



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1434

Introduced 2/18/2005, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.25
30 ILCS 105/5.640 new

Creates the Electricians Licensing Act. Provides for regulation of electricians and electrical contractors. Establishes fines for violations of the Act. Provides for concurrent exercise by home rule units. Provides that fees and fines collected under the Act shall be deposited into the Electricians Licensing Dedicated Fund, a new special fund in the State treasury, and amends the State Finance Act to list the new Fund. Amends the Regulatory Sunset Act to repeal the Electricians Licensing Act on July 1, 2015.

LRB094 10892 RAS 41440 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
5 Electricians Licensing Act.

6 Section 5. Purpose and policy. The General Assembly finds
7 that the use of improper electrical materials and the improper
8 installation of electrical materials, including but not
9 limited to wiring, affects the safety, health, and well-being
10 of the public. The use of improper electrical materials and the
11 improper installation of electrical materials can result in
12 disastrous or deadly consequences to the public's safety and
13 health and the destruction or damage of property. In fulfilling
14 its responsibility to safeguard the safety and health of
15 persons and their property, the General Assembly finds that it
16 is necessary to establish certain minimum standards regarding
17 the use of electrical materials and to further establish
18 certain minimum standards regarding the knowledge, skills, and
19 experience of persons who plan, inspect, install, alter,
20 extend, and repair electrical materials and systems. This Act
21 provides for the licensing of electricians and electrical
22 contractors and for the adoption of a Minimum Electrical Code
23 by the Office of the State Fire Marshal. This Act is therefore
24 declared to be essential to the public interest.

25 Section 10. Definitions. As used in this Act:

26 "Apprentice" means a natural person enrolled in an
27 apprenticeship program approved by the United States
28 Department of Labor Bureau of Apprenticeship and Training who
29 installs, alters, or repairs electrical wiring, apparatus, and
30 equipment for electric heat, light, or power within or on a
31 building, residence, structure, or real property under the

1 supervision of a licensed electrician.

2 "Approved apprenticeship program" means an apprenticeship
3 program approved by the United States Department of Labor
4 Bureau of Apprenticeship and Training.

5 "Board" means the Illinois State Board of Electrical
6 Examiners.

7 "Electrical contractor" means a natural or legal person or
8 any association thereof operating a business that undertakes or
9 offers to undertake to plan for, lay out, supervise, or install
10 or to make additions, alterations, or repairs in the
11 installation of electrical wiring, apparatus, and equipment
12 for electric light, heat, or power within or on a building,
13 residence, structure, or real property with or without
14 compensation and who is licensed to engage in electrical
15 contracting as an electrical contractor by the Office of the
16 State Fire Marshal. An electrical contractor's license does not
17 of itself qualify its holder to perform the electrical work
18 authorized by holding any class of electrician's license.

19 "Electrical work" means the installation, alteration, or
20 repair of electrical wiring, apparatus, and equipment for
21 electric heat, light, or power within or on a building,
22 residence, structure, or real property and the planning, laying
23 out, or supervision of the installation, alteration, or repair
24 of electrical wiring, apparatus, and equipment for electric
25 heat, light, or power within or on a building, residence,
26 structure, or real property.

27 "Farm" means land or a building, including but not limited
28 to barns, livestock facilities, residences, grain storage
29 facilities, and machine sheds, appurtenant to land that is used
30 for production agriculture or for a purpose accessory to
31 production agriculture.

32 "Fire Marshal" means the State Fire Marshal.

33 "Governmental unit" means the State, a school district, or
34 a community college district or a unit of local government as
35 defined in Article VII of the Illinois Constitution.

36 "Journeyman electrician" means a natural person having the

1 necessary qualifications, training, experience, and technical
2 knowledge to install, alter, and repair electrical wiring,
3 apparatus, and equipment for electric light, heat, or power
4 within or on a building, residence, structure, or real property
5 who is licensed as a journeyman electrician by the Office of
6 the State Fire Marshal.

7 "Maintenance worker" means a natural person who is a
8 regular, bona fide employee or agent of a property owner,
9 property lessor, property management company, or firm that is
10 not in the electrical business, but has possession or control
11 over the property where the routine maintenance of electrical
12 systems is being performed.

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

14 "Owner" means a natural person who physically performs
15 electrical work on:

16 (i) premises owned by the person and in which the
17 person actually resides as a single-family residence; or

18 (ii) premises owned by the person and in which the
19 person will reside as a single-family residence upon
20 completion of construction.

21 "Person" means any natural or legal person or any
22 association thereof.

23 "Production agriculture" has the same meaning as defined in
24 Section 3-35 of the Service Use Tax Act.

25 "Residential electrical work" means the installation,
26 alteration, or repair of electrical wiring, apparatus, or
27 equipment and the planning, laying out, or supervision of the
28 installation, alteration, or repair of electrical wiring,
29 apparatus, and equipment for electrical heat, light, or power
30 in a single-family detached residential dwelling or a
31 multi-family residential dwelling not exceeding 8 units per
32 building.

33 "Residential electrician" means a natural person having
34 the necessary qualifications, training, experience, and
35 technical knowledge to install, alter, or repair electrical
36 wiring, apparatus, and equipment for electrical heat, light, or

1 power in a single-family detached residential dwelling or a
2 multi-family residential dwelling not exceeding 8 units per
3 building and who is licensed as a residential electrician by
4 the Office of the State Fire Marshal.

5 "Routine maintenance of electrical systems" means the
6 routine and periodic servicing of electrical systems,
7 including cleaning, inspecting, and making adjustments to
8 ensure the proper operation and the removal or replacement of
9 component parts. "Routine maintenance of electrical systems"
10 does not include the installation of complete electrical
11 systems.

12 "Supervision" means that any new electrical work done by a
13 registered apprentice electrician must be inspected at least
14 once after initial rough-in and once upon completion by an
15 Illinois licensed electrician. In addition, all renovation,
16 alteration, repair, extension, and modification work done by a
17 registered apprentice electrician on an existing electrical
18 system must be approved by an Illinois licensed electrician.

19 Section 15. Board of Electrical Examiners.

20 (a) There is created the Illinois State Board of Electrical
21 Examiners which shall exercise its duties provided in this Act
22 under the supervision of the Office of the State Fire Marshal.
23 The Board shall consist of 13 members appointed by the
24 Governor. The Board shall be composed of 3 licensed journeyman
25 electricians, one licensed residential electrician, 2 licensed
26 electrical contractors who are members of the National
27 Electrical Contractors Association, one licensed electrical
28 contractor who is a member of the Independent Electrical
29 Contractors, one licensed electrical contractor who is a member
30 of the Associated Builders and Contractors, one licensed
31 electrical engineer, one electrical inspector who holds a
32 journeyman electrician's license, one representative of a
33 public utility, the State Fire Marshal or his or her designee,
34 and a licensed real estate professional. In making the
35 appointments to the Board, the Governor shall consider the

1 recommendations of individuals, firms, or organizations
2 involved in electrical wiring installation in this State. The
3 Governor shall also take into consideration the minority
4 representation in the population when making appointments to
5 the Board. Members of the Board shall serve 4-year terms and
6 until their successors are appointed and qualified. The initial
7 appointments, however, shall be as follows: 4 members for terms
8 of 2 years, 4 members for 3 years, and 4 members for 4 years.
9 The State Fire Marshal's service on the Board shall be
10 continuous. For the initial appointments of the licensed
11 electrical contractors, licensed journeyman electricians,
12 licensed residential electrician, and electrical inspector
13 prior to the Board developing the rules for examination of
14 license applicants, the Governor may appoint individuals whose
15 qualifications are similar to those outlined in Section 25.
16 Following the expiration of those terms, the Governor may
17 reappoint those individuals or others only if such individuals
18 are licensed under this Act.

19 (b) The Board shall aid the Fire Marshal and the Office by:

20 (1) recommending provisions for the Minimum Electrical
21 Code and subsequent amendments to be adopted by the Office
22 for all electrical work based on the standards prescribed
23 in Section 85;

24 (2) recommending subject matter for examinations and
25 the continuing education requirements as provided in this
26 Act based on the Minimum Electrical Code;

27 (3) recommending standards, rules, guidelines, and
28 procedures to approve or disapprove a course of instruction
29 in electrical work at a college, university, or trade
30 school to qualify for a license issued by the Office under
31 this Act. Such standards, rules, guidelines, and
32 procedures shall be designed to ensure that an approved
33 course of instruction adequately provides the practical
34 and theoretical education and training in the
35 installation, alteration, and repair of electrical wiring,
36 apparatus, and equipment for electric heat, light, or power

1 within or on a building, residence, structure, or real
2 property based on the standards prescribed in Section 85;

3 (4) developing, in conjunction with the Illinois
4 Community College Board, the Illinois Board of Higher
5 Education, and the Department of Commerce and Economic
6 Opportunity, courses of instruction to meet the
7 qualifications specified in this Act and that encourage the
8 employment of minorities and females as licensed
9 electricians and licensed electrical contractors;

10 (5) suggesting rules to govern examinations and
11 hearings to deny, suspend, revoke, or reinstate licenses
12 and assess fines as provided for in this Act;

13 (6) submitting recommendations to the Fire Marshal
14 from time to time for the efficient administration of this
15 Act; and

16 (7) performing other duties prescribed in this Act.

17 (c) Board members shall receive no compensation but shall
18 be reimbursed for expenses incurred in connection with their
19 duties as Board members. The Office shall provide staff and
20 administrative support services to the Board.

21 Section 20. Powers and duties of the Fire Marshal. The Fire
22 Marshal shall take all actions necessary under this Act to
23 carry out the duties and responsibilities of the Office under
24 this Act. The Fire Marshal, with the assistance of the Board,
25 shall:

26 (a) adopt rules and regulations for examination of
27 applicants for journeyman and residential licenses;

28 (b) prepare and give uniform examinations to
29 applicants for journeyman and residential licenses that
30 shall test their knowledge and qualifications in the
31 planning and design of electrical systems, their
32 knowledge, qualifications, and manual skills in electrical
33 installations, and their knowledge of materials and
34 methods used in electrical work according to the Minimum
35 Electrical Code adopted by the Office;

1 (c) prepare and issue electrical contractor,
2 journeyman electrician, and residential electrician
3 licenses and license renewals to applicants who have met
4 the requirements for licensure and complied with all the
5 prerequisites to licensure;

6 (d) provide for the registration of apprentices;

7 (e) adopt rules for the extension of a person's
8 temporary license based on demonstrated undue hardship or
9 other special circumstances;

10 (f) adopt rules for hearings to deny, suspend, revoke,
11 or reinstate licenses and assess fines as provided for in
12 this Act;

13 (g) maintain a current record showing (i) the names and
14 addresses of licensed electrical contractors, journeyman
15 electricians, and residential electricians; (ii) the dates
16 of issuance of licenses; (iii) the date and substance for
17 the charges set forth in any hearing for denial,
18 suspension, or revocation of any license; (iv) the date and
19 substance of the final order issued upon a hearing; and (v)
20 the date and substance of all petitions for reinstatement
21 of license and final orders on petitions;

22 (h) establish and collect fees for the examination,
23 issuance, and renewal of licenses;

24 (i) adopt rules for and provide for the inspection of
25 new electrical installations in construction, remodeling,
26 replacement, or repair work, where required by this Act;

27 (j) establish and collect fees for the handling and
28 inspection of new electrical installations;

29 (k) adopt standards, rules, guidelines, and procedures
30 to approve or disapprove a course of instruction in
31 electrical work at a college, university, or trade school
32 to qualify for a license issued by the Office under this
33 Act, and approve or disapprove such courses of instruction
34 by reference to compliance or noncompliance with such
35 standards, rules, guidelines, or procedures. Such
36 standards, rules, guidelines, or procedures shall be

1 designed to ensure that an approved course of instruction
2 adequately provides the practical and theoretical
3 education and training in the installation, alteration,
4 and repair of electrical wiring, apparatus, and equipment
5 for electric heat, light, or power within or on a building,
6 residence, structure, or real property based on the
7 standards prescribed in Section 85;

8 (l) work with the Board, the Illinois Community College
9 Board, the Illinois Board of Higher Education, and the
10 Department of Commerce and Economic Opportunity to develop
11 courses of instruction to meet the qualifications
12 specified in this Act and that encourage the employment of
13 minorities and females as licensed electricians and
14 licensed electrical contractors;

15 (m) cause investigations to be made when the Office has
16 reasonable grounds for believing that a violation of any
17 provision of this Act or rules adopted pursuant to this Act
18 has occurred or is occurring;

19 (n) conduct inspections during regular working hours,
20 the purpose of which shall be reduced to writing, to
21 determine satisfactory compliance with this Act and rules
22 adopted pursuant to this Act, after consent of the person,
23 licensee, or registrant has been obtained or after an order
24 for such inspection has been issued by the court;

25 (o) assess administrative fines, which shall be
26 established by the Office by rule against a licensee for
27 violation of any provision of this Act or rules adopted
28 pursuant to this Act;

29 (p) adopt, publish, and from time to time, amend the
30 Minimum Electrical Code for all electrical work based on
31 the standards prescribed in Section 85 after consideration
32 of the recommendations of the Illinois State Board of
33 Electrical Examiners;

34 (q) adopt any rules necessary for the administration
35 and enforcement of this Act; and

36 (r) perform other duties prescribed in this Act.

1 Section 25. License and registration.

2 (a) On or after July 1, 2008, except as otherwise provided
3 by this Act, no person shall perform electrical work unless the
4 person is:

5 (1) licensed by the Office as a journeyman or
6 residential electrician;

7 (2) an apprentice registered with the Office; or

8 (3) licensed as an electrical contractor.

9 (b) Journeyman electrician. An applicant for a journeyman
10 electrician's license shall meet one of the following
11 conditions: (i) the completion of an approved apprenticeship
12 program, (ii) the successful completion of a course of
13 instruction in electrical work, under the rules adopted by the
14 Office for the enforcement of this Act, at a college,
15 university, or trade school, or (iii) the completion of at
16 least 8,000 hours of verifiable experience performing
17 electrical work obtained over a period of not less than 4
18 years, as provided under the rules adopted by the Office for
19 the enforcement of this Act.

20 A person practicing as an electrician on the effective date
21 of this Act with 8,000 hours of verifiable experience
22 performing electrical work obtained over a period of not less
23 than 4 years, as provided under the rules adopted by the Office
24 for the enforcement of this Act, who files a license
25 application with the Office on or before July 1, 2008 and meets
26 all the other requirements of this Act shall be granted a
27 temporary journeyman electrician's license without
28 examination. The temporary journeyman electrician's license
29 shall be valid for 2 years from the date of issuance. The
30 Office shall require an annual fee. As a condition of renewal,
31 the licensee shall pass the examination specified in Section 30
32 for all journeyman electrician applicants but shall not be
33 required to meet the specified continuing education
34 requirements while holding a temporary journeyman
35 electrician's license. Nothing shall prevent the holder of a

1 temporary license from taking the required examination prior to
2 the expiration of the temporary license. A journeyman
3 electrician holding a temporary license may petition the Office
4 for an extension of a one-year period in the event he or she
5 can demonstrate undue hardship or other special circumstances.

6 (c) Registered apprentice. On or after July 1, 2008, a
7 person who is enrolled in an approved apprenticeship program
8 may perform electrical work only under the supervision of a
9 licensed electrician. All apprentices shall be registered with
10 the Office. The Office shall provide the apprentice with a
11 verification of his or her registration.

12 (d) Residential electrician. An applicant for a
13 residential electrician's license shall meet one of the
14 following conditions: (i) the completion of an approved
15 apprenticeship program in residential wiring for a
16 single-family detached residential dwelling or multi-family
17 residential dwelling or its equivalent, (ii) the successful
18 completion of a course of instruction in electrical work, under
19 the rules adopted by the Office for the enforcement of this
20 Act, at a college, university, or trade school, or (iii) the
21 completion of at least 6,000 hours of verifiable experience
22 performing residential electrical work obtained over a period
23 of not less than 3 years, as provided under the rules adopted
24 by the Office for the enforcement of this Act.

25 A person practicing as an electrician on the effective date
26 of this Act with at least 6,000 hours of verifiable experience
27 performing residential electrical work obtained over a period
28 of not less than 3 years, as provided under the rules adopted
29 by the Office for the enforcement of this Act, and having the
30 necessary qualifications, training, and technical knowledge,
31 as provided under the rules adopted for the enforcement of this
32 Act, involving residential electrical work, who files a license
33 application with the Office on or before July 1, 2008 and meets
34 all the other requirements of this Act shall be granted a
35 temporary residential electrician's license without
36 examination. The temporary residential electrician's license

1 shall be valid for 2 years from the date of issuance. The
2 Office shall require an annual fee. As a condition of renewal,
3 the licensee shall pass the exam specified in Section 30 for
4 all residential electrician applicants but shall not be
5 required to meet the specified continuing education
6 requirements while holding a temporary residential
7 electrician's license. Nothing shall prevent the holder of a
8 temporary license from taking the required examination prior to
9 the expiration of the temporary license. A residential
10 electrician holding a temporary license may petition the Office
11 for an extension of a one-year period in the event he or she
12 can demonstrate undue hardship or other special circumstances.

13 (e) Contractors.

14 (1) On or after July 1, 2008, except as otherwise
15 provided by law, no person shall operate as an electrical
16 contractor without employing a licensed journeyman
17 electrician with 6 years of experience performing
18 electrical work, who shall be responsible for the
19 performance of all electrical work in accordance with this
20 Act. All employees of the electrical contractor performing
21 electrical work shall be licensed journeyman electricians,
22 licensed residential electricians, or apprentices
23 registered with the Office. A residential electrician
24 employed by such an electrical contractor may not perform
25 any non-residential electrical work. This paragraph (1)
26 shall not apply to electrical contractors performing only
27 residential electrical work.

28 (2) On or after July 1, 2008, except as otherwise
29 provided by law, no person performing only residential
30 electrical work shall operate as an electrical contractor
31 without employing a licensed residential electrician with
32 4 years of experience performing residential electrical
33 work, who shall be responsible for the performance of all
34 electrical work in accordance with this Act. All employees
35 of an electrical contractor performing only residential
36 electrical work shall be licensed journeyman electricians,

1 licensed residential electricians, or apprentices
2 registered with the Office.

3 (3) The application for an electrical contractor's
4 license shall include a verified statement that the
5 designated responsible electrician is a full-time employee
6 of the applicant. For the purposes of this Section, a
7 full-time employee of a applicant for an electrical
8 contractor's license is an individual who is not employed
9 in any capacity as a licensed electrician by any other
10 electrical contractor.

11 (4) An electrical contractor in business on the
12 effective date of this Act who files a license application
13 with the Office on or before July 1, 2008 and meets all the
14 other requirements of this Act shall be granted a temporary
15 electrical contractor's license pursuant to other
16 provisions of this Act, which shall be valid for 2 years
17 from the date of issuance. The Office shall require an
18 annual fee. Thereafter, an electrical contractor shall
19 comply with all of the requirements of this Act. An
20 electrical contractor holding a temporary license may
21 petition the Office for an extension of a one-year period
22 in the event he or she can demonstrate undue hardship or
23 other special circumstances. An electrical contractor
24 holding a temporary license must employ a licensed
25 journeyman electrician or, in the case of an electrical
26 contractor performing only residential electrical work, a
27 licensed residential electrician who shall be responsible
28 for the performance of all electrical work in accordance
29 with this Act.

30 (5) An electrical contractor giving bond to the State
31 in an amount to be determined by the Office and meeting all
32 other requirements of this Act shall be issued a license
33 by the Office. The bond shall be filed with the Office and
34 shall be in lieu of all other license bonds to any
35 political subdivision. The bond shall be written by any
36 corporate entity licensed to do business in the State of

1 Illinois.

2 (6) Each licensed electrical contractor shall have and
3 maintain in effect insurance. Specific insurance
4 requirements and minimum limits per occurrence shall be
5 determined by the Office in consultation with the Board.
6 The insurance shall be written by an insurer licensed to do
7 business in the State of Illinois and each licensed
8 electrical contractor shall maintain on file with the
9 Office a certificate evidencing insurance that provides
10 that the insurance shall not be cancelled without the
11 insurer first giving 15 days written notice to the Office
12 of the cancellation.

13 (7) A licensed electrical contractor shall notify the
14 Office when the licensed electrician required to conduct or
15 supervise the work of the electrical contractor is
16 unavailable due to death or incapacitation. The licensed
17 electrical contractor may request that the Office issue a
18 temporary license to persons certified by the licensed
19 electrical contractor to have an acceptable combination of
20 documented experience and education to conduct or
21 supervise electrical work or residential electrical work.
22 The Office shall adopt rules for issuing a temporary
23 license under such circumstances. Any person certified by a
24 licensed electrical contractor to have an acceptable
25 combination of documented experience and education to
26 conduct or supervise electrical work or residential
27 electrical work shall immediately seek a temporary license
28 from the Office and shall pay such fee as the Office shall
29 determine. Each temporary license shall state, on its face,
30 that it is valid (i) for a period of 30 days from the date
31 of issuance and (ii) while employed by the licensed
32 electrical contractor that certified that the individual
33 was qualified. The temporary license shall be renewable as
34 long as the shortage of license holders shall continue.

35 (f) The Office shall adopt rules for determining whether an
36 applicant's work experience meets the requirements for

1 licensure under this Act.

2 Section 30. Examination; continuing education.

3 (a) In addition to other requirements imposed by this Act
4 and except as otherwise provided in this Act, as a precondition
5 to the issuance of an electrician's license, each applicant
6 must pass a written examination given by the Office for the
7 type of license sought to insure the competence of each license
8 applicant. No person failing an examination for a license
9 classification may retake the examination for that
10 classification for 3 months from the date of failure of the
11 examination.

12 (b) As a condition of renewal, the Office shall require
13 each licensee to complete a minimum number of hours of
14 continuing education. The continuing education requirement
15 shall not exceed 8 hours of classroom instruction during a
16 12-month period. The Office shall adopt rules on the curricula
17 for the continuing education requirement. A licensee shall
18 provide to the Office evidence of completing the continuing
19 education requirement. The Office shall approve any continuing
20 education programs and by rule any means for verification of
21 the continuing education requirement.

22 Section 40. Expiration of license; fees.

23 (a) Unless otherwise specified in this Act, all licenses
24 issued under this Act shall expire every year in a manner as
25 provided by the Office. Application, renewal, and all other
26 fees provided for in this Act shall be adopted by the Office by
27 rule.

28 (b) Any licensee failing to renew his or her license for 2
29 years or more after its expiration shall retake the required
30 examination specified in Section 30 before he or she is issued
31 a new license.

32 (c) The Office shall reinstate a license that expires while
33 a licensee is in active military service of the United States
34 upon application to the Office by the licensee within 2 years

1 after termination of the military service, payment of the
2 annual license fee, and submission of evidence of the military
3 service. The license shall be reinstated without examination or
4 completion of the continuing education requirement specified
5 in Section 30 and without payment of the lapsed renewal fee.

6 (d) All fees and fines collected under this Act shall be
7 deposited into the Electricians Licensing Dedicated Fund,
8 which is hereby created as a special fund in the State
9 treasury. The Office and Board may utilize moneys in this fund
10 for the administration of this Act.

11 Section 45. Grounds for discipline. The Office may by order
12 deny, suspend, revoke, or refuse to renew a license, or may
13 censure a licensee if it finds that it is in the public
14 interest to do so and that the applicant or licensee:

15 (1) has filed an application for a license that
16 contains any statement that, in light of the circumstances
17 under which it is made, is false or misleading with respect
18 to any material fact;

19 (2) has engaged in any fraudulent, deceptive, or
20 dishonest practice;

21 (3) has been convicted within the past 5 years of a
22 misdemeanor involving a violation of this Act; or

23 (4) has violated or failed to comply with this Act or
24 its rules or any order issued under this Act. A violation
25 need not be willful.

26 The Office may adopt rules further specifying the grounds
27 for suspension, revocation, and refusal to renew a license and
28 establishing standards of conduct for licensees.

29 Section 50. Denial, revocation, or suspension of license;
30 assessment of a civil administrative fine.

31 (a) The Fire Marshal, after notice and opportunity for
32 hearing to the applicant or license holder, may deny, suspend,
33 or revoke a license or assess a civil administrative fine for
34 cause. For the purposes of this Section, "cause" means a

1 violation of any provision of this Act or any rule adopted
2 pursuant to this Act.

3 (b) Notice shall be provided by certified mail or by
4 personal service setting forth the particular reasons for the
5 proposed action and fixing a date, not less than 15 days from
6 the date of the mailing or service, within which time the
7 applicant or license holder must request in writing a hearing.
8 Failure to serve upon the Office a request for hearing in
9 writing within the time provided in the notice shall constitute
10 a waiver of the person's right to an administrative hearing.

11 (c) The hearing shall be conducted by the Fire Marshal or
12 by an individual designated in writing by the Fire Marshal as
13 an administrative law judge to conduct the hearing. The Fire
14 Marshal or administrative law judge shall give written notice
15 of the time and place of the hearing, by certified mail or
16 personal service, to the applicant or license holder at least
17 10 days prior to the hearing. On the basis of the hearing, or
18 upon default of the applicant or license holder, the Fire
19 Marshal shall make a determination specifying his or her
20 findings and conclusions. A copy of the determination shall be
21 sent by certified mail or served personally upon the applicant,
22 license holder, or registrant. The decision of the Fire Marshal
23 shall be final on issues of fact and final in all respects
24 unless judicial review is sought as provided in this Act.

25 (d) The procedure governing hearings authorized by this
26 Section shall be in accordance with rules adopted by the
27 Office. A full and complete record shall be kept of all
28 proceedings, including the notice of hearing, complaint, and
29 all other documents in the nature of pleadings, written motions
30 filed in the proceedings, and the report and orders of the Fire
31 Marshal and administrative law judge.

32 (e) The Office at its expense shall provide a court
33 reporter to take testimony. Technical error in the proceedings
34 before the Fire Marshal or administrative law judge or their
35 failure to observe the technical rules of evidence shall not be
36 grounds for the reversal of any administrative decision, unless

1 it appears to the court that such error or failure materially
2 affects the rights of any party and results in substantial
3 injustice to them.

4 (f) The Fire Marshal or administrative law judge may compel
5 the attendance of witnesses and the production of books,
6 papers, records, or memoranda.

7 (g) The Office shall not be required to certify any record
8 to the court or file any answer in court or otherwise appear in
9 any court in a judicial review proceeding, unless there is
10 filed in the court with the complaint a receipt from the Office
11 acknowledging payment of the costs of furnishing and certifying
12 the record. Such costs shall be paid by the party requesting a
13 copy of the record. Failure on the part of the person
14 requesting a copy of the record to pay the costs shall be
15 grounds for dismissal of the action.

16 Section 55. Nonpayment of taxes. The Office may refuse to
17 issue or may suspend the license of any person who fails (i) to
18 file a federal or State tax return, (ii) to pay the tax,
19 penalty, or interest shown in a filed return, or (iii) to pay
20 any final assessment of tax, penalty, or interest, as required
21 by any tax Act administered by the Illinois Office of Revenue,
22 until the time the requirements of the tax Act are satisfied.

23 Section 65. Reciprocity. The Office may grant a license,
24 without examination, of the same grade and class to an
25 electrician who has been licensed by any other state that
26 provides for the licensing of electricians in a similar manner.
27 The license may be granted for one year upon payment by the
28 applicant of the required fee and upon the Office being
29 furnished with proof that the qualifications of the applicant
30 are equal to the qualifications of Section 25 of this Act. The
31 licensee may renew a license issued pursuant to this Section if
32 the licensee meets all the requirements for renewal of a
33 license under this Act.

1 Section 70. Exemptions.

2 (a) Employees of, or independent contractors performing
3 work for, any electric utility or electric utility affiliate,
4 independent electric power generator, public utility as
5 defined in Section 3-105 of the Public Utilities Act,
6 generating station or generating unit of an electric utility as
7 described in Section 16-102 of the Public Utilities Act,
8 communications or railway utility, electric system owned and
9 operated by a municipal corporation or governmental unit
10 (notwithstanding any other provision of this Act), electric
11 cooperative as defined in Section 3.4 of the Electric Supplier
12 Act, telephone or telecommunications cooperative as defined in
13 Section 13-212 of the Public Utilities Act, or a
14 telecommunications carrier as defined in Section 13-202 of the
15 Public Utilities Act or its affiliate or co-generation
16 facilities shall be exempt from the provisions of this Act
17 while performing work on installations, materials, or
18 equipment that are owned or leased, operated, serviced, or
19 maintained by the electric utility or electric utility
20 affiliate, independent electric power generator, public
21 utility, generating station or generating unit of an electric
22 utility, communications or railway utility, electric system
23 owned and operated by a municipal corporation or governmental
24 unit, electric cooperative, telephone or telecommunications
25 cooperative, or telecommunications carrier or its affiliate or
26 co-generation facilities in the exercise of its utility or
27 telephone function, and that (i) are used exclusively for the
28 generation, transformation, distribution, transmission, or
29 metering of electric current, or the operation of railway
30 signals, traffic signals, or street lights, or the transmission
31 of intelligence and do not have as a principal function the
32 consumption or use of electric current by or for the benefit of
33 any person other than the electric utility or electric utility
34 affiliate, independent electric power generator, public
35 utility, generating station or generating unit of an electric
36 utility, communications or railway utility, electric system

1 owned and operated by a municipal corporation or governmental
2 unit, electric, telephone, or telecommunications cooperative,
3 or telecommunications carrier or its affiliate or their end
4 users and (ii) are generally accessible only to employees of
5 the electric utility or electric utility affiliate,
6 independent electric power generator, public utility,
7 generating station or generating unit of an electric utility,
8 communications or railway utility, electric system owned and
9 operated by a municipal corporation or governmental unit,
10 electric, telephone, or telecommunications cooperative, or
11 telecommunications carrier or its affiliate or persons acting
12 under its control or direction. Persons performing work
13 subcontracted out to an electrical contractor or other
14 contractors, however, shall be in compliance with the
15 requirements of this Act.

16 (b) Contractors employing pipefitters, sprinkler fitters,
17 licensed plumbers, or sheet metal workers performing
18 modification, service, maintenance, retro fit, or warranty
19 work in plumbing, heating, sprinkler fitting, irrigation,
20 ventilation, air conditioning, refrigeration (HVACR) systems,
21 instrumentation, control work, or stress relieving shall be
22 exempt from this Act. For the installation or replacement of
23 equipment in the HVACR industry, modifications to the external
24 power wiring to the equipment is exempt. The installation of
25 wiring for irrigation when being installed by a registered or
26 licensed irrigation worker shall be exempt from this Act.
27 Persons performing work subcontracted out to an electrical
28 contractor or other contractors, however, shall be in
29 compliance with the requirements of this Act.

30 (c) Employees of contractors performing construction or
31 maintenance work on any transmission or distribution lines
32 owned, leased, operated and maintained by the utilities
33 described in subsection (a) shall be exempt from the provisions
34 and licensing requirements of this Act, and employees of
35 contractors performing construction or maintenance work on any
36 transmission lines owned, leased, operated, and maintained by

1 an independent transmission company, system, or entity
2 approved by the Federal Energy Regulatory Commission and the
3 Illinois Commerce Commission shall be exempt from this Act.

4 (d) Employees of contractors performing construction or
5 maintenance work on highway lighting or street lighting owned,
6 leased, operated, and maintained by governmental units and
7 their departments and political subdivisions shall be exempt
8 from this Act.

9 (e) Employees of contractors performing construction or
10 maintenance work on traffic signals owned, leased, operated,
11 and maintained by a governmental unit and its departments and
12 political subdivisions shall be exempt from this Act, provided
13 that these employees are Traffic Signal Level II certified
14 under the International Municipal Sign Association (IMSA).

15 (f) An owner shall not be required to hold a license under
16 this Act. Nevertheless, electrical work performed by an owner
17 shall comply with the minimum standards contained in the
18 National Electrical Code and any additional standards or
19 requirements established by a political subdivision and shall
20 be subject to inspection by the Office. Unless otherwise
21 specified in this Act, an owner shall not employ anyone other
22 than an electrician licensed under this Act to assist him or
23 her.

24 (g) Any city, village, or incorporated town having a
25 population of 500,000 or more may, by an ordinance containing
26 provisions substantially the same as those in this Act and
27 specifying educational or experience requirements equivalent
28 to those prescribed in the Act, provide for a board of
29 electrical examiners to conduct examinations for, and to issue,
30 suspend, or revoke, electricians' licenses within the city,
31 village, or incorporated town. Upon the enactment of such an
32 ordinance, the provisions of this Act shall not apply within
33 that municipality except as otherwise provided in this Act. Any
34 person licensed as an electrician under the local ordinance, or
35 licensed by the Office under this Act, shall meet the
36 requirements to perform electrical work anywhere in this State.

1 (h) Nothing in this Act shall be construed to prevent an
2 owner or operator of a farm or his or her employees from
3 installing, making additions to, altering, maintaining, or
4 repairing wiring, apparatus, or equipment for electric light,
5 heat, or power on the farm that he or she owns or operates.

6 (i) Employees of a manufacturing corporation that engage in
7 activities normally requiring licensure under this Act shall be
8 exempt when such activities are pursuant to the operation or
9 maintenance of its existing business and facilities. Persons
10 performing work subcontracted out to an electrical contractor
11 or other contractor, however, shall be in compliance with the
12 requirements of this Act.

13 (j) The minor repair of existing electrical systems does
14 not require licensure under this Act. For the purposes of this
15 subsection, "minor repair" means repairs to existing
16 electrical systems that do not require a permit to be issued
17 under any local ordinance.

18 (k) The provisions of this Act shall not apply to the
19 installation, replacement, service, or repair of household
20 products, including but not limited to audio and video
21 equipment, appliances, fans, garbage disposals, and garage
22 door openers by a business entity that may be engaged in the
23 retail sale of consumer products.

24 (l) Any person, firm, or company licensed under and
25 performing work in accordance with the Elevator Safety and
26 Regulation Act shall be exempt from this Act.

27 (m) Employees of a governmental unit that engage in
28 activities normally requiring licensure under this Act shall be
29 exempt when such activities are pursuant to their normal duties
30 in the operation or maintenance of its existing facilities.
31 Unless otherwise specified in this Act, a governmental unit
32 that is involved in new construction that results in the
33 expansion of its facilities must utilize licensed electricians
34 for any associated electrical work.

35 (n) Electrical engineers licensed under the Professional
36 Engineering Practice Act of 1989 practicing in accordance with

1 that Act shall be exempt from this Act.

2 (o) Architects licensed under the Illinois Architecture
3 Practice Act of 1989 practicing in accordance with that Act
4 shall be exempt from this Act.

5 (p) Any person, firm, corporation, or other legal entity
6 laying out, installing, maintaining, altering, or repairing
7 alarm, security, or communication systems and practicing in
8 accordance with the Private Detective, Private Alarm, Private
9 Security, and Locksmith Act of 2004 shall be exempt from this
10 Act.

11 (q) Nothing in this Act shall require or be construed to
12 apply to the registration or licensure of any community antenna
13 television system franchised pursuant to Illinois law, nor any
14 agent or employee of any such community antenna television
15 system in relation to the installation, alteration, removal,
16 repair, servicing, or maintenance of any community antenna
17 television system or equipment.

18 (r) Nothing in this Act shall prohibit a factory-authorized
19 representative from installing, altering, maintaining, or
20 servicing a medical equipment device. This exemption shall not
21 include work providing electrical feeds into the power
22 distribution unit or installation of conduits and raceways.
23 This exemption shall cover only those factory engineers or
24 third-party service companies with equivalent training who are
25 qualified to perform such service. For the purposes of this
26 Act, "medical equipment device" includes any "medical device"
27 as defined in the Medical Device Amendments of 1976, as
28 amended, and as interpreted by the Food and Drug Administration
29 of the United States Office of Health and Human Services or its
30 successor.

31 (s) Nothing in this Act shall require that a maintenance
32 worker performing routine maintenance of electrical systems be
33 licensed.

34 (t) The installation, alteration, maintenance, or
35 servicing of listed landscape lighting systems and equipment
36 shall be exempt from this Act, except any permanent wired

1 connections exceeding 30 volts.

2 (u) The provisions of this Act shall not apply to the
3 installation, alteration, replacement, service, or repair of
4 temporary outdoor decorative lighting that is connected by plug
5 into a permanent power source.

6 (v) Temporary electrical work for a transient event,
7 including but not limited to a carnival, circus, fair,
8 exhibition, stage production, motion picture production,
9 musical production, and theatrical production, shall be exempt
10 from this Act if the temporary electrical work is dismantled at
11 the conclusion of the event and is in compliance with all other
12 applicable State laws and ordinances and regulations of any
13 political subdivision.

14 Section 80. Display of license. Persons who advertise
15 electrical wiring services shall, at their place of business,
16 display the electrician's license of at least one member of the
17 firm, partnership or officer of the corporation and shall
18 maintain a register listing the names and license numbers of
19 all licensed electricians and all registered apprentices
20 currently employed by them. When advertising electrical wiring
21 services, the license number shall be included in all forms of
22 written or printed advertising and included with the electrical
23 wiring identification of vehicles. The Office may, by rule or
24 regulation, require additional information concerning licensed
25 electricians and registered apprentices to be maintained in the
26 register.

27 Section 85. Safety standards. All electrical work and
28 electrical wiring, apparatus, and equipment for electric
29 light, heat, or power within or on a building, residence,
30 structure, or real property shall comply with the Minimum
31 Electrical Code and all applicable rules adopted by the Office.
32 The Minimum Electrical Code and all applicable rules adopted by
33 the Office with respect to this Act shall be based on the most
34 recently published edition of the National Electrical Code as

1 adopted by the National Fire Protection Association, Inc. and
2 approved by the American National Standards Institute, and the
3 National Electrical Safety Code as published by the Institute
4 of Electrical and Electronics Engineers, Inc. and approved by
5 the American National Standards Institute.

6 Nothing in this Act shall prohibit any political
7 subdivision from making and enforcing more stringent
8 requirements than those set forth in this Act and all licensed
9 electricians working within the jurisdiction of that political
10 subdivision shall comply with those requirements. Nothing in
11 this Act, however, shall be construed to give a political
12 subdivision the authority to apply its standards or
13 requirements to electrical work performed on a farm.

14 Section 90. Inspections.

15 (a) Except where any political subdivision has by ordinance
16 provided for electrical inspection similar to that provided in
17 this Act, every new electrical installation on and after July
18 1, 2008 in any construction, remodeling, replacement, or repair
19 shall be inspected by the Office for compliance with accepted
20 standards of construction for safety to life and property.

21 (b) No such inspections shall be required for electrical
22 work performed by persons exempt from licensure under Section
23 70 of this Act, except that inspections shall be required for
24 work performed under subsection (f) of Section 70.

25 (c) The Office may appoint or employ inspectors to be
26 employed on a full-time or part-time basis. All inspectors for
27 the Office shall hold a license as a journeyman electrician or
28 be certified to conduct electrical inspections by a nationally
29 recognized inspector certification program under the rules
30 adopted by the Office for the enforcement of this Act. In areas
31 of this State where a sufficient number of licensed journeyman
32 electricians or individuals certified to conduct electrical
33 inspections by a nationally recognized inspector certification
34 program under the rules adopted by the Office for the
35 enforcement of this Act are not available to the Office to

1 perform inspections under this Act, the Office may designate
2 other persons whom it determines to be suitably qualified by
3 training or experience.

4 Section 95. Procedures for inspection.

5 (a) At or before commencement of any installation required
6 to be inspected by the Office, the electrical contractor or
7 owner making the installation shall submit to the Office a
8 request for inspection, as provided under the rules adopted by
9 the Office for the enforcement of this Act, together with the
10 fees required for the installation. The Office, in consultation
11 with the Board, shall adopt rules regarding the time period for
12 conducting the requested inspections.

13 (b) The fees required are a handling fee and an inspection
14 fee. The handling fee shall be set by the Office in an amount
15 sufficient to pay the cost of bringing and handling the form
16 requesting an inspection. The inspection fee shall be set by
17 the Office in an amount sufficient to pay the actual costs of
18 the inspection and the Office's costs in administering the
19 inspection.

20 (c) If the inspector finds that the installation is not in
21 compliance with accepted standards of construction for safety
22 to life and property as required by this Act, the inspector
23 shall, by written order, condemn the installation or the
24 noncomplying portion of the installation, or order service to
25 the installation disconnected, and shall send a copy of the
26 order to the Office. If the installation or the noncomplying
27 part will seriously and proximately endanger human life and
28 property, the order of the inspector, when approved by the
29 inspector's superior, shall require immediate condemnation or
30 disconnection. In all other cases, the order of the inspector
31 shall permit a reasonable opportunity for the installation to
32 be brought into compliance with accepted standards of
33 construction for safety to life and property prior to the
34 effective time established for condemnation or disconnection.

35 (d) Copies of each condemnation or disconnection order

1 shall be served personally or by mail upon the property owner,
2 the electrical contractor or electrician making the
3 installation, and other persons as the Office by rule may
4 direct. An aggrieved party may appeal any condemnation or
5 disconnection order by filing with the Office a notice of
6 appeal within 10 days after (i) service upon the aggrieved
7 party of the condemnation or disconnection order, if this
8 service is required or (ii) filing of the order with the
9 Office, whichever is later. The Office shall adopt rules
10 providing procedures for the conduct of appeals, including
11 provisions for the stay of enforcement of the order of the
12 inspector pending an appeal when justified by the
13 circumstances.

14 (e) The inspectors of the Office shall have the authority
15 to enter any building or premises at any reasonable working
16 hour in the discharge of their duties, and they shall have the
17 authority, when necessary, to order the removal of any existing
18 obstructions such as laths, plastering, boarding, or
19 partitions that may prevent a proper inspection of the
20 electrical installation.

21 (f) No electrical installation subject to inspection by the
22 Office shall be newly connected or reconnected for use until
23 there is filed, with the electrical utility supplying power, a
24 certificate of the property owner or licensed electrician
25 directing the work that inspection has been requested and that
26 the conditions of the installation are safe for energization.
27 In all cases where an order of condemnation or disconnection
28 has been issued against the installation or any part of the
29 installation, prior to connection or reconnection, there shall
30 also first be filed with the electrical utility supplying the
31 power a copy of an order of the inspector or the Office
32 dismissing the prior order of condemnation or disconnection or
33 approving the installation as being in compliance with accepted
34 standards of construction for safety to life and property. With
35 respect to transient projects covered by this Act, this
36 certificate shall also contain a certification that the request

1 for inspection has been or will be filed with the Office so as
2 to be received by it at least 5 days prior to the date and time
3 energization of the installation by the utility is to occur,
4 and that the request for inspection states the date and time.
5 It shall be the responsibility of the Office to have inspection
6 of the transient project occur prior to the date and time at
7 which the request states energization is to occur.

8 (g) Any political subdivision may make provision for
9 inspection of electrical installations within its
10 jurisdiction, in which case it shall keep on file with the
11 Office copies of its current inspection ordinances and codes.
12 Any political subdivision may require any person holding a
13 license from the Office to pay any license, registration fee,
14 or permit fees. Any political subdivision may provide by
15 ordinance a requirement that each person doing electrical work
16 within the jurisdiction of the political subdivision have on
17 file with the political subdivision a copy of the current
18 license issued by the Office or other evidence of the license
19 as may be provided by the Office. Each electrical inspector of
20 any political subdivision shall hold a license as a journeyman
21 electrician or be certified to conduct electrical inspections
22 by a nationally recognized inspector certification program
23 under the rules adopted by the Office for the enforcement of
24 this Act. The political subdivision may appoint or employ
25 inspectors to be employed on a full-time or part-time basis. An
26 electrical inspector employed by a political subdivision and
27 engaged in the regulation and inspection of electrical wiring
28 activities regulated under this Act on July 1, 2008 shall be
29 permitted to conduct electrical inspections for 2 years from
30 the application date. Thereafter, the inspector must meet all
31 of the requirements of this Act.

32 Section 100. Violations.

33 (a) Any person violating any provision of this Act or its
34 rules shall be guilty of a Class B misdemeanor and fined a
35 minimum of \$100 for the first offense. A second or subsequent

1 violation of this Act shall be a Class A misdemeanor with a
2 minimum fine of \$200. Each day a violation continues
3 constitutes a separate offense. The State's Attorney of the
4 County in which the violation occurred or the Attorney General
5 may prosecute these actions in the name of the People of the
6 State of Illinois. The court may enjoin the use of electricity
7 installed in violation of this Act or its rules until it has
8 been corrected to comply with the National Electrical Code.

9 (b) If it is established that the defendant, contrary to
10 this Act, has been engaging, is engaging, or is about to engage
11 in electrical work without having been issued a license, or has
12 been engaging or is about to engage in electrical work after
13 his or her license has been suspended or revoked or after his
14 or her license has not been renewed, the Office may levy a
15 penalty not to exceed \$5,000 per offense. This penalty shall be
16 assessed by the Office after a hearing is held in accordance
17 with the provisions set forth in Section 50 of this Act.

18 Section 110. Administrative Procedure Act; application.
19 The provisions of the Illinois Administrative Procedure Act are
20 expressly adopted and shall apply to all administrative rules
21 and procedures of the Office of the State Marshal under this
22 Act, except that Section 5-50 of the Illinois Administrative
23 Procedure Act relating to procedures for rulemaking does not
24 apply to the adoption of any rule required by federal law in
25 connection with which the Office is precluded by law from
26 exercising any discretion.

27 Section 115. Review under Administrative Review Law. All
28 final administrative decisions of the Fire Marshal under this
29 Act shall be subject to judicial review under the
30 Administrative Review Law and its rules.

31 Section 120. Home rule. A home rule unit may not regulate
32 electricians and electrical contractors in a manner less
33 restrictive than the regulation by the State of electricians

1 and electrical contractors. This Section is a limitation under
2 subsection (i) of Section 6 of Article VII of the Illinois
3 Constitution on the concurrent exercise by home rule units of
4 powers and functions exercised by the State.

5 Section 900. The Regulatory Sunset Act is amended by
6 changing Section 4.25 as follows:

7 (5 ILCS 80/4.25)

8 Sec. 4.25. Act repealed on January 1, 2015; Act repealed on
9 July 1, 2015.

10 (a) The following Act is repealed on January 1, 2015:

11 The Genetic Counselor Licensing Act.

12 (b) The following Act is repealed on July 1, 2015:

13 The Electricians Licensing Act.

14 (Source: P.A. 93-1041, eff. 9-29-04.)

15 Section 905. The State Finance Act is amended by adding
16 Section 5.640 as follows:

17 (30 ILCS 105/5.640 new)

18 Sec. 5.640. The Electricians Licensing Dedicated Fund.