



Rep. Kathleen Willis

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10200HB1449ham001

LRB102 03465 AMQ 38210 a

1 AMENDMENT TO HOUSE BILL 1449

2 AMENDMENT NO. _____. Amend House Bill 1449 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 80/4.33)

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 Acts repealed on January 1, 2023.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8 Acts are repealed on January 1, 2023:

9 The Dietitian Nutritionist Practice Act.

10 ~~The Elevator Safety and Regulation Act.~~

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

13 The Funeral Directors and Embalmers Licensing Code.

14 The Naprapathic Practice Act.

15 The Pharmacy Practice Act.

16 The Professional Counselor and Clinical Professional

1 Counselor Licensing and Practice Act.

2 The Wholesale Drug Distribution Licensing Act.

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

4 (5 ILCS 80/4.38)

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 Acts repealed on January 1, 2028.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6 Acts are repealed on January 1, 2028:

7 The Acupuncture Practice Act.

8 The Clinical Social Work and Social Work Practice Act.

9 The Elevator Safety and Regulation Act.

10 The Fire Equipment Distributor and Employee Regulation Act
11 of 2011.

12 The Home Medical Equipment and Services Provider License
13 Act.

14 The Illinois Petroleum Education and Marketing Act.

15 The Illinois Speech-Language Pathology and Audiology
16 Practice Act.

17 The Interpreter for the Deaf Licensure Act of 2007.

18 The Nurse Practice Act.

19 The Nursing Home Administrators Licensing and Disciplinary
20 Act.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;

24 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.

25 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;

1 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

2 Section 10. The Fire Equipment Distributor and Employee
3 Regulation Act of 2011 is amended by changing Sections 5, 10,
4 20, 30, 40, 45, 60, 65, 70, 75, 80, 82, 83, 85, 90, 115, and
5 120 and by adding Sections 14 and 62 as follows:

6 (225 ILCS 217/5)

7 (Section scheduled to be repealed on January 1, 2023)

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

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

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

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

21 "ICC" means the International Code Council.

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

24 "NFPA" means the National Fire Protection Association.

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

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

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

7 ~~(a) "Employee" means a licensee or a person who is~~
8 ~~currently employed by a distributor licensed under this Act~~
9 ~~whose full or part time duties include servicing, recharging,~~
10 ~~hydro testing, installing, maintaining, or inspecting all~~
11 ~~types of fire extinguishing devices or systems, other than~~
12 ~~water sprinkler systems.~~

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

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

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

26 ~~(e) "Public member" means a person who is not a licensee or~~

1 ~~a relative of a licensee, or who is not an employer or employee~~
2 ~~of a licensee. The term "relative" shall be determined by~~
3 ~~rules of the State Fire Marshal.~~

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

6 ~~(g) "Inspection" means a determination that a fire~~
7 ~~extinguisher is available in its designated place and has not~~
8 ~~been actuated or tampered with. "Inspection" does not include~~
9 ~~the inspection that may be performed by the building owner,~~
10 ~~tenant, or insurance representative.~~

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

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

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

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

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

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

4 (a) No person shall act as a fire equipment distributor or
5 employee, or advertise or assume to act as such, or use any
6 title implying that such person is engaged in such practice or
7 occupation unless licensed by the State Fire Marshal.

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

13 (b) The State Fire Marshal, in the name of the People and
14 through the Attorney General, the State's Attorney of any
15 county, any interested resident of the State, or any
16 interested legal entity within the State, may petition the
17 court with appropriate jurisdiction for an order seeking
18 injunctive relief to enjoin from practicing a licensed
19 activity in violation of this Act any person, firm,
20 association, or corporation who has not been issued a license,
21 or whose license has been suspended, revoked, or not renewed.
22 If any person, firm, association, or corporation holds itself
23 out as being a licensee under this Act and is not licensed to
24 do so, then any licensee, interested party, or any person
25 injured thereby may petition for relief as provided in this
26 Section. Upon the filing of a verified complaint, a copy shall

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

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

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

24 The Office shall serve a notice of the Office's action,
25 including, but not limited to, a statement of reasons for the
26 action, either personally or by certified mail, and a return

1 receipt requested. Service by certified mail shall be deemed
2 completed (i) when the notice is deposited in the United
3 States mail, received, or delivery is refused or (ii) one
4 business day after the United States Postal Service has
5 attempted delivery, whichever is earlier.

6 Within 10 days after service of a cease and desist order,
7 the licensee or other person may request, in writing, a
8 hearing. The Office shall schedule a hearing within 30 days
9 after the request for a hearing unless otherwise agreed to by
10 the parties.

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

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

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

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

3 ~~Whenever, in the opinion of the State Fire Marshal, a~~
4 ~~person, firm, association, or corporation violates any~~
5 ~~provision of this Act, the State Fire Marshal may issue an~~
6 ~~order to show cause why an order to cease and desist should not~~
7 ~~be entered against that person, firm, association, or~~
8 ~~corporation. The order shall clearly set forth the grounds~~
9 ~~relied upon by the State Fire Marshal and shall allow the~~
10 ~~person, firm, association, or corporation at least 7 days~~
11 ~~after the date of the order to file an answer satisfactory to~~
12 ~~the State Fire Marshal. A failure to answer an order to show~~
13 ~~cause to the satisfaction of the State Fire Marshal shall~~
14 ~~result in the issuance of an order to cease and desist.~~

15 (d) The State Fire Marshal may refuse to issue a license
16 to, or may suspend the license of, any person or business
17 entity that is not in good standing with the Department of
18 Revenue until the person or business entity is in good
19 standing with the Department of Revenue ~~who fails to file a~~
20 ~~return, to pay the tax, penalty, or interest shown in a filed~~
21 ~~return, or to pay any final assessment of tax, penalty, or~~
22 ~~interest, as required by any tax Act administered by the~~
23 ~~Illinois Department of Revenue, until such time as the~~
24 ~~requirements of any such tax Act are satisfied.~~

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

1 (225 ILCS 217/14 new)

2 Sec. 14. Home rule. A home rule unit may not regulate the
3 service of fire equipment in a manner less restrictive than
4 the regulation by the State on the service of fire equipment
5 under this Act. This Section is a limitation under subsection
6 (i) of Section 6 of Article VII of the Illinois Constitution on
7 the concurrent exercise by home rule units of powers and
8 functions exercised by the State.

9 (225 ILCS 217/20)

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

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

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

15 (225 ILCS 217/30)

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

17 Sec. 30. Rules; report.

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

1 fees, and processing fees.

2 (b) (Blank).

3 (c) (Blank).

4 (d) In the adopting of rules relating to fire equipment
5 distributors and employees, the State Fire Marshal shall be
6 guided by the national fire safety standards and codes and
7 fire equipment and facility standards and code, including, but
8 not limited to, those adopted by the National Fire Protection
9 Association and the National Association of Fire Equipment
10 Distributors.

11 (e) In the adopting of rules relating to the maintenance
12 and operation of hydrostatic testing equipment and tools for
13 all fire equipment distributors and employees, the State Fire
14 Marshal shall be guided by the requirements of the United
15 States Department of Transportation as set forth in Section
16 173.34(e)(1) of Title 49 of Code of Federal Regulations.

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

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

26 (h) (Blank).

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

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

6 (225 ILCS 217/40)

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

8 Sec. 40. Qualifications for licensure; fees.

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

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

18 (1) A ~~An annual~~ license fee as determined by rule ~~of~~
19 ~~\$100.~~

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

24 (3) Evidence of financial responsibility in a minimum
25 amount of \$1,000,000 ~~\$300,000~~ through liability insurance,

1 self-insurance, group insurance, group self-insurance, or
2 risk retention groups.

3 (3.5) Evidence of workers' compensation insurance
4 covering its employees or approval as a self-insurer of
5 workers' compensation in accordance with the laws of this
6 State.

7 (4) Evidence of owning, leasing, renting, or having
8 access to proper testing equipment that is in compliance
9 with the national standards adopted by the State Fire
10 Marshal for the maintenance and operation of testing tools
11 for use with all Class A fire equipment.

12 (c) To qualify for a Class B Fire Equipment Distributor
13 License to service, recharge, hydro-test, install, maintain,
14 or inspect all types of pre-engineered fire extinguishing
15 systems, an applicant shall employ a currently licensed Class
16 2K Fire Equipment Employee or Class 2I Fire Equipment Employee
17 and must provide all of the following:

18 (1) A ~~An annual~~ license fee as determined by rule ~~of~~
19 ~~\$200.~~

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

24 (3) Evidence of financial responsibility in a minimum
25 amount of \$1,000,000 ~~\$300,000~~ through liability insurance,
26 self-insurance, group insurance, group self-insurance, or

1 risk retention groups.

2 (3.5) Evidence of workers' compensation insurance
3 covering its employees or approval as a self-insurer of
4 workers' compensation in accordance with the laws of this
5 State.

6 (4) Evidence of owning, leasing, renting, or having
7 access to proper testing equipment that is in compliance
8 with the national standards adopted by the State Fire
9 Marshal for the maintenance and operation of testing tools
10 for use with all Class B fire equipment.

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

16 (1) A ~~An annual~~ license fee as determined by rule ~~of~~
17 ~~\$300.~~

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

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

26 (3.5) Evidence of workers' compensation insurance

1 covering its employees or approval as a self-insurer of
2 workers' compensation in accordance with the laws of this
3 State.

4 (4) Evidence of owning, leasing, renting, or having
5 access to proper testing equipment that is in compliance
6 with the national standards adopted by the State Fire
7 Marshal for the maintenance and operation of testing tools
8 for use with all Class C fire equipment.

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

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

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

19 (3) Provide a digital color photograph of sufficient
20 quality ~~2 copies of a current photograph at least 1" x 1"~~
21 ~~in size.~~ A candidate ~~An applicant~~ who is 21 years of age or
22 older seeking a religious exemption to this photograph
23 requirement shall furnish with the ~~his or her~~ application
24 an approved copy of United States Department of the
25 Treasury Internal Revenue Service Form 4029. Regardless of
26 age, a candidate ~~an applicant~~ seeking a religious

1 exemption to this photograph requirement shall submit
2 fingerprints in a form and manner prescribed by the State
3 Fire Marshal with the ~~his or her~~ application in lieu of a
4 photograph.

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

7 (f) To qualify for a Class 2I Fire Equipment Employee
8 License to service, recharge, hydro-test, install, maintain,
9 or inspect all types of pre-engineered industrial fire
10 extinguishing systems, a candidate shall ~~an applicant must~~
11 complete all of the following:

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

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

18 (3) Provide a digital color photograph of sufficient
19 quality ~~2 copies of a current photograph at least 1" x 1"~~
20 ~~in size.~~ A candidate ~~An applicant~~ who is 21 years of age or
21 older seeking a religious exemption to this photograph
22 requirement shall furnish with the ~~his or her~~ application
23 an approved copy of United States Department of the
24 Treasury Internal Revenue Service Form 4029. Regardless of
25 age, a candidate ~~an applicant~~ seeking a religious
26 exemption to this photograph requirement shall submit

1 fingerprints in a form and manner prescribed by the State
2 Fire Marshal with the ~~his or her~~ application in lieu of a
3 photograph.

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

6 (f-5) To qualify for a Class 2K Fire Equipment Employee
7 License to service, recharge, hydro-test, install, maintain,
8 or inspect all types of pre-engineered kitchen fire
9 extinguishing systems, a candidate shall ~~an applicant must~~
10 complete all of the following:

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

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

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

1 Fire Marshal with the ~~his or her~~ application in lieu of a
2 photograph.

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

5 (g) To qualify for a Class 3 Fire Equipment Employee
6 License to service, recharge, hydro-test, install, maintain,
7 inspect, or engineer all types of engineered fire
8 extinguishing systems, a candidate shall ~~an applicant must~~
9 complete all of the following:

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

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

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

1 photograph.

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

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

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

8 (225 ILCS 217/45)

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

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

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

19 (225 ILCS 217/60)

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

21 Sec. 60. Issuance of license; renewal.

22 (a) The Office ~~State Fire Marshal~~ shall, upon the
23 applicant's satisfactory completion of the requirements
24 authorized under this Act and upon receipt of the requisite

1 fees, issue the appropriate license and certificate or wallet
2 card, as applicable, showing the name and business location of
3 the licensee, and the dates of issuance and expiration. For an
4 employee license, the wallet card shall also contain a
5 photograph of the licensee, unless the licensee has a
6 religious exemption in accordance with Section 40. ~~, and shall~~
7 ~~contain a photograph of the licensee provided to the State~~
8 ~~Fire Marshal. An applicant who is 21 years of age or older~~
9 ~~seeking a religious exemption to the photograph required by~~
10 ~~this subsection shall furnish with his or her application an~~
11 ~~approved copy of United States Department of the Treasury~~
12 ~~Internal Revenue Service Form 4029. Regardless of age, an~~
13 ~~applicant seeking a religious exemption to this photograph~~
14 ~~requirement shall submit fingerprints in a form and manner~~
15 ~~prescribed by the State Fire Marshal with his or her~~
16 ~~application in lieu of a photograph.~~

17 (b) (Blank). ~~Any license valid on December 31, 2010 under~~
18 ~~the Fire Equipment Distributor and Employee Regulation Act of~~
19 ~~2000 shall be a valid license under this Act and expires when~~
20 ~~the valid license issued under the Fire Equipment Distributor~~
21 ~~and Employee Regulation Act of 2000 was scheduled to expire.~~

22 (c) An applicant for license renewal shall, at the time of
23 renewal application, provide proof of qualifications for
24 licensure under Section 40 for the respective license to the
25 Office. Upon receipt of the requisite fees, the Office shall
26 issue the license in accordance with subsection (a). ~~Each~~

1 ~~licensee may apply for renewal of his license upon payment of~~
2 ~~fees, as set forth in this Act.~~ The expiration date and renewal
3 period for each license issued under this Act shall be set by
4 rule. Failure to renew by ~~within 60 days of~~ the expiration date
5 shall lapse the license. A lapsed license may not be renewed
6 ~~reinstated~~ until a written application is filed, an applicant
7 has demonstrated proof of qualifications for licensure, and
8 the renewal fee is paid, and a \$50 reinstatement fee is paid.
9 If not renewed, a license shall become inactive following 60
10 days after the expiration date of the license. An inactive
11 license may not be reinstated until a written application is
12 filed, an applicant has demonstrated proof of qualifications
13 for licensure, the renewal fee is paid, and the reinstatement
14 fee is paid. A license may not be reinstated after one year
15 from the expiration date of the license. Renewal and
16 reinstatement fees shall be waived for persons who did not
17 renew while on active duty in the military and who file for
18 renewal or reinstatement ~~restoration~~ within one year after
19 discharge from such service. ~~A lapsed license may not be~~
20 ~~reinstated after 5 years have elapsed, except upon passing an~~
21 ~~examination to determine fitness to have the license restored~~
22 ~~and by paying the required fees.~~

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

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

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

5 (225 ILCS 217/62 new)

6 Sec. 62. Notification of employment termination; automatic
7 suspension of license.

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

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

1 (225 ILCS 217/65)

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

3 Sec. 65. Returned checks; notification of lapsed or
4 inactive license. The Office may require that any ~~Any~~ person
5 who on 2 or more occasions issues or delivers a check or other
6 order to the Office ~~State Fire Marshal~~ that is not honored by
7 the financial institution upon which it is drawn because of
8 insufficient funds on account ~~shall pay to the State Fire~~
9 ~~Marshal~~, in addition to the amount owing upon the check or
10 other order, a fee of \$50. The State Fire Marshal shall notify
11 the licensee whose license has lapsed or become inactive,
12 within 30 days after the discovery by the State Fire Marshal
13 that the licensee is practicing without a current license,
14 that the individual, person, or distributor is acting as a
15 fire equipment distributor or employee, as the case may be,
16 without a license, and the amount due to the State Fire
17 Marshal, which shall include the ~~lapsed~~ renewal fee,
18 reinstatement fee, and all other fees required in order to
19 renew or reinstate the license ~~by this Section~~. ~~If after the~~
20 ~~expiration of 30 days from the date of such notification, the~~
21 ~~licensee whose license has lapsed seeks a current license, he~~
22 ~~shall thereafter apply to the State Fire Marshal for~~
23 ~~reinstatement of the license and pay all fees due to the State~~
24 ~~Fire Marshal. The State Fire Marshal may establish a fee for~~
25 ~~the processing of an application for reinstatement of a~~
26 ~~license that allows the State Fire Marshal to pay all costs and~~

1 ~~expenses incident to the processing of this application. The~~
2 ~~State Fire Marshal may waive the fees due under this Section in~~
3 ~~individual cases where he finds that the fees would be~~
4 ~~unreasonable or unnecessarily burdensome.~~

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

6 (225 ILCS 217/70)

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

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

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

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

23 (c) If a license or certificate is lost, a duplicate shall
24 be issued upon payment of the required fee to be established by
25 the State Fire Marshal. If a licensee wishes to change the name

1 on the license ~~his or her name~~, the State Fire Marshal shall
2 issue a license in the new name upon satisfactory proof that
3 such change was done in accordance with law and upon payment of
4 the ~~required~~ fee as determined by rule.

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

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

9 (225 ILCS 217/75)

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

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

1 record.

2 Grounds for discipline under this Act are:

3 (1) fraud or material deception in obtaining or
4 renewing of a license;

5 (2) professional incompetence as manifested by poor
6 standards of service;

7 (3) engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public in the course of professional
10 services or activities;

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

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

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

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

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

6 (9) making differential treatment against any person
7 to his or her detriment because of race, color, creed,
8 sex, religion, or national origin;

9 (10) engaging in unprofessional conduct;

10 (11) engaging in false or misleading advertising;

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

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

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

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

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

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

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

1 (225 ILCS 217/80)

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

3 Sec. 80. Complaints. All complaints concerning violations
4 regarding licensees or unlicensed activity shall be received
5 and logged by the State Fire Marshal ~~and reported to the Board.~~
6 (Source: P.A. 96-1499, eff. 1-18-11.)

7 (225 ILCS 217/82)

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

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

18 All licensees under this Act shall maintain records of any
19 service performed under this Act for a period of not less than
20 3 years. These records shall include, at minimum, the name and
21 license number, if available, of any individual who performs
22 service of fire equipment under this Act, the date of service,
23 location of service, and class of fire equipment serviced.

24 A copy of all files, documents, records, data, or other

1 information, including those that are electronically stored,
2 relevant to the service of fire equipment under this Act or the
3 activities of a licensee under this Act, shall be made
4 available to the Office within 15 days of request by the
5 Office, unless the Office agrees to an extension of that
6 period.

7 The failure or refusal to make these records available
8 shall be grounds for disciplinary action.

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

10 (225 ILCS 217/83)

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

12 Sec. 83. Citations.

13 (a) The State Fire Marshal may adopt rules to permit the
14 issuance of citations for certain violations of this Act or
15 the rules adopted under this Act. The citation shall be issued
16 to the licensee or other person doing business without the
17 required license and shall contain the person's ~~licensee's~~
18 name and address, the licensee's license number, if
19 applicable, a brief factual statement, the Sections of the law
20 or rules allegedly violated, and the penalty imposed. The
21 citation must clearly state that the person ~~licensee~~ may
22 choose, in lieu of accepting the citation, to request a
23 hearing to appeal ~~on the date and at the place specified on the~~
24 citation. The citation shall not provide a hearing date less
25 than 30 days after the citation's issuance date. Any dispute

1 filed by the person licensee with the State Fire Marshal shall
2 comply with the requirements for a written answer set forth in
3 subsection (a) of Section 85 of this Act. If the person
4 licensee does not file a written appeal of dispute the
5 citation with the State Fire Marshal within 20 days after the
6 citation is served, then the citation shall become a final
7 order and shall constitute discipline. The penalty shall be a
8 fine or other conditions as established by rule.

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

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

24 (d) Service of a citation may be made by personal service
25 or certified mail to the licensee or other person doing
26 business without the required license at the person's last

1 known address ~~licensee's address of record.~~

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

3 (225 ILCS 217/85)

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

5 Sec. 85. Formal charges.

6 (a) Before revoking, suspending, annulling, withdrawing,
7 amending materially, or refusing to renew any valid license,
8 the State Fire Marshal shall file formal charges against the
9 licensee. The formal charges shall, at a minimum, inform the
10 licensee of the facts that make up the basis of the charge and
11 that are specific enough to enable the licensee to defend
12 himself.

13 (b) Each licensee whose conduct is the subject of a formal
14 charge that seeks to impose disciplinary action against the
15 licensee shall be served notice of said formal charge at least
16 30 days before the date of the hearing, which shall be presided
17 over by a hearing officer authorized by the State Fire
18 Marshal. Service shall be considered to have been given if the
19 notice was personally received by the licensee or if the
20 notice was sent by certified mail, return receipt requested to
21 the licensee at the licensee's last known address, as listed
22 with the State Fire Marshal.

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

25 (1) the time, place, and date of the hearing;

1 (2) that the licensee shall appear personally at the
2 hearing and may be represented by counsel;

3 (3) that the licensee shall have the right to produce
4 witnesses and evidence on the licensee's ~~in his~~ behalf and
5 shall have the right to cross-examine witnesses and refute
6 evidence produced against the licensee ~~him or her~~;

7 (4) that the hearing could result in disciplinary
8 action being taken against the ~~his or her~~ license;

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

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

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

20 (8) that the licensee shall file a written answer to
21 the charges with the State Fire Marshal under oath within
22 20 days after service of the notice; and

23 (9) that if the accused fails to answer, a default
24 judgment shall be taken against him, her, or it, or that
25 his, her, or its license may be suspended, revoked, placed
26 on probationary status, or subject to other disciplinary

1 action as the State Fire Marshal deems proper, without a
2 hearing, if the act or acts charged constitute sufficient
3 grounds for such action under this Act.

4 (d) The hearing officer authorized by the State Fire
5 Marshal shall hear evidence produced in support of the formal
6 charges and contrary evidence produced by the licensee, if
7 any. At the conclusion of the hearing, the hearing officer
8 shall make findings of fact, conclusions of law, and
9 recommendations, separately stated, and submit them to the
10 State Fire Marshal and to all parties to the proceeding.
11 Submission to the licensee shall be considered as having been
12 made if done in a similar fashion as service of the notice of
13 formal charges. Within 20 days after such service, any party
14 to the proceeding may present to the State Fire Marshal a
15 motion, in writing, for a rehearing which written motion shall
16 specify the particular grounds therefor.

17 (e) The State Fire Marshal, following the time allowed for
18 filing a motion for rehearing, shall review the hearing
19 officer's findings of fact, conclusions of law, and
20 recommendations, and any motions filed subsequent thereto.
21 After review of such information the State Fire Marshal may
22 hear oral arguments and thereafter shall issue an order. The
23 report of findings of fact, conclusions of law, and
24 recommendations of the hearing officer shall be the basis for
25 the State Fire Marshal's order. If the State Fire Marshal
26 finds that substantial justice was not done, he or she may

1 issue an order in contravention of the findings of fact,
2 conclusions of law, and recommendations of the hearing
3 officer. The finding is not admissible in evidence against the
4 person in criminal prosecution brought for the violation of
5 this Act, but the hearing and findings are not a bar to a
6 criminal prosecution brought for the violation of this Act.

7 (f) All proceedings under this Section are matters of
8 public record and shall be preserved.

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

10 (225 ILCS 217/90)

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

12 Sec. 90. Disciplinary sanctions; hearings.

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

17 (1) revocation;

18 (2) suspension for any period of time;

19 (3) reprimand or censure;

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

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

25 ~~(ii) continuation or renewal of professional~~

1 ~~education until a satisfactory degree of skill has~~
2 ~~been attained in those areas that are the basis of the~~
3 ~~probation; or~~

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

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

7 (6) (blank); or ~~revocation of probation that has been~~
8 ~~granted and imposition of any other discipline in this~~
9 ~~subsection (a) when the requirements of probation have not~~
10 ~~been fulfilled or have been violated; or~~

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

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

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

25 (d) The State Fire Marshal shall reinstate any license to
26 good standing under this Act, upon recommendation to the State

1 Fire Marshal, after a hearing before the hearing officer
2 authorized by the State Fire Marshal. The State Fire Marshal
3 shall be satisfied that the applicant's renewed practice is
4 not contrary to the public interest.

5 (e) (Blank). ~~The State Fire Marshal may order a licensee~~
6 ~~to submit to a reasonable physical examination if his or her~~
7 ~~physical capacity to practice safely is at issue in a~~
8 ~~disciplinary proceeding. Failure to comply with a State Fire~~
9 ~~Marshal order to submit to a physical examination shall render~~
10 ~~a licensee liable to the summary suspension procedures~~
11 ~~described in this Section.~~

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

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

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

1 (225 ILCS 217/115)

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

3 Sec. 115. Publication of records. The State Fire Marshal
4 shall, upon request, publish a list of the names and addresses
5 of all fire equipment distributor licensees and the names of
6 all fire equipment employee licensees under the provisions of
7 this Act. The State Fire Marshal shall publish a list of all
8 persons whose licenses have been disciplined within one year,
9 and a quarterly list of each individual who was denied
10 employment status because of a criminal history, together with
11 such other information as it may deem of interest to the
12 public.

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

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

17 (225 ILCS 312/10)

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

19 Sec. 10. Applicability.

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

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

6 (A) Elevators.

7 (B) Platform lifts and stairway chair lifts.

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

12 (A) Escalators.

13 (B) Moving walks.

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

20 (A) Dumbwaiters.

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

23 (b) This Act covers the construction, operation,
24 inspection, maintenance, alteration, and repair of automatic
25 guided transit vehicles on guideways with an exclusive
26 right-of-way. This equipment includes, but is not limited to,

1 automated people movers (also see ASCE 21).

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

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

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

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

7 (4) Powered platforms and equipment for exterior and
8 interior maintenance within the scope of ANSI 120.1.

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

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

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

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

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

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

21 (11) Skip or furnace hoists.

22 (12) Wharf ramps.

23 (13) Railroad car lifts or dumpers.

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

1 (15) (Blank).

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

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

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

7 (19) Wind turbine tower elevators within the scope of
8 ASME A17.8.

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

12 (Source: P.A. 95-573, eff. 8-31-07; 96-54, eff. 7-23-09;
13 96-342, eff. 8-11-09; 96-1000, eff. 7-2-10.)

14 (225 ILCS 312/15)

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

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

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

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

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

25 "ASCE 21" means the American Society of Civil Engineers

1 Automated People Mover Standards.

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

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

7 "ASME A17.7" means the Performance-Based Safety Code for
8 Elevators and Escalators, an American National Standard, and
9 CSA B44.7, the National Standard of Canada.

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

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

14 "Board" means the Elevator Safety Review Board.

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

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

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

25 "Elevator contractor" means any person, firm, or
26 corporation who possesses an elevator contractor's license in

1 accordance with the provisions of Sections 40 and 55 of this
2 Act and who is engaged in the business of erecting,
3 constructing, installing, altering, servicing, repairing, or
4 maintaining elevators or related conveyance covered by this
5 Act.

6 "Elevator contractor's license" means a license issued to
7 an elevator contractor who has proven his or her
8 qualifications and ability and has been authorized by the
9 Administrator to work on conveyance equipment. It shall
10 entitle the holder thereof to engage in the business of
11 constructing, installing, altering, servicing, testing,
12 repairing, or maintaining and performing electrical work on
13 elevators or related conveyances covered by this Act within
14 any building or structure, including, but not limited to,
15 private residences. The Administrator may issue a limited
16 elevator contractor's license authorizing a firm or company
17 that employs individuals to carry on a business of erecting,
18 constructing, installing, altering, servicing, repairing, or
19 maintaining a specific type of conveyance within any building
20 or structure, excluding private residences.

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

25 "Elevator industry apprentice" means an individual who is
26 enrolled in an apprenticeship program approved by the Bureau

1 of Apprenticeship and Training of the U.S. Department of Labor
2 and who is registered by the Administrator and works under the
3 general direction of a licensed elevator mechanic. Licensure
4 is not required for an elevator industry apprentice.

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

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

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

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

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

3 "Inspector's license" or "inspection company license"
4 means a license issued to an ASME QEI certified elevator
5 inspector or inspection company that has proven the
6 inspector's or the company's qualifications and ability and
7 has been authorized by the Administrator to possess this type
8 of license. It shall entitle the holder thereof to engage in
9 the business of inspecting elevators or related conveyance
10 covered by this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 inspector;

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

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

7 (8) with a wire seal and padlock that shall not be
8 removed for any purpose without permission from the
9 elevator inspector.

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

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

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

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

22 (225 ILCS 312/25)

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

24 Sec. 25. Elevator Safety Review Board.

25 (a) There is hereby created within the Office of the State

1 Fire Marshal the Elevator Safety Review Board, consisting of
2 17 members. The Administrator shall appoint 3 members who
3 shall be representatives of fire service communities. The
4 Governor shall appoint the remaining 14 members of the Board
5 as follows: one representative from a major elevator
6 manufacturing company or its authorized representative; one
7 representative from an elevator servicing company; one
8 representative of the architectural design profession; one
9 representative of the general public; one representative of an
10 advocacy group for people with physical disabilities; one
11 representative of an advocacy group for senior citizens; one
12 representative nominated by a municipality in this State with
13 a population under 25,000; one representative nominated by a
14 municipality in this State with a population of 25,000 or over
15 but under 50,000; one representative nominated by a
16 municipality in this State with a population of 50,000 or over
17 but under 500,000; one representative of an advocacy group for
18 condominium owners; one representative of an institution of
19 higher education that operates an in-house elevator
20 maintenance program; one representative of a building owner or
21 manager; and 2 representatives of labor, one from Cook County
22 and one from a county in the State other than Cook County,
23 involved in the installation, maintenance, and repair of
24 elevators.

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

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

4 (2) Of the members appointed by the Governor, 2 shall
5 serve for a term of one year, 2 for terms of 2 years, 2 for
6 terms of 3 years, and 4 for terms of 4 years. The
7 representative of the advocacy group for senior citizens
8 shall serve an initial term of 4 years. The representative
9 of an advocacy group for condominium owners, the
10 representative of the institution of higher education that
11 operates an in-house elevator maintenance program, and
12 both representatives of labor involved in the
13 installation, maintenance, and repair of elevators shall
14 serve an initial term of 4 years.

15 At the expiration of their initial terms of office, the
16 members or their successors shall be appointed for terms of 4
17 years each. Upon the expiration of a member's term of office,
18 the officer who appointed that member shall reappoint that
19 member or appoint a successor who is a representative of the
20 same interests with which his or her predecessor was
21 identified. A member shall serve until his or her successor is
22 appointed and qualified. The Administrator and the Governor
23 may at any time remove any of their respective appointees for
24 inefficiency or neglect of duty in office. Upon the death or
25 incapacity of a member, the officer who appointed that member
26 shall fill the vacancy for the remainder of the vacated term by

1 appointing a member who is a representative of the same
2 interests with which his or her predecessor was identified.
3 The members shall serve without salary, but shall receive from
4 the State expenses necessarily incurred by them in performance
5 of their duties. The Governor shall appoint one of the members
6 to serve as chairperson. The chairperson shall be the deciding
7 vote in the event of a tie vote.

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

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

11 (225 ILCS 312/35)

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

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

14 (a) The Board shall consult with engineering authorities
15 and organizations and adopt rules consistent with the
16 provisions of this Act for the administration and enforcement
17 of this Act. The Board may prescribe forms to be issued in
18 connection with the administration and enforcement of this
19 Act. The rules shall establish standards and criteria
20 consistent with this Act for licensing of elevator mechanics,
21 inspectors, and installers of elevators, including the
22 provisions of the Safety Code for Elevators and Escalators
23 (ASME A17.1), the provisions of the Performance-Based Safety
24 Code for Elevators and Escalators (ASME A17.7), the Standard
25 for the Qualification of Elevator Inspectors (ASME QEI-1), the

1 Automated People Mover Standards (ASCE 21), the Safety
2 Requirements for Personnel Hoists and Employee Elevators (ANSI
3 A10.4), and the Safety Standard for Platform Lifts and
4 Stairway Chairlifts (ASME A18.1). The Board shall adopt or
5 amend and adopt the latest editions of the standards
6 referenced in this subsection within 12 months after the
7 effective date of the standards.

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

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

25 (c) The Board shall establish fee schedules for licenses,
26 and registrations issued by the Administrator. The Board shall

1 also establish fee schedules for permits and certificates for
2 conveyances not under a Local Administrator. The fees shall be
3 set at an amount necessary to cover the actual costs and
4 expenses to operate the Board and to conduct the duties as
5 described in this Act.

6 (d) The Board shall be authorized to recommend the
7 amendments of applicable legislation, when appropriate, to
8 legislators.

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

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

16 (g) (Blank).

17 (h) Notwithstanding anything else in this Section, the
18 following upgrade requirements of the 2007 edition of the
19 Safety Code for Elevators and Escalators (ASME A17.1) and the
20 2005 edition of the Safety Code for Existing Elevators (ASME
21 A17.3) must be completed by January 1, 2015, but the
22 Administrator or Local Administrator may not require their
23 completion prior to January 1, 2013:

24 (i) (blank);

25 (ii) car illumination;

26 (iii) emergency operation and signaling devices;

- 1 (iv) phase reversal and failure protection;
- 2 (v) reopening device for power operated doors or
- 3 gates;
- 4 (vi) stop switch pits; and
- 5 (vii) pit ladder installation in accordance with
- 6 Section 2.2.4.2 of ASME A17.1-2007.

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

8 upgrade requirements for the restricted opening of hoistway

9 doors or car doors on passenger elevators as provided for in

10 the 2007 edition of the Safety Code for Elevators and

11 Escalators (ASME A17.1) and the 2005 edition of the Safety

12 Code for Existing Elevators (ASME A17.3) must be completed by

13 January 1, 2014.

14 (i) In the event that a conveyance regulated by this Act is

15 altered, the alteration shall comply with the edition of ASME

16 A17.1 currently adopted by the Board. Notwithstanding anything

17 else in this Section, the firefighter's emergency operation,

18 and the hydraulic elevator cylinder or cylinders, including

19 the associated safety devices outlined in Section 4.3.3(b) of

20 ASME A17.3-2005, are not required to comply with the edition

21 of ASME A17.1 currently adopted by the Board ~~be upgraded~~

22 unless: (1) there is an alteration of the controller affecting

23 operation control, motion control, or combination of the 2

24 types of control, (1.1) the operation control, motion control,

25 or combination of the 2 types of control are replaced, (1.2)

26 there is an alteration to the hydraulic cylinder, (2) the

1 equipment fails, or (3) failing to replace the equipment
2 jeopardizes the public safety and welfare as determined by the
3 Local Administrator or the Board.

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

7 (k) The Board shall prescribe an inspection form, which
8 shall be the only inspection form used by a licensed inspector
9 in the inspection of a conveyance under this Act.

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

11 (225 ILCS 312/95)

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

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

15 (a) All new conveyance installations regulated by this Act
16 shall be performed by a person, firm, or company to which a
17 license to install or service conveyances has been issued.
18 Subsequent to installation, the licensed person, firm, or
19 company must certify compliance with the applicable Sections
20 of this Act. Prior to any conveyance being used, the property
21 owner or lessee must obtain a certificate of operation from
22 the Administrator or Local Administrator, except that the
23 conveyance may be used by the public for up to 30 days after
24 the initial passed acceptance inspection while the property
25 owner or lessee is in the process of obtaining an initial

1 certificate of operation. A fee as authorized by Section 35 of
2 this Act or as set by the Local Administrator shall be paid for
3 the certificate of operation. It shall be the responsibility
4 of the owner to complete and submit first time registration
5 for new installations and to pay the fee for registration,
6 prior to the issuance of the initial certificate of operation.

7 (b) (Blank).

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

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

1 (225 ILCS 312/140)

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

3 Sec. 140. Local Administrator; home rule.

4 (a) The Administrator may enter into a local elevator
5 agreement with municipalities or counties under which the
6 Local Administrator shall (i) issue construction permits and
7 certificates of operation, (ii) provide for inspection of
8 elevators, ~~including temporary operation inspections,~~ (iii)
9 grant exceptions and variances from the literal requirements
10 of applicable State codes, standards, and regulations in cases
11 where such variances would not jeopardize the public safety
12 and welfare, and (iv) enforce the applicable provisions of the
13 Act, and levy fines in accordance with the Municipal Code or
14 Counties Code. The Local Administrator may choose to require
15 that inspections be performed by its own inspectors or by
16 private certified elevator inspectors. The Local Administrator
17 may assess a reasonable fee for permits, exceptions,
18 variances, certification of operation, or inspections
19 performed by its inspectors. Each agreement shall include a
20 provision that the Local Administrator shall maintain for
21 inspection by the Administrator copies of all applications for
22 permits issued, grants or denials of exceptions or variances,
23 copies of each inspection report issued, and proper records
24 showing the number of certificates of operation issued. Each
25 agreement shall also include a provision that each required
26 inspection be conducted by a certified elevator inspector and

1 any other provisions deemed necessary by the Administrator.
2 Any safety standards or regulations adopted by a municipality
3 or county under this subsection must be at least as stringent
4 as those provided for in this Act and the rules adopted under
5 this Act.

6 (b) A home rule unit may not regulate the inspection or
7 licensure of, or otherwise regulate, elevators and devices
8 described in Section 10 of this Act in a manner less
9 restrictive than the regulation by the State of those matters
10 under this Act. This subsection is a limitation under
11 subsection (i) of Section 6 of Article VII of the Illinois
12 Constitution on the concurrent exercise by home rule units of
13 powers and functions exercised by the State.

14 (c) (Blank).

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

21 (e) The Local Administrator shall issue the inspection
22 form prescribed by the Board pursuant to subsection (k) of
23 Section 35 of this Act or an inspection form identical to the
24 form prescribed by the Board, which shall be the only
25 inspection form used by a person, firm, or company licensed to
26 inspect conveyances under this Section. A Local Administrator

1 that chooses to require that inspections be performed by its
2 own inspectors shall also use the inspection form prescribed
3 by the Board or an inspection form that is identical to the
4 form prescribed by the Board.

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

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