



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4729

by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.29 new

30 ILCS 105/5.708 new

Creates the Thermal System Insulation and Fire-stop Contractor and Mechanic Licensing Act. Provides for the licensure of thermal system insulation and fire-stop contractors and mechanics by the Office of the State Fire Marshal. Establishes the Thermal System Insulation and Fire-stop Council. Sets forth powers and duties of the Administrator and the Council, licensure requirements, grounds for discipline, penalties for violation of the Act, and administrative procedure. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2019 for the new Act. Amends the State Finance Act to create the Thermal System Insulation and Fire-stop Contractor and Mechanic Fund. Effective immediately.

LRB095 19036 RAS 45213 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Thermal System Insulation and Fire-stop Contractor and
6 Mechanic Licensing Act.

7 Section 5. Definitions. In this Act:

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

9 "Building" means a commercial, industrial, or residential
10 building, structure, or facility, as defined by the
11 Administrator by rule. "Building" does not include a
12 residential building, structure, or facility that contains
13 fewer than 4 residential units.

14 "Council" means the Thermal System Insulation and
15 Fire-stop Council.

16 "Fire-stop product" means a product that is used to prevent
17 the spread of fire or smoke and that is installed on or around
18 a pipe, duct, wire, or any other penetration through a floor,
19 ceiling, or wall of a building.

20 "Inspector" means the Thermal System Insulation and
21 Fire-stop Inspector.

22 "Thermal system insulation" means a product that is used to
23 insulate any hot or cold surface including a pipe, duct, valve,

1 boiler, flue, or tank, or equipment on or in a building.
2 "Thermal system insulation" does not include an insulation
3 product used in the walls of a home or building.

4 "Thermal system insulation and fire-stop contractor" or
5 "contractor" means any person who is engaged in the business of
6 contracting to provide services for installing, removing, or
7 maintaining thermal system insulation and fire-stop products.

8 "Thermal system insulation and fire-stop mechanic" or
9 "mechanic" means any person who installs, removes, or maintains
10 thermal system insulation and fire-stop products.

11 Section 10. Application of Act. This Act shall not be
12 construed to prohibit any person licensed, registered, or
13 certified under the laws of this State from performing those
14 duties which he or she is licensed, registered, or certified to
15 perform.

16 Section 15. Licensure required. Beginning 6 months after
17 the adoption of final rules under this Act, no person may
18 practice, offer to practice, attempt to practice, or hold
19 himself or herself out to practice as a thermal system
20 insulation and fire-stop contractor or a thermal system
21 insulation and fire-stop mechanic or use the title "thermal
22 system insulation and fire-stop contractor", "thermal system
23 insulation and fire-stop mechanic", "licensed thermal system
24 insulation and fire-stop contractor", or "licensed thermal

1 system insulation and fire-stop mechanic" without being
2 licensed under this Act.

3 Only a person licensed under this Act as a thermal system
4 insulation and fire-stop mechanic may install, remove, or
5 maintain thermal system insulation and fire-stop products.
6 Only a person licensed under this Act as a thermal system
7 insulation and fire-stop contractor may contract for the
8 provision of services for the installation, removal, or
9 maintenance of thermal system insulation and fire-stop
10 products.

11 Section 20. Rulemaking. The Administrator shall adopt
12 rules and regulations necessary for the administration and
13 enforcement of this Act, including rules and regulations
14 concerning all of the following:

15 (1) Fees for the licensure of mechanics and
16 contractors, which may not be less than \$250 nor more than
17 \$1,000 for each license period.

18 (2) Training and continuing education requirements for
19 mechanics.

20 (3) Standards for the installation, removal, and
21 maintenance of thermal system insulation and fire-stop
22 products in buildings.

23 Section 25. Thermal System Insulation and Fire-stop
24 Council.

1 (a) There is created the Thermal System Insulation and
2 Fire-stop Council, which shall serve in an advisory capacity to
3 the Administrator. The Council shall consist of the State Fire
4 Marshal or his or her designee, the Thermal System Insulation
5 and Fire-stop Inspector, who shall serve as chairperson of the
6 Council, and 7 members who shall be appointed by the
7 Administrator; 2 of whom shall represent a major insulation
8 company; one of whom shall be an architect licensed under the
9 Illinois Architecture Practice Act of 1989 with experience in
10 the area of indoor air quality; one of whom shall be an
11 industrial hygienist with experience in the area of indoor air
12 quality, mold, and fungal growth; 2 of whom shall be licensed
13 thermal system insulation and fire-stop mechanics with at least
14 10 years of experience in the area of heat and frost
15 insulation, except that initial mechanic members shall meet the
16 requirements for and obtain licensure within 12 months after
17 the adoption of final rules under this Act; and one of whom
18 shall be a knowledgeable public member.

19 (b) Members of the Council shall serve 3-year terms and
20 until their successors are appointed and qualified, except that
21 of the 7 members appointed by the Administrator, 2 members
22 shall serve a term of one year, 2 members shall serve a term of
23 2 years, and 3 members shall serve a term of 3 years.

24 (c) Members of the Council shall be immune from suit in any
25 action based on any disciplinary proceedings or other acts
26 performed in good faith as members of the Council, unless the

1 conduct that gave rise to the suit was willful or wanton
2 misconduct.

3 (d) If a vacancy on the Council occurs for any reason
4 resulting in an unexpired term, within 90 days after the
5 vacancy first occurs, the Administrator shall fill the vacancy
6 in like manner for the unexpired balance of the term only.

7 (e) Council members shall receive reimbursement for
8 actual, necessary, and authorized expenses incurred in
9 attending the meetings of the Council.

10 Section 30. Powers and duties of the Council.

11 (a) The Council shall have all of the following duties:

12 (1) To recommend to the Administrator rules
13 establishing standards for the installation, removal, and
14 maintenance of thermal system insulation and fire-stop
15 products in buildings.

16 (2) To recommend to the Administrator requirements for
17 the licensure of mechanics and contractors and
18 circumstances under which the Administrator may take
19 disciplinary action against a mechanic or contractor
20 including suspension and revocation of a license.

21 (3) To recommend to the Administrator qualifications
22 for the Inspector.

23 (4) To recommend to the Administrator training and
24 continuing education requirements for mechanics.

25 (b) The Council may consult with engineering authorities

1 and other organizations concerned with safety and health issues
2 related to thermal system insulation and fire-stop products and
3 mold in performing its duties under this Section.

4 Section 35. Thermal System Insulation and Fire-stop
5 Inspector.

6 (a) The Administrator shall employ a person who has at
7 least 10 years of experience installing, removing, and
8 maintaining thermal system insulation and fire-stop products
9 and who has successfully completed a 4-year apprenticeship in
10 the trade of heat and frost insulation, as the Thermal System
11 Insulation and Fire-stop Inspector. The Inspector shall work
12 under the direct supervision of the State Fire Marshal or his
13 or her designee.

14 (b) The Inspector shall do all of the following:

15 (1) Inspect buildings constructed, or in which the
16 mechanical systems have been altered, on or after the
17 effective date of this Act to determine whether the
18 installation, removal, or maintenance of thermal system
19 insulation and fire-stop products in those buildings and
20 structures complies with the standards established by the
21 Administrator under this Act. The Inspector shall conduct
22 the inspections on a random basis and whenever requested to
23 do so by a local building inspector.

24 (2) Keep complete and accurate records of all inspected
25 buildings including a list identifying all buildings that

1 are in compliance with the standards established by the
2 Administrator under this Act, a list of all buildings that
3 are not in compliance with the standards established by the
4 Administrator under this Act, and a list of all orders that
5 the Inspector issues under this Act.

6 (3) Give written notice of noncompliance to the owner
7 of every building that the Inspector determines does not
8 comply with the standards established by the Administrator
9 under this Act.

10 (c) The Inspector may do any of the following:

11 (1) Enter any building at a reasonable hour for the
12 purpose of inspecting or gathering information about any
13 thermal system insulation or fire-stop product.

14 (2) Issue an order requiring the owner of a building to
15 make repairs or alterations that the Inspector determines
16 are necessary in order for the building to comply with the
17 standards established by the Administrator under this Act.
18 The Inspector shall issue such an order in writing.

19 Section 40. Application; requirements.

20 (a) Every person applying to the Administrator for
21 licensure must do so in writing on forms prescribed by the
22 Administrator and pay the required nonrefundable fee.

23 (b) Except as provided in subsection (c) of this Section,
24 the Administrator may not issue a license as a thermal system
25 insulation and fire-stop mechanic unless the applicant

1 demonstrates, in a manner satisfactory to the Administrator,
2 that he or she has met the following requirements:

3 (1) he or she has either successfully completed (i) at
4 least 160 hours of relevant training approved by the
5 Administrator, upon consultation with the Council, and has
6 passed a written examination approved by the Administrator
7 or (ii) an apprenticeship approved by the Administrator;
8 and

9 (2) he or she has met any additional requirements
10 established by the Administrator by rule.

11 (c) The Administrator may waive any requirement or any
12 portion of a requirement set forth in subsection (b) of this
13 Section for a person who has experience in installing,
14 removing, or maintaining thermal system insulation and
15 fire-stop products upon submission of evidence satisfactory to
16 the Administrator that the person is qualified for licensure.

17 (d) The Administrator may not issue a license as a thermal
18 system insulation and fire-stop contractor unless the
19 applicant demonstrates, in a manner satisfactory to the
20 Administrator, that he or she has met the following
21 requirements:

22 (1) he or she employs and trains apprentices in the
23 trade of heat and frost insulation;

24 (2) he or she is skilled in the planning,
25 superintending, and practical installation of thermal
26 system insulation and fire-stop products; and

1 (3) he or she has met any additional requirements
2 established by the Administrator by rule.

3 (e) The Administrator shall establish further requirements
4 for licensure by rule, which may include educational
5 requirements and the requirement of the successful completion
6 of an examination administered by the Administrator or an
7 entity approved by the Administrator.

8 Section 45. Endorsement. The Administrator may, in its
9 discretion, issue a license as a contractor or a mechanic,
10 without examination, on payment of the required fee, to an
11 applicant who is so licensed under the laws of another U.S.
12 jurisdiction or another country, if the requirements for
13 licensure in the other jurisdiction in which the applicant was
14 licensed were, at the date of his or her licensure deemed by
15 the Administrator to be substantially equivalent to the
16 requirements then in force in this State.

17 Section 50. Temporary and emergency licensure. The
18 Administrator may adopt rules establishing standards and
19 procedures for the issuance of temporary and emergency licenses
20 for mechanics and contractors. The rules shall provide that a
21 temporary or emergency license issued under this Section is
22 valid for a period of 30 days.

23 Section 55. Current address. Every licensee under this Act

1 must maintain a current address with the Administrator. It
2 shall be the responsibility of the licensee to notify the
3 Administrator in writing of any change of address.

4 Section 60. Social Security Number on license application.
5 In addition to any other information required to be contained
6 in the application, every application for an original, renewal,
7 or restored license under this Act shall include the
8 applicant's Social Security Number.

9 Section 65. Standard compliance. Every contractor who
10 contracts to install, remove, or maintain thermal system
11 insulation or fire-stop products shall ensure that such
12 installation, removal, and maintenance complies with the
13 standards established by the Administrator under this Act.

14 Section 70. Renewal; continuing education; restoration;
15 military service.

16 (a) Licenses issued under this Act shall expire every 2
17 years.

18 (b) The Administrator may not renew a license issued to a
19 mechanic under this Act unless the mechanic submits a
20 certificate to the Administrator that demonstrates that the
21 mechanic has attended and successfully completed during the
22 previous licensing period a continuing education course
23 approved by the Administrator, upon consultation with the

1 Council.

2 (c) Any person who has permitted his or her license to
3 expire may have his or her license restored by applying to the
4 Administrator, filing proof acceptable to the Administrator of
5 his or her fitness to have the license restored, which may
6 include sworn evidence certifying to active practice in another
7 jurisdiction satisfactory to the Administrator, and paying the
8 required restoration fee. If the person has not maintained an
9 active practice in another jurisdiction satisfactory to the
10 Administrator, the Council shall determine, by an evaluation
11 program established by rule, the person's fitness to resume
12 active status and may require the successful completion of an
13 examination.

14 (d) Any person whose license has expired while he or she
15 has been engaged (i) in federal service on active duty with the
16 Armed Forces of the United States or the State Militia called
17 into service or training or (ii) in training or education under
18 the supervision of the United States preliminary to induction
19 into the military service, may have his or her license renewed
20 or restored without paying any lapsed renewal fees if, within 2
21 years after termination of service, training, or education,
22 other than by dishonorable discharge, he or she furnishes the
23 Administrator with satisfactory evidence to the effect that he
24 or she has been so engaged and that the service, training, or
25 education has been so terminated.

1 Section 75. Inactive status.

2 (a) Any contractor or mechanic who notifies the
3 Administrator in writing on forms prescribed by the
4 Administrator may elect to place his or her license on inactive
5 status and shall be excused from payment of renewal fees until
6 he or she notifies the Administrator in writing of his or her
7 desire to resume active status.

8 (b) Any person whose license has been expired for more than
9 3 years may have his or her license restored by making
10 application to the Administrator and filing proof acceptable to
11 the Administrator of his or her fitness to have his or her
12 license restored, including evidence certifying to active
13 practice in another jurisdiction, and by paying the required
14 restoration fee.

15 (c) Any contractor or mechanic whose license is on inactive
16 status, has been suspended or revoked, or has expired may not
17 represent himself or herself to be a thermal system insulation
18 and fire-stop contractor or a thermal system insulation and
19 fire-stop mechanic or use the title "thermal system insulation
20 and fire-stop contractor", "thermal system insulation and
21 fire-stop mechanic", "licensed thermal system insulation and
22 fire-stop contractor", "thermal system insulation and
23 fire-stop mechanic", or any other title that includes the words
24 "thermal system insulation and fire-stop contractor" or
25 "thermal system insulation and fire-stop mechanic".

1 Section 80. Fees; disposition of funds.

2 (a) The Administrator shall establish by rule a schedule of
3 fees for the administration and maintenance of this Act. Such
4 fees shall be nonrefundable.

5 (b) All of the fees and fines collected under this Act
6 shall be deposited into the Thermal System Insulation and
7 Fire-stop Contractor and Mechanic Fund, which is hereby created
8 as a special fund in the State treasury. The moneys deposited
9 into the Thermal System Insulation and Fire-stop Contractor and
10 Mechanic Fund under this Section must be used by the
11 Administrator, as appropriate, for the ordinary and contingent
12 expenses of the Administrator. Moneys deposited in the Thermal
13 System Insulation and Fire-stop Contractor and Mechanic Fund
14 under this Section may be invested and reinvested, with all
15 earnings received from these investments being deposited into
16 that Fund and used for the same purposes as the fees and fines
17 deposited into that Fund.

18 Section 85. Roster. The Administrator shall maintain a
19 roster of the names and addresses of all licensees under this
20 Act. This roster shall be made available upon written request
21 and payment of the required fee.

22 Section 90. Unlicensed practice; civil penalty.

23 (a) Any person who violates this Act or a rule adopted
24 under this Act or who fails to comply with an order issued by

1 the Inspector under this Act must, in addition to any other
2 penalty provided by law, pay a civil penalty to the
3 Administrator in an amount not less than \$2,000 and not more
4 than \$5,000 for each offense as determined by the
5 Administrator. The civil penalty shall be assessed by the
6 Administrator after a hearing is held in accordance with the
7 provisions set forth in this Act regarding the provision of a
8 hearing for the discipline of a licensee.

9 (b) The Administrator has the authority and power to
10 investigate any and all unlicensed activities.

11 (c) The civil penalty imposed under this Section must be
12 paid within 60 days after the effective date of the order
13 imposing the civil penalty. The order shall constitute a
14 judgment and may be filed and execution had thereon in the same
15 manner as any judgment from any court of record.

16 Section 95. Injunction; cease and desist order.

17 (a) If any person violates the provisions of this Act, the
18 Administrator may, in the name of the People of the State of
19 Illinois and through the Attorney General or the State's
20 Attorney of any county in which the action is brought, petition
21 for an order enjoining such violation and for an order
22 enforcing compliance with this Act. Upon the filing of a
23 verified petition in court, the court may issue a temporary
24 restraining order, without notice or bond, and may
25 preliminarily and permanently enjoin such violation. If it is

1 established that such person has violated or is violating the
2 injunction, the Court may punish the offender for contempt of
3 court. Proceedings under this Section shall be in addition to,
4 and not in lieu of, all other remedies and penalties provided
5 by this Act.

6 (b) If any person holds himself or herself out as a
7 "thermal system insulation and fire-stop contractor", "thermal
8 system insulation and fire-stop mechanic", "licensed thermal
9 system insulation and fire-stop contractor", or "thermal
10 system insulation and fire-stop mechanic" without being
11 licensed under the provisions of this Act, then any contractor
12 or mechanic, interested party, or person injured thereby may,
13 in addition to the Administrator, petition for relief as
14 provided in subsection (a) of this Section.

15 (c) Whenever, in the opinion of the Administrator, a person
16 violates any provision of this Act, the Administrator may issue
17 a rule to show cause why an order to cease and desist should
18 not be entered against that person. The rule shall clearly set
19 forth the grounds relied upon by the Administrator and shall
20 allow the person at least 7 days after the date of the rule to
21 file an answer that is satisfactory to the Administrator.
22 Failure to answer to the satisfaction of the Administrator
23 shall cause an order to cease and desist to be issued.

24 Section 100. Disciplinary grounds.

25 (a) The Administrator may refuse to issue, renew, or may

1 revoke, suspend, place on probation, reprimand, or take other
2 disciplinary action as the Administrator considers appropriate
3 with regard to any license for any one or more of the following
4 causes:

5 (1) Violation of this Act or any rule adopted under
6 this Act.

7 (2) Failure to notify the Administrator or the owner or
8 lessee of any building that the building fail to meet the
9 standards established by the Administrator by rule under
10 this Act.

11 (3) Conviction of any crime under the laws of an U.S.
12 jurisdiction that is a felony or a misdemeanor an essential
13 element of which is dishonesty or that directly relates to
14 the practice of the profession.

15 (4) Making any misrepresentation for the purpose of
16 obtaining a license.

17 (5) Professional incompetence or gross negligence in
18 the practice of the profession.

19 (6) Gross malpractice, prima facie evidence of which
20 may be a conviction or judgment of malpractice in any court
21 of competent jurisdiction.

22 (7) Aiding or assisting another person in violating any
23 provision of this Act or any rule adopted under this Act.

24 (8) Failing, within 60 days, to provide information in
25 response to a written request made by the Administrator
26 that has been sent by certified or registered mail to the

1 licensee's last known address.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (10) Habitual or excessive use of or addiction to
6 alcohol, narcotics, stimulants, or any other chemical
7 agent or drug that results in the inability to practice
8 with reasonable judgment, skill, or safety.

9 (11) Discipline by another U.S. jurisdiction or
10 foreign nation, if at least one of the grounds for the
11 discipline is the same or substantially equivalent to those
12 set forth in this Section.

13 (12) Directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any professional service not actually rendered.

17 (13) A finding by the Administrator that a licensee,
18 after having his or her license placed on probationary
19 status, has violated the terms of probation.

20 (14) Conviction by any court of competent
21 jurisdiction, either within or without this State, of any
22 violation of any law governing practice as a thermal system
23 insulation and fire-stop contractor or a thermal system
24 insulation and fire-stop mechanic, if the Administrator
25 determines, after investigation, that such person has not
26 been sufficiently rehabilitated to warrant the public

1 trust.

2 (15) A finding that licensure has been applied for or
3 obtained by fraudulent means.

4 (16) Practicing, attempting to practice, or
5 advertising under a name other than the full name as shown
6 on the license or any other legally authorized name.

7 (17) Gross and willful overcharging for professional
8 services, including filing false statements for collection
9 of fees or moneys for which services are not rendered.

10 (18) Failure to file a tax return or to pay any final
11 assessment of tax, penalty, or interest, as required by any
12 tax Act administered by the Department of Revenue, until
13 such time as the requirements of any such tax Act are
14 satisfied.

15 (19) Failure to continue to meet the requirements of
16 this Act.

17 (20) Physical or mental disability, including
18 deterioration through the aging process or loss of
19 abilities and skills, that result in an inability to
20 practice the profession with reasonable judgment, skill,
21 or safety.

22 (21) Material misstatement in furnishing information
23 to the Administrator or to any other State agency.

24 (22) Advertising in any manner that is false,
25 misleading, or deceptive.

26 (23) The determination by a court that a licensee is

1 subject to involuntary admission or judicial admission as
2 provided in the Mental Health and Developmental
3 Disabilities Code. Such determination shall result in an
4 automatic suspension of a licensee's license. The
5 suspension shall end upon a finding by a court that the
6 licensee is no longer subject to involuntary admission or
7 judicial admission, the issuance of an order so finding and
8 discharging the patient, and the recommendation of the
9 Council to the Secretary that the licensee be allowed to
10 resume practice within the profession.

11 (b) The Administrator shall deny the issuance or renewal of
12 any license under this Act to any person who has defaulted on
13 an educational loan guaranteed by the Illinois Student
14 Assistance Commission; however, the Administrator may issue a
15 license or renewal if the person in default has established a
16 satisfactory repayment record, as determined by the Illinois
17 Student Assistance Commission.

18 Section 105. Investigation; notice of hearing. The
19 Administrator may investigate the actions or qualifications of
20 any applicant or person holding or claiming to hold a license.
21 The Administrator shall, before suspending or revoking,
22 placing on probation, reprimanding, or taking any other
23 disciplinary action under Section 100 of this Act, at least 30
24 days before the date set for the hearing, notify the applicant
25 or licensee in writing of the nature of the charges and that a

1 hearing will be held on the date designated. The written notice
2 may be served by personal delivery or certified or licensed
3 mail to the applicant or licensee at the address of his or her
4 last notification to the Administrator. The Administrator
5 shall direct the applicant or licensee to file a written answer
6 with the Administrator, under oath, within 20 days after the
7 service of the notice, and inform the person that if he or she
8 fails to file an answer, his or her license may be revoked,
9 suspended, placed on probation, reprimanded, or the
10 Administrator may take any other additional disciplinary
11 action, including the issuance of fines not to exceed \$1,000
12 for each violation, as the Administrator may consider
13 necessary, without a hearing. At the time and place fixed in
14 the notice, the Council shall proceed to hear the charges and
15 the parties or their counsel. All parties shall be afforded an
16 opportunity to present any statements, testimony, evidence,
17 and arguments as may be pertinent to the charges or to their
18 defense. The Council may continue the hearing from time to
19 time.

20 Section 110. Record of proceedings; transcript. The
21 Administrator, at its expense, shall preserve a record of all
22 proceedings at the formal hearing of any case involving the
23 refusal to issue, renew, or restore a license or the discipline
24 of a licensee. The notice of hearing, complaint, and all other
25 documents in the nature of pleadings and written motions filed

1 in the proceedings, the transcript of testimony, the report of
2 the Council, and the orders of the Administrator shall be the
3 record of the proceedings.

4 Section 115. Subpoenas; depositions; oaths. The
5 Administrator may subpoena and bring before it any person and
6 take testimony, either orally, by deposition, or both, with the
7 same fees and mileage and in the same manner as prescribed in
8 civil cases in circuit courts of this State. The Administrator,
9 the designated hearing officer, and every member of the Council
10 has the power to administer oaths to witnesses at any hearing
11 which the Administrator is authorized to conduct, and any other
12 oaths authorized in any Act administered by the Administrator.

13 Section 120. Compelling testimony. Any court, upon the
14 application of the Administrator, designated hearing officer,
15 or the applicant or licensee against whom proceedings under
16 Section 100 of this Act are pending, may enter an order
17 requiring the attendance of witnesses and their testimony and
18 the production of documents, papers, files, books, and records
19 in connection with any hearing or investigation. The court may
20 compel obedience to its order by proceedings for contempt.

21 Section 125. Findings and recommendations. At the
22 conclusion of a hearing, the Council shall present to the
23 Administrator a written report of its findings of fact,

1 conclusions of law, and recommendations. The report shall
2 contain a finding as to whether the licensee violated this Act
3 or failed to comply with the conditions required in this Act.
4 The Council shall specify the nature of the violation or
5 failure to comply and shall make its recommendations to the
6 Administrator.

7 The report of findings of fact, conclusions of law, and
8 recommendations of the Council shall be the basis for the
9 Administrator's order for refusal or for the granting of the
10 license. If the Administrator disagrees with the
11 recommendations of the Council, the Administrator may issue an
12 order in contravention of the Council recommendations. The
13 Administrator shall provide a written report to the Council on
14 any disagreement and shall specify the reasons for the action
15 in the final order.

16 Section 130. Council; rehearing. At the conclusion of a
17 hearing, a copy of the Council's report shall be served upon
18 the accused person, either personally or as provided in this
19 Act for the service of the notice. Within 20 days after such
20 service, the applicant or licensee may present to the
21 Administrator a motion in writing for a rehearing which shall
22 specify the particular grounds for rehearing. If no motion for
23 a rehearing is filed, then upon the expiration of the time
24 specified for filing such a motion or if a motion for rehearing
25 is denied, then upon the denial, the Administrator may enter

1 any order in accordance with recommendations of the Council,
2 except as otherwise provided in this Act. If the applicant or
3 licensee requests and pays for a transcript of the record
4 within the time for filing a motion for rehearing, the 20-day
5 period within which a motion may be filed shall commence upon
6 the delivery of the transcript to the applicant or licensee.

7 Whenever the Administrator is not satisfied that
8 substantial justice has been done, he or she may order a
9 rehearing by the same or another special council. At the
10 expiration of the time specified for filing a motion for a
11 rehearing the Administrator has the right to take the action
12 recommended by the Council.

13 Section 135. Appointment of a hearing officer. The
14 Administrator has the authority to appoint any attorney
15 licensed to practice law in the State of Illinois to serve as
16 the hearing officer in any action for refusal to issue or renew
17 a license or to discipline a licensee. The Administrator shall
18 notify the Council of any such appointment. The hearing officer
19 has full authority to conduct the hearing. At least one member
20 of the Council shall attend each hearing. The hearing officer
21 shall report his or her findings of fact, conclusions of law,
22 and recommendations to the Council and the Administrator. The
23 Council has 60 days after receipt of the report to review it
24 and present its findings of fact, conclusions of law, and
25 recommendations to the Administrator. If the Council fails to

1 present its report within the 60-day period, the Administrator
2 shall issue an order based on the report of the hearing
3 officer. If the Administrator disagrees with the
4 recommendation of the Council or hearing officer, the
5 Administrator may issue an order in contravention of the
6 recommendation. The Administrator shall promptly provide a
7 written explanation to the Council on any disagreement.

8 Section 140. Order of certified copy; prima facie proof.
9 An order or a certified copy thereof, over the seal of the
10 Administrator and purporting to be signed by the Administrator,
11 shall be prima facie proof that:

- 12 (1) the signature is the genuine signature of the
13 Administrator;
- 14 (2) the Administrator is duly appointed and qualified;
15 and
- 16 (3) the Council and the members thereof are qualified
17 to act.

18 Section 145. Restoration of suspended or revoked license.
19 At any time after the suspension or revocation of any license,
20 the Administrator may restore it to the licensee upon the
21 written recommendation of the Council, unless after an
22 investigation and hearing, the Council determines that
23 restoration is not in the public interest.

1 Section 150. Surrender of license. Upon the revocation or
2 suspension of any license, the licensee shall immediately
3 surrender his or her license to the Administrator. If the
4 licensee fails to do so, the Administrator has the right to
5 seize the license.

6 Section 155. Summary suspension of a license. The
7 Administrator may summarily suspend a license issued under this
8 Act without a hearing, simultaneously with the institution of
9 proceedings for a hearing provided for in this Act, if the
10 Administrator finds that evidence in the possession of the
11 Administrator indicates that the continuation in practice by
12 the licensee would constitute an imminent danger to the public.
13 In the event that the Administrator temporarily suspends the
14 license of an individual without a hearing, a hearing must be
15 held within 30 days after such suspension has occurred.

16 Section 160. Administrative Review Law; venue.

17 (a) All final administrative decisions of the
18 Administrator are subject to judicial review under the
19 Administrative Review Law and its rules. The term
20 "administrative decision" is defined as in Section 3-101 of the
21 Code of Civil Procedure.

22 (b) Proceedings for judicial review shall be commenced in
23 the circuit court of the county in which the party applying for
24 review resides, but if the party is not a resident of this

1 State, the venue shall be in Sangamon County.

2 Section 165. Certification of record; costs. The
3 Administrator shall not be required to certify any record to
4 the court or file an answer in court or to otherwise appear in
5 any court in a judicial review proceeding, unless there is
6 filed in the court with the complaint a receipt from the
7 Administrator acknowledging payment of the costs of furnishing
8 and certifying the record. Failure on the part of the plaintiff
9 to file such receipt in court shall be grounds for dismissal of
10 the action.

11 Section 170. Administrative Procedure Act. The Illinois
12 Administrative Procedure Act is hereby expressly adopted and
13 incorporated herein as if all of the provisions of that Act
14 were included in this Act, except that the provision of
15 subsection (d) of Section 10-65 of the Illinois Administrative
16 Procedure Act that provides that at hearings the licensee has
17 the right to show compliance with all lawful requirements for
18 retention, continuation, or renewal of the license is
19 specifically excluded. For the purposes of this Act, the notice
20 required under Section 10-25 of the Illinois Administrative
21 Procedure Act is deemed sufficient when mailed to the last
22 known address of a party.

23 Section 900. The Regulatory Sunset Act is amended by adding

1 Section 4.29 as follows:

2 (5 ILCS 80/4.29 new)

3 Sec. 4.29. Act repealed on January 1, 2019. The following
4 Act is repealed on January 1, 2019:

5 The Thermal System Insulation and Fire-stop Contractor and
6 Mechanic Licensing Act.

7 Section 905. The State Finance Act is amended by adding
8 Section 5.708 as follows:

9 (30 ILCS 105/5.708 new)

10 Sec. 5.708. The Thermal System Insulation and Fire-stop
11 Contractor and Mechanic Fund.

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.