



Rep. Angelo Saviano

Filed: 4/12/2005

09400HB3045ham001

LRB094 07840 RAS 45007 a

1 AMENDMENT TO HOUSE BILL 3045

2 AMENDMENT NO. _____. Amend House Bill 3045 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Plumbing License Law is amended by
5 changing Sections 2, 2.5, and 29.5 as follows:

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

7 Sec. 2. When used in this Act:

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

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

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

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

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

1 "Building sewer" means that part of the horizontal piping
2 of a drainage system that extends from the end of the building
3 drain, receives the discharge of the building drain and conveys
4 it to a public sewer or private sewage disposal system.

5 "Department" means the Illinois Department of Public
6 Health.

7 "Director" means the Director of the Illinois Department of
8 Public Health.

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

11 "Irrigation contractor" means a person who installs or
12 supervises the installation of lawn sprinkler systems subject
13 to Section 2.5 of this Act, other than a licensed plumber or a
14 licensed apprentice plumber.

15 "Irrigation employee" means a person who is employed by a
16 registered irrigation contractor or a licensed plumber, and who
17 designs, repairs, alters, maintains, or installs lawn
18 sprinkler systems that are subject to Section 2.5 of this Law.

19 "Lawn sprinkler system" means any underground irrigation
20 system of lawn, shrubbery and other vegetation from any potable
21 water sources; and from any water sources, whether or not
22 potable, ~~in: (i) any county with a population of 3,000,000 or~~
23 ~~more; (ii) any county with a population of 275,000 or more~~
24 ~~which is contiguous in whole or in part to a county with a~~
25 ~~population of 3,000,000 or more; and (iii) any county with a~~
26 ~~population of 37,000 or more but less than 150,000 which is~~
27 ~~contiguous to 2 or more counties with respective populations in~~
28 ~~excess of 275,000.~~ "Lawn sprinkler system" includes without
29 limitation the water supply piping, valves, control systems,
30 low voltage wiring, ~~and~~ sprinkler heads or other irrigation
31 outlets, and moisture or rainfall sensing equipment, but does
32 not include the backflow prevention device. "Lawn sprinkler
33 system" does not include an irrigation system used primarily
34 for agricultural purposes.

1 "Person" means any natural person, firm, corporation,
2 partnership, or association.

3 "Plumber" means any licensed person authorized to perform
4 plumbing as defined in this Act, but does not include retired
5 plumbers as defined in this Act.

6 "Plumbing" means the actual installation, repair,
7 maintenance, alteration or extension of a plumbing system by
8 any person.

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

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

19 "Plumbing" includes all piping, fixtures, appurtenances,
20 and appliances for a building drain and a sanitary drainage and
21 related ventilation system of any building or buildings where a
22 person or persons live, work or assemble from the point of
23 connection of such building drain to the building sewer or
24 private sewage disposal system 5 feet beyond the foundation
25 walls.

26 "Plumbing" does not mean or include the trade of
27 drain-laying, the trade of drilling water wells which
28 constitute the sources of private water supplies, and of making
29 connections between such wells and pumping units in the water
30 supply systems of buildings served by such private water
31 supplies, or the business of installing water softening
32 equipment and of maintaining and servicing the same, or the
33 business of manufacturing or selling plumbing fixtures,
34 appliances, equipment or hardware, or to the installation and

1 servicing of electrical equipment sold by a not-for-profit
2 corporation providing electrification on a cooperative basis,
3 that either on or before January 1, 1971, is or has been
4 financed in whole or in part under the federal Rural
5 Electrification Act of 1936 and the Acts amendatory thereof and
6 supplementary thereto, to its members for use on farms owned by
7 individuals or operated by individuals, nor does it mean or
8 include minor repairs which do not require changes in the
9 piping to or from plumbing fixtures or involve the removal,
10 replacement, installation or re-installation of any pipe or
11 plumbing fixtures. Plumbing does not include the installation,
12 repair, maintenance, alteration or extension of building
13 sewers.

14 "Plumbing contractor" means any person who performs
15 plumbing, as defined in this Act, for another person. "Plumbing
16 contractor" shall not include licensed plumbers and licensed
17 apprentice plumbers who either are employed by persons engaged
18 in the plumbing business or are employed by another person for
19 the performance of plumbing solely for that other person,
20 including, but not limited to, a hospital, university, or
21 business maintenance staff.

22 "Plumbing fixtures" means installed receptacles, devices
23 or appliances that are supplied with water or that receive or
24 discharge liquids or liquid borne wastes, with or without
25 discharge into the drainage system with which they may be
26 directly or indirectly connected.

27 "Plumbing system" means the water service, water supply and
28 distribution pipes; plumbing fixtures and traps; soil, waste
29 and vent pipes; building drains; including their respective
30 connections, devices and appurtenances.

31 "Plumbing system" does not include building sewers as
32 defined in this Act.

33 "Retired plumber" means any licensed plumber in good
34 standing who meets the requirements of this Act and the

1 requirements prescribed by Department rule to be licensed as a
2 retired plumber and voluntarily surrenders his plumber's
3 license to the Department, in exchange for a retired plumber's
4 license. Retired plumbers cannot perform plumbing as defined in
5 this Act, cannot sponsor or supervise apprentice plumbers, and
6 cannot inspect plumbing under this Act. A retired plumber
7 cannot fulfill the requirements of subsection (3) of Section 3
8 of this Act.

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

32 "Sponsor" is an Illinois licensed plumber or an approved
33 apprenticeship program that has accepted an individual as an
34 Illinois licensed apprentice plumber for education and

1 training in the field of plumbing and whose name and license
2 number or apprenticeship program number shall appear on the
3 individual's application for an apprentice plumber's license.

4 "Sponsored" means that each Illinois licensed apprentice
5 plumber has been accepted by an Illinois licensed plumber or an
6 approved apprenticeship program for apprenticeship training.

7 "Telecommunications carrier" means a telecommunications
8 carrier as defined in the Public Utilities Act.

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

11 (225 ILCS 320/2.5)

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

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

14 (a) Every irrigation contractor doing business in this
15 State shall annually register with the Department. Every
16 irrigation contractor shall provide to the Department his or
17 her business name and address, telephone number, name of
18 principal, ~~and~~ FEIN number, and an original certificate of
19 insurance documenting that the irrigation contractor carries
20 general liability insurance with a minimum of \$100,000 per
21 occurrence, bodily injury insurance with a minimum of \$300,000
22 per occurrence, property damage insurance with a minimum of
23 \$50,000, and worker's compensation insurance with a minimum of
24 \$500,000. No registration may be issued in the absence of the
25 certificate of insurance. The certificate must be in force at
26 all times for registration to remain valid.

27 On a form provided by the Department, every irrigation
28 contractor must provide to the Department an indemnification
29 bond in the amount of \$20,000 or an irrevocable letter of
30 credit from a financial institution guaranteeing that funds
31 shall be available only to the Department and shall be released
32 upon written notification by the Department in the same amount
33 for any work on lawn sprinkler systems performed by the

1 registered irrigation contractor. The letter of credit shall be
2 printed on the letterhead of the issuing financial institution,
3 be signed by an officer of the same financial institution, name
4 the Department as the sole beneficiary, and expire on February
5 28 of each year.

6 Every irrigation contractor doing business in this State
7 shall also register with the Department each and every employee
8 who installs or supervises the installation of lawn sprinkler
9 systems. The registration shall include the employee's name,
10 home address, and telephone number. The Department may provide
11 by rule for the administration of registrations under this
12 subsection. The annual registration fee shall be set by the
13 Department pursuant to Section 30 of this Act. Each registered
14 irrigation contractor must provide proof that he or she employs
15 at least one irrigation employee who has completed and passed
16 an approved class in the design and installation of lawn
17 sprinkler systems.

18 (b) A licensed plumber or licensed apprentice plumber may
19 install a lawn sprinkler system connected to any water source
20 without registration under this Section.

21 (c) A licensed plumber shall inspect every sprinkler system
22 installed by an irrigation contractor to ensure the provisions
23 of this Section have been met and that the system works
24 mechanically. A licensed plumber shall make the physical
25 connection between a lawn sprinkler system and the backflow
26 prevention device.

27 Upon the installation of every lawn sprinkler system in
28 this State from the effective date of this amendatory Act of
29 the 91st General Assembly forward, a licensed plumber shall
30 affix to the backflow prevention device a tag certifying that
31 the installation of that system has been completed in
32 compliance with the minimum code of plumbing standards
33 promulgated under this Act. The Department shall provide by
34 rule for the registration of every lawn sprinkler system

1 installed after the effective date of this amendatory Act of
2 the 91st General Assembly, including the means by which the
3 Department shall be able to identify by registration number the
4 identity of the responsible irrigation contractor and by
5 license number the identity of the responsible licensed
6 plumber. No lawn sprinkler system installed after the effective
7 date of this amendatory Act of the 91st General Assembly may be
8 operated without the certification tag required under this
9 Section.

10 The registered irrigation contractor and the licensed
11 plumber whose identifying information is contained on the
12 certification tag shall both be subject to the penalty
13 provisions of this Act for violations for improper installation
14 of a lawn sprinkler system installed after the effective date
15 of this amendatory Act of the 91st General Assembly.

16 (d) An irrigation contractor who ~~that~~ has registered with
17 the Department 7 or fewer persons who are authorized to install
18 or supervise the installation of lawn sprinkler systems shall
19 either employ or contract with at least one licensed plumber
20 who shall install or be responsible for the installation of
21 every lawn sprinkler system installed after the effective date
22 of this amendatory Act of the 91st General Assembly. The
23 licensed plumber shall inspect the risers and sprinkler heads
24 before backfilling.

25 An irrigation contractor who ~~that~~ has registered with the
26 Department 8 to 12 persons who are authorized to install or
27 supervise the installation of lawn sprinkler systems shall
28 either employ or contract with at least 2 licensed plumbers who
29 shall install or be responsible for the installation of every
30 lawn sprinkler system installed after the effective date of
31 this amendatory Act of the 91st General Assembly. A licensed
32 plumber shall inspect the risers and sprinkler heads before
33 backfilling.

34 An irrigation contractor who ~~that~~ has registered with the

1 Department 13 to 20 persons who are authorized to install or
2 supervise the installation of lawn sprinkler systems shall
3 either employ or contract with at least 3 licensed plumbers who
4 shall install or be responsible for the installation of every
5 lawn sprinkler system installed after the effective date of
6 this amendatory Act of the 91st General Assembly. A licensed
7 plumber shall inspect the risers and sprinkler heads before
8 backfilling.

9 An irrigation contractor who ~~that~~ has registered with the
10 Department 21 to 28 persons who are authorized to install or
11 supervise the installation of lawn sprinkler systems shall
12 either employ or contract with at least 4 licensed plumbers who
13 shall install or be responsible for the installation of every
14 lawn sprinkler system installed after the effective date of
15 this amendatory Act of the 91st General Assembly. A licensed
16 plumber shall inspect the risers and sprinkler heads before
17 backfilling.

18 An irrigation contractor who ~~that~~ has registered with the
19 Department 29 to 35 persons who are authorized to install or
20 supervise the installation of lawn sprinkler systems shall
21 either employ or contract with at least 5 licensed plumbers who
22 shall install or be responsible for the installation of every
23 lawn sprinkler system installed after the effective date of
24 this amendatory Act of the 91st General Assembly. A licensed
25 plumber shall inspect the risers and sprinkler heads before
26 backfilling.

27 An irrigation contractor who ~~that~~ has registered with the
28 Department 36 or more persons who are authorized to install or
29 supervise the installation of lawn sprinkler systems shall
30 either employ or contract with at least 6 licensed plumbers who
31 shall install or be responsible for the installation of every
32 lawn sprinkler system installed after the effective date of
33 this amendatory Act of the 91st General Assembly. A licensed
34 plumber shall inspect the risers and sprinkler heads before

1 backfilling.

2 The Department may provide by rule for the temporary waiver
3 process for registered irrigation contractors who are unable to
4 comply with the requirements of this subsection. When a
5 temporary waiver is granted, it shall not be for a duration of
6 more than 3 consecutive months. Upon the expiration of a
7 temporary waiver issued by the Department, the registered
8 irrigation contractor shall demonstrate that justifiable
9 reasons exist why he or she is still unable to comply with the
10 requirements of this subsection, despite good faith efforts to
11 comply with the requirements. In no case shall a temporary
12 waiver be granted for an irrigation contractor for more than a
13 total of 6 months in a two-year period. In no case shall an
14 irrigation contractor be relieved of the requirement that a
15 licensed plumber shall inspect every sprinkler system
16 installed by an irrigation contractor to ensure the provisions
17 of this Section have been met and that the system works
18 mechanically and make the physical connection between a
19 sprinkler system and the backflow prevention device.

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

22 No person shall attach to a lawn sprinkler system any
23 fixture other than the backflow prevention device, sprinkler
24 heads, valves, and other parts integral to the operation of the
25 system, unless the fixture is clearly marked as being for
26 non-potable uses only.

27 (f) A college, university, trade school, vocational
28 school, or association that has established a program providing
29 a course of instruction in lawn sprinkler design and
30 installation may submit a letter to the Department requesting
31 approval of its program or course of instruction.

32 The request for approval shall include information on the
33 curriculum offered by the program and the qualifications of the
34 organization. The course shall consist of a minimum of 2 days

1 of classroom education and an exam and shall include a
2 provision for continuing education.

3 The Department shall evaluate the curriculum and
4 organization before making a determination to approve or deny a
5 request for approval.

6 In addition to providing to the Department the names of
7 licensed plumbers who are employed by or contract with an
8 irrigation contractor, an irrigation contractor must also
9 provide to the Department the names of employees who have
10 successfully completed an approved course on the installation
11 of lawn sprinkler systems and proof that the course was
12 successfully completed and that continuing education is also
13 being completed.

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

15 (225 ILCS 320/29.5)

16 Sec. 29.5. Unlicensed and unregistered practice;
17 violation; civil ~~penalties~~ penalty.

18 (a) A person who practices, offers to practice, attempts to
19 practice, or holds himself or herself out to practice as a
20 plumber or plumbing contractor without being licensed or
21 registered under this Act, ~~or as an irrigation contractor~~
22 ~~without being registered under this Act,~~ shall, in addition to
23 any other penalty provided by law, pay a civil penalty to the
24 Department in an amount not to exceed \$5,000 for each offense
25 as determined by the Department. The civil penalty shall be
26 assessed by the Department after a hearing is held in
27 accordance with the provisions set forth in this Act regarding
28 the provision of a hearing for the discipline of a licensee or
29 registrant.

30 (b) The Department has the authority and power to
31 investigate any person who practices, offers to practice,
32 attempts to practice, or holds himself or herself out to
33 practice as a plumber or plumbing contractor without being

1 licensed or registered under this Act, or as an irrigation
2 contractor without being registered under this Act.

3 (c) The civil penalty shall be paid within 60 days after
4 the effective date of the order imposing the civil penalty. The
5 order shall constitute a judgment and may be filed and
6 execution had on the judgment in the same manner as a judgment
7 from a court of record. All fines and penalties collected by
8 the Department under this Section of the Act and accrued
9 interest shall be deposited into the Plumbing Licensure and
10 Program Fund for use by the Department in performing activities
11 relating to the administration and enforcement of this Act.

12 (d) A person who practices, offers to practice, or holds
13 himself or herself out to practice as an irrigation contractor
14 without being registered under this Act shall be subject to the
15 following:

16 (1) For a first offense:

17 (A) Where no violations of the Illinois Plumbing
18 Code are found, the person shall pay a civil penalty of
19 \$1,000 and may be referred to the State's Attorney or
20 the Attorney General for prosecution under Section 29
21 of this Act.

22 (B) Where violations of the Illinois Plumbing Code
23 are found, the person shall pay a civil penalty of
24 \$3,000 (the amount of \$3,000 may be reduced to \$1,000
25 upon the condition that the unregistered person pays
26 for a licensed plumber who is acceptable to the other
27 party to the original contract or agreement to correct
28 the violations of the Illinois Plumbing Code) and may
29 be referred to the State's Attorney or the Attorney
30 General for prosecution under Section 29 of this Act.

31 (2) For a second offense:

32 (A) Where no violations of the Illinois Plumbing
33 Code are found, the person shall pay a civil penalty of
34 \$3,000 and may be referred to the State's Attorney or

1 the Attorney General for prosecution under Section 29
2 of the Act.

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

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

16 (e) A registered irrigation contractor, firm, corporation,
17 partnership, or association that directs, authorizes, or
18 allows a person to practice, offer to practice, attempt to
19 practice, or hold himself or herself out to practice as an
20 irrigation employee without being registered under the
21 provisions of this Act, shall be subject to the following:

22 (1) For a first offense, the registrant:

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

24 (B) shall be required to pay for a licensed plumber
25 who is acceptable to the other party to the original
26 contract or agreement to correct any violations of the
27 Illinois Plumbing Code;

28 (C) shall have his, her, or its plumbing license
29 suspended; and

30 (D) may be referred to the State's Attorney or the
31 Attorney General for prosecution under Section 29 of
32 this Act.

33 (2) For a second offense, the registrant:

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

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

5 (C) shall have his, her, or its registration
6 revoked; and

7 (D) shall be referred to the State's Attorney or
8 the Attorney General for prosecution under Section 29
9 of this Act.

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

11 Section 99. Effective date. This Act takes effect January
12 1, 2008."