergency operation and signaling devices;

(iv) phase reversal and failure protection;

(v) reopening device for power operated doors or gates;

(vi) stop switch pits; and

(vii) pit ladder installation in accordance with Section 2.2.4.2 of ASME A17.1-2007.

(h-5) Notwithstanding anything else in this Section, the

upgrade requirements for the restricted opening of hoistway doors or car doors on passenger elevators as provided for in the 2007 edition of the Safety Code for Elevators and Escalators (ASME A17.1) and the 2005 edition of the Safety Code for Existing Elevators (ASME A17.3) must be completed by January 1, 2014.

(i) In the event that a conveyance regulated by this Act is altered, the alteration shall comply with the edition of ASME A17.1 currently adopted by the Board. Notwithstanding anything else in this Section, the firefighter's emergency operation, and the hydraulic elevator cylinder or cylinders, including the associated safety devices outlined in Section 4.3.3(b) of ASME A17.3-2005, are not required to comply with the edition of ASME A17.1 currently adopted by the Board ~~be upgraded~~ unless: (1) there is an alteration of the controller affecting operation control, motion control, or combination of the 2 types of control, (1.1) the operation control, motion control, or combination of the 2 types of control are replaced, (1.2) there is an alteration to the hydraulic cylinder, (2) the equipment fails, or (3) failing to replace the equipment jeopardizes the public safety and welfare as determined by the Local Administrator or the Board.

(j) The Administrator may choose to require the inspection of any conveyance to be performed by its own inspectors or by third-party licensed inspectors employed by the Administrator.

(k) The Board shall prescribe an inspection form, which

shall be the only inspection form used by a licensed inspector in the inspection of a conveyance under this Act.

(Source: P.A. 99-22, eff. 1-1-16.)

(225 ILCS 312/95)

(Section scheduled to be repealed on January 1, 2023)

Sec. 95. New installations; annual inspections and registrations.

(a) All new conveyance installations regulated by this Act shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator or Local Administrator, except that the conveyance may be used by the public for up to 30 days after the initial passed acceptance inspection while the property owner or lessee is in the process of obtaining an initial certificate of operation. A fee as authorized by Section 35 of this Act or as set by the Local Administrator shall be paid for the certificate of operation. It shall be the responsibility of the owner to complete and submit first time registration for new installations and to pay the fee for registration, prior to the issuance of the initial certificate of operation.

(b) (Blank).

(c) A certificate of operation is renewable annually, except that a certificate of operation is renewable every 3 years for a conveyance (i) that is located in a building owned and occupied by any church, synagogue, or other building, structure, or place used primarily for religious worship and is the only conveyance in the building, (ii) that is under the jurisdiction of the Administrator, (iii) that is limited in use to 2 levels, and (iv) for which the church, synagogue, or other building, structure, or place used primarily for religious worship has an annual maintenance examination that includes the applicable category tests. For these occupancies, on-site witnessing of the category test shall be witnessed every 3 years. Records of the applicable maintenance checks and elevator category test results shall be maintained on-site by the building owner. The certificates of operation or copy thereof, must be clearly displayed in the conveyance for the benefit of code enforcement staff.

(Source: P.A. 96-54, eff. 7-23-09; 97-310, eff. 8-11-11.)

(225 ILCS 312/140)

(Section scheduled to be repealed on January 1, 2023)

Sec. 140. Local Administrator; home rule.

(a) The Administrator may enter into a local elevator agreement with municipalities or counties under which the Local Administrator shall (i) issue construction permits and certificates of operation, (ii) provide for inspection of

elevators, ~~including temporary operation inspections,~~ (iii) grant exceptions and variances from the literal requirements of applicable State codes, standards, and regulations in cases where such variances would not jeopardize the public safety and welfare, and (iv) enforce the applicable provisions of the Act, and levy fines in accordance with the Municipal Code or Counties Code. The Local Administrator may choose to require that inspections be performed by its own inspectors or by private certified elevator inspectors. The Local Administrator may assess a reasonable fee for permits, exceptions, variances, certification of operation, or inspections performed by its inspectors. Each agreement shall include a provision that the Local Administrator shall maintain for inspection by the Administrator copies of all applications for permits issued, grants or denials of exceptions or variances, copies of each inspection report issued, and proper records showing the number of certificates of operation issued. Each agreement shall also include a provision that each required inspection be conducted by a certified elevator inspector and any other provisions deemed necessary by the Administrator. Any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act.

(b) A home rule unit may not regulate the inspection or licensure of, or otherwise regulate, elevators and devices

described in Section 10 of this Act in a manner less restrictive than the regulation by the State of those matters under this Act. This subsection 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.

(c) (Blank).

(d) The Administrator shall be notified of any exception or variance granted. The Administrator may object to such exception or variance within 7 business days of receipt of the notice. Should the Administrator and Local Administrator not reach agreement on the exception or variance, the matter shall be directed to the Board to hear and decide.

(e) The Local Administrator shall issue the inspection form prescribed by the Board pursuant to subsection (k) of Section 35 of this Act or an inspection form identical to the form prescribed by the Board, which shall be the only inspection form used by a person, firm, or company licensed to inspect conveyances under this Section. A Local Administrator that chooses to require that inspections be performed by its own inspectors shall also use the inspection form prescribed by the Board or an inspection form that is identical to the form prescribed by the Board.

(Source: P.A. 99-22, eff. 1-1-16.)

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