



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 932

2 AMENDMENT NO. _____. Amend Senate Bill 932 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Electricians Licensing Act.

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

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

2 "Apprentice" means a natural person enrolled in an
3 apprenticeship program approved by the United States
4 Department of Labor Bureau of Apprenticeship and Training who
5 installs, alters, or repairs electrical wiring, apparatus, and
6 equipment for electric heat, light, or power within or on a
7 building, residence, structure, or real property under the
8 supervision of a licensed electrician.

9 "Approved apprenticeship program" means an apprenticeship
10 program approved by the United States Department of Labor
11 Bureau of Apprenticeship and Training.

12 "Board" means the Illinois State Board of Electrical
13 Examiners.

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

26 "Electrical work" means the installation, alteration, or
27 repair of electrical wiring, apparatus, and equipment for
28 electric heat, light, or power within or on a building,
29 residence, structure, or real property and the planning, laying
30 out, or supervision of the installation, alteration, or repair
31 of electrical wiring, apparatus, and equipment for electric
32 heat, light, or power within or on a building, residence,
33 structure, or real property.

1 "Farm" means land or a building, including but not limited
2 to barns, livestock facilities, residences, grain storage
3 facilities, and machine sheds, appurtenant to land that is used
4 for production agriculture or for a purpose accessory to
5 production agriculture.

6 "Fire Marshal" means the State Fire Marshal.

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

10 "Journeyman electrician" means a natural person having the
11 necessary qualifications, training, experience, and technical
12 knowledge to install, alter, and repair electrical wiring,
13 apparatus, and equipment for electric light, heat, or power
14 within or on a building, residence, structure, or real property
15 who is licensed as a journeyman electrician by the Office of
16 the State Fire Marshal.

17 "Maintenance worker" means a natural person who is a
18 regular, bona fide employee or agent of a property owner,
19 property lessor, property management company, or firm that is
20 not in the electrical business, but has possession or control
21 over the property where the routine maintenance of electrical
22 systems is being performed.

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

24 "Owner" means a natural person who physically performs
25 electrical work on:

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

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

31 "Person" means any natural or legal person or any
32 association thereof.

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

1 "Residential electrical work" means the installation,
2 alteration, or repair of electrical wiring, apparatus, or
3 equipment and the planning, laying out, or supervision of the
4 installation, alteration, or repair of electrical wiring,
5 apparatus, and equipment for electrical heat, light, or power
6 in a single-family detached residential dwelling or a
7 multi-family residential dwelling not exceeding 8 units per
8 building.

9 "Residential electrician" means a natural person having
10 the necessary qualifications, training, experience, and
11 technical knowledge to install, alter, or repair electrical
12 wiring, apparatus, and equipment for electrical heat, light, or
13 power in a single-family detached residential dwelling or a
14 multi-family residential dwelling not exceeding 8 units per
15 building and who is licensed as a residential electrician by
16 the Office of the State Fire Marshal.

17 "Routine maintenance of electrical systems" means the
18 routine and periodic servicing of electrical systems,
19 including cleaning, inspecting, and making adjustments to
20 ensure the proper operation and the removal or replacement of
21 component parts. "Routine maintenance of electrical systems"
22 does not include the installation of complete electrical
23 systems.

24 "Supervision" means that any new electrical work done by a
25 registered apprentice electrician must be inspected at least
26 once after initial rough-in and once upon completion by an
27 Illinois licensed electrician. In addition, all renovation,
28 alteration, repair, extension, and modification work done by a
29 registered apprentice electrician on an existing electrical
30 system must be approved by an Illinois licensed electrician.

31 Section 15. Board of Electrical Examiners.

32 (a) There is created the Illinois State Board of Electrical
33 Examiners which shall exercise its duties provided in this Act

1 under the supervision of the Office of the State Fire Marshal.
2 The Board shall consist of 13 members appointed by the
3 Governor. The Board shall be composed of 3 licensed journeyman
4 electricians, one licensed residential electrician, 2 licensed
5 electrical contractors who are members of the National
6 Electrical Contractors Association, one licensed electrical
7 contractor who is a member of the Independent Electrical
8 Contractors, one licensed electrical contractor who is a member
9 of the Associated Builders and Contractors, one licensed
10 electrical engineer, one electrical inspector who holds a
11 journeyman electrician's license, one representative of a
12 public utility, the State Fire Marshal or his or her designee,
13 and a licensed real estate professional. In making the
14 appointments to the Board, the Governor shall consider the
15 recommendations of individuals, firms, or organizations
16 involved in electrical wiring installation in this State. The
17 Governor shall also take into consideration the minority
18 representation in the population when making appointments to
19 the Board. Members of the Board shall serve 4-year terms and
20 until their successors are appointed and qualified. The initial
21 appointments, however, shall be as follows: 4 members for terms
22 of 2 years, 4 members for 3 years, and 4 members for 4 years.
23 The State Fire Marshal's service on the Board shall be
24 continuous. For the initial appointments of the licensed
25 electrical contractors, licensed journeyman electricians,
26 licensed residential electrician, and electrical inspector
27 prior to the Board developing the rules for examination of
28 license applicants, the Governor may appoint individuals whose
29 qualifications are similar to those outlined in Section 25.
30 Following the expiration of those terms, the Governor may
31 reappoint those individuals or others only if such individuals
32 are licensed under this Act.

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

34 (1) recommending provisions for the Minimum Electrical

1 Code and subsequent amendments to be adopted by the Office
2 for all electrical work based on the standards prescribed
3 in Section 85;

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

7 (3) recommending standards, rules, guidelines, and
8 procedures to approve or disapprove a course of instruction
9 in electrical work at a college, university, or trade
10 school to qualify for a license issued by the Office under
11 this Act. Such standards, rules, guidelines, and
12 procedures shall be designed to ensure that an approved
13 course of instruction adequately provides the practical
14 and theoretical education and training in the
15 installation, alteration, and repair of electrical wiring,
16 apparatus, and equipment for electric heat, light, or power
17 within or on a building, residence, structure, or real
18 property based on the standards prescribed in Section 85;

19 (4) developing, in conjunction with the Illinois
20 Community College Board, the Illinois Board of Higher
21 Education, and the Department of Commerce and Economic
22 Opportunity, courses of instruction to meet the
23 qualifications specified in this Act and that encourage the
24 employment of minorities and females as licensed
25 electricians and licensed electrical contractors;

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

29 (6) submitting recommendations to the Fire Marshal
30 from time to time for the efficient administration of this
31 Act; and

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

33 (c) Board members shall receive no compensation but shall
34 be reimbursed for expenses incurred in connection with their

1 duties as Board members. The Office shall provide staff and
2 administrative support services to the Board.

3 Section 20. Powers and duties of the Fire Marshal. The Fire
4 Marshal shall take all actions necessary under this Act to
5 carry out the duties and responsibilities of the Office under
6 this Act. The Fire Marshal, with the assistance of the Board,
7 shall:

8 (a) adopt rules and regulations for examination of
9 applicants for journeyman and residential licenses;

10 (b) prepare and give uniform examinations to
11 applicants for journeyman and residential licenses that
12 shall test their knowledge and qualifications in the
13 planning and design of electrical systems, their
14 knowledge, qualifications, and manual skills in electrical
15 installations, and their knowledge of materials and
16 methods used in electrical work according to the Minimum
17 Electrical Code adopted by the Office;

18 (c) prepare and issue electrical contractor,
19 journeyman electrician, and residential electrician
20 licenses and license renewals to applicants who have met
21 the requirements for licensure and complied with all the
22 prerequisites to licensure;

23 (d) provide for the registration of apprentices;

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

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

30 (g) maintain a current record showing (i) the names and
31 addresses of licensed electrical contractors, journeyman
32 electricians, and residential electricians; (ii) the dates
33 of issuance of licenses; (iii) the date and substance for

1 the charges set forth in any hearing for denial,
2 suspension, or revocation of any license; (iv) the date and
3 substance of the final order issued upon a hearing; and (v)
4 the date and substance of all petitions for reinstatement
5 of license and final orders on petitions;

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

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

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

13 (k) adopt standards, rules, guidelines, and procedures
14 to approve or disapprove a course of instruction in
15 electrical work at a college, university, or trade school
16 to qualify for a license issued by the Office under this
17 Act, and approve or disapprove such courses of instruction
18 by reference to compliance or noncompliance with such
19 standards, rules, guidelines, or procedures. Such
20 standards, rules, guidelines, or procedures shall be
21 designed to ensure that an approved course of instruction
22 adequately provides the practical and theoretical
23 education and training in the installation, alteration,
24 and repair of electrical wiring, apparatus, and equipment
25 for electric heat, light, or power within or on a building,
26 residence, structure, or real property based on the
27 standards prescribed in Section 85;

28 (l) work with the Board, the Illinois Community College
29 Board, the Illinois Board of Higher Education, and the
30 Department of Commerce and Economic Opportunity to develop
31 courses of instruction to meet the qualifications
32 specified in this Act and that encourage the employment of
33 minorities and females as licensed electricians and
34 licensed electrical contractors;

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

5 (n) conduct inspections during regular working hours,
6 the purpose of which shall be reduced to writing, to
7 determine satisfactory compliance with this Act and rules
8 adopted pursuant to this Act, after consent of the person,
9 licensee, or registrant has been obtained or after an order
10 for such inspection has been issued by the court;

11 (o) assess administrative fines, which shall be
12 established by the Office by rule against a licensee for
13 violation of any provision of this Act or rules adopted
14 pursuant to this Act;

15 (p) adopt, publish, and from time to time, amend the
16 Minimum Electrical Code for all electrical work based on
17 the standards prescribed in Section 85 after consideration
18 of the recommendations of the Illinois State Board of
19 Electrical Examiners;

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

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

23 Section 25. License and registration.

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

27 (1) licensed by the Office as a journeyman or
28 residential electrician;

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

30 (3) licensed as an electrical contractor.

31 (b) Journeyman electrician. An applicant for a journeyman
32 electrician's license shall meet one of the following
33 conditions: (i) the completion of an approved apprenticeship

1 program, (ii) the successful completion of a course of
2 instruction in electrical work, under the rules adopted by the
3 Office for the enforcement of this Act, at a college,
4 university, or trade school, or (iii) the completion of at
5 least 8,000 hours of verifiable experience performing
6 electrical work obtained over a period of not less than 4
7 years, as provided under the rules adopted by the Office for
8 the enforcement of this Act.

9 A person practicing as an electrician on the effective date
10 of this Act with 8,000 hours of verifiable experience
11 performing electrical work obtained over a period of not less
12 than 4 years, as provided under the rules adopted by the Office
13 for the enforcement of this Act, who files a license
14 application with the Office on or before July 1, 2008 and meets
15 all the other requirements of this Act shall be granted a
16 temporary journeyman electrician's license without
17 examination. The temporary journeyman electrician's license
18 shall be valid for 2 years from the date of issuance. The
19 Office shall require an annual fee. As a condition of renewal,
20 the licensee shall pass the examination specified in Section 30
21 for all journeyman electrician applicants but shall not be
22 required to meet the specified continuing education
23 requirements while holding a temporary journeyman
24 electrician's license. Nothing shall prevent the holder of a
25 temporary license from taking the required examination prior to
26 the expiration of the temporary license. A journeyman
27 electrician holding a temporary license may petition the Office
28 for an extension of a one-year period in the event he or she
29 can demonstrate undue hardship or other special circumstances.

30 (c) Registered apprentice. On or after July 1, 2008, a
31 person who is enrolled in an approved apprenticeship program
32 may perform electrical work only under the supervision of a
33 licensed electrician. All apprentices shall be registered with
34 the Office. The Office shall provide the apprentice with a

1 verification of his or her registration.

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

15 A person practicing as an electrician on the effective date
16 of this Act with at least 6,000 hours of verifiable experience
17 performing residential electrical work obtained over a period
18 of not less than 3 years, as provided under the rules adopted
19 by the Office for the enforcement of this Act, and having the
20 necessary qualifications, training, and technical knowledge,
21 as provided under the rules adopted for the enforcement of this
22 Act, involving residential electrical work, who files a license
23 application with the Office on or before July 1, 2008 and meets
24 all the other requirements of this Act shall be granted a
25 temporary residential electrician's license without
26 examination. The temporary residential electrician's license
27 shall be valid for 2 years from the date of issuance. The
28 Office shall require an annual fee. As a condition of renewal,
29 the licensee shall pass the exam specified in Section 30 for
30 all residential electrician applicants but shall not be
31 required to meet the specified continuing education
32 requirements while holding a temporary residential
33 electrician's license. Nothing shall prevent the holder of a
34 temporary license from taking the required examination prior to

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

5 (e) Contractors.

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

20 (2) On or after July 1, 2008, except as otherwise
21 provided by law, no person performing only residential
22 electrical work shall operate as an electrical contractor
23 without employing a licensed residential electrician with
24 4 years of experience performing residential electrical
25 work, who shall be responsible for the performance of all
26 electrical work in accordance with this Act. All employees
27 of an electrical contractor performing only residential
28 electrical work shall be licensed journeyman electricians,
29 licensed residential electricians, or apprentices
30 registered with the Office.

31 (3) The application for an electrical contractor's
32 license shall include a verified statement that the
33 designated responsible electrician is a full-time employee
34 of the applicant. For the purposes of this Section, a

1 full-time employee of a applicant for an electrical
2 contractor's license is an individual who is not employed
3 in any capacity as a licensed electrician by any other
4 electrical contractor.

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

24 (5) An electrical contractor giving bond to the State
25 in an amount to be determined by the Office and meeting all
26 other requirements of this Act shall be issued a licensed
27 by the Office. The bond shall be filed with the Office and
28 shall be in lieu of all other license bonds to any
29 political subdivision. The bond shall be written by any
30 corporate entity licensed to do business in the State of
31 Illinois.

32 (6) Each licensed electrical contractor shall have and
33 maintain in effect insurance. Specific insurance
34 requirements and minimum limits per occurrence shall be

1 determined by the Office in consultation with the Board.
2 The insurance shall be written by an insurer licensed to do
3 business in the State of Illinois and each licensed
4 electrical contractor shall maintain on file with the
5 Office a certificate evidencing insurance that provides
6 that the insurance shall not be cancelled without the
7 insurer first giving 15 days written notice to the Office
8 of the cancellation.

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

31 (f) The Office shall adopt rules for determining whether an
32 applicant's work experience meets the requirements for
33 licensure under this Act.

1 Section 30. Examination; continuing education.

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

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

21 Section 40. Expiration of license; fees.

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

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

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

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

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

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

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

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

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

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

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

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

31 (a) The Fire Marshal, after notice and opportunity for
32 hearing to the applicant or license holder, may deny, suspend,

1 or revoke a license or assess a civil administrative fine for
2 cause. For the purposes of this Section, "cause" means a
3 violation of any provision of this Act or any rule adopted
4 pursuant to this Act.

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

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

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

34 (e) The Office at its expense shall provide a court

1 reporter to take testimony. Technical error in the proceedings
2 before the Fire Marshal or administrative law judge or their
3 failure to observe the technical rules of evidence shall not be
4 grounds for the reversal of any administrative decision, unless
5 it appears to the court that such error or failure materially
6 affects the rights of any party and results in substantial
7 injustice to them.

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

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

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

27 Section 65. Reciprocity. The Office may grant a license,
28 without examination, of the same grade and class to an
29 electrician who has been licensed by any other state that
30 provides for the licensing of electricians in a similar manner.
31 The license may be granted for one year upon payment by the
32 applicant of the required fee and upon the Office being

1 furnished with proof that the qualifications of the applicant
2 are equal to the qualifications of Section 25 of this Act. The
3 licensee may renew a license issued pursuant to this Section if
4 the licensee meets all the requirements for renewal of a
5 license under this Act.

6 Section 70. Exemptions.

7 (a) Employees of, or independent contractors performing
8 work for, any electric utility or electric utility affiliate,
9 independent electric power generator, public utility as
10 defined in Section 3-105 of the Public Utilities Act,
11 generating station or generating unit of an electric utility as
12 described in Section 16-102 of the Public Utilities Act,
13 communications or railway utility, electric system owned and
14 operated by a municipal corporation or governmental unit
15 (notwithstanding any other provision of this Act), electric
16 cooperative as defined in Section 3.4 of the Electric Supplier
17 Act, telephone or telecommunications cooperative as defined in
18 Section 13-212 of the Public Utilities Act, or a
19 telecommunications carrier as defined in Section 13-202 of the
20 Public Utilities Act or its affiliate or co-generation
21 facilities shall be exempt from the provisions of this Act
22 while performing work on installations, materials, or
23 equipment that are owned or leased, operated, serviced, or
24 maintained by the electric utility or electric utility
25 affiliate, independent electric power generator, public
26 utility, generating station or generating unit of an electric
27 utility, communications or railway utility, electric system
28 owned and operated by a municipal corporation or governmental
29 unit, electric cooperative, telephone or telecommunications
30 cooperative, or telecommunications carrier or its affiliate or
31 co-generation facilities in the exercise of its utility or
32 telephone function, and that (i) are used exclusively for the
33 generation, transformation, distribution, transmission, or

1 metering of electric current, or the operation of railway
2 signals, traffic signals, or street lights, or the transmission
3 of intelligence and do not have as a principal function the
4 consumption or use of electric current by or for the benefit of
5 any person other than the electric utility or electric utility
6 affiliate, independent electric power generator, public
7 utility, generating station or generating unit of an electric
8 utility, communications or railway utility, electric system
9 owned and operated by a municipal corporation or governmental
10 unit, electric, telephone, or telecommunications cooperative,
11 or telecommunications carrier or its affiliate or their end
12 users and (ii) are generally accessible only to employees of
13 the electric utility or electric utility affiliate,
14 independent electric power generator, public utility,
15 generating station or generating unit of an electric utility,
16 communications or railway utility, electric system owned and
17 operated by a municipal corporation or governmental unit,
18 electric, telephone, or telecommunications cooperative, or
19 telecommunications carrier or its affiliate or persons acting
20 under its control or direction. Persons performing work
21 subcontracted out to an electrical contractor or other
22 contractors, however, shall be in compliance with the
23 requirements of this Act.

24 (b) Contractors employing pipefitters, sprinkler fitters,
25 licensed plumbers, or sheet metal workers performing
26 modification, service, maintenance, retro fit, or warranty
27 work in plumbing, heating, sprinkler fitting, irrigation,
28 ventilation, air conditioning, refrigeration (HVACR) systems,
29 instrumentation, control work, or stress relieving shall be
30 exempt from this Act. For the installation or replacement of
31 equipment in the HVACR industry, modifications to the external
32 power wiring to the equipment is exempt. The installation of
33 wiring for irrigation when being installed by a registered or
34 licensed irrigation worker shall be exempt from this Act.

1 Persons performing work subcontracted out to an electrical
2 contractor or other contractors, however, shall be in
3 compliance with the requirements of this Act.

4 (c) Employees of contractors performing construction or
5 maintenance work on any transmission or distribution lines
6 owned, leased, operated and maintained by the utilities
7 described in subsection (a) shall be exempt from the provisions
8 and licensing requirements of this Act, and employees of
9 contractors performing construction or maintenance work on any
10 transmission lines owned, leased, operated, and maintained by
11 an independent transmission company, system, or entity
12 approved by the Federal Energy Regulatory Commission and the
13 Illinois Commerce Commission shall be exempt from this Act.

14 (d) Employees of contractors performing construction or
15 maintenance work on highway lighting or street lighting owned,
16 leased, operated, and maintained by governmental units and
17 their departments and political subdivisions shall be exempt
18 from this Act.

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

25 (f) An owner shall not be required to hold a license under
26 this Act. Nevertheless, electrical work performed by an owner
27 shall comply with the minimum standards contained in the
28 National Electrical Code and any additional standards or
29 requirements established by a political subdivision and shall
30 be subject to inspection by the Office. Unless otherwise
31 specified in this Act, an owner shall not employ anyone other
32 than an electrician licensed under this Act to assist him or
33 her.

34 (g) Any city, village, or incorporated town having a

1 population of 500,000 or more may, by an ordinance containing
2 provisions substantially the same as those in this Act and
3 specifying educational or experience requirements equivalent
4 to those prescribed in the Act, provide for a board of
5 electrical examiners to conduct examinations for, and to issue,
6 suspend, or revoke, electricians' licenses within the city,
7 village, or incorporated town. Upon the enactment of such an
8 ordinance, the provisions of this Act shall not apply within
9 that municipality except as otherwise provided in this Act. Any
10 person licensed as an electrician under the local ordinance, or
11 licensed by the Office under this Act, shall meet the
12 requirements to perform electrical work anywhere in this State.

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

18 (i) Employees of a manufacturing corporation that engage in
19 activities normally requiring licensure under this Act shall be
20 exempt when such activities are pursuant to the operation or
21 maintenance of its existing business and facilities. Persons
22 performing work subcontracted out to an electrical contractor
23 or other contractor, however, shall be in compliance with the
24 requirements of this Act.

25 (j) The minor repair of existing electrical systems does
26 not require licensure under this Act. For the purposes of this
27 subsection, "minor repair" means repairs to existing
28 electrical systems that do not require a permit to be issued
29 under any local ordinance.

30 (k) The provisions of this Act shall not apply to the
31 installation, replacement, service, or repair of household
32 products, including but not limited to audio and video
33 equipment, appliances, fans, garbage disposals, and garage
34 door openers by a business entity that may be engaged in the

1 retail sale of consumer products.

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

5 (m) Employees of a governmental unit that engage in
6 activities normally requiring licensure under this Act shall be
7 exempt when such activities are pursuant to their normal duties
8 in the operation or maintenance of its existing facilities.
9 Unless otherwise specified in this Act, a governmental unit
10 that is involved in new construction that results in the
11 expansion of its facilities must utilize licensed electricians
12 for any associated electrical work.

13 (n) Electrical engineers licensed under the Professional
14 Engineering Practice Act of 1989 practicing in accordance with
15 that Act shall be exempt from this Act.

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

19 (p) Any person, firm, corporation, or other legal entity
20 laying out, installing, maintaining, altering, or repairing
21 alarm, security, or communication systems and practicing in
22 accordance with the Private Detective, Private Alarm, Private
23 Security, and Locksmith Act of 2004 shall be exempt from this
24 Act.

25 (q) Nothing in this Act shall require or be construed to
26 apply to the registration or licensure of any community antenna
27 television system franchised pursuant to Illinois law, nor any
28 agent or employee of any such community antenna television
29 system in relation to the installation, alteration, removal,
30 repair, servicing, or maintenance of any community antenna
31 television system or equipment.

32 (r) Nothing in this Act shall prohibit a factory-authorized
33 representative from installing, altering, maintaining, or
34 servicing a medical equipment device. This exemption shall not

1 include work providing electrical feeds into the power
2 distribution unit or installation of conduits and raceways.
3 This exemption shall cover only those factory engineers or
4 third-party service companies with equivalent training who are
5 qualified to perform such service. For the purposes of this
6 Act, "medical equipment device" includes any "medical device"
7 as defined in the Medical Device Amendments of 1976, as
8 amended, and as interpreted by the Food and Drug Administration
9 of the United States Office of Health and Human Services or its
10 successor.

11 (s) Nothing in this Act shall require that a maintenance
12 worker performing routine maintenance of electrical systems be
13 licensed.

14 (t) The installation, alteration, maintenance, or
15 servicing of listed landscape lighting systems and equipment
16 shall be exempt from this Act, except any permanent wired
17 connections exceeding 30 volts.

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

22 (v) Temporary electrical work for a transient event,
23 including but not limited to a carnival, circus, fair,
24 exhibition, stage production, motion picture production,
25 musical production, and theatrical production, shall be exempt
26 from this Act if the temporary electrical work is dismantled at
27 the conclusion of the event and is in compliance with all other
28 applicable State laws and ordinances and regulations of any
29 political subdivision.

30 Section 80. Display of license. Persons who advertise
31 electrical wiring services shall, at their place of business,
32 display the electrician's license of at least one member of the
33 firm, partnership or officer of the corporation and shall

1 maintain a register listing the names and license numbers of
2 all licensed electricians and all registered apprentices
3 currently employed by them. When advertising electrical wiring
4 services, the license number shall be included in all forms of
5 written or printed advertising and included with the electrical
6 wiring identification of vehicles. The Office may, by rule or
7 regulation, require additional information concerning licensed
8 electricians and registered apprentices to be maintained in the
9 register.

10 Section 85. Safety standards. All electrical work and
11 electrical wiring, apparatus, and equipment for electric
12 light, heat, or power within or on a building, residence,
13 structure, or real property shall comply with the Minimum
14 Electrical Code and all applicable rules adopted by the Office.
15 The Minimum Electrical Code and all applicable rules adopted by
16 the Office with respect to this Act shall be based on the most
17 recently published edition of the National Electrical Code as
18 adopted by the National Fire Protection Association, Inc. and
19 approved by the American National Standards Institute, and the
20 National Electrical Safety Code as published by the Institute
21 of Electrical and Electronics Engineers, Inc. and approved by
22 the American National Standards Institute.

23 Nothing in this Act shall prohibit any political
24 subdivision from making and enforcing more stringent
25 requirements than those set forth in this Act and all licensed
26 electricians working within the jurisdiction of that political
27 subdivision shall comply with those requirements. Nothing in
28 this Act, however, shall be construed to give a political
29 subdivision the authority to apply its standards or
30 requirements to electrical work performed on a farm.

31 Section 90. Inspections.

32 (a) Except where any political subdivision has by ordinance

1 provided for electrical inspection similar to that provided in
2 this Act, every new electrical installation on and after July
3 1, 2008 in any construction, remodeling, replacement, or repair
4 shall be inspected by the Office for compliance with accepted
5 standards of construction for safety to life and property.

6 (b) No such inspections shall be required for electrical
7 work performed by persons exempt from licensure under Section
8 70 of this Act, except that inspections shall be required for
9 work performed under subsection (f) of Section 70.

10 (c) The Office may appoint or employ inspectors to be
11 employed on a full-time or part-time basis. All inspectors for
12 the Office shall hold a license as a journeyman electrician or
13 be certified to conduct electrical inspections by a nationally
14 recognized inspector certification program under the rules
15 adopted by the Office for the enforcement of this Act. In areas
16 of this State where a sufficient number of licensed journeyman
17 electricians or individuals certified to conduct electrical
18 inspections by a nationally recognized inspector certification
19 program under the rules adopted by the Office for the
20 enforcement of this Act are not available to the Office to
21 perform inspections under this Act, the Office may designate
22 other persons whom it determines to be suitably qualified by
23 training or experience.

24 Section 95. Procedures for inspection.

25 (a) At or before commencement of any installation required
26 to be inspected by the Office, the electrical contractor or
27 owner making the installation shall submit to the Office a
28 request for inspection, as provided under the rules adopted by
29 the Office for the enforcement of this Act, together with the
30 fees required for the installation. The Office, in consultation
31 with the Board, shall adopt rules regarding the time period for
32 conducting the requested inspections.

33 (b) The fees required are a handling fee and an inspection

1 fee. The handling fee shall be set by the Office in an amount
2 sufficient to pay the cost of bringing and handling the form
3 requesting an inspection. The inspection fee shall be set by
4 the Office in an amount sufficient to pay the actual costs of
5 the inspection and the Office's costs in administering the
6 inspection.

7 (c) If the inspector finds that the installation is not in
8 compliance with accepted standards of construction for safety
9 to life and property as required by this Act, the inspector
10 shall, by written order, condemn the installation or the
11 noncomplying portion of the installation, or order service to
12 the installation disconnected, and shall send a copy of the
13 order to the Office. If the installation or the noncomplying
14 part will seriously and proximately endanger human life and
15 property, the order of the inspector, when approved by the
16 inspector's superior, shall require immediate condemnation or
17 disconnection. In all other cases, the order of the inspector
18 shall permit a reasonable opportunity for the installation to
19 be brought into compliance with accepted standards of
20 construction for safety to life and property prior to the
21 effective time established for condemnation or disconnection.

22 (d) Copies of each condemnation or disconnection order
23 shall be served personally or by mail upon the property owner,
24 the electrical contractor or electrician making the
25 installation, and other persons as the Office by rule may
26 direct. An aggrieved party may appeal any condemnation or
27 disconnection order by filing with the Office a notice of
28 appeal within 10 days after (i) service upon the aggrieved
29 party of the condemnation or disconnection order, if this
30 service is required or (ii) filing of the order with the
31 Office, whichever is later. The Office shall adopt rules
32 providing procedures for the conduct of appeals, including
33 provisions for the stay of enforcement of the order of the
34 inspector pending an appeal when justified by the

1 circumstances.

2 (e) The inspectors of the Office shall have the authority
3 to enter any building or premises at any reasonable working
4 hour in the discharge of their duties, and they shall have the
5 authority, when necessary, to order the removal of any existing
6 obstructions such as laths, plastering, boarding, or
7 partitions that may prevent a proper inspection of the
8 electrical installation.

9 (f) No electrical installation subject to inspection by the
10 Office shall be newly connected or reconnected for use until
11 there is filed, with the electrical utility supplying power, a
12 certificate of the property owner or licensed electrician
13 directing the work that inspection has been requested and that
14 the conditions of the installation are safe for energization.
15 In all cases where an order of condemnation or disconnection
16 has been issued against the installation or any part of the
17 installation, prior to connection or reconnection, there shall
18 also first be filed with the electrical utility supplying the
19 power a copy of an order of the inspector or the Office
20 dismissing the prior order of condemnation or disconnection or
21 approving the installation as being in compliance with accepted
22 standards of construction for safety to life and property. With
23 respect to transient projects covered by this Act, this
24 certificate shall also contain a certification that the request
25 for inspection has been or will be filed with the Office so as
26 to be received by it at least 5 days prior to the date and time
27 energization of the installation by the utility is to occur,
28 and that the request for inspection states the date and time.
29 It shall be the responsibility of the Office to have inspection
30 of the transient project occur prior to the date and time at
31 which the request states energization is to occur.

32 (g) Any political subdivision may make provision for
33 inspection of electrical installations within its
34 jurisdiction, in which case it shall keep on file with the

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

22 Section 100. Violations.

23 (a) Any person violating any provision of this Act or its
24 rules shall be guilty of a Class B misdemeanor and fined a
25 minimum of \$100 for the first offense. A second or subsequent
26 violation of this Act shall be a Class A misdemeanor with a
27 minimum fine of \$200. Each day a violation continues
28 constitutes a separate offense. The State's Attorney of the
29 County in which the violation occurred or the Attorney General
30 may prosecute these actions in the name of the People of the
31 State of Illinois. The court may enjoin the use of electricity
32 installed in violation of this Act or its rules until it has
33 been corrected to comply with the National Electrical Code.

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

10 Section 110. Administrative Procedure Act; application.
11 The provisions of the Illinois Administrative Procedure Act are
12 expressly adopted and shall apply to all administrative rules
13 and procedures of the Office of the State Marshal under this
14 Act, except that Section 5-50 of the Illinois Administrative
15 Procedure Act relating to procedures for rulemaking does not
16 apply to the adoption of any rule required by federal law in
17 connection with which the Office is precluded by law from
18 exercising any discretion.

19 Section 115. Review under Administrative Review Law. All
20 final administrative decisions of the Fire Marshal under this
21 Act shall be subject to judicial review under the
22 Administrative Review Law and its rules.

23 Section 120. Home rule. A home rule unit may not regulate
24 electricians and electrical contractors in a manner less
25 restrictive than the regulation by the State of electricians
26 and electrical contractors. This Section is a limitation under
27 subsection (i) of Section 6 of Article VII of the Illinois
28 Constitution on the concurrent exercise by home rule units of
29 powers and functions exercised by the State.

30 Section 900. The Regulatory Sunset Act is amended by

1 changing Section 4.25 as follows:

2 (5 ILCS 80/4.25)

3 Sec. 4.25. Act repealed on January 1, 2015; Act repealed on
4 July 1, 2015.

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

6 The Genetic Counselor Licensing Act.

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

8 The Electricians Licensing Act.

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

10 Section 905. The State Finance Act is amended by adding
11 Section 5.640 as follows:

12 (30 ILCS 105/5.640 new)

13 Sec. 5.640. The Electricians Licensing Dedicated Fund."