



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2145

Introduced 2/10/2011, by Sen. Mike Jacobs

SYNOPSIS AS INTRODUCED:

225 ILCS 729/5
225 ILCS 729/25
225 ILCS 729/30
225 ILCS 729/35
225 ILCS 729/40
225 ILCS 729/45
225 ILCS 729/60
5 ILCS 80/4.22
5 ILCS 80/4.32 new

Amends the Petroleum Equipment Contractors Licensing Act. Defines "licensee". Deletes the requirement that each investigator shall have a minimum of 2 years of investigative experience out of the proceeding 5 years prior to being employed by the State Fire Marshal to enforce the Act. Deletes provisions requiring the Office of the State Fire Marshal to adopt rules regarding training required for personnel engaged in Underground Storage Tank activity regulated under the Act. Makes changes in provisions concerning applications and issuance and renewal of licenses. Makes other changes. Amends the Regulatory Sunset Act. Extends the repeal date for the Petroleum Equipment Contractors Licensing Act to January 1, 2022 from January 1, 2012. Effective immediately.

LRB097 10309 CEL 50515 b

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 5. The Petroleum Equipment Contractors Licensing
5 Act is amended by changing Sections 5, 25, 30, 35, 40, 45, and
6 60 as follows:

7 (225 ILCS 729/5)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 5. Definitions. For the purposes of this Act:

10 "Employee" means ~~a licensee or~~ a person who is currently
11 employed by a contractor licensed under this Act whose full or
12 part-time duties include any activity specified in Section 35
13 of this Act.

14 "Licensee" means a person or business organization
15 licensed in accordance with this Act.

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

18 "Petroleum equipment contractor" or "contractor" means a
19 person, company, or corporation that installs, repairs, or
20 removes underground storage tanks.

21 (Source: P.A. 92-618, eff. 7-11-02.)

22 (225 ILCS 729/25)

1 (Section scheduled to be repealed on January 1, 2012)

2 Sec. 25. Rules; report. The State Fire Marshal shall
3 promulgate rules consistent with the provisions of this Act for
4 the administration and enforcement of this Act and may
5 prescribe forms that shall be issued in connection with the
6 rules promulgated under this Act. The rules shall include
7 standards and criteria for licensure ~~registration,~~
8 professional conduct, and discipline.

9 (Source: P.A. 92-618, eff. 7-11-02.)

10 (225 ILCS 729/30)

11 (Section scheduled to be repealed on January 1, 2012)

12 Sec. 30. Investigators. The State Fire Marshal may employ,
13 in conformity with the Personnel Code, the professional,
14 technical, investigative, or clerical help that may be
15 necessary for the enforcement of this Act. ~~Each investigator~~
16 ~~shall have a minimum of 2 years investigative experience out of~~
17 ~~the preceding 5 years.~~

18 An investigator may not hold an active license issued
19 pursuant to this Act or have any fiduciary interest in any
20 business licensed under this Act. This prohibition does not
21 prohibit the investigator from holding stock in a publicly
22 traded business licensed or regulated under this Act, provided
23 that the investigator does not hold more than 5% of a publicly
24 traded corporation ~~the stock of the business.~~

25 (Source: P.A. 92-618, eff. 7-11-02.)

1 (225 ILCS 729/35)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 35. Licensure qualifications and fees.

4 (a) Applicants for a license must submit to the Office all
5 of the following:

6 (1) fees as established by the Office;

7 (2) evidence of registration as an Illinois
8 corporation or other business entity and, when applicable,
9 evidence of compliance with the Assumed Business Name Act;

10 (3) evidence of financial responsibility in a minimum
11 amount of \$1,000,000 through liability insurance,
12 self-insurance, group insurance, group self-insurance, or
13 risk retention groups that must include completed
14 operations and environmental impairment; and

15 (4) evidence of compliance with the qualifications and
16 standards established by the Office.

17 (b) The contractor must possess a license from the Office
18 to perform the following types of activity:

19 (1) installation of underground storage tanks;

20 (2) repair of USTs, which shall include retrofitting
21 and installation of cathodic protection systems;

22 (3) decommissioning of USTs including abandonment in
23 place;

24 (4) relining of USTs;

25 (5) tank and piping tightness testing;

- 1 (6) testing of cathodic protection systems; and
2 (7) any other category established by the Office of the
3 State Fire Marshal.

4 (c) (Blank). ~~The Office of the Fire Marshal shall adopt~~
5 ~~rules outlining the minimum amount of training required for~~
6 ~~personnel engaged in Underground Storage Tank activity~~
7 ~~regulated under this Act.~~

8 (Source: P.A. 92-618, eff. 7-11-02.)

9 (225 ILCS 729/40)

10 (Section scheduled to be repealed on January 1, 2012)

11 Sec. 40. Application. Each application for a license to
12 practice under this Act shall be electronically submitted or in
13 writing and signed by the applicant on forms provided by the
14 Office of the State Fire Marshal.

15 (Source: P.A. 92-618, eff. 7-11-02.)

16 (225 ILCS 729/45)

17 (Section scheduled to be repealed on January 1, 2012)

18 Sec. 45. Issuance of license; renewal.

19 (a) The State Fire Marshal shall, upon the applicant's
20 satisfactory completion of the requirements authorized under
21 this Act, and upon receipt of the requisite fees, issue the
22 appropriate license ~~and wallet card~~ showing the name and
23 business location of the licensee, and the dates of issuance
24 and expiration, ~~and shall contain a photograph of the licensee~~

1 ~~provided to the State Fire Marshal.~~

2 (b) Each licensee may apply for renewal of his or her
3 license upon payment of the requisite fee. The expiration date
4 and renewal period for each license issued under this Act shall
5 be set by rule. Failure to renew by the expiration date ~~within~~
6 ~~60 days of the date~~ shall cause the license to lapse. A lapsed
7 license may not be reinstated until a written application is
8 filed, the renewal fee is paid, and a \$50 reinstatement fee is
9 paid. The renewal and reinstatement fees shall be waived for
10 persons who did not renew while on active duty in the military
11 and who file for renewal or restoration within one year after
12 discharge from the active duty service.

13 (c) All fees paid pursuant to this Act are non-refundable.
14 This shall not preclude the State Fire Marshal from refunding
15 accidental overpayment of fees.

16 (Source: P.A. 92-618, eff. 7-11-02.)

17 (225 ILCS 729/60)

18 (Section scheduled to be repealed on January 1, 2012)

19 Sec. 60. License renewal; display of license; inspection.

20 (a) As a condition of renewal of a license, the State Fire
21 Marshal may require the licensee to report information
22 pertaining to his or her practice that the State Fire Marshal
23 determines to be in the interest of public safety.

24 (b) A licensee shall report a change in home or office
25 address within 10 days.

1 (c) Each licensee shall prominently display his or her
2 license to practice at each place from which the practice is
3 being performed. If more than one location is used, branch
4 office certificates shall be issued upon payment of the fees to
5 be established by the State Fire Marshal. ~~Each employee shall~~
6 ~~carry on his or her person a wallet card issued by the State~~
7 ~~Fire Marshal.~~

8 (d) If a license or certificate is lost, a duplicate shall
9 be issued upon payment of the required fee to be established by
10 the State Fire Marshal. If a licensee wishes to change his or
11 her name, the State Fire Marshal shall issue a license in the
12 new name upon payment of the required fee and upon receipt of
13 satisfactory proof that the change was done in accordance with
14 law.

15 (e) Each licensee shall permit his or her facilities to be
16 inspected by representatives of the Office of the State Fire
17 Marshal.

18 (Source: P.A. 92-618, eff. 7-11-02.)

19 Section 90. The Regulatory Sunset Act is amended by
20 changing Section 4.22 and by adding Section 4.32 as follows:

21 (5 ILCS 80/4.22)

22 Sec. 4.22. Acts repealed on January 1, 2012. The following
23 Acts are repealed on January 1, 2012:

24 The Detection of Deception Examiners Act.

1 The Home Inspector License Act.
2 The Interior Design Title Act.
3 The Massage Licensing Act.
4 ~~The Petroleum Equipment Contractors Licensing Act.~~
5 The Professional Boxing Act.
6 The Real Estate Appraiser Licensing Act of 2002.
7 The Water Well and Pump Installation Contractor's License
8 Act.
9 (Source: P.A. 95-331, eff. 8-21-07.)

10 (5 ILCS 80/4.32 new)

11 Sec. 4.32. Act repealed on January 1, 2022. The following
12 Act is repealed on January 1, 2022:

13 The Petroleum Equipment Contractors Licensing Act.

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