



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5800

by Rep. Tony M. McCombie

SYNOPSIS AS INTRODUCED:

210 ILCS 125/31

Amends the Swimming Facility Act. Prohibits the Department of Public Health from requiring a person seeking to perform construction, installation, or major alteration of a swimming facility to be prequalified more than once every 2 years. Provides that a person seeking to perform construction, installation, or major alteration of a swimming facility is not required to prequalify with the Department of Public Health before performing the construction, installation, or major alteration of a swimming facility if the person is registered and in good standing with the Secretary of State, is certified as a Certified Builder Professional by the Pool and Hot Tub Alliance or holds an equivalent credential as determined by the Department of Public Health, and ensures all trade-specific work is performed by individuals licensed under applicable State law. Provides that the Department of Public Health may require evidence of such credentials to be submitted before issuing a permit for construction or major alteration. Grants the Department of Public Health rulemaking authority to implement the prequalification exemption.

LRB104 22032 BAB 38093 b

1 AN ACT concerning regulation.

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

4 Section 5. The Swimming Facility Act is amended by
5 changing Section 31 as follows:

6 (210 ILCS 125/31)

7 Sec. 31. Prequalified swimming facility contractor.

8 (a) Except as provided in subsection (a-5), any ~~Any~~ person
9 seeking to perform construction, installation, or major
10 alteration of a swimming facility must be prequalified by the
11 Department. A prequalified swimming facility contractor must
12 be registered and in good standing with the Secretary of State
13 and possess public swimming facility construction experience
14 as determined by rules promulgated by the Department. Persons
15 seeking prequalification pursuant to this Section shall apply
16 for prequalification pursuant to rules adopted by the
17 Department. The Department must not require a person seeking
18 to perform construction, installation, or major alteration of
19 a swimming facility to be prequalified more than once every 2
20 years.

21 (a-5) A person seeking to perform construction,
22 installation, or major alteration of a swimming facility is
23 not required to be prequalified by the Department if the

1 person: (i) is registered and in good standing with the
2 Secretary of State, (ii) is certified as a Certified Builder
3 Professional by the Pool and Hot Tub Alliance or holds an
4 equivalent credential as determined by the Department of
5 Public Health, and (iii) ensures all trade-specific work is
6 performed by individuals licensed under applicable State law.
7 The Department of Public Health may require evidence of such
8 credentials to be submitted before issuing a permit for
9 construction or major alteration.

10 (b) In addition to any other power granted in this Act to
11 adopt rules, the Department may adopt rules relating to the
12 exemption established under subsection (a-5) and rules
13 relating to the issuance or renewal of the prequalification of
14 a swimming facility contractor or the suspension of the
15 prequalification of any such person or entity, including,
16 without limitation, an interim or emergency suspension without
17 a hearing founded on any one or more of the bases set forth in
18 this subsection.

19 The bases for an interim or emergency suspension of the
20 prequalification of a swimming facility contractor include,
21 but are not limited to, the following:

22 (1) A finding by the Department that the public
23 interest, safety, or welfare requires a summary suspension
24 of the prequalification without a hearing.

25 (2) The occurrence of an event or series of events
26 which, in the Department's opinion, warrants a summary

1 suspension of the prequalification without a hearing. Such
2 events include, without limitation: (i) the indictment of
3 the holder of the prequalification by a State or federal
4 agency or another branch of government for a crime; (ii)
5 the suspension or modification of a license by another
6 State agency or by a federal agency or another branch of
7 government after a hearing; (iii) failure to comply with
8 State law, including, without limitation, this Act and the
9 rules promulgated thereunder; and (iv) submission of
10 fraudulent documentation or the making of false statements
11 to the Department.

12 (c) If a prequalification is suspended by the Department
13 without a hearing for any reason set forth in this Section or
14 in Section 10-65 of the Illinois Administrative Procedure Act,
15 the Department, within 30 days after the issuance of an order
16 of suspension of the prequalification, shall initiate a
17 proceeding for the suspension of or other action upon the
18 prequalification.

19 (Source: P.A. 97-957, eff. 1-1-13.)