



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0871

Introduced 2/2/2005, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 320/2	from Ch. 111, par. 1102
225 ILCS 320/2.5	
225 ILCS 320/3	from Ch. 111, par. 1103
225 ILCS 320/16.1	
225 ILCS 320/29.5	
225 ILCS 320/42	

Amends the Illinois Plumbing License Law. Defines "irrigation employee". Removes county population requirements from and adds control systems, low voltage wiring, and moisture or rainfall sensing equipment to the definition of "lawn sprinkler system". Provides that every irrigation contractor must provide to the Department of Public Health an original certificate of insurance documenting that the contractor carries general liability insurance with a minimum of \$100,000 per occurrence, bodily injury insurance with a minimum of \$300,000 per occurrence, property damage insurance with a minimum of \$50,000, and worker's compensation insurance with a minimum of \$500,000. Provides that every irrigation contractor must provide to the Department an indemnification bond in the amount of \$20,000 or an irrevocable letter of credit from a financial institution guaranteeing that funds shall be available only to the Department and shall be released upon written notification by the Department in the same amount for the installation of lawn sprinkler systems performed by the licensed irrigation contractor. Provides that every irrigation contractor must provide proof that he or she is a Certified Irrigation Contractor (CIC) or a Certified Irrigation Designer (CID). Provides that for every licensed plumber required by certain provisions, there shall be one CIC or CID. Sets forth new civil penalties for violation of the Law. Changes each reference to "registration" to "license" throughout Sections concerning irrigation contractors. Effective January 1, 2008.

LRB094 04252 RAS 34276 b

FISCAL 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 5. The Illinois Plumbing License Law is amended by
5 changing Sections 2, 2.5, 3, 16.1, 29.5, and 42 as follows:

6 (225 ILCS 320/2) (from Ch. 111, par. 1102)

7 Sec. 2. When used in this Act:

8 "Agent" means a person designated by a sponsor as
9 responsible for supervision of an apprentice plumber and who is
10 also an Illinois licensed plumber.

11 "Apprentice plumber" means any licensed person who is
12 learning and performing plumbing under the supervision of a
13 sponsor or his agent in accordance with the provisions of this
14 Act.

15 "Approved apprenticeship program" means an apprenticeship
16 program approved by the U.S. Department of Labor's Bureau of
17 Apprenticeship and Training and the Department under rules.

18 "Board" means the Illinois State Board of Plumbing
19 Examiners.

20 "Building drain" means that part of the lowest horizontal
21 piping of a drainage system that receives the discharge from
22 soil, waste, and other drainage pipes inside the walls of a
23 building and conveys it to 5 feet beyond the foundation walls
24 where it is connected to the building sewer.

25 "Building sewer" means that part of the horizontal piping
26 of a drainage system that extends from the end of the building
27 drain, receives the discharge of the building drain and conveys
28 it to a public sewer or private sewage disposal system.

29 "Department" means the Illinois Department of Public
30 Health.

31 "Director" means the Director of the Illinois Department of
32 Public Health.

1 "Governmental unit" means a city, village, incorporated
2 town, county, or sanitary or water district.

3 "Irrigation contractor" means a person who installs or
4 supervises the installation of lawn sprinkler systems subject
5 to Section 2.5 of this Act, other than a licensed plumber or a
6 licensed apprentice plumber.

7 "Irrigation employee" means a person who is employed by a
8 licensed irrigation contractor or a licensed plumber, and who
9 designs, repairs, alters, maintains, installs, or supervises
10 the installation of lawn sprinkler systems that are subject to
11 Section 2.5 of this Law.

12 "Lawn sprinkler system" means any underground irrigation
13 system of lawn, shrubbery and other vegetation from any potable
14 water sources; and from any water sources, whether or not
15 potable, ~~in: (i) any county with a population of 3,000,000 or~~
16 ~~more; (ii) any county with a population of 275,000 or more~~
17 ~~which is contiguous in whole or in part to a county with a~~
18 ~~population of 3,000,000 or more; and (iii) any county with a~~
19 ~~population of 37,000 or more but less than 150,000 which is~~
20 ~~contiguous to 2 or more counties with respective populations in~~
21 ~~excess of 275,000.~~ "Lawn sprinkler system" includes without
22 limitation the water supply piping, valves, control systems,
23 low voltage wiring, ~~and~~ sprinkler heads or other irrigation
24 outlets, and moisture or rainfall sensing equipment, but does
25 not include the backflow prevention device. The piping and
26 components must be consistent with industry standards but do
27 not have to comply with the plumbing materials standards of the
28 Illinois Plumbing Code. "Lawn sprinkler system" does not
29 include an irrigation system used primarily for agricultural
30 purposes.

31 "Person" means any natural person, firm, corporation,
32 partnership, or association.

33 "Plumber" means any licensed person authorized to perform
34 plumbing as defined in this Act, but does not include retired
35 plumbers as defined in this Act.

36 "Plumbing" means the actual installation, repair,

1 maintenance, alteration or extension of a plumbing system by
2 any person.

3 "Plumbing" includes all piping, fixtures, appurtenances
4 and appliances for a supply of water for all purposes,
5 including without limitation lawn sprinkler systems and
6 backflow prevention devices connected to lawn sprinkler
7 systems, from the source of a private water supply on the
8 premises or from the main in the street, alley or at the curb
9 to, within and about any building or buildings where a person
10 or persons live, work or assemble.

11 "Plumbing" includes all piping, from discharge of pumping
12 units to and including pressure tanks in water supply systems.

13 "Plumbing" includes all piping, fixtures, appurtenances,
14 and appliances for a building drain and a sanitary drainage and
15 related ventilation system of any building or buildings where a
16 person or persons live, work or assemble from the point of
17 connection of such building drain to the building sewer or
18 private sewage disposal system 5 feet beyond the foundation
19 walls.

20 "Plumbing" does not mean or include the trade of
21 drain-laying, the trade of drilling water wells which
22 constitute the sources of private water supplies, and of making
23 connections between such wells and pumping units in the water
24 supply systems of buildings served by such private water
25 supplies, or the business of installing water softening
26 equipment and of maintaining and servicing the same, or the
27 business of manufacturing or selling plumbing fixtures,
28 appliances, equipment or hardware, or to the installation and
29 servicing of electrical equipment sold by a not-for-profit
30 corporation providing electrification on a cooperative basis,
31 that either on or before January 1, 1971, is or has been
32 financed in whole or in part under the federal Rural
33 Electrification Act of 1936 and the Acts amendatory thereof and
34 supplementary thereto, to its members for use on farms owned by
35 individuals or operated by individuals, nor does it mean or
36 include minor repairs which do not require changes in the

1 piping to or from plumbing fixtures or involve the removal,
2 replacement, installation or re-installation of any pipe or
3 plumbing fixtures. Plumbing does not include the installation,
4 repair, maintenance, alteration or extension of building
5 sewers.

6 "Plumbing contractor" means any person who performs
7 plumbing, as defined in this Act, for another person. "Plumbing
8 contractor" shall not include licensed plumbers and licensed
9 apprentice plumbers who either are employed by persons engaged
10 in the plumbing business or are employed by another person for
11 the performance of plumbing solely for that other person,
12 including, but not limited to, a hospital, university, or
13 business maintenance staff.

14 "Plumbing fixtures" means installed receptacles, devices
15 or appliances that are supplied with water or that receive or
16 discharge liquids or liquid borne wastes, with or without
17 discharge into the drainage system with which they may be
18 directly or indirectly connected.

19 "Plumbing system" means the water service, water supply and
20 distribution pipes; plumbing fixtures and traps; soil, waste
21 and vent pipes; building drains; including their respective
22 connections, devices and appurtenances.

23 "Plumbing system" does not include building sewers as
24 defined in this Act.

25 "Retired plumber" means any licensed plumber in good
26 standing who meets the requirements of this Act and the
27 requirements prescribed by Department rule to be licensed as a
28 retired plumber and voluntarily surrenders his plumber's
29 license to the Department, in exchange for a retired plumber's
30 license. Retired plumbers cannot perform plumbing as defined in
31 this Act, cannot sponsor or supervise apprentice plumbers, and
32 cannot inspect plumbing under this Act. A retired plumber
33 cannot fulfill the requirements of subsection (3) of Section 3
34 of this Act.

35 "Supervision" with respect to first and second year
36 licensed apprentice plumbers means that such apprentices must

1 perform all designing and planning of plumbing systems and all
2 plumbing as defined in this Act under the direct personal
3 supervision of the sponsor or his or her agent who must also be
4 an Illinois licensed plumber, except for maintenance and repair
5 work on existing plumbing systems done by second year
6 apprentice plumbers; provided that before performing any
7 maintenance and repair work without such supervision, such
8 apprentice has received the minimum number of hours of annual
9 classroom instruction recommended by the United States
10 Department of Labor's Bureau of Apprenticeship and Training for
11 apprentice plumbers in a Bureau of Apprenticeship and Training
12 approved plumber apprenticeship program or its equivalent.
13 "Supervision" with respect to all other apprentice plumbers
14 means that, except for maintenance and repair work on existing
15 plumbing systems, any plumbing done by such apprentices must be
16 inspected daily, after initial rough-in and after completion by
17 the sponsor or his or her agent who is also an Illinois
18 licensed plumber. In addition, all repair and maintenance work
19 done by a licensed apprentice plumber on an existing plumbing
20 system must be approved by the sponsor or his or her agent who
21 is also an Illinois licensed plumber.

22 "Sponsor" is an Illinois licensed plumber or an approved
23 apprenticeship program that has accepted an individual as an
24 Illinois licensed apprentice plumber for education and
25 training in the field of plumbing and whose name and license
26 number or apprenticeship program number shall appear on the
27 individual's application for an apprentice plumber's license.

28 "Sponsored" means that each Illinois licensed apprentice
29 plumber has been accepted by an Illinois licensed plumber or an
30 approved apprenticeship program for apprenticeship training.

31 "Telecommunications carrier" means a telecommunications
32 carrier as defined in the Public Utilities Act.

33 (Source: P.A. 91-184, eff. 1-1-00; 91-678, eff. 1-26-00;
34 92-338, eff. 8-10-01.)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 2.5. Irrigation contractors; lawn sprinkler systems.

3 (a) Every irrigation contractor doing business in this
4 State shall be licensed annually by ~~register with~~ the
5 Department. Every irrigation contractor shall provide to the
6 Department his or her business name and address, telephone
7 number, name of principal, ~~and~~ FEIN number, and an original
8 certificate of insurance documenting that the irrigation
9 contractor carries general liability insurance with a minimum
10 of \$100,000 per occurrence, bodily injury insurance with a
11 minimum of \$300,000 per occurrence, property damage insurance
12 with a minimum of \$50,000, and worker's compensation insurance
13 with a minimum of \$500,000. Sole proprietorships and
14 partnerships with no employees are exempt from the worker's
15 compensation insurance requirement.

16 On a form provided by the Department, every irrigation
17 contractor must provide to the Department an indemnification
18 bond in the amount of \$20,000 or an irrevocable letter of
19 credit from a financial institution guaranteeing that funds
20 shall be available only to the Department and shall be released
21 upon written notification by the Department in the same amount
22 for the installation of lawn sprinkler systems performed by the
23 licensed irrigation contractor. The letter of credit shall be
24 printed on the letterhead of the issuing financial institution,
25 be signed by an officer of the same financial institution, name
26 the Department as the sole beneficiary, and expire on April 30
27 of each year.

28 Every irrigation contractor doing business in this State
29 shall also license through ~~register with~~ the Department each
30 and every employee who installs or supervises the installation
31 of lawn sprinkler systems. The license ~~registration~~ shall
32 include the employee's name, home address, and telephone
33 number. The Department may provide by rule for the
34 administration of licenses ~~registrations~~ under this
35 subsection. The annual licensing ~~registration~~ fee shall be set
36 by the Department pursuant to Section 30 of this Act. Each

1 irrigation contractor must provide proof that he or she is a
2 Certified Irrigation Contractor (CIC) or a Certified
3 Irrigation Designer (CID), as administered by the Irrigation
4 Association. For every licensed plumber required in this
5 Section, there shall be one CIC or CID.

6 Irrigation employees who only provide excavation and
7 machine operation services are excluded from the license
8 requirement.

9 (b) A licensed plumber or licensed apprentice plumber may
10 install a lawn sprinkler system connected to any water source
11 without a license registration under this Section.

12 (c) A licensed plumber shall inspect every sprinkler system
13 installed by an irrigation contractor to ensure the provisions
14 of this Section have been met and that the system works
15 mechanically. A licensed plumber shall make the physical
16 connection between a lawn sprinkler system and the backflow
17 prevention device.

18 Upon the installation of every lawn sprinkler system in
19 this State from the effective date of this amendatory Act of
20 the 91st General Assembly forward, a licensed plumber shall
21 affix to the backflow prevention device a tag certifying that
22 the installation of that system has been completed in
23 compliance with the minimum code of plumbing standards
24 promulgated under this Act. The Department shall provide by
25 rule for the licensing registration of every lawn sprinkler
26 system installed after the effective date of this amendatory
27 Act of the 91st General Assembly, including the means by which
28 the Department shall be able to identify by license
29 registration number the identity of the responsible irrigation
30 contractor and ~~by license number the identity of~~ the
31 responsible licensed plumber. No lawn sprinkler system
32 installed after the effective date of this amendatory Act of
33 the 91st General Assembly may be operated without the
34 certification tag required under this Section.

35 The licensed registered irrigation contractor and the
36 licensed plumber whose identifying information is contained on

1 the certification tag shall both be subject to the penalty
2 provisions of this Act for violations for improper installation
3 of a lawn sprinkler system installed after the effective date
4 of this amendatory Act of the 91st General Assembly.

5 (d) An irrigation contractor who ~~that~~ has licensed through
6 ~~registered with~~ the Department 7 or fewer persons who are
7 authorized to install or supervise the installation of lawn
8 sprinkler systems shall either employ or contract with at least
9 one licensed plumber who shall install or be responsible for
10 the installation of every lawn sprinkler system installed after
11 the effective date of this amendatory Act of the 91st General
12 Assembly. The licensed plumber shall inspect the risers and
13 sprinkler heads before backfilling.

14 An irrigation contractor who ~~that~~ has licensed through
15 ~~registered with~~ the Department 8 to 12 persons who are
16 authorized to install or supervise the installation of lawn
17 sprinkler systems shall either employ or contract with at least
18 2 licensed plumbers who shall install or be responsible for the
19 installation of every lawn sprinkler system installed after the
20 effective date of this amendatory Act of the 91st General
21 Assembly. A licensed plumber shall inspect the risers and
22 sprinkler heads before backfilling.

23 An irrigation contractor who ~~that~~ has licensed through
24 ~~registered with~~ the Department 13 to 20 persons who are
25 authorized to install or supervise the installation of lawn
26 sprinkler systems shall either employ or contract with at least
27 3 licensed plumbers who shall install or be responsible for the
28 installation of every lawn sprinkler system installed after the
29 effective date of this amendatory Act of the 91st General
30 Assembly. A licensed plumber shall inspect the risers and
31 sprinkler heads before backfilling.

32 An irrigation contractor who ~~that~~ has licensed through
33 ~~registered with~~ the Department 21 to 28 persons who are
34 authorized to install or supervise the installation of lawn
35 sprinkler systems shall either employ or contract with at least
36 4 licensed plumbers who shall install or be responsible for the

1 installation of every lawn sprinkler system installed after the
2 effective date of this amendatory Act of the 91st General
3 Assembly. A licensed plumber shall inspect the risers and
4 sprinkler heads before backfilling.

5 An irrigation contractor who ~~that~~ has licensed through
6 ~~registered with~~ the Department 29 to 35 persons who are
7 authorized to install or supervise the installation of lawn
8 sprinkler systems shall either employ or contract with at least
9 5 licensed plumbers who shall install or be responsible for the
10 installation of every lawn sprinkler system installed after the
11 effective date of this amendatory Act of the 91st General
12 Assembly. A licensed plumber shall inspect the risers and
13 sprinkler heads before backfilling.

14 An irrigation contractor who ~~that~~ has licensed through
15 ~~registered with~~ the Department 36 or more persons who are
16 authorized to install or supervise the installation of lawn
17 sprinkler systems shall either employ or contract with at least
18 6 licensed plumbers who shall install or be responsible for the
19 installation of every lawn sprinkler system installed after the
20 effective date of this amendatory Act of the 91st General
21 Assembly. A licensed plumber shall inspect the risers and
22 sprinkler heads before backfilling.

23 The Department may provide by rule for the temporary waiver
24 process for licensed ~~registered~~ irrigation contractors who are
25 unable to comply with the requirements of this subsection. When
26 a temporary waiver is granted, it shall not be for a duration
27 of more than 3 consecutive months. Upon the expiration of a
28 temporary waiver issued by the Department, the licensed
29 ~~registered~~ irrigation contractor shall demonstrate that
30 justifiable reasons exist why he or she is still unable to
31 comply with the requirements of this subsection, despite good
32 faith efforts to comply with the requirements. In no case shall
33 a temporary waiver be granted for an irrigation contractor for
34 more than a total of 6 months in a two-year period. In no case
35 shall an irrigation contractor be relieved of the requirement
36 that a licensed plumber shall inspect every sprinkler system

1 installed by an irrigation contractor to ensure the provisions
2 of this Section have been met and that the system works
3 mechanically and make the physical connection between a
4 sprinkler system and the backflow prevention device.

5 (e) No person shall attach to a lawn sprinkler system any
6 fixture intended to supply water for human consumption.

7 No person shall attach to a lawn sprinkler system any
8 fixture other than the backflow prevention device, sprinkler
9 heads, valves, and other parts integral to the operation of the
10 system, unless the fixture is clearly marked as being for
11 non-potable uses only.

12 (Source: P.A. 91-678, eff. 1-26-00; 92-778, eff. 8-6-02.)

13 (225 ILCS 320/3) (from Ch. 111, par. 1103)

14 Sec. 3. (1) All planning and designing of plumbing systems
15 and all plumbing shall be performed only by plumbers licensed
16 under the provisions of this Act hereinafter called "licensed
17 plumbers" and "licensed apprentice plumbers". The inspection
18 of plumbing and plumbing systems shall be done only by the
19 sponsor or his or her agent who shall be an Illinois licensed
20 plumber. Nothing herein contained shall prohibit licensed
21 plumbers or licensed apprentice plumbers under supervision
22 from planning, designing, inspecting, installing, repairing,
23 maintaining, altering or extending building sewers in
24 accordance with this Act. No person who holds a license or
25 certificate of registration under the Illinois Architecture
26 Practice Act of 1989, or the Structural Engineering Practice
27 Act of 1989, or the Professional Engineering Practice Act of
28 1989 shall be prevented from planning and designing plumbing
29 systems.

30 (2) Nothing herein contained shall prohibit the owner
31 occupant or lessee occupant of a single family residence, or
32 the owner of a single family residence under construction for
33 his or her occupancy, from planning, installing, altering or
34 repairing the plumbing system of such residence, provided that
35 (i) such plumbing shall comply with the minimum standards for

1 plumbing contained in the Illinois State Plumbing Code, and
2 shall be subject to inspection by the Department or the local
3 governmental unit if it retains a licensed plumber as an
4 inspector; and (ii) such owner, owner occupant or lessee
5 occupant shall not employ other than a plumber licensed
6 pursuant to this Act to assist him or her.

7 For purposes of this subsection, a person shall be
8 considered an "occupant" if and only if he or she has taken
9 possession of and is living in the premises as his or her bona
10 fide sole and exclusive residence, or, in the case of an owner
11 of a single family residence under construction for his or her
12 occupancy, he or she expects to take possession of and live in
13 the premises as his or her bona fide sole and exclusive
14 residence, and he or she has a current intention to live in
15 such premises as his or her bona fide sole and exclusive
16 residence for a period of not less than 6 months after the
17 completion of the plumbing work performed pursuant to the
18 authorization of this subsection, or, in the case of an owner
19 of a single family residence under construction for his or her
20 occupancy, for a period of not less than 6 months after the
21 completion of construction of the residence. Failure to possess
22 and live in the premises as a sole and exclusive residence for
23 a period of 6 months or more shall create a rebuttable
24 presumption of a lack of such intention.

25 (3) The employees of a firm, association, partnership or
26 corporation who engage in plumbing shall be licensed plumbers
27 or licensed apprentice plumbers. At least one member of every
28 firm, association or partnership engaged in plumbing work, and
29 at least one corporate officer of every corporation engaged in
30 plumbing work, as the case may be, shall be a licensed plumber.
31 A retired plumber cannot fulfill the requirements of this
32 subsection (3). Plumbing contractors are also required to be
33 registered pursuant to the provisions of this Act.

34 Notwithstanding the provisions of this subsection (3), it
35 shall be lawful for an irrigation contractor licensed
36 ~~registered~~ under Section 2.5 of this Act to employ or contract

1 with one or more licensed plumbers in connection with work on
2 lawn sprinkler systems pursuant to Section 2.5 of this Act.

3 (4) (a) A licensed apprentice plumber shall plan, design
4 and install plumbing only under the supervision of the
5 sponsor or his or her agent who is also an Illinois
6 licensed plumber.

7 (b) An applicant for licensing as an apprentice plumber
8 shall be at least 16 years of age and apply on the
9 application form provided by the Department. Such
10 application shall verify that the applicant is sponsored by
11 an Illinois licensed plumber or an approved apprenticeship
12 program and shall contain the name and license number of
13 the licensed plumber or program sponsor.

14 (c) No licensed plumber shall sponsor more than 2
15 licensed apprentice plumbers at the same time. If 2
16 licensed apprentice plumbers are sponsored by a plumber at
17 the same time, one of the apprentices must have, at a
18 minimum, 2 years experience as a licensed apprentice. No
19 licensed plumber sponsor or his or her agent may supervise
20 2 licensed apprentices with less than 2 years experience at
21 the same time. The sponsor or agent shall supervise and be
22 responsible for the plumbing performed by a licensed
23 apprentice.

24 (d) No agent shall supervise more than 2 licensed
25 apprentices at the same time.

26 (e) No licensed plumber may, in any capacity, supervise
27 more than 2 licensed apprentice plumbers at the same time.

28 (f) No approved apprenticeship program may sponsor
29 more licensed apprentices than 2 times the number of
30 licensed plumbers available to supervise those licensed
31 apprentices.

32 (g) No approved apprenticeship program may sponsor
33 more licensed apprentices with less than 2 years experience
34 than it has licensed plumbers available to supervise those
35 licensed apprentices.

36 (h) No individual shall work as an apprentice plumber

1 unless he or she is properly licensed under this Act. The
2 Department shall issue an apprentice plumber's license to
3 each approved applicant.

4 (i) No licensed apprentice plumber shall serve more
5 than a 6 year licensed apprenticeship period. If, upon
6 completion of a 6 year licensed apprenticeship period, such
7 licensed apprentice plumber does not apply for the
8 examination for a plumber's license and successfully pass
9 the examination for a plumber's license, his or her
10 apprentice plumber's license shall not be renewed.

11 Nothing contained in P.A. 83-878, entitled "An Act in
12 relation to professions", approved September 26, 1983, was
13 intended by the General Assembly nor should it be construed to
14 require the employees of a governmental unit or privately owned
15 municipal water supplier who operate, maintain or repair a
16 water or sewer plant facility which is owned or operated by
17 such governmental unit or privately owned municipal water
18 supplier to be licensed plumbers under this Act. In addition,
19 nothing contained in P.A. 83-878 was intended by the General
20 Assembly nor should it be construed to permit persons other
21 than licensed plumbers to perform the installation, repair,
22 maintenance or replacement of plumbing fixtures, such as toilet
23 facilities, floor drains, showers and lavatories, and the
24 piping attendant to those fixtures, within such facility or in
25 the construction of a new facility.

26 Nothing contained in P.A. 83-878, entitled "An Act in
27 relation to professions", approved September 26, 1983, was
28 intended by the General Assembly nor should it be construed to
29 require the employees of a governmental unit or privately owned
30 municipal water supplier who install, repair or maintain water
31 service lines from water mains in the street, alley or curb
32 line to private property lines and who install, repair or
33 maintain water meters to be licensed plumbers under this Act if
34 such work was customarily performed prior to the effective date
35 of such Act by employees of such governmental unit or privately
36 owned municipal water supplier who were not licensed plumbers.

1 Any such work which was customarily performed prior to the
2 effective date of such Act by persons who were licensed
3 plumbers or subcontracted to persons who were licensed plumbers
4 must continue to be performed by persons who are licensed
5 plumbers or subcontracted to persons who are licensed plumbers.
6 When necessary under this Act, the Department shall make the
7 determination whether or not persons who are licensed plumbers
8 customarily performed such work.

9 (Source: P.A. 91-91, eff. 1-1-00; 91-678, eff. 1-26-00; 92-338,
10 eff. 8-10-01.)

11 (225 ILCS 320/16.1)

12 Sec. 16.1. Local ordinances; irrigation contractors.

13 (1) Any city, village, or incorporated town having a
14 population of 500,000 or more may, by an ordinance containing
15 provisions substantially the same as those in this Act with
16 respect to the licensing ~~registration~~ of irrigation
17 contractors, provide for the licensing ~~registration~~ of
18 irrigation contractors within such city, village, or
19 incorporated town. Upon the enactment of the ordinance, the
20 provisions of this Act relating to irrigation contractors shall
21 not apply within any such municipality except as otherwise
22 provided herein.

23 (2) Any person licensed ~~registered~~ as an irrigation
24 contractor pursuant to such ordinance, or licensed ~~registered~~
25 by the Department under this Act, may install or supervise the
26 installation of lawn sprinkler systems anywhere in this State.

27 (3) Any municipality enacting an ordinance pursuant to this
28 Section shall maintain a current record similar to that
29 required of the Department by Section 2.5 of this Act, and
30 shall provide the Department with a copy thereof. The
31 Department shall be advised of changes in such record at least
32 every 6 months.

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

34 (225 ILCS 320/29.5)

1 Sec. 29.5. Unlicensed and unregistered practice;
2 violation; civil penalties ~~penalty~~.

3 (a) A person who practices, offers to practice, attempts to
4 practice, or holds himself or herself out to practice as a
5 plumber or plumbing contractor without being licensed or
6 registered under this Act, ~~or as an irrigation contractor~~
7 ~~without being registered under this Act~~, shall, in addition to
8 any other penalty provided by law, pay a civil penalty to the
9 Department in an amount not to exceed \$5,000 for each offense
10 as determined by the Department. The civil penalty shall be
11 assessed by the Department after a hearing is held in
12 accordance with the provisions set forth in this Act regarding
13 the provision of a hearing for the discipline of a licensee or
14 registrant.

15 (b) The Department has the authority and power to
16 investigate any person who practices, offers to practice,
17 attempts to practice, or holds himself or herself out to
18 practice as a plumber or plumbing contractor without being
19 licensed or registered under this Act, or as an irrigation
20 contractor without being licensed ~~registered~~ under this Act.

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty. The
23 order shall constitute a judgment and may be filed and
24 execution had on the judgment in the same manner as a judgment
25 from a court of record. All fines and penalties collected by
26 the Department under this Section of the Act and accrued
27 interest shall be deposited into the Plumbing Licensure and
28 Program Fund for use by the Department in performing activities
29 relating to the administration and enforcement of this Act.

30 (d) A person who practices, offers to practice, or holds
31 himself or herself out to practice as an irrigation contractor
32 without being licensed under this Act shall be subject to the
33 following:

34 (1) For a first offense:

35 (A) Where no violations of the Illinois Plumbing
36 Code are found, the person shall pay a civil penalty of

1 \$1,000 and may be referred to the State's Attorney or
2 the Attorney General for prosecution under Section 29
3 of this Act.

4 (B) Where violations of the Illinois Plumbing Code
5 are found, the person shall pay a civil penalty of
6 \$3,000 (the amount of \$3,000 may be reduced to \$1,000
7 upon the condition that the unlicensed person pays for
8 a licensed plumber who is acceptable to the other party
9 to the original contract or agreement to correct the
10 violations of the Illinois Plumbing Code) and may be
11 referred to the State's Attorney or the Attorney
12 General for prosecution under Section 29 of this Act.

13 (2) For a second offense:

14 (A) Where no violations of the Illinois Plumbing
15 Code are found, the person shall pay a civil penalty of
16 \$3,000 and may be referred to the State's Attorney or
17 the Attorney General for prosecution under Section 29
18 of the Act.

19 (B) Where violations of the Illinois Plumbing Code
20 are found, the person shall pay a civil penalty of
21 \$5,000 (the amount of \$5,000 may be reduced to \$3,000
22 upon the condition that the unlicensed person pays for
23 a licensed plumber who is acceptable to the other party
24 to the original contract or agreement to correct the
25 violations of the Illinois Plumbing Code) and may be
26 referred to the State's Attorney or the Attorney
27 General for prosecution under Section 29 of this Act.

28 (3) For a third or subsequent offense, the person shall
29 pay a civil penalty of \$5,000 and be referred to the
30 State's Attorney or the Attorney General for prosecution
31 under Section 29 of this Act.

32 (e) A licensed irrigation contractor, firm, corporation,
33 partnership, or association that directs, authorizes, or
34 allows a person to practice, offer to practice, attempt to
35 practice, or hold himself or herself out to practice as an
36 irrigation employee without being licensed under the

1 provisions of this Act, shall be subject to the following:

2 (1) For a first offense, the licensee:

3 (A) shall pay a civil penalty of \$5,000;

4 (B) shall be required to pay for a licensed plumber
5 who is acceptable to the other party to the original
6 contract or agreement to correct any violations of the
7 Illinois Plumbing Code;

8 (C) shall have his, her, or its plumbing license
9 suspended; and

10 (D) may be referred to the State's Attorney or the
11 Attorney General for prosecution under Section 29 of
12 this Act.

13 (2) For a second offense, the licensee:

14 (A) shall pay a civil penalty of \$5,000;

15 (B) shall be required to pay for a licensed plumber
16 who is acceptable to the other party to the original
17 contract or agreement to correct any violations of the
18 Illinois Plumbing Code;

19 (C) shall have his, her, or its plumbing license
20 revoked; and

21 (D) shall be referred to the State's Attorney or
22 the Attorney General for prosecution under Section 29
23 of this Act.

24 (Source: P.A. 91-678, eff. 1-26-00; 92-338, eff. 8-10-01.)

25 (225 ILCS 320/42)

26 Sec. 42. Home rule. Pursuant to paragraph (h) of Section 6
27 of Article VII of the Illinois Constitution of 1970 the power
28 to regulate the licensing of plumbers, the promulgation of a
29 minimum plumbing code of standards, and the power to regulate
30 the licensing ~~registration~~ of irrigation contractors shall,
31 except as may otherwise be provided within and pursuant to the
32 provisions of Section 16 and Section 16.1 of this Act, be
33 exercised by the State and may not be exercised by any unit of
34 local government, including home rule units.

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

1 Section 99. Effective date. This Act takes effect January
2 1, 2008.