

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 Public Utilities Act is amended by changing
5 Section 16-128A as follows:

6 (220 ILCS 5/16-128A)

7 (Text of Section before amendment by P.A. 99-906)

8 Sec. 16-128A. Certification of installers, maintainers, or
9 repairers.

10 (a) Within 18 months of the effective date of this
11 amendatory Act of the 97th General Assembly, the Commission
12 shall adopt rules, including emergency rules, establishing
13 certification requirements ensuring that entities installing
14 distributed generation facilities are in compliance with the
15 requirements of subsection (a) of Section 16-128 of this Act.

16 For purposes of this Section, the phrase "entities
17 installing distributed generation facilities" shall include,
18 but not be limited to, all entities that are exempt from the
19 definition of "alternative retail electric supplier" under
20 item (v) of Section 16-102 of this Act. For purposes of this
21 Section, the phrase "self-installer" means an individual who
22 (i) leases or purchases a cogeneration facility for his or her
23 own personal use and (ii) installs such cogeneration or

1 self-generation facility on his or her own premises without the
2 assistance of any other person.

3 (b) In addition to any authority granted to the Commission
4 under this Act, the Commission is also authorized to: (1)
5 determine which entities are subject to certification under
6 this Section; (2) impose reasonable certification fees and
7 penalties; (3) adopt disciplinary procedures; (4) investigate
8 any and all activities subject to this Section, including
9 violations thereof; (5) adopt procedures to issue or renew, or
10 to refuse to issue or renew, a certification or to revoke,
11 suspend, place on probation, reprimand, or otherwise
12 discipline a certified entity under this Act or take other
13 enforcement action against an entity subject to this Section;
14 and (6) prescribe forms to be issued for the administration and
15 enforcement of this Section.

16 (c) No electric utility shall provide a retail customer
17 with net metering service related to interconnection of that
18 customer's distributed generation facility unless the customer
19 provides the electric utility with (i) a certification that the
20 customer installing the distributed generation facility was a
21 self-installer or (ii) evidence that the distributed
22 generation facility was installed by an entity certified under
23 this Section that is also in good standing with the Commission.
24 For purposes of this subsection, a retail customer includes
25 that customer's employees, officers, and agents. An electric
26 utility shall file a tariff or tariffs with the Commission

1 setting forth the documentation, as specified by Commission
2 rule, that a retail customer must provide to an electric
3 utility. The provisions of this subsection (c) shall apply on
4 or after the effective date of the Commission's rules
5 prescribed pursuant to subsection (a) of this Section.

6 (d) Within 180 days after the effective date of this
7 amendatory Act of the 97th General Assembly, the Commission
8 shall initiate a rulemaking proceeding to establish
9 certification requirements that shall be applicable to persons
10 or entities that install, maintain, or repair electric vehicle
11 charging stations. The notification and certification
12 requirements of this Section shall only be applicable to
13 individuals or entities that perform work on or within an
14 electric vehicle charging station, including, but not limited
15 to, connection of power to an electric vehicle charging
16 station.

17 For the purposes of this Section "electric vehicle charging
18 station" means any facility or equipment that is used to charge
19 a battery or other energy storage device of an electric
20 vehicle.

21 Rules regulating the installation, maintenance, or repair
22 of electric vehicle charging stations, in which the Commission
23 may establish separate requirements based upon the
24 characteristics of electric vehicle charging stations, so long
25 as it is in accordance with the requirements of subsection (a)
26 of Section 16-128 and Section 16-128A of this Act, shall:

1 (1) establish a certification process for persons or
2 entities that install, maintain, or repair of electric
3 vehicle charging stations;

4 (2) require persons or entities that install,
5 maintain, or repair electric vehicle stations to be
6 certified to do business and to be bonded in the State;

7 (3) ensure that persons or entities that install,
8 maintain, or repair electric vehicle charging stations
9 have the requisite knowledge, skills, training,
10 experience, and competence to perform functions in a safe
11 and reliable manner as required under subsection (a) of
12 Section 16-128 of this Act;

13 (4) impose reasonable certification fees and penalties
14 on persons or entities that install, maintain, or repair of
15 electric vehicle charging stations for noncompliance of
16 the rules adopted under this subsection;

17 (5) ensure that all persons or entities that install,
18 maintain, or repair electric vehicle charging stations
19 conform to applicable building and electrical codes;

20 (6) ensure that all electric vehicle charging stations
21 meet recognized industry standards as the Commission deems
22 appropriate, such as the National Electric Code (NEC) and
23 standards developed or created by the Institute of
24 Electrical and Electronics Engineers (IEEE), the Electric
25 Power Research Institute (EPRI), the Detroit Edison
26 Institute (DTE), the Underwriters Laboratory (UL), the

1 Society of Automotive Engineers (SAE), and the National
2 Institute of Standards and Technology (NIST);

3 (7) include any additional requirements that the
4 Commission deems reasonable to ensure that persons or
5 entities that install, maintain, or repair electric
6 vehicle charging stations meet adequate training,
7 financial, and competency requirements;

8 (8) ensure that the obligations required under this
9 Section and subsection (a) of Section 16-128 of this Act
10 are met prior to the interconnection of any electric
11 vehicle charging station;

12 (9) ensure electric vehicle charging stations
13 installed by a self-installer are not used for any
14 commercial purpose;

15 (10) establish an inspection procedure for the
16 conversion of electric vehicle charging stations installed
17 by a self-installer if it is determined that the
18 self-installed electric vehicle charging station is being
19 used for commercial purposes;

20 (11) establish the requirement that all persons or
21 entities that install electric vehicle charging stations
22 shall notify the servicing electric utility in writing of
23 plans to install an electric vehicle charging station and
24 shall notify the servicing electric utility in writing when
25 installation is complete;

26 (12) ensure that all persons or entities that install,

1 maintain, or repair electric vehicle charging stations
2 obtain certificates of insurance in sufficient amounts and
3 coverages that the Commission so determines and, if
4 necessary as determined by the Commission, names the
5 affected public utility as an additional insured; and

6 (13) identify and determine the training or other
7 programs by which persons or entities may obtain the
8 requisite training, skills, or experience necessary to
9 achieve and maintain compliance with the requirements set
10 forth in this subsection and subsection (a) of Section
11 16-128 to install, maintain, or repair electric vehicle
12 charging stations.

13 Within 18 months after the effective date of this
14 amendatory Act of the 97th General Assembly, the Commission
15 shall adopt rules, and may, if it deems necessary, adopt
16 emergency rules, for the installation, maintenance, or repair
17 of electric vehicle charging stations.

18 All retail customers who own, maintain, or repair an
19 electric vehicle charging station shall provide the servicing
20 electric utility (i) a certification that the customer
21 installing the electric vehicle charging station was a
22 self-installer or (ii) evidence that the electric vehicle
23 charging station was installed by an entity certified under
24 this subsection (d) that is also in good standing with the
25 Commission. For purposes of this subsection (d), a retail
26 customer includes that retail customer's employees, officers,

1 and agents. If the electric vehicle charging station was not
2 installed by a self-installer, then the person or entity that
3 plans to install the electric vehicle charging station shall
4 provide notice to the servicing electric utility prior to
5 installation and when installation is complete and provide any
6 other information required by the Commission's rules
7 established under subsection (d) of this Section. An electric
8 utility shall file a tariff or tariffs with the Commission
9 setting forth the documentation, as specified by Commission
10 rule, that a retail customer who owns, uses, operates, or
11 maintains an electric vehicle charging station must provide to
12 an electric utility.

13 For the purposes of this subsection, an electric vehicle
14 charging station shall constitute a distribution facility or
15 equipment as that term is used in subsection (a) of Section
16 16-128 of this Act. The phrase "self-installer" means an
17 individual who (i) leases or purchases an electric vehicle
18 charging station for his or her own personal use and (ii)
19 installs an electric vehicle charging station on his or her own
20 premises without the assistance of any other person.

21 (e) Fees and penalties collected under this Section shall
22 be deposited into the Public Utility Fund and used to fund the
23 Commission's compliance with the obligations imposed by this
24 Section.

25 (f) The rules established under subsection (d) of this
26 Section shall specify the initial dates for compliance with the

1 rules.

2 (g) The certification of persons or entities that install,
3 maintain, or repair distributed generation facilities and
4 electric vehicle charging stations as set forth in this Section
5 is an exclusive power and function of the State. A home rule
6 unit or other units of local government authority may subject
7 persons or entities that install, maintain, or repair
8 distributed generation facilities or electric vehicle charging
9 stations as set forth in this Section to any applicable local
10 licensing, siting, and permitting requirements otherwise
11 permitted under law so long as only Commission-certified
12 persons or entities are authorized to install, maintain, or
13 repair distributed generation facilities or electric vehicle
14 charging stations. This Section is a limitation under
15 subsection (h) of Section 6 of Article VII of the Illinois
16 Constitution on the exercise by home rule units of powers and
17 functions exclusively exercised by the State.

18 (Source: P.A. 97-616, eff. 10-26-11; 97-1128, eff. 8-28-12.)

19 (Text of Section after amendment by P.A. 99-906)

20 Sec. 16-128A. Certification of installers, maintainers, or
21 repairers.

22 (a) Within 18 months of the effective date of this
23 amendatory Act of the 97th General Assembly, the Commission
24 shall adopt rules, including emergency rules, establishing
25 certification requirements ensuring that entities installing

1 distributed generation facilities are in compliance with the
2 requirements of subsection (a) of Section 16-128 of this Act.

3 For purposes of this Section, the phrase "entities
4 installing distributed generation facilities" shall include,
5 but not be limited to, all entities that are exempt from the
6 definition of "alternative retail electric supplier" under
7 item (v) of Section 16-102 of this Act. For purposes of this
8 Section, the phrase "self-installer" means an individual who
9 (i) leases or purchases a cogeneration facility for his or her
10 own personal use and (ii) installs such cogeneration or
11 self-generation facility on his or her own premises without the
12 assistance of any other person.

13 (b) In addition to any authority granted to the Commission
14 under this Act, the Commission is also authorized to: (1)
15 determine which entities are subject to certification under
16 this Section; (2) impose reasonable certification fees and
17 penalties; (3) adopt disciplinary procedures; (4) investigate
18 any and all activities subject to this Section, including
19 violations thereof; (5) adopt procedures to issue or renew, or
20 to refuse to issue or renew, a certification or to revoke,
21 suspend, place on probation, reprimand, or otherwise
22 discipline a certified entity under this Act or take other
23 enforcement action against an entity subject to this Section;
24 and (6) prescribe forms to be issued for the administration and
25 enforcement of this Section.

26 (c) No electric utility shall provide a retail customer

1 with net metering service related to interconnection of that
2 customer's distributed generation facility unless the customer
3 provides the electric utility with (i) a certification that the
4 customer installing the distributed generation facility was a
5 self-installer or (ii) evidence that the distributed
6 generation facility was installed by an entity certified under
7 this Section that is also in good standing with the Commission.
8 For purposes of this subsection, a retail customer includes
9 that customer's employees, officers, and agents. An electric
10 utility shall file a tariff or tariffs with the Commission
11 setting forth the documentation, as specified by Commission
12 rule, that a retail customer must provide to an electric
13 utility. The provisions of this subsection (c) shall apply on
14 or after the effective date of the Commission's rules
15 prescribed pursuant to subsection (a) of this Section.

16 (d) Within 180 days after the effective date of this
17 amendatory Act of the 97th General Assembly, the Commission
18 shall initiate a rulemaking proceeding to establish
19 certification requirements that shall be applicable to persons
20 or entities that install, maintain, or repair electric vehicle
21 charging stations. The notification and certification
22 requirements of this Section shall only be applicable to
23 individuals or entities that perform work on or within an
24 electric vehicle charging station, including, but not limited
25 to, connection of power to an electric vehicle charging
26 station.

1 For the purposes of this Section "electric vehicle charging
2 station" means any facility or equipment that is used to charge
3 a battery or other energy storage device of an electric
4 vehicle.

5 Rules regulating the installation, maintenance, or repair
6 of electric vehicle charging stations, in which the Commission
7 may establish separate requirements based upon the
8 characteristics of electric vehicle charging stations, so long
9 as it is in accordance with the requirements of subsection (a)
10 of Section 16-128 and Section 16-128A of this Act, shall:

11 (1) establish a certification process for persons or
12 entities that install, maintain, or repair of electric
13 vehicle charging stations;

14 (2) require persons or entities that install,
15 maintain, or repair electric vehicle stations to be
16 certified to do business and to be bonded in the State;

17 (3) ensure that persons or entities that install,
18 maintain, or repair electric vehicle charging stations
19 have the requisite knowledge, skills, training,
20 experience, and competence to perform functions in a safe
21 and reliable manner as required under subsection (a) of
22 Section 16-128 of this Act;

23 (4) impose reasonable certification fees and penalties
24 on persons or entities that install, maintain, or repair of
25 electric vehicle charging stations for noncompliance of
26 the rules adopted under this subsection;

1 (5) ensure that all persons or entities that install,
2 maintain, or repair electric vehicle charging stations
3 conform to applicable building and electrical codes;

4 (6) ensure that all electric vehicle charging stations
5 meet recognized industry standards as the Commission deems
6 appropriate, such as the National Electric Code (NEC) and
7 standards developed or created by the Institute of
8 Electrical and Electronics Engineers (IEEE), the Electric
9 Power Research Institute (EPRI), the Detroit Edison
10 Institute (DTE), the Underwriters Laboratory (UL), the
11 Society of Automotive Engineers (SAE), and the National
12 Institute of Standards and Technology (NIST);

13 (7) include any additional requirements that the
14 Commission deems reasonable to ensure that persons or
15 entities that install, maintain, or repair electric
16 vehicle charging stations meet adequate training,
17 financial, and competency requirements;

18 (8) ensure that the obligations required under this
19 Section and subsection (a) of Section 16-128 of this Act
20 are met prior to the interconnection of any electric
21 vehicle charging station;

22 (9) ensure electric vehicle charging stations
23 installed by a self-installer are not used for any
24 commercial purpose;

25 (10) establish an inspection procedure for the
26 conversion of electric vehicle charging stations installed

1 by a self-installer if it is determined that the
2 self-installed electric vehicle charging station is being
3 used for commercial purposes;

4 (11) establish the requirement that all persons or
5 entities that install electric vehicle charging stations
6 shall notify the servicing electric utility in writing of
7 plans to install an electric vehicle charging station and
8 shall notify the servicing electric utility in writing when
9 installation is complete;

10 (12) ensure that all persons or entities that install,
11 maintain, or repair electric vehicle charging stations
12 obtain certificates of insurance in sufficient amounts and
13 coverages that the Commission so determines and, if
14 necessary as determined by the Commission, names the
15 affected public utility as an additional insured; and

16 (13) identify and determine the training or other
17 programs by which persons or entities may obtain the
18 requisite training, skills, or experience necessary to
19 achieve and maintain compliance with the requirements set
20 forth in this subsection and subsection (a) of Section
21 16-128 to install, maintain, or repair electric vehicle
22 charging stations.

23 Within 18 months after the effective date of this
24 amendatory Act of the 97th General Assembly, the Commission
25 shall adopt rules, and may, if it deems necessary, adopt
26 emergency rules, for the installation, maintenance, or repair

1 of electric vehicle charging stations.

2 All retail customers who own, maintain, or repair an
3 electric vehicle charging station shall provide the servicing
4 electric utility (i) a certification that the customer
5 installing the electric vehicle charging station was a
6 self-installer or (ii) evidence that the electric vehicle
7 charging station was installed by an entity certified under
8 this subsection (d) that is also in good standing with the
9 Commission. For purposes of this subsection (d), a retail
10 customer includes that retail customer's employees, officers,
11 and agents. If the electric vehicle charging station was not
12 installed by a self-installer, then the person or entity that
13 plans to install the electric vehicle charging station shall
14 provide notice to the servicing electric utility prior to
15 installation and when installation is complete and provide any
16 other information required by the Commission's rules
17 established under subsection (d) of this Section. An electric
18 utility shall file a tariff or tariffs with the Commission
19 setting forth the documentation, as specified by Commission
20 rule, that a retail customer who owns, uses, operates, or
21 maintains an electric vehicle charging station must provide to
22 an electric utility.

23 For the purposes of this subsection, an electric vehicle
24 charging station shall constitute a distribution facility or
25 equipment as that term is used in subsection (a) of Section
26 16-128 of this Act. The phrase "self-installer" means an

1 individual who (i) leases or purchases an electric vehicle
2 charging station for his or her own personal use and (ii)
3 installs an electric vehicle charging station on his or her own
4 premises without the assistance of any other person.

5 (e) Fees and penalties collected under this Section shall
6 be deposited into the Public Utility Fund and used to fund the
7 Commission's compliance with the obligations imposed by this
8 Section.

9 (f) The rules established under subsection (d) of this
10 Section shall specify the initial dates for compliance with the
11 rules.

12 (g) Within 18 months of the effective date of this
13 amendatory Act of the 99th General Assembly, the Commission
14 shall adopt rules, including emergency rules, establishing a
15 process for entities installing ~~a new utility-scale wind~~
16 ~~project or~~ a new utility-scale solar project to certify
17 compliance with the requirements of this Section. For purposes
18 of this Section, the phrase "entities installing ~~a new~~
19 ~~utility-scale wind project or~~ a new utility-scale solar
20 project" shall include, but is not limited to, any entity
21 installing ~~new wind projects or~~ new photovoltaic projects as
22 such terms are defined in subsection (c) of Section 1-75 of the
23 Illinois Power Agency Act.

24 The process shall include an option to complete the
25 certification electronically by completing forms on-line. An
26 entity installing ~~a new utility scale wind project or~~ a new

1 utility-scale solar project shall be permitted to complete
2 certification after the subject work has been completed. The
3 Commission shall maintain on its website a list of entities
4 installing ~~new utility-scale wind projects~~ or new
5 utility-scale solar projects measures that have successfully
6 completed the certification process.

7 (h) In addition to any authority granted to the Commission
8 under this Act, the Commission is also authorized to: (1)
9 determine which entities are subject to certification under
10 subsection (g) of this Section; (2) impose reasonable
11 certification fees and penalties; (3) adopt disciplinary
12 procedures; (4) investigate any and all activities subject to
13 subsection (g) or this subsection (h) of this Section,
14 including violations thereof; (5) adopt procedures to issue or
15 renew, or to refuse to issue or renew, a certification or to
16 revoke, suspend, place on probation, reprimand, or otherwise
17 discipline a certified entity under subsection (g) of this
18 Section or take other enforcement action against an entity
19 subject to subsection (g) or this subsection (h) of this
20 Section; (6) prescribe forms to be issued for the
21 administration and enforcement of subsection (g) and this
22 subsection (h) of this Section; and (7) establish requirements
23 to ensure that entities installing ~~a new wind project~~ or a new
24 photovoltaic project have the requisite knowledge, skills,
25 training, experience, and competence to perform in a safe and
26 reliable manner as required by subsection (a) of Section 16-128

1 of this Act.

2 (i) The certification of persons or entities that install,
3 maintain, or repair ~~new wind projects,~~ new photovoltaic
4 projects, distributed generation facilities, and electric
5 vehicle charging stations as set forth in this Section is an
6 exclusive power and function of the State. A home rule unit or
7 other units of local government authority may subject persons
8 or entities that install, maintain, or repair ~~new wind~~
9 ~~projects,~~ new photovoltaic projects, distributed generation
10 facilities, or electric vehicle charging stations as set forth
11 in this Section to any applicable local licensing, siting, and
12 permitting requirements otherwise permitted under law so long
13 as only Commission-certified persons or entities are
14 authorized to install, maintain, or repair ~~new wind projects,~~
15 new photovoltaic projects, distributed generation facilities,
16 or electric vehicle charging stations. This Section is a
17 limitation under subsection (h) of Section 6 of Article VII of
18 the Illinois Constitution on the exercise by home rule units of
19 powers and functions exclusively exercised by the State.

20 (Source: P.A. 99-906, eff. 6-1-17.)

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does
25 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law or on the date Public Act 99-906 takes effect,
5 whichever is later.