



Rep. Kathleen Willis

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LRB101 02931 CPF 57386 a

1 AMENDMENT TO HOUSE BILL 105

2 AMENDMENT NO. _____. Amend House Bill 105 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Investigation Act is amended by
5 changing Sections 6, 6.1, 7, 8, 9, 9a, 9b, 9e, 9f, 12, 13, and
6 13.1 and by adding Sections 3, 8a, and 9g as follows:

7 (425 ILCS 25/3 new)

8 Sec. 3. Definitions. In this Act:

9 "Chief of the fire department" means the senior fire
10 officer of a municipal fire department, volunteer fire
11 department, or fire protection district.

12 "Local authority having jurisdiction" means a unit of local
13 government or fire protection district located within the
14 State.

15 "Local fire prevention and life safety standards" means the
16 fire prevention and life safety standards adopted by a local

1 authority having jurisdiction.

2 "Local officers" means the officers responsible for fire
3 and building code enforcement within their unit of local
4 government or fire protection district.

5 "Notice" means a notice of violation issued to an owner,
6 occupant, or other person interested in a premises that
7 identifies violations of the fire prevention and life safety
8 rules adopted by the Office.

9 "Office" means the Office of the Illinois State Fire
10 Marshal and its officers, investigators, inspectors, and
11 administrative employees.

12 "Order" means an administrative order issued to an owner,
13 occupant, or other person interested in a premises that directs
14 immediate compliance with the fire prevention and life safety
15 rules adopted by the Office.

16 "Owner, occupant, or other person interested in the
17 premises" means the owner, occupant, or other person with a
18 legal interest in any building, structure, or the real property
19 upon which the building or structure is situated.

20 "Premises" means any building or structure or the real
21 property upon which the building or structure is situated.

22 "State Fire Marshal" means the Illinois State Fire Marshal
23 or his or her designee.

24 (425 ILCS 25/6) (from Ch. 127 1/2, par. 6)

25 Sec. 6. Investigation and record of fires; Office of the

1 State Fire Marshal.

2 (a) The chief of the fire department ~~of every municipality~~
3 ~~in which a fire department is established and the fire chief of~~
4 ~~every legally organized fire protection district~~ shall
5 investigate the cause, origin and circumstances of every fire
6 occurring in a ~~such~~ municipality or fire protection district,
7 or in any area or on any property which is furnished fire
8 protection by the fire department of such municipality or fire
9 protection district, by which property has been destroyed or
10 damaged, and shall especially make investigation as to whether
11 such fire was the result of carelessness or design. Such
12 investigation shall be begun within two days, not including
13 Sunday, of the occurrence of such fire, and the Office ~~of the~~
14 ~~State Fire Marshal~~ shall have the right to supervise and direct
15 such investigation whenever it deems it expedient or necessary.
16 The officer making investigation of fires occurring in cities,
17 villages, towns, fire protection districts or townships shall
18 forthwith notify the Office ~~of the State Fire Marshal~~ and shall
19 by the 15th of the month following the occurrence of the fire,
20 furnish to the Office a statement of all facts relating to the
21 cause and origin of the fire, and such other information as may
22 be called for in a format approved or on forms provided by the
23 Office.

24 (b) In every case in which a fire is determined to be a
25 contributing factor in a death, the coroner of the county where
26 the death occurred shall report the death to the Office ~~of the~~

1 ~~State Fire Marshal~~ as provided in Section 3-3013 of the
2 Counties Code.

3 (c) The Office ~~of the State Fire Marshal~~ shall keep a
4 record of all fires occurring in the State, together with all
5 facts, statistics and circumstances, including the origin of
6 the fires, which may be determined by the investigations
7 provided by this act; such record shall at all times be open to
8 the public inspection, and such portions of it as the State
9 Director of Insurance may deem necessary shall be transcribed
10 and forwarded to him within fifteen days from the first of
11 January of each year.

12 (d) In addition to the reporting of fires, the chief of the
13 fire department shall furnish to the Office such other
14 information as the State Fire Marshal deems of importance to
15 the fire services.

16 (Source: P.A. 95-224, eff. 1-1-08; 96-1059, eff. 7-14-10.)

17 (425 ILCS 25/6.1)

18 Sec. 6.1. Fire and hazardous material incident reporting
19 rules ~~Rules~~. The State Fire Marshal may adopt necessary rules
20 for the administration of the reporting of fires, hazardous
21 material incidents, and other incidents or events that the
22 State Fire Marshal deems of importance to the fire services.
23 The reporting of such information shall be based upon the
24 nationally recognized standards of the United States Fire
25 Administration's National Fire ~~fire~~ Incident Reporting System

1 (NFIRS ~~NIFRS~~).

2 (Source: P.A. 95-224, eff. 1-1-08.)

3 (425 ILCS 25/7) (from Ch. 127 1/2, par. 7)

4 Sec. 7. Arson investigations; arrests; prosecution. The
5 Office ~~of the State Fire Marshal~~ shall, when in its opinion
6 further investigation is necessary, take or cause to be taken
7 the testimony on oath of all persons supposed to be cognizant
8 of any facts or to have means of knowledge in relation to the
9 matter as to which an examination is herein required to be
10 made, and shall cause the same to be reduced to writing; and if
11 it shall be of the opinion that there is evidence sufficient to
12 charge any person with the crime of arson, or with the attempt
13 to commit the crime of arson, or of conspiracy to defraud, or
14 criminal conduct in connection with such fire, it shall cause
15 such person to be arrested and charged with such offense or
16 either of them, and shall furnish to the proper prosecuting
17 attorney all such evidence, together with the names of
18 witnesses and all of the information obtained by it, including
19 a copy of all pertinent and material testimony taken in the
20 case.

21 (Source: P.A. 80-147.)

22 (425 ILCS 25/8) (from Ch. 127 1/2, par. 8)

23 Sec. 8. Summons, oaths, and affirmations. The Office ~~of the~~
24 ~~State Fire Marshal~~ shall have power in any county in the State

1 of Illinois to summon and compel the attendance of witnesses
2 before it to testify in relation to any matter which is by the
3 provision of this Act a subject of inquiry and investigation,
4 and may require the production of any book, paper or other
5 document it deems pertinent thereto, and it may require the
6 prompt disclosure of the beneficiaries of any trust by the
7 trustee, the disclosure by any named beneficiary of a trust of
8 all persons who have any direct or indirect interest in the
9 trust or who derive any direct or indirect benefit therefrom,
10 the disclosure of a principal by his nominee, and the
11 disclosure by a corporation of each person who holds 5% or more
12 of the shares of stock of the corporation. The Office is hereby
13 authorized and empowered to administer oaths and affirmations
14 to any persons appearing as witnesses before it, and false
15 swearing in any manner or proceeding aforesaid is perjury and
16 shall be punished as such. Any witness who refuses to be sworn,
17 or who refuses to testify, or disclose any information sought
18 by the Office to which it is entitled, or who disobeys any
19 lawful order of the Office, or who fails or refuses to produce
20 any book, paper or other document touching any matter under
21 examination, or who is guilty of any contemptuous conduct after
22 being summoned to appear before the Office to give testimony in
23 relation to any matter or subject under investigation as
24 aforesaid, is guilty of a Class A misdemeanor and it shall be
25 the duty of the State Fire Marshal to make complaint against
26 the person or persons so refusing to comply with the summons or

1 order of the State Fire Marshal, before the circuit court in
2 the county in which the investigation is being had, and upon
3 the filing of such complaint, such cause shall proceed in the
4 same manner as other criminal cases. ~~The Office of the State
5 Fire Marshal shall have the authority at all times of day or
6 night in the performance of the duties imposed by the
7 provisions of this Act, to enter upon and examine any building
8 or premises where any fire has occurred and other buildings and
9 premises adjoining or near the same. All investigations held by
10 or under the direction of the Office of the State Fire Marshal
11 may, in its discretion, be private, and persons other than
12 those required to be present by the provisions of this Act, may
13 be excluded from the place where such investigation is held,
14 and witnesses may be kept separate and apart from each other
15 and not allowed to communicate with each other until they have
16 been examined.~~

17 (Source: P.A. 80-147.)

18 (425 ILCS 25/8a new)

19 Sec. 8a. Right of entry; examination of witnesses. The
20 Office shall have the authority at all times of day or night in
21 the performance of the duties imposed by the provisions of this
22 Act, to enter upon and examine any building or premises where
23 any fire has occurred and other buildings and premises
24 adjoining or near the same. All investigations held by or under
25 the direction of the Office may, in its discretion, be private,

1 and persons other than those required to be present by the
2 provisions of this Act, may be excluded from the place where
3 such investigation is held, and witnesses may be kept separate
4 and apart from each other and not allowed to communicate with
5 each other until they have been examined.

6 (425 ILCS 25/9) (from Ch. 127 1/2, par. 9)

7 Sec. 9. Inspections, duties, rules, and enforcement. No
8 person, being the owner, occupant, or other person interested
9 in the premises ~~lessee of any building or other structure~~ which
10 is so occupied or so situated as to endanger persons or
11 property, shall permit such building or structure by reason of
12 faulty construction, age, lack of proper repair, or any other
13 cause to become especially liable to fire, or to become liable
14 to cause injury or damage by collapsing or otherwise. No
15 person, being the owner, occupant, or other person interested
16 in the premises ~~lessee of any building, or structure,~~ shall
17 keep or maintain or allow to be kept or maintained on such
18 premises, combustible or explosive material or flammable
19 ~~inflammable~~ conditions, which endanger the safety of said
20 buildings or premises.

21 The Office ~~of the State Fire Marshal~~ shall adopt and
22 promulgate such reasonable fire prevention and life safety
23 rules as may be necessary to protect the public from the
24 dangers specified in the preceding paragraph. Such rules shall
25 require the installation, inspection or maintenance of

1 necessary fire extinguishers, fire suppression systems,
2 chemical fire suppression systems and fire alarm and protection
3 devices. A copy of any rule adopted by the Office under this
4 Act that is, certified by the State Fire Marshal shall be
5 received in evidence in all courts of this State with the same
6 effect as the original.

7 Subject to Section 9g, all ~~All~~ local officers charged with
8 the duty of investigating fires or conducting fire prevention
9 and life safety inspections shall enforce such rules, under the
10 direction of the Office ~~of the State Fire Marshal~~, except in
11 those localities which have adopted fire prevention and life
12 safety standards that have been determined by the Office to be
13 equal to or higher than such rules adopted by the Office ~~of the~~
14 ~~State Fire Marshal~~.

15 Subject to Section 9g, the ~~The~~ Office ~~of the State Fire~~
16 ~~Marshal~~, and the officers of cities, villages, towns,
17 townships, municipalities, and fire protection districts ~~by~~
18 ~~this Act,~~ charged with the duty of investigating fires or
19 conducting fire prevention and life safety inspections under
20 this Act ~~fire~~, shall, under the direction of the Office ~~of the~~
21 ~~State Fire Marshal~~, inspect and examine at reasonable hours,
22 any premises, and the buildings and other structures thereon,
23 and if, such dangerous condition or fire hazard is found to
24 exist contrary to the rules herein referred to, or if a
25 dangerous condition or fire hazard is found to exist as
26 specified in the first paragraph of this Section, and the rules

1 herein referred to are not applicable to such dangerous
2 condition or fire hazard, shall identify ~~order~~ the dangerous
3 condition ~~removed or remedied~~, and shall so notify the owner,
4 occupant, or other person interested in the premises. Service
5 of the notice upon the owner, occupant, or other person
6 interested in the premises ~~interested person~~ shall be in
7 person, by electric transmission, or by registered or certified
8 mail. If no corrective action is taken by the owner, occupant,
9 or other person interested in the premises to remove or remedy
10 the dangerous condition or fire hazard within a reasonable
11 time, as determined by the Office or the local authority having
12 jurisdiction, an order shall be served upon the owner,
13 occupant, or other person interested in the premises directing
14 that the dangerous condition be removed or remedied
15 immediately. Service of the order upon the owner, occupant, or
16 other person interested in the premises shall be in person, by
17 electronic transmission, or by registered or certified mail.

18 The amendatory Act of 1975 is not a limit on any home rule
19 unit.

20 (Source: P.A. 85-1434.)

21 (425 ILCS 25/9a) (from Ch. 127 1/2, par. 10)

22 Sec. 9a. Appeals and hearings. The owner, occupant, or
23 other person interested in such ~~building or~~ premises, within 10
24 days after receiving an order from the Office ~~such notice~~, may
25 appeal the order in writing ~~from orders of deputies of the~~

1 ~~Office of the State Fire Marshal,~~ to the Office ~~of the State~~
2 ~~Fire Marshal.~~ The Office shall thereupon conduct a hearing
3 pursuant to the Illinois Administrative Procedure Act, as
4 amended, and the administrative hearing rules adopted by the
5 Office, and the State Fire Marshal shall either sustain, modify
6 or revoke the order. If the order is sustained or modified, or
7 if no appeal is made to the Office, it shall be the duty of the
8 owner, ~~or~~ occupant, or other person interested in the premises
9 to immediately comply with such order. The process for appeals
10 of orders served upon an owner, occupant, or other person
11 interested in the premises by a local authority having
12 jurisdiction shall be according to local ordinance.

13 (Source: P.A. 84-954.)

14 (425 ILCS 25/9b) (from Ch. 127 1/2, par. 11)

15 Sec. 9b. Administrative review. When an order to remove or
16 remedy a dangerous condition or fire hazard has been modified
17 or sustained by the ~~Office of the State Fire Marshal,~~ the
18 owner, occupant, or other person interested in the premises
19 ~~person~~ against whom the order has been entered may seek review
20 in the circuit court of the county in which the property
21 affected by the order is located, pursuant to the
22 Administrative Review Law, as amended.

23 (Source: P.A. 84-1308.)

24 (425 ILCS 25/9e) (from Ch. 127 1/2, par. 14)

1 Sec. 9e. Penalties; concurrent jurisdiction. A willful
2 ~~Willful~~ failure, neglect, or refusal to comply (1) with the
3 order of the Office ~~of the State Fire Marshal~~ or other officers
4 after it has become final by reason of failure to prosecute an
5 appeal as provided by this Act, or (2) with the judgment of the
6 circuit court sustaining or modifying the order of the Office
7 is a petty offense, and in the event of a continuance of such
8 willful ~~willful~~ failure, neglect, or refusal to comply with such
9 order, each day's continuance is a separate offense.

10 The provisions of Sections 9, 9a, 9b, ~~9c, 9d~~ and 9e shall
11 not be construed to affect or repeal any ordinances of any
12 local authority having jurisdiction ~~municipality~~ relating to
13 building inspection, fire limits, fire prevention, or safety
14 standards, but the jurisdiction of the Office of the State Fire
15 Marshal shall, in such local authorities having jurisdiction
16 ~~municipalities~~, be concurrent with that of the local ~~municipal~~
17 authorities having jurisdiction.

18 (Source: P.A. 80-147.)

19 (425 ILCS 25/9f)

20 Sec. 9f. Duties owed to fire fighters. The owner or
21 occupier of the premises and his or her agents owe fire
22 fighters who are on the premises in the performance of their
23 official duties conducting fire investigations or inspections
24 or responding to fire alarms or actual fires on the premises a
25 duty of reasonable care in the maintenance of the premises

1 according to applicable fire safety codes, regulations,
2 ordinances, and generally applicable safety standards,
3 including any decisions by the Illinois courts. The owner or
4 occupier of the premises and his or her agents are not relieved
5 of the duty of reasonable care if the fire fighter is injured
6 due to the lack of maintenance of the premises in the course of
7 responding to a fire, false alarm, or his or her inspection or
8 investigation of the premises.

9 ~~For purposes of this Section, the term "premises" means any~~
10 ~~building or structure or the real property upon which the~~
11 ~~building or structure is situated.~~

12 This Section applies to all causes of action that have
13 accrued, will accrue, or are currently pending before a court
14 of competent jurisdiction, including courts of review.

15 (Source: P.A. 93-233, eff. 7-22-03.)

16 (425 ILCS 25/9g new)

17 Sec. 9g. Applicability within home rule units. The
18 provisions of Sections 9, 9a, 9b, and 9e of this Act do not
19 apply within the geographical boundaries of home rule units
20 that have adopted fire prevention and life safety standards by
21 local ordinance, except with respect to State-owned buildings
22 or State licensed facilities. Nothing in this Act prohibits any
23 home rule unit from voluntarily adopting, in their entirety,
24 the fire prevention and life safety rules adopted by the Office
25 and enforcing those rules concurrently with the Office. Nothing

1 in this Act prohibits the Office from inspecting State-owned
2 buildings or State licensed facilities that are located within
3 the geographical boundaries of home rule units.

4 (425 ILCS 25/12) (from Ch. 127 1/2, par. 16)

5 Sec. 12. Insurance assessment. Every fire insurance
6 company, whether upon the stock or mutual plan, and every other
7 personal or business entity doing any form of fire insurance
8 business in the State of Illinois, shall pay to the Department
9 of Insurance in the month of March, such amount as may be
10 assessed by the Department of Insurance, which may not exceed
11 1% of the gross fire, sprinkler leakage, riot, civil commotion,
12 explosion and motor vehicle fire risk premium receipts of such
13 company or other entity from such business done in the State of
14 Illinois during the preceding year, and shall make an annual
15 report or statement under oath to the Department specifying the
16 amount of such premiums received during the preceding year. The
17 Department of Insurance shall pay the money so received into
18 the Fire Prevention Fund, to be used as specified in Section
19 13.1 of this Act.

20 (Source: P.A. 85-718.)

21 (425 ILCS 25/13) (from Ch. 127 1/2, par. 17)

22 Sec. 13. Insurance assessment penalties. Every company,
23 firm, co-partnership, association or aggregation of
24 individuals, or body of persons insuring each other, or their

1 agents, representatives, or attorneys in fact, who shall refuse
2 or neglect to comply with the requirements of Section 12 of
3 this Act, is liable, in addition to the amount due, for such
4 penalty and interest charges as are provided for under Section
5 412 of the "Illinois Insurance Code". The Director through the
6 Attorney General, may institute an action in the name of the
7 People of the State of Illinois, in any court of competent
8 jurisdiction for the recovery of the amount of such taxes and
9 penalties due, and prosecute the same to final judgment, and
10 take such steps as are necessary to collect the same. If such
11 violation is by a company, association, co-partnership or
12 aggregation of individuals licensed to do business in the State
13 of Illinois, such license may be revoked by the Department of
14 Insurance.

15 (Source: P.A. 83-43.)

16 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

17 Sec. 13.1. Fire Prevention Fund.

18 (a) There shall be a special fund in the State Treasury
19 known as the Fire Prevention Fund.

20 (b) The following moneys shall be deposited into the Fund:

21 (1) Moneys received by the Department of Insurance
22 under Section 12 of this Act.

23 (2) All fees and reimbursements received by the Office
24 ~~of the State Fire Marshal.~~

25 (3) All receipts from boiler and pressure vessel

1 certification, as provided in Section 13 of the Boiler and
2 Pressure Vessel Safety Act.

3 (4) Such other moneys as may be provided by law.

4 (c) The moneys in the Fire Prevention Fund shall be used,
5 subject to appropriation, for the following purposes:

6 (1) Of the moneys deposited into the fund under Section
7 12 of this Act, 12.5% shall be available for the
8 maintenance of the Illinois Fire Service Institute and the
9 expenses, facilities, and structures incident thereto, and
10 for making transfers into the General Obligation Bond
11 Retirement and Interest Fund for debt service requirements
12 on bonds issued by the State of Illinois after January 1,
13 1986 for the purpose of constructing a training facility
14 for use by the Institute. An additional 2.5% of the moneys
15 deposited into the Fire Prevention Fund shall be available
16 to the Illinois Fire Service Institute for support of the
17 Cornerstone Training Program.

18 (2) Of the moneys deposited into the Fund under Section
19 12 of this Act, 10% shall be available for the maintenance
20 of the Chicago Fire Department Training Program and the
21 expenses, facilities and structures incident thereto, in
22 addition to any moneys payable from the Fund to the City of
23 Chicago pursuant to the Illinois Fire Protection Training
24 Act.

25 (3) For making payments to local governmental agencies
26 and individuals pursuant to Section 10 of the Illinois Fire

1 Protection Training Act.

2 (4) For the maintenance and operation of the Office of
3 the State Fire Marshal, and the expenses incident thereto.

4 (4.5) For the maintenance, operation, and capital
5 expenses of the Mutual Aid Box Alarm System (MABAS).

6 (4.6) For grants awarded by the Small Fire-fighting and
7 Ambulance Service Equipment Grant Program established by
8 Section 2.7 of the State Fire Marshal Act.

9 (5) For any other purpose authorized by law.

10 (c-5) As soon as possible after April 8, 2008 (the
11 effective date of Public Act 95-717) ~~this amendatory Act of the~~
12 ~~95th General Assembly,~~ the Comptroller shall order the transfer
13 and the Treasurer shall transfer \$2,000,000 from the Fire
14 Prevention Fund to the Fire Service and Small Equipment Fund,
15 \$9,000,000 from the Fire Prevention Fund to the Fire Truck
16 Revolving Loan Fund, and \$4,000,000 from the Fire Prevention
17 Fund to the Ambulance Revolving Loan Fund. Beginning on July 1,
18 2008, each month, or as soon as practical thereafter, an amount
19 equal to \$2 from each fine received shall be transferred from
20 the Fire Prevention Fund to the Fire Service and Small
21 Equipment Fund, an amount equal to \$1.50 from each fine
22 received shall be transferred from the Fire Prevention Fund to
23 the Fire Truck Revolving Loan Fund, and an amount equal to \$4
24 from each fine received shall be transferred from the Fire
25 Prevention Fund to the Ambulance Revolving Loan Fund. These
26 moneys shall be transferred from the moneys deposited into the

1 Fire Prevention Fund pursuant to Public Act 95-154, together
2 with not more than 25% of any unspent appropriations from the
3 prior fiscal year. These moneys may be allocated to the Fire
4 Truck Revolving Loan Fund, Ambulance Revolving Loan Fund, and
5 Fire Service and Small Equipment Fund at the discretion of the
6 Office ~~of the State Fire Marshal~~ for the purpose of
7 implementation of this Act.

8 (d) Any portion of the Fire Prevention Fund remaining
9 unexpended at the end of any fiscal year which is not needed
10 for the maintenance and expenses of the Office ~~of the State~~
11 ~~Fire Marshal~~ or the maintenance and expenses of the Illinois
12 Fire Service Institute, shall remain in the Fire Prevention
13 Fund for the exclusive and restricted uses provided in
14 subsections (c) and (c-5) of this Section.

15 (e) The Office ~~of the State Fire Marshal~~ shall keep on file
16 an itemized statement of all expenses incurred which are
17 payable from the Fund, other than expenses incurred by the
18 Illinois Fire Service Institute, and shall approve all vouchers
19 issued therefor before they are submitted to the State
20 Comptroller for payment. Such vouchers shall be allowed and
21 paid in the same manner as other claims against the State.

22 (Source: P.A. 96-286, eff. 8-11-09; 96-1176, eff. 7-22-10;
23 97-114, eff. 1-1-12; 97-901, eff. 1-1-13.)

24 (425 ILCS 25/10 rep.)

25 Section 10. The Fire Investigation Act is amended by

1 repealing Section 10.

2 Section 97. Severability. The provisions of this Act are
3 severable under Section 1.31 of the Statute on Statutes."