

1 AN ACT concerning plumbers.

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

4 Section 5. The Illinois Plumbing License Law is amended
5 by changing Sections 5, 13.1, and 42 as follows:

6 (225 ILCS 320/5) (from Ch. 111, par. 1104)

7 Sec. 5. Advertising.

8 (a) Persons who advertise plumbing services shall, at
9 their place of business, display the registration license
10 ~~plumber's--license--of--at--least--one-member~~ of the firm or
11 partnership or officer of the corporation who is registered
12 as a plumbing contractor and shall maintain a register
13 listing the names and license numbers of all licensed
14 plumbers and all licensed apprentice plumbers currently
15 employed by them. The number of the registration license so
16 displayed shall also be included with the plumbing
17 identification on vehicles.

18 (b) No person who provides plumbing services may
19 advertise those services unless that person includes in the
20 advertisement the registration license number that is
21 required to be displayed under subsection (a). Nothing
22 contained in this subsection requires the publisher of
23 advertising for plumbing services to investigate or verify
24 the accuracy of the registration license number provided by
25 the advertiser.

26 (b.5) Any person who advertises plumbing services (i)
27 who fails to display the registration license number required
28 by subsection (a) in all manners required by that subsection,
29 (ii) who fails to provide a publisher with the correct number
30 under subsection (b), or (iii) who provides a publisher with
31 a false registration license number or a registration license

1 number of a person other than the person designated under
2 subsection (a), or any person who allows his or her
3 registration license number to be displayed or used in order
4 to allow any other person to circumvent any provisions of
5 this Section is guilty of a Class A misdemeanor with a fine
6 of \$1,000, which shall be subject to the enforcement
7 provisions of Section 29 of this Act. Each day that a person
8 fails to display the required registration license under
9 subsection (a) and each day that an advertisement runs or
10 each day that a person allows his or her registration license
11 to be displayed or used in violation of this Section
12 constitutes a separate offense.

13 In addition to, and not in lieu of, the penalties and
14 remedies provided for in this Section and Section 29 of this
15 Act, any person licensed or registered under this Act who
16 violates any provision of this Section shall be subject to
17 suspension or revocation of his or her license or
18 registration under Section 19 of this Act.

19 (b.10) In addition to, and not in lieu of, the penalties
20 and remedies provided for in this Section and Sections 19,
21 20, and 29 of this Act, and after notice and an opportunity
22 for hearing as provided for in this subsection and Section 19
23 of this Act, the Department may issue an Order Of Correction
24 to the telecommunications carrier furnishing service to any
25 telephone number contained in a printed advertisement for
26 plumbing services that is found to be in violation of the
27 provisions of this subsection. The Order of Correction shall
28 be limited to the telephone number contained in the unlawful
29 advertisement. The Order of Correction shall notify the
30 telecommunications carrier to disconnect the telephone
31 service furnished to any telephone number contained in the
32 unlawful advertisement and that subsequent calls to that
33 number shall not be referred by the telecommunications
34 carrier to any new telephone number obtained by or any

1 existing number registered to the person.

2 If, upon investigation, the Department has probable cause
3 to believe that a person has placed an advertisement with a
4 telecommunications carrier that: (i) contains a false
5 registration license number, (ii) contains a registration
6 license number of a person other than the person designated
7 under subsection (a), or (iii) is placed or circulated by a
8 person who is not properly registered licensed under this
9 Act, the Department shall provide notice to the person of the
10 Department's intent to issue an Order of Correction to the
11 telecommunications carrier to disconnect the telephone
12 service furnished to any telephone number contained in the
13 unlawful advertisement, and that subsequent calls to that
14 number shall not be referred by the telecommunications
15 carrier to any new telephone number obtained by or any
16 existing number registered to the person.

17 Notice shall be provided by certified mail or by personal
18 service setting forth the particular reasons for the proposed
19 action and fixing a date, not less than 20 days from the date
20 of the mailing or service, within which time the person must
21 request a hearing in writing. Failure to serve upon the
22 Department a written request for hearing within the time
23 provided in the notice shall constitute a waiver of the
24 person's right to an administrative hearing. The hearing,
25 findings, and conclusions shall be in accordance with the
26 provisions contained in Section 19 of this Act and the
27 Department's Rules of Practice and Procedure in
28 Administrative Hearings (77 Ill. Admin. Code 100), which are
29 incorporated by reference herein.

30 Upon a finding that the person has violated the
31 provisions of this subsection, the Department shall issue the
32 Order of Correction to the telecommunications carrier. If the
33 telecommunications carrier fails to comply with the Order of
34 Correction within 20 days after the order is final, the

1 Department shall inform the Illinois Commerce Commission of
2 the failure to comply and the Illinois Commerce Commission
3 shall require the telecommunications carrier furnishing
4 services to that person to disconnect the telephone service
5 furnished to the telephone number contained in the unlawful
6 advertisement and direct that subsequent calls to that number
7 shall not be referred by the telecommunications carrier to
8 any new telephone number obtained by or any existing number
9 registered to the person.

10 A person may have his or her telephone services restored,
11 after an Order of Correction has been issued, upon a showing,
12 to the satisfaction of the Department, that he or she is in
13 compliance with the provisions of this Act.

14 (c) The Department may require by rule and regulation
15 additional information concerning licensed plumbers and
16 licensed apprentice plumbers maintained in the register. The
17 Department shall have the right to examine the payroll
18 records of such persons to determine compliance with this
19 provision. The Department's right to examine payroll records
20 is limited solely to those records and does not extend to any
21 other business records.

22 (Source: P.A. 91-184, eff. 1-1-00.)

23 (225 ILCS 320/13.1)

24 Sec. 13.1. Plumbing contractors; registration;
25 applications.

26 (1) On and after May 1, 2002, all persons or
27 corporations desiring to engage in the business of plumbing
28 contractor, other than any entity that maintains an audited
29 net worth of shareholders' equity equal to or exceeding
30 \$100,000,000, shall register in accordance with the
31 provisions of this Act.

32 (2) Application for registration shall be filed with the
33 Department each year, on or before the last day of September

1 ~~April~~, in writing and on forms prepared and furnished by the
2 Department. All plumbing contractor registrations expire on
3 the last day of September ~~April~~ of each year.

4 (3) Applications shall contain the name, address, and
5 telephone number of the person and the plumbing license of
6 (i) the individual, if a sole proprietorship; (ii) the
7 partner, if a partnership; or (iii) an officer, if a
8 corporation. The application shall contain the business
9 name, address, and telephone number, a current copy of the
10 plumbing license, and any other information the Department
11 may require by rule.

12 (4) Applicants shall submit an original certificate of
13 insurance documenting that the contractor carries general
14 liability insurance with a minimum of \$100,000 per
15 occurrence, bodily injury insurance with a minimum of
16 \$300,000 per occurrence, property damage insurance with a
17 minimum of \$50,000, and workers compensation insurance with a
18 minimum \$500,000. No registration may be issued in the
19 absence of this certificate. Certificates must be in force
20 at all times for registration to remain valid.

21 (5) Applicants shall submit, on a form provided by the
22 Department, an indemnification bond in the amount of \$20,000
23 or a letter of credit in the same amount for work performed
24 in accordance with this Act and the rules promulgated under
25 this Act.

26 (6) All employees of a registered plumbing contractor
27 who engage in plumbing work shall be licensed plumbers or
28 apprentice plumbers in accordance with this Act.

29 (7) Plumbing contractors shall submit an annual
30 registration fee in an amount to be established by rule.

31 (8) The Department shall be notified in advance of any
32 changes in the business structure, name, or location or of
33 the addition or deletion of the owner or officer who is the
34 licensed plumber listed on the application. Failure to

1 notify the Department of this information is grounds for
2 suspension or revocation of the plumbing contractor's
3 registration.

4 (9) In the event that the plumber's license on the
5 application for registration of a plumbing contractor is a
6 license issued by the City of Chicago, it shall be the
7 responsibility of the applicant to forward a copy of the
8 plumber's license to the Department, noting the name of the
9 registered plumbing contractor, when it is renewed.

10 (Source: P.A. 92-338, eff. 8-10-01.)

11 (225 ILCS 320/42)

12 Sec. 42. Home rule. Pursuant to paragraph (h) of Section
13 6 of Article VII of the Illinois Constitution of 1970 the
14 power to regulate the licensing of plumbers, to promulgate
15 ~~the-promulgation-of~~ a minimum plumbing code of standards, and
16 ~~the---power~~ to regulate the registration of irrigation
17 contractors and plumbing contractors shall, except as may
18 otherwise be provided within and pursuant to the provisions
19 of Section 16 and Section 16.1 of this Act, be exercised by
20 the State and may not be exercised by any unit of local
21 government, including home rule units.

22 (Source: P.A. 91-678, eff. 1-26-00.)