



Rep. Brandon W. Phelps

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1 AMENDMENT TO SENATE BILL 105

2 AMENDMENT NO. _____. Amend Senate Bill 105, on page 1,
3 line 5, after "16-103.2", by inserting "and by changing Section
4 16-128A"; and

5 on page 5, immediately below line 5, by inserting the
6 following:

7 "(220 ILCS 5/16-128A)

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

1 installing distributed generation facilities" shall include,
2 but not be limited to, all entities that are exempt from the
3 definition of "alternative retail electric supplier" under
4 item (v) of Section 16-102 of this Act. For purposes of this
5 Section, the phrase "self-installer" means an individual who
6 (i) leases or purchases a cogeneration facility for his or her
7 own personal use and (ii) installs such cogeneration or
8 self-generation facility on his or her own premises without the
9 assistance of any other person. For purposes relating to the
10 distributed generation facilities, "install" means to complete
11 the physical tasks associated with placement of the distributed
12 generation facility and its connection to the electric
13 utility's distribution system, in accordance with applicable
14 building and electrical codes.

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

1 enforcement of this Section; and (7) ensure that persons or
2 entities that install distributed generation facilities have
3 the requisite knowledge, skills, training, experience, and
4 competence to perform functions in a safe and reliable manner
5 as required under subsection (a) of Section 16-128 of this Act,
6 as demonstrated by, at a minimum, completion or current
7 participation and ultimate completion of an electrical
8 apprenticeship program that is either registered with the
9 United States Department of Labor or that includes no less than
10 8,000 hours of on-the-job training and related instruction.

11 (c) No electric utility shall provide a retail customer
12 with net metering service related to interconnection of that
13 customer's distributed generation facility unless the customer
14 provides the electric utility with (i) a certification that the
15 customer installing the distributed generation facility was a
16 self-installer or (ii) evidence that the distributed
17 generation facility was installed by an entity certified under
18 this Section that is also in good standing with the Commission.
19 For purposes of this subsection, a retail customer includes
20 that customer's employees, officers, and agents. An electric
21 utility shall file a tariff or tariffs with the Commission
22 setting forth the documentation, as specified by Commission
23 rule, that a retail customer must provide to an electric
24 utility. The provisions of this subsection (c) shall apply on
25 or after the effective date of the Commission's rules
26 prescribed pursuant to subsection (a) of this Section.

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

12 For the purposes of this Section "electric vehicle charging
13 station" means any facility or equipment that is used to charge
14 a battery or other energy storage device of an electric
15 vehicle. For purposes related to electric vehicle charging
16 stations, "install", "installing", or "installation" means the
17 major activities and actions required to connect, in accordance
18 with applicable building and electrical codes, the conductors,
19 connectors, and all associated fittings, devices, power
20 outlets, or apparatuses mounted at the premises that are
21 directly involved in delivering energy from the premises'
22 electrical wiring to the electric vehicle charging station. For
23 purposes of this Section, "maintain", "maintaining", or
24 "maintenance" means the major activities and actions required
25 to keep in an appropriate, safe condition and operation the
26 conductors, connectors, and all associated fittings, devices,

1 power outlets, or apparatuses mounted at the premises that are
2 directly involved in delivering energy from the premises'
3 electrical wiring to the electric vehicle charging station. For
4 purposes of this Section, "repair" or "repairing" means the
5 major activities and actions required to restore to a safe,
6 sound condition and operation the conductors, connectors, and
7 all associated fittings, devices, power outlets, or
8 apparatuses mounted at the premises that are directly involved
9 in delivering energy from the premises' electrical wiring to
10 the electric vehicle charging station.

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

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

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

23 (3) ensure that persons or entities that install,
24 maintain, or repair electric vehicle charging stations
25 have the requisite knowledge, skills, training,
26 experience, and competence to perform functions in a safe

1 and reliable manner as required under subsection (a) of
2 Section 16-128 of this Act, as demonstrated by, at a
3 minimum, completion or current participation and ultimate
4 completion of an electrical apprenticeship program that is
5 either registered with the United States Department of
6 Labor or that includes no less than 8,000 hours of
7 on-the-job training and related instruction;

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

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

15 (6) ensure that all electric vehicle charging stations
16 meet recognized industry standards as the Commission deems
17 appropriate, such as the National Electric Code (NEC) and
18 standards developed or created by the Institute of
19 Electrical and Electronics Engineers (IEEE), the Electric
20 Power Research Institute (EPRI), the Detroit Edison
21 Institute (DTE), the Underwriters Laboratory (UL), the
22 Society of Automotive Engineers (SAE), and the National
23 Institute of Standards and Technology (NIST);

24 (7) include any additional requirements that the
25 Commission deems reasonable to ensure that persons or
26 entities that install, maintain, or repair electric

1 vehicle charging stations meet adequate training,
2 financial, and competency requirements;

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

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

10 (10) establish an inspection procedure for the
11 conversion of electric vehicle charging stations installed
12 by a self-installer if it is determined that the
13 self-installed electric vehicle charging station is being
14 used for commercial purposes;

15 (11) establish the requirement that all persons or
16 entities that install electric vehicle charging stations
17 shall notify the servicing electric utility in writing of
18 plans to install an electric vehicle charging station and
19 shall notify the servicing electric utility in writing when
20 installation is complete;

21 (12) ensure that all persons or entities that install,
22 maintain, or repair electric vehicle charging stations
23 obtain certificates of insurance in sufficient amounts and
24 coverages that the Commission so determines and, if
25 necessary as determined by the Commission, names the
26 affected public utility as an additional insured; and

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

8 Within 18 months after the effective date of this
9 amendatory Act of the 97th General Assembly, the Commission
10 shall adopt rules, and may, if it deems necessary, adopt
11 emergency rules, for the installation, maintenance, or repair
12 of electric vehicle charging stations.

13 All retail customers who own, maintain, or repair an
14 electric vehicle charging station shall provide the servicing
15 electric utility (i) a certification that the customer
16 installing the electric vehicle charging station was a
17 self-installer or (ii) evidence that the electric vehicle
18 charging station was installed by an entity certified under
19 this subsection (d) that is also in good standing with the
20 Commission. For purposes of this subsection (d), a retail
21 customer includes that retail customer's employees, officers,
22 and agents. If the electric vehicle charging station was not
23 installed by a self-installer, then the person or entity that
24 plans to install the electric vehicle charging station shall
25 provide notice to the servicing electric utility prior to
26 installation and when installation is complete and provide any

1 other information required by the Commission's rules
2 established under subsection (d) of this Section. An electric
3 utility shall file a tariff or tariffs with the Commission
4 setting forth the documentation, as specified by Commission
5 rule, that a retail customer who owns, uses, operates, or
6 maintains an electric vehicle charging station must provide to
7 an electric utility.

8 For the purposes of this subsection, an electric vehicle
9 charging station shall constitute a distribution facility or
10 equipment as that term is used in subsection (a) of Section
11 16-128 of this Act. The phrase "self-installer" means an
12 individual who (i) leases or purchases an electric vehicle
13 charging station for his or her own personal use and (ii)
14 installs an electric vehicle charging station on his or her own
15 premises without the assistance of any other person.

16 (e) Fees and penalties collected under this Section shall
17 be deposited into the Public Utility Fund and used to fund the
18 Commission's compliance with the obligations imposed by this
19 Section.

20 (f) The rules established under subsection (d) of this
21 Section shall specify the initial dates for compliance with the
22 rules.

23 (g) The certification of persons or entities that install,
24 maintain, or repair distributed generation facilities and
25 electric vehicle charging stations as set forth in this Section
26 is an exclusive power and function of the State. A home rule

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

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

14 Section 99. Effective date. This Section and the changes to
15 Section 16-128A of the Public Utilities Act take effect upon
16 becoming law."