



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1695

Introduced 2/15/2019, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

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

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

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

LRB101 10371 SMS 55477 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the Fire
5 Alarm Service Professional Licensing Act.

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

15 Section 7. Exemptions. A person or business engaged in the
16 business of installing, inspecting, or repairing fire alarm
17 systems in a municipality with a population greater than a
18 1,000,000 is exempt from the provisions of this Act.

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

21 "Certified engineering technician" or "technician" means

1 an individual who has achieved NICET Level III or higher in the
2 appropriate subfield and who has the knowledge, experience, and
3 skills necessary to layout fire protection systems.

4 "Department" means the Department of Financial and
5 Professional Regulation.

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

8 "Fire alarm service professional" means a person who holds
9 himself or herself to be in the business of or contracts with a
10 person or firm to install, inspect, maintain, or repair a fire
11 alarm system.

12 "Fire alarm system" means a system or portion of a
13 combination system that consists of components and circuits
14 arranged to monitor and annunciate the status of fire alarm or
15 supervisory signal-initiating devices and to initiate the
16 appropriate response to those signals. "Fire alarm system"
17 includes, but is not limited to, a fire alarm system and
18 emergency communications system in a residential, commercial,
19 institutional, educational, public, or private occupancy.

20 "Fire alarm system layout documents" means layout
21 drawings, catalog information on standard products, and other
22 construction data that provide details on the location of fire
23 alarm panels, initiating devices, notifications appliances,
24 wiring methods, and power requirements in accordance with the
25 National Fire Protection Association (NFPA) 72, National Fire
26 Alarm and Signaling Code, as adopted by the applicable

1 jurisdiction. "Fire alarm system layout documents" serve as a
2 guide for installation of a fire alarm system and shall be
3 based upon applicable standards pursuant to Section 35 of this
4 Act.

5 "Installer" means an individual or firm that provides the
6 labor and materials to install fire alarm and emergency
7 communication signaling systems.

8 "Licensed professional engineer" means a person who is
9 licensed in accordance with the Professional Engineering
10 Practice Act of 1989.

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

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

15 "Person" means an individual, group of individuals,
16 association, trust, partnership, corporation, person doing
17 business under an assumed name, the State of Illinois or a
18 department thereof, other State-owned and operated
19 institution, or other entity.

20 "Supervision" means the direction and management by a
21 designated certified person of the activities of non-certified
22 personnel in the installation, inspection, or repair of fire
23 alarm systems.

24 "Technician" means an individual who performs any of the
25 following key tasks:

26 (1) verifies that the initial fire alarm installation

1 is installed and operating correctly per applicable
2 requirements;

3 (2) provides repair service work to existing systems;
4 or

5 (3) provides inspection, testing, and maintenance of
6 existing systems.

7 Section 15. License; enforcement; failure to pay tax. No
8 person shall act as a fire alarm contractor, installer, or
9 technician or advertise or assume to act as such, or use any
10 title implying that such person is engaged in such practice or
11 occupation unless licensed by the Department.

12 No firm, association, or corporation shall act as an agency
13 licensed under this Act or advertise or assume to act as such
14 or use any title implying that the firm, association, or
15 corporation is engaged in such practice unless licensed by the
16 Department.

17 The Department, in the name of the People and through the
18 Attorney General, the State's Attorney of any county, any
19 resident of the State, or any legal entity within the State,
20 may apply for injunctive relief in any court to enjoin any
21 person who has not been issued a license or whose license has
22 been suspended, revoked, or not renewed from practicing a
23 licensed activity. Upon the filing of a verified petition, the
24 court, if satisfied by affidavit or otherwise, that such person
25 is or has been practicing in violation of this Act, may enter a

1 temporary restraining order or preliminary injunction, without
2 bond, enjoining the defendant from such further activity. A
3 copy of the verified complaint shall be served upon the
4 defendant and the proceedings shall thereafter be conducted as
5 in other civil cases. If it is established that the defendant
6 has been or is practicing in violation of this Act, the court
7 may enter a judgment perpetually enjoining the defendant from
8 such further activity. In case of violation of any injunctive
9 order or judgment entered under the provisions of this Section,
10 the court may summarily try and punish the offender for
11 contempt of court. Such injunctive proceeding shall be in
12 addition to all penalties and other remedies in this Act.

13 The Department may refuse to issue a license to or may
14 suspend the license of any person who fails to file a return,
15 to pay the tax, penalty, or interest shown in a filed return,
16 or to pay any final assessment of tax, penalty, or interest as
17 required by any tax Act administered by the Department of
18 Revenue, until the requirements of the tax Act are satisfied.

19 Section 20. Licensing requirements.

20 (a) Beginning 6 months after the effective date of this
21 Act, it shall be unlawful for any person or business to engage
22 in, advertise, or hold itself out to be in the business of
23 installing, inspecting, or repairing fire alarm systems in this
24 State unless such person or business is licensed by the
25 Department.

1 (b) A licensed electrical contractor does not need to hold
2 a fire alarm license if he or she holds a valid NICET Level II
3 certification in Fire Protection Engineer Technology Fire
4 Alarm System, or equivalent certification approved by the
5 Department.

6 (c) In order to obtain a license, a person or business must
7 submit an application to the Department on a form provided by
8 the Department containing the information prescribed along
9 with the application fee.

10 (d) A business applying for a license must have a
11 designated certified person employed at the business location
12 and the designated certified person shall be identified on the
13 license application.

14 (e) A person or business applying for a license must show
15 proof of having liability and property damage insurance in such
16 amounts and under such circumstances as may be determined by
17 the Department. The amount of liability and property damage
18 insurance, however, shall not be less than the amount specified
19 in Section 45 of this Act.

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

24 (g) A person or business so licensed shall have a separate
25 license for each business location within the State or outside
26 the State when the business location is responsible for any

1 installation, inspection, or repair of fire alarm systems
2 performed within the State.

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

6 (i) If the applicant requesting licensure to engage in
7 contracting is a business organization, such as a partnership,
8 corporation, business trust, or other legal entity, the
9 application shall state the name of the partnership and its
10 partners, the name of the corporation and its officers and
11 directors, the name of the business trust and its trustees, or
12 the name of such other legal entity and its members and shall
13 furnish evidence of statutory compliance if a fictitious name
14 is used. Such application shall also show that the business
15 entity employs a designated certified person as required under
16 Section 25. The license, when issued upon application of a
17 business organization, shall be in the name of the business
18 organization and the name of the qualifying designated
19 certified person shall be noted thereon.

20 (j) No license is required for a person or business that is
21 engaged in the installation of self-contained smoke alarms and
22 fire alarm systems in single-family residential dwellings.

23 (k) All fire alarm system layout documents, as defined in
24 Section 10 of this Act, shall be prepared by: (1) a licensed
25 professional engineer or (2) a holder of a valid NICET level
26 III or higher certification in Fire Protection Engineer

1 Technology Fire Alarm System Layout, or an equivalent
2 certification approved by the Department. Nothing in this Act
3 shall prohibit a licensed professional engineer from
4 performing verification of installation to ensure proper
5 installation and operation of the system in accordance with the
6 applicable requirements or testing the operation of the system
7 to verify the operation and installation of the fire alarm
8 system.

9 Section 25. Designated certified person requirements.

10 (a) A designated certified person must be a current
11 professional engineer licensed under the Professional
12 Engineering Practice Act of 1989, hold a valid NICET Level III
13 or higher certification in the subfield of fire protection
14 engineer technology or fire alarm system, or have completed an
15 apprenticeship as a journeyman electrician or technician from
16 an electrical apprenticeship and training program registered
17 with the United States Department of Labor that includes fire
18 alarm systems and received a certification of satisfactory
19 completion.

20 (b) At least one member of every firm, association, or
21 partnership or every corporation engaged in the installation of
22 fire alarm systems must be a designated NICET Level II or
23 higher person or have completed an apprenticeship as a
24 journeyman electrician or technician from an electrical
25 apprenticeship and training program registered with the United

1 States Department of Labor that includes fire alarm systems and
2 received a certification of satisfactory completion.

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

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

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

10 (f) A designated certified person must be directly involved
11 in supervision. The designated certified person does not,
12 however, have to be at the site of the installation or repair
13 of the fire alarm system at all times.

14 Section 30. Change of a designated certified person. When a
15 licensee is without a designated certified person, the licensee
16 shall notify the Department in writing within 30 days and shall
17 employ a designated certified person no later than 180 days
18 from the time the position of designated certified person
19 becomes vacant. Failing to fill the vacant position shall cause
20 the license of the person or of the business organization to
21 expire without further operation of law.

22 Section 35. Requirements for the installation, repair,
23 inspection, and initial acceptance testing of fire alarm
24 systems.

1 (a) Equipment shall be listed by a nationally recognized
2 testing laboratory, such as Underwriters Laboratories, Inc. or
3 Factory Mutual Laboratories, Inc., or shall comply with
4 nationally accepted standards. The Department shall adopt by
5 rule procedures for determining whether a laboratory is
6 nationally recognized, taking into account the laboratory's
7 facilities, procedures, use of nationally recognized
8 standards, and any other criteria reasonably calculated to
9 reach an informed determination.

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

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

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

18 (e) Inspections, initial acceptance testing, annual
19 testing, or repairing of existing fire alarm systems and
20 equipment must be performed by a licensee or an individual
21 employed or contracted by a licensee. Any individual who
22 performs inspection and testing duties under this subsection
23 (e) must possess proof of certification by a nationally
24 recognized certification organization at an appropriate level,
25 such as NICET Level II in Fire Protection Engineer Technology,
26 Fire Alarm Systems.

1 State employees who perform inspections and testing on
2 behalf of State institutions and who meet all other
3 requirements of this subsection (e) need not be licensed under
4 this Act or employed by a licensee under this Act in order to
5 perform inspection and testing duties under this subsection
6 (e).

7 The requirements of this subsection (e) do not apply to
8 individuals performing inspections or testing of fire alarm
9 systems on behalf of a municipality, a county, a fire
10 protection district, insurance interests, or the Office of the
11 State Fire Marshal.

12 The requirements of this subsection (e) do not apply to
13 cursory periodic tests and inspections of fire alarm system
14 components conducted by property owners or management in
15 accordance with the standards of the National Fire Protection
16 Association (NFPA) if such inspections do not constitute the
17 tests and inspections required to meet the minimum requirements
18 of NFPA standards.

19 A copy of the inspection report for an inspection performed
20 pursuant to this subsection (e) must be forwarded by the entity
21 performing the inspection within 30 days to the local fire
22 department or fire protection district in which the fire alarm
23 system is located. The inspection report must include the NICET
24 Level II Fire Protection Engineer Technology, Fire Alarm
25 Systems certification number, or journeymen number of the
26 person performing the inspection.

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

8 Section 45. Fees, renewals, continuing education, and
9 required insurance.

10 (a) The fees for an original license and each renewal and
11 for duplicate copies of licenses shall be determined by the
12 Department by rule.

13 (b) Each license must be renewed every 3 years. Each
14 licensee must complete 45 hours of continuing education in the
15 3-year period following his or her renewal or initial
16 licensure. Current licensure as a professional engineer, proof
17 of current NICET certification in Level III for Fire Alarm
18 Systems or higher, or a certification of completion of an
19 approved apprenticeship referenced in subsections (a) and (b)
20 of Section 25 shall satisfy this requirement for designated
21 certified persons. Continuing education offered through
22 nationally recognized building and fire code organizations and
23 their affiliates, nationally recognized fire alarm
24 organizations and their affiliates, institutions of higher

1 education, educational bodies specializing in fire alarm
2 system technology, and other entities approved by the
3 Department shall also be acceptable. All continuing education
4 entities seeking approval shall apply to the Department and
5 offer programs that:

6 (1) contribute to the advancement, extension, or
7 enhancement of the professional skills or technical
8 knowledge of the licensee in the practice of fire alarm
9 service; and

10 (2) are developed and presented by persons with
11 education or experience in the subject matter of the
12 program.

13 (c) Any person who fails to file a renewal application by
14 the date of expiration of a license shall be assessed a late
15 filing charge, which shall be determined by the Department by
16 rule.

17 (d) All fees shall be paid by check or money order. Any fee
18 required by this Act is not refundable if the original
19 application or application for renewal is denied.

20 (e) Every application for an original license shall be
21 accompanied by a certificate of insurance issued by an
22 insurance company authorized to do business in the State or by
23 a risk retention or purchasing group formed pursuant to the
24 federal Liability Risk Retention Act of 1986, which provides
25 primary, first dollar public liability coverage of the
26 applicant or licensee for personal injuries for not less than

1 \$500,000 per person or \$1,000,000 per occurrence and, in
2 addition, for not less than \$1,000,000 per occurrence for
3 property damage. The insurance policy shall be in effect at all
4 times during the license year and a new certificate of
5 insurance shall be filed with the Department within 30 days
6 after the renewal of the insurance policy.

7 Section 50. Deposit of fines and fees; appropriation. All
8 administrative civil fines and fees collected pursuant to the
9 Act shall be deposited into the Fire Prevention Fund, a special
10 fund in the State treasury. The General Assembly shall
11 appropriate the amount annually collected as administrative
12 civil fines and fees to the Department for the purposes of
13 administering this Act.

14 Section 55. Home rule. A home rule unit may not regulate
15 the installation, inspection, and repair of fire alarm systems
16 in a manner less restrictive than the regulation by the State
17 on the installation, inspection, and repair of fire alarm
18 systems under this Act. This Section is a limitation under
19 subsection (i) of Section 6 of Article VII of the Illinois
20 Constitution on the concurrent exercise by home rule units of
21 powers and functions exercised by the State.

22 Section 60. Powers and duties of the Department. The
23 Department has the following powers and duties:

- 1 (1) to prescribe and furnish application forms,
2 licenses, and any other forms necessary under this Act;
- 3 (2) to suspend, revoke, or refuse to issue or renew
4 licenses for cause;
- 5 (3) to conduct hearings concerning the suspension,
6 revocation, or refusal to issue or renew licenses;
- 7 (4) to levy and collect fines pursuant to this Act; and
- 8 (5) to adopt rules necessary for the administration of
9 this Act.

10 Section 65. Rules; public hearing. Subject to the
11 requirement for public hearings as provided in this Section,
12 the Department shall publish and adopt and may, from time to
13 time, amend such rules as may be necessary for the enforcement
14 of this Act and to protect the health and safety of the public.
15 The Department shall hold a public hearing prior to the
16 adoption or amendment of rules required under this Act. The
17 Department may, when necessary, utilize the services of any
18 other State agency to assist in carrying out the purposes of
19 this Act.

20 Section 70. Grounds for disciplinary action. The following
21 constitute grounds for disciplinary action by the Department:

- 22 (1) violation of any provision of this Act or of any
23 rule adopted under this Act;
- 24 (2) violation of the applicable building codes or laws

1 of this State or any municipality or county thereof;

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

7 (4) disciplinary action by any municipality or county,
8 which action shall be reviewed by the Department before
9 taking any disciplinary action;

10 (5) failure to supervise the installation of the fire
11 alarm system covered by the installation permit signed by
12 the contractor;

13 (6) rendering a fire alarm system inoperative, except
14 when the fire alarm system is being inspected, serviced,
15 tested, or repaired pursuant to court order;

16 (7) improperly servicing, repairing, testing, or
17 inspecting a fire alarm system;

18 (8) failing to provide proof of insurance to the
19 Department, or failing to maintain in force the insurance
20 coverage required by this Act;

21 (9) failing to obtain, retain, or maintain one or more
22 of the qualifications for a designated certified person as
23 specified in this Act;

24 (10) failing to confirm that all employees performing
25 fire alarm work or services hold the current certifications
26 required for their scope of work;

1 (11) making a material misstatement or
2 misrepresentation or committing a fraud in obtaining or
3 attempting to obtain a license;

4 (12) failing to notify the Department, in writing,
5 within 30 days after a change of residence address,
6 principal business address, or name;

7 (13) failing to supply within a reasonable time, upon
8 request from the Department or its authorized
9 representative, accurate information regarding material
10 used, work performed, or other information essential to the
11 administration of this Act; or

12 (14) aiding or abetting a person to violate a provision
13 of this Act, conspiring with any person to violate a
14 provision of this Act, or allowing a license to be used by
15 another person.

16 Section 75. Notice; suspension; revocation; refusal to
17 renew a license.

18 (a) Whenever the Department determines that there are
19 reasonable grounds to believe that a licensee has violated a
20 provision of this Act or the rules adopted under this Act, the
21 Department shall give notice of the alleged violation to the
22 person to whom the license was issued. The notice shall: (1) be
23 in writing; (2) include a statement of the alleged violation
24 that necessitates issuance of the notice; (3) contain an
25 outline of remedial action that, if taken, will effect

1 compliance with the provisions of this Act and the rules
2 adopted under this Act; (4) prescribe a reasonable time, as
3 determined by the Department, for the performance of any action
4 required by the notice; and (5) be served upon the licensee.
5 The notice shall be deemed to have been properly served upon
6 the person when a copy of the notice has been sent by
7 registered or certified mail to his or her last known address,
8 as furnished to the Department, or when he or she has been
9 served the notice by any other method authorized by law.

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

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

23 (d) In any proceeding to suspend, revoke, or refuse to
24 issue a license, the Department shall first serve or cause to
25 be served upon the licensee a written notice of the
26 Department's intent to take action. The notice shall specify

1 the way in which the person has failed to comply with this Act
2 or any other rules or standards of the Department.

3 (e) In the case of revocation or suspension, the notice
4 shall require the person to remove or abate the violation or
5 objectionable condition specified in the notice within 5 days.
6 The Department may specify a longer period of time as it deems
7 necessary. If the person fails to comply with the terms and
8 conditions of the revocation or suspension notice within the
9 time specified by the Department, the Department may revoke or
10 suspend the license.

11 (f) In the case of refusal to issue a license, if the
12 person fails to comply with this Act or rules adopted under
13 this Act, the Department may refuse to issue a license.

14 Section 80. Administrative hearing. The Department shall
15 give written notice by certified or registered mail to an
16 applicant or licensee of the Department's intent to suspend,
17 revoke, or refuse to issue a license or to assess a fine. Such
18 person has a right to a hearing before the Department. A
19 written notice of a request for a hearing shall be served on
20 the Department within 18 days of notice of the refusal,
21 suspension, or revocation of a license or imposition of a fine.
22 The hearing shall be conducted by the Department or a hearing
23 officer designated in writing by the Department. A stenographic
24 record shall be made of the hearing and cost of the hearing
25 shall be borne by the Department. A transcript of the hearing

1 shall be made only upon request of the applicant or licensee
2 and shall be transcribed at the cost of that person.

3 Section 85. Subpoena powers; administration of oath. The
4 Department or hearing officer may compel by subpoena or
5 subpoena duces tecum the attendance and testimony of witnesses
6 and the production of books and papers. All subpoenas issued by
7 the Department or hearing officer may be served as provided for
8 in a civil action. The fees of witnesses for attendance and
9 travel shall be the same as the fees for witnesses before the
10 circuit court and shall be paid by the party at whose request
11 the subpoena is issued. If such subpoena is issued at the
12 request of the Department, the witness fee shall be paid as an
13 administrative expense.

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

20 The Department or hearing officer has the authority to
21 administer oaths to witnesses.

22 Section 90. Deposition of witnesses; testimony at hearing
23 recorded. In the event of the inability of any party or the
24 Department to procure the attendance of witnesses to give

1 testimony or produce books and papers, the party or the
2 Department may take the deposition of witnesses in accordance
3 with the laws of this State. All testimony taken at a hearing
4 shall be reduced to writing and all such testimony and other
5 evidence introduced at the hearing shall be a part of the
6 record of the hearing.

7 Section 95. Certification of record. The Department is not
8 required to certify any record or file any answer or otherwise
9 appear in any proceeding for judicial review unless the party
10 filing the complaint deposits with the clerk of the court the
11 sum of \$1 per page representing the costs of the certification.
12 Failure on the part of the plaintiff to make the deposit shall
13 be grounds for dismissal of the action.

14 Section 100. Injunction. Faulty fire alarm installation
15 and repair is declared a violation of this Act and inimical to
16 the public health, welfare, and safety and a deceptive business
17 practice. The Department, in the name of the People of the
18 State, through the Attorney General or the State's Attorney of
19 the county in which the violation occurs may, in addition to
20 other remedies provided in this Act, bring an action for an
21 injunction to restrain such violation or enjoin the future
22 performance of the person who committed the violation until
23 compliance with the provisions of this Act has been obtained.

1 Section 105. Penalty. Any person who violates this Act or
2 any rule adopted by the Department or who violates any
3 determination or order of the Department under this Act shall
4 be guilty of a Class A misdemeanor and shall be fined a sum not
5 less than \$100. Each day's violation constitutes a separate
6 offense. The State's Attorney of the county in which the
7 violation occurred or the Attorney General shall bring such
8 actions in the name of the People of the State of Illinois.

9 Section 110. Administrative civil fines. The Department is
10 empowered to assess administrative civil fines against a
11 licensee for violations of this Act or its rules. These fines
12 shall not be greater than \$1,000 for each offense. These fines
13 shall be in addition to or in lieu of license suspensions and
14 revocations. Rules to implement this Section shall be adopted
15 by the Department within 6 months after the effective date of
16 this Act.

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

24 Section 115. Judicial review of final administrative

1 decision. The Administrative Review Law and the rules adopted
2 under the Administrative Review Law apply to and govern all
3 proceedings for judicial review of final administrative
4 decisions of the Department under this Act. Such judicial
5 review shall be in the circuit court of the county in which the
6 cause of the action arose. As used in this Section, the term
7 "administrative decision" has the meaning set forth in Section
8 3-101 of the Code of Civil Procedure.

9 Section 120. Illinois Administrative Procedure Act. The
10 provisions of the Illinois Administrative Procedure Act are
11 hereby expressly adopted and shall apply to all administrative
12 rules and procedures of the Department under this Act, except
13 that, in the case of conflict between the Illinois
14 Administrative Procedure Act and this Act, the provisions of
15 this Act shall control, and except that Section 5-35 of the
16 Illinois Administrative Procedure Act relating to procedures
17 for rulemaking does not apply to the adoption of any rule
18 required by federal law in connection with which the Department
19 is precluded by law from exercising any discretion.

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

23 Section 130. Grandfather clause. Any person or business

1 that, on the effective date of this Act, is installing,
2 acceptance testing, testing, inspecting, or repairing fire
3 alarm systems in the State of Illinois and has a minimum of 3
4 years of experience in initial acceptance testing, testing,
5 inspecting, or repairing fire alarm systems has 2 years after
6 the effective date of this Act before they must have a
7 designated certified person as required in Section 25.

8 Section 900. The Criminal Code of 2012 is amended by
9 changing Section 16-30 as follows:

10 (720 ILCS 5/16-30)

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

12 (a) A person commits identity theft when he or she
13 knowingly:

14 (1) uses any personal identifying information or
15 personal identification document of another person to
16 fraudulently obtain credit, money, goods, services, or
17 other property;

18 (2) uses any personal identification information or
19 personal identification document of another with intent to
20 commit any felony not set forth in paragraph (1) of this
21 subsection (a);

22 (3) obtains, records, possesses, sells, transfers,
23 purchases, or manufactures any personal identification
24 information or personal identification document of another

1 with intent to commit any felony;

2 (4) uses, obtains, records, possesses, sells,
3 transfers, purchases, or manufactures any personal
4 identification information or personal identification
5 document of another knowing that such personal
6 identification information or personal identification
7 documents were stolen or produced without lawful
8 authority;

9 (5) uses, transfers, or possesses document-making
10 implements to produce false identification or false
11 documents with knowledge that they will be used by the
12 person or another to commit any felony;

13 (6) uses any personal identification information or
14 personal identification document of another to portray
15 himself or herself as that person, or otherwise, for the
16 purpose of gaining access to any personal identification
17 information or personal identification document of that
18 person, without the prior express permission of that
19 person;

20 (7) uses any personal identification information or
21 personal identification document of another for the
22 purpose of gaining access to any record of the actions
23 taken, communications made or received, or other
24 activities or transactions of that person, without the
25 prior express permission of that person;

26 (7.5) uses, possesses, or transfers a radio frequency

1 identification device capable of obtaining or processing
2 personal identifying information from a radio frequency
3 identification (RFID) tag or transponder with knowledge
4 that the device will be used by the person or another to
5 commit a felony violation of State law or any violation of
6 this Article; or

7 (8) in the course of applying for a building permit
8 with a unit of local government, provides the license
9 number of a roofing, ~~or~~ fire sprinkler, or fire alarm
10 contractor whom he or she does not intend to have perform
11 the work on the roofing, ~~or~~ fire sprinkler, or fire alarm
12 portion of the project; it is an affirmative defense to
13 prosecution under this paragraph (8) that the building
14 permit applicant promptly informed the unit of local
15 government that issued the building permit of any change in
16 the roofing, ~~or~~ fire sprinkler, or fire alarm contractor.

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

20 (1) against a person 60 years of age or older or a
21 person with a disability; or

22 (2) in furtherance of the activities of an organized
23 gang.

24 A defense to aggravated identity theft does not exist
25 merely because the accused reasonably believed the victim to be
26 a person less than 60 years of age. For the purposes of this

1 subsection, "organized gang" has the meaning ascribed in
2 Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

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

7 (d) When a charge of identity theft or aggravated identity
8 theft of credit, money, goods, services, or other property
9 exceeding a specified value is brought, the value of the
10 credit, money, goods, services, or other property is an element
11 of the offense to be resolved by the trier of fact as either
12 exceeding or not exceeding the specified value.

13 (e) Sentence.

14 (1) Identity theft.

15 (A) A person convicted of identity theft in
16 violation of paragraph (1) of subsection (a) shall be
17 sentenced as follows:

18 (i) Identity theft of credit, money, goods,
19 services, or other property not exceeding \$300 in
20 value is a Class 4 felony. A person who has been
21 previously convicted of identity theft of less
22 than \$300 who is convicted of a second or
23 subsequent offense of identity theft of less than
24 \$300 is guilty of a Class 3 felony. A person who
25 has been convicted of identity theft of less than
26 \$300 who has been previously convicted of any type

1 of theft, robbery, armed robbery, burglary,
2 residential burglary, possession of burglary
3 tools, home invasion, home repair fraud,
4 aggravated home repair fraud, or financial
5 exploitation of an elderly person or person with a
6 disability is guilty of a Class 3 felony. Identity
7 theft of credit, money, goods, services, or other
8 property not exceeding \$300 in value when the
9 victim of the identity theft is an active duty
10 member of the Armed Services or Reserve Forces of
11 the United States or of the Illinois National Guard
12 serving in a foreign country is a Class 3 felony. A
13 person who has been previously convicted of
14 identity theft of less than \$300 who is convicted
15 of a second or subsequent offense of identity theft
16 of less than \$300 when the victim of the identity
17 theft is an active duty member of the Armed
18 Services or Reserve Forces of the United States or
19 of the Illinois National Guard serving in a foreign
20 country is guilty of a Class 2 felony. A person who
21 has been convicted of identity theft of less than
22 \$300 when the victim of the identity theft is an
23 active duty member of the Armed Services or Reserve
24 Forces of the United States or of the Illinois
25 National Guard serving in a foreign country who has
26 been previously convicted of any type of theft,

1 robbery, armed robbery, burglary, residential
2 burglary, possession of burglary tools, home
3 invasion, home repair fraud, aggravated home
4 repair fraud, or financial exploitation of an
5 elderly person or person with a disability is
6 guilty of a Class 2 felony.

7 (ii) Identity theft of credit, money, goods,
8 services, or other property exceeding \$300 and not
9 exceeding \$2,000 in value is a Class 3 felony.
10 Identity theft of credit, money, goods, services,
11 or other property exceeding \$300 and not exceeding
12 \$2,000 in value when the victim of the identity
13 theft is an active duty member of the Armed
14 Services or Reserve Forces of the United States or
15 of the Illinois National Guard serving in a foreign
16 country is a Class 2 felony.

17 (iii) Identity theft of credit, money, goods,
18 services, or other property exceeding \$2,000 and
19 not exceeding \$10,000 in value is a Class 2 felony.
20 Identity theft of credit, money, goods, services,
21 or other property exceeding \$2,000 and not
22 exceeding \$10,000 in value when the victim of the
23 identity theft is an active duty member of the
24 Armed Services or Reserve Forces of the United
25 States or of the Illinois National Guard serving in
26 a foreign country is a Class 1 felony.

1 (iv) Identity theft of credit, money, goods,
2 services, or other property exceeding \$10,000 and
3 not exceeding \$100,000 in value is a Class 1
4 felony. Identity theft of credit, money, goods,
5 services, or other property exceeding \$10,000 and
6 not exceeding \$100,000 in value when the victim of
7 the identity theft is an active duty member of the
8 Armed Services or Reserve Forces of the United
9 States or of the Illinois National Guard serving in
10 a foreign country is a Class X felony.

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

14 (B) A person convicted of any offense enumerated in
15 paragraphs (2) through (7.5) of subsection (a) is
16 guilty of a Class 3 felony. A person convicted of any
17 offense enumerated in paragraphs (2) through (7.5) of
18 subsection (a) when the victim of the identity theft is
19 an active duty member of the Armed Services or Reserve
20 Forces of the United States or of the Illinois National
21 Guard serving in a foreign country is guilty of a Class
22 2 felony.

23 (C) A person convicted of any offense enumerated in
24 paragraphs (2) through (5) and (7.5) of subsection (a)
25 a second or subsequent time is guilty of a Class 2
26 felony. A person convicted of any offense enumerated in

1 paragraphs (2) through (5) and (7.5) of subsection (a)
2 a second or subsequent time when the victim of the
3 identity theft is an active duty member of the Armed
4 Services or Reserve Forces of the United States or of
5 the Illinois National Guard serving in a foreign
6 country is guilty of a Class 1 felony.

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

23 (E) A person convicted of identity theft in
24 violation of paragraph (2) of subsection (a) who uses
25 any personal identification information or personal
26 identification document of another to purchase

1 methamphetamine manufacturing material as defined in
2 Section 10 of the Methamphetamine Control and
3 Community Protection Act with the intent to unlawfully
4 manufacture methamphetamine is guilty of a Class 2
5 felony for a first offense and a Class 1 felony for a
6 second or subsequent offense. A person convicted of
7 identity theft in violation of paragraph (2) of
8 subsection (a) who uses any personal identification
9 information or personal identification document of
10 another to purchase methamphetamine manufacturing
11 material as defined in Section 10 of the
12 Methamphetamine Control and Community Protection Act
13 with the intent to unlawfully manufacture
14 methamphetamine when the victim of the identity theft
15 is an active duty member of the Armed Services or
16 Reserve Forces of the United States or of the Illinois
17 National Guard serving in a foreign country is guilty
18 of a Class 1 felony for a first offense and a Class X
19 felony for a second or subsequent offense.

20 (F) A person convicted of identity theft in
21 violation of paragraph (8) of subsection (a) of this
22 Section is guilty of a Class 4 felony.

23 (2) Aggravated identity theft.

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

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

4 (C) Aggravated identity theft of credit, money,
5 goods, services, or other property exceeding \$10,000
6 in value and not exceeding \$100,000 in value is a Class
7 1 felony.

8 (D) Aggravated identity theft of credit, money,
9 goods, services, or other property exceeding \$100,000
10 in value is a Class X felony.

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

14 (F) Aggravated identity theft when a person who,
15 within a 12-month period, is found in violation of any
16 offense enumerated in paragraphs (2) through (7.5) of
17 subsection (a) of this Section with identifiers of, or
18 other information relating to, 3 or more separate
19 individuals, at the same time or consecutively, is a
20 Class 1 felony.

21 (G) A person who has been previously convicted of
22 aggravated identity theft regardless of the value of
23 the property involved who is convicted of a second or
24 subsequent offense of aggravated identity theft
25 regardless of the value of the property involved is
26 guilty of a Class X felony.

1 (Source: P.A. 99-143, eff. 7-27-15.)

2 Section 905. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by changing Section 2Z as follows:

4 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

5 Sec. 2Z. Violations of other Acts. Any person who knowingly
6 violates the Automotive Repair Act, the Automotive Collision
7 Repair Act, the Home Repair and Remodeling Act, the Dance
8 Studio Act, the Physical Fitness Services Act, the Hearing
9 Instrument Consumer Protection Act, the Illinois Union Label
10 Act, the Installment Sales Contract Act, the Job Referral and
11 Job Listing Services Consumer Protection Act, the Travel
12 Promotion Consumer Protection Act, the Credit Services
13 Organizations Act, the Automatic Telephone Dialers Act, the
14 Pay-Per-Call Services Consumer Protection Act, the Telephone
15 Solicitations Act, the Illinois Funeral or Burial Funds Act,
16 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
17 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the
18 High Risk Home Loan Act, the Payday Loan Reform Act, the
19 Mortgage Rescue Fraud Act, subsection (a) or (b) of Section
20 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section
21 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the
22 Internet Caller Identification Act, paragraph (6) of
23 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
24 Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150,

1 or 18d-153 of the Illinois Vehicle Code, Article 3 of the
2 Residential Real Property Disclosure Act, the Automatic
3 Contract Renewal Act, the Reverse Mortgage Act, Section 25 of
4 the Youth Mental Health Protection Act, the Personal
5 Information Protection Act, ~~or~~ the Student Online Personal
6 Protection Act, or Section 100 of the Fire Alarm Service
7 Professional Licensing Act commits an unlawful practice within
8 the meaning of this Act.

9 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
10 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
11 100-863, eff. 8-14-18.)