

# 2023

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## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fire Sprinkler Contractor Licensing Rules
- 2) Code Citation: 41 Ill. Adm. Code 109
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
109.10	Amendment
109.20	Amendment
109.30	Amendment
109.40	Amendment
109.45	New Section
109.60	Amendment
109.70	Amendment
109.80	Amendment
109.100	Amendment
109.110	Amendment
109.123	New Section
109.125	New Section
109.130	Amendment
109.140	Amendment
109.150	New Section
- 4) Statutory Authority: Fire Sprinkler Contractor Licensing Act [225 ILCS 317/50].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule changes add provisions for fire sprinkler inspector licenses, including qualifications and requirements to obtain a fire sprinkler inspector license, and update and streamline other provisions in response to changes to the Fire Sprinkler Contractor Licensing Act [225 ILCS 317] in P.A. 102-0612. These include updating provisions concerning qualifications and requirements to obtain fire sprinkler contractor licenses, compliance standards, unlicensed practice, administrative fines, and administrative appeals. The proposed rules also establish licensing fees for fire sprinkler inspector licenses and increase licensing fees for fire sprinkler contractor licenses.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rule replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this proposed rule contain incorporations by reference? Yes. Copies of the incorporated standards are available for public inspection at:

Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, IL 62703

- 10) Are there any other proposed rulemakings pending on this Part? No

- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the States Mandates Act [30 ILCS 805/3(b)].

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Ashley Vincent  
Division of Legal Counsel  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

Phone: (217) 606-9822  
Facsimile: (217) 524-5487

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact small businesses and small municipalities that participate in this licensing program. These rules are intended to update and streamline the licensing program. Although license fees will increase, this is the first increase in nearly 20 years.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules provide specific requirements to satisfy technical compliance as a licensed fire sprinkler contractor and/or a licensed fire sprinkler inspector.

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- C) Types of professional skills necessary for compliance: Licensees must ensure work performed on fire sprinklers is performed in accordance with incorporated standards.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 23 Construction
  - 44-45 Retail Trade
  - 54 Professional, Scientific, and Technical Services
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- i. Hiring and additional staffing
  - ii. Regulatory requirements
  - iii. Licensing fees
  - iv. Training requirements
  - v. Recordkeeping
- 15) Regulatory Agenda on which this rulemaking was summarized: June 2022

The full text of the Proposed Amendments begins on the next page:

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 109

FIRE SPRINKLER CONTRACTOR AND INSPECTOR LICENSING RULES

Section	
109.10	Purpose
109.20	Applicability of Rules
109.30	Definitions
109.40	Application for <a href="#">Fire Sprinkler Contractor License</a>
<a href="#">109.45</a>	<a href="#">Application for Fire Sprinkler Inspector License</a>
109.50	Communications by Business
109.60	Required Notifications to the Office
109.70	Termination of License
109.80	Display of License and Retention of Sprinkler System Plans
109.90	Availability of Books, Records, Forms and Stationery
109.100	Renewal of License
109.110	Compliance Standards
109.120	Administrative Actions
<a href="#">109.123</a>	<a href="#">Complaints</a>
<a href="#">109.125</a>	<a href="#">Unlicensed Practice</a>
109.130	Administrative <a href="#">Civil</a> Fines
109.140	Appeal of an Administrative Action
<a href="#">109.150</a>	<a href="#">Fees</a>

AUTHORITY: Implementing and authorized by Section 50 of the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

SOURCE: Adopted at 28 Ill. Reg. 9239, effective June 28, 2004; amended at 30 Ill. Reg. 16994, effective October 11, 2006; amended at 38 Ill. Reg. 7938, effective April 15, 2014; amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 109.10 Purpose**

The purpose of this Part is to regulate persons engaged in the business of ~~servicing~~~~installing or repairing~~ fire sprinkler systems, in the interest of safeguarding lives and property.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 109.20 Applicability of Rules**

This Part shall apply to all persons and businesses who desire to engage in fire sprinkler contracting in this State, except as otherwise exempted in subsection (c) of Section 15(~~h~~) of the Act.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.30 Definitions**

The following definitions shall apply to this Part:

"Act" means the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

"Applicant" means an entity that either applies for a fire sprinkler contractor license directly or applies on behalf of a candidate for a fire sprinkler inspector license; for the purpose of a fire sprinkler inspector license, the applicant shall be the fire sprinkler contractor that intends to employ the fire sprinkler inspector.

"Authority having jurisdiction" or "AHJ" means the Office and governmental authorities.

"ASSE" means the American Society of Sanitary Engineering.

"Business" means any person engaged in the business of servicing~~installing or repairing~~ fire sprinkler systems in the State of Illinois.

"Candidate" means a certified or otherwise qualified individual for whom a fire sprinkler contractor has applied to license as a fire sprinkler inspector.

*"Designated certified person" means an individual who has met the qualifications set forth in Section 20 of the Act~~of the Act~~ and who is designated by the fire sprinkler contractor on a full time basis to provide supervision and to assure that each fire sprinkler system is serviced~~installed and repaired~~ in accordance with this Part.*

*"Fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail*

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*on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system and shall be based upon applicable standards pursuant to Section 30 of ~~the Act~~ of the Act.* [225 ILCS 317/10]

*"Fire sprinkler contractor" means a ~~person or business~~ ~~business~~ that holds ~~itself~~ ~~itself~~ out to be in the business of providing service for a fire sprinkler system ~~installing or repairing~~ or contracts with ~~a person or business~~ ~~another business~~ to provide service for ~~install or repair~~ a fire sprinkler system.* [225 ILCS 317/10]

*"Fire sprinkler inspector" means an individual who is qualified to perform routine inspection or testing of fire sprinkler systems pursuant to Section 17 of the Act and who is employed or contracted by a fire sprinkler contractor.* [225 ILCS 317/10]

*"Fire sprinkler system" means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps and associated piping, fire standpipes, or underground fire main systems, starting at the connection to the water service (after the approved backflow device is installed under the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890)) and ending at the most remote fire sprinkler. "Fire sprinkler system" includes but is not limited to a fire sprinkler system in residential, commercial, institutional, educational, public or private occupancy. "Fire sprinkler system" does not include single sprinkler heads that are in a loop of the potable water system, as referenced in 77 Ill. Adm. Code 890.1130 and 890.1200.* [225 ILCS 317/10]

*"Install" or "installation" means the initial placement of the fire sprinkler system or its extension or alteration after initial placement.*

*"License" means a biennial license issued by the Office pursuant to the Act and this Part.*

*"Licensee" means a person or business organization licensed in accordance with ~~the~~ ~~the~~ Act.* [225 ILCS 317/10]



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"NFPA" means the National Fire Protection Association, ~~a nationally recognized standards making organization, having an address at 1 Batterymarch Park, Quincy, Massachusetts 02269-7471.~~

"NICET" means the National Institute for Certification in Engineering Technologies. [225 ILCS 317/10]

"Office" means the Office of the State Fire Marshal.

"Officer" means:

if the business is a sole proprietorship, the owner of the business or any individual ~~person~~ exercising managerial control; ~~or~~

if the business is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control; or

if the business is a corporation, any officer or director of the corporation or any individual ~~person~~ who has at least 10% ownership interest in such corporation or who exercises managerial control.

"Person" means an individual, group of individuals, association, trust, partnership, corporation, limited liability company, firm, business, person doing business under an assumed name, the State of Illinois, or a department thereof, any other State-owned and operated institution, or any other entity. [225 ILCS 317/10]

"Repair" means any work after the initial installation to correct and maintain the fire sprinkler system to provide performance as originally planned.

"Responsible managing employee" means the individual designated ~~"Responsible managing employee" means the individual designated~~ on a full time basis, by the fire sprinkler contractor that is not required to have a designated certified person under Section 120 ~~by the fire sprinkler contractor that is not required to have a certified designated person pursuant to Section 120~~ of the Act, to provide supervision and to assure that each fire sprinkler system is serviced ~~installed and repaired~~ in accordance with this Part. [225 ILCS 317/10]

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"Routine inspection or testing" means inspection or testing to verify the condition of an existing fire sprinkler system at predetermined intervals in accordance with the standards of the National Fire Protection Association. [225 ILCS 317/10]

"Service" means work on a fire sprinkler system, including, but not limited to, installation, repair, inspection, testing, and maintenance. [225 ILCS 317/10]

"State Fire Marshal" means the Executive Director of the Office of the State Fire Marshal of the State of Illinois.

"Supervision" means the direction and management by a designated certified person, or by the responsible managing employee, as applicable, of the activities of certified or non-certified personnel of the fire sprinkler contractor in the service installation or repair of fire sprinkler systems. (Section 10 of the Act) [225 ILCS 317/10]

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.40 Application for Fire Sprinkler Contractor License**

- a) No person or business shall act as a fire sprinkler contractor licensed under the Act, or advertise or assume to act as such, or use any title that suggests the person is engaged in such practice or occupation, unless licensed by the Office.
- b) Any person or business that services any fire sprinkler system must be licensed as a fire sprinkler contractor. If performing routine inspection or testing, then a fire sprinkler inspector license is required, except as provided in subsection (c) of Section 15 of the Act.
- c) License Relationship:
  - 1) A fire sprinkler contractor that performs routine inspection or testing of a fire sprinkler system shall employ at least one licensed fire sprinkler inspector at the time of the routine inspection or testing. A fire sprinkler contractor may hold dual licenses as a fire sprinkler contractor and a fire sprinkler inspector if the individual meets the qualifications for each license separately as set forth in this Part. An individual who:

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- A) holds both a fire sprinkler contractor license and a fire sprinkler inspector license; and
      - B) performs the routine inspection or testing, shall have met the requirement to employ at least one licensed fire sprinkler inspector at the time of the routine inspection or testing.
    - 2) A fire sprinkler contractor shall follow the process set forth in Section 109.60 of this Part regarding notice to the Office of the termination of a fire sprinkler inspector's employment.
  - d) Application for Licensure as a Fire Sprinkler Contractor
    - 1) An applicant for a fire sprinkler contractor license shall submit:
      - A) A completed application form provided by the Office.
        - i) The application shall include the name and address of the business, along with an email address. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
        - ii) The names and personal addresses of all officers of the business applying.
        - iii) If an assumed name is to be used, a copy of the assumed name certificate for the business.
        - iv) The name and personal address of the designated certified person or the responsible managing employee, as applicable.
      - B) Proof of credentials for a designated certified person or responsible managing employee.
        - i) For a designated certified person the applicant shall provide:

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- a copy of the individual's current Illinois Professional Engineers License or current *NICET Level III or higher certification in water-based fire protection systems layout* [225 ILCS 317/17]; and
  - an affirmative statement signed by the individual acknowledging his or her role as the designated certified person for the fire sprinkler contractor. [225 ILCS 317/20(g)].
- ii) For a responsible managing employee, the applicant shall provide:
- the responsible managing employee's qualifications and last three years of work experience;
  - the name, address and telephone number for each person who can verify those qualifications and work experience; and
  - an affirmative statement signed by the individual acknowledging his or her role as the responsible managing employee for the fire sprinkler contractor.
- C) A Certificate of Insurance for *personal injuries of not less than \$500,000 per person or \$1,000,000 per occurrence, and, in addition, not less than \$1,000,000 per occurrence for property damage.* [225 ILCS 317/35] A new certificate of insurance shall be provided to the Office prior to the expiration date of any certificate of insurance in effect during the license period. The certificate of insurance shall provide for the Office to receive written notice of cancellation no less than 30 days in advance of termination of the certificate.
- D) Provide evidence of compliance with the Illinois Workers' Compensation Act [820 ICLS 305].

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- E) An organizational chart for each business location showing the supervisory duties of the designated certified person or responsible managing employee.
- F) A list of each license issued to the applicant by any state, local or federal governmental entity in the previous 3 years to engage in fire sprinkler contracting and a statement of whether the applicant is currently subject to disciplinary action or has been adjudicated to have violated conditions of a license in any jurisdiction.
- G) Additional business documents, as applicable:
- i) A corporation, including limited liability corporations, shall provide evidence of current registration in good standing with the Illinois Secretary of State as an Illinois corporation or evidence of compliance with the Assumed Business Name Act [805 ILCS 405]. A foreign corporation must submit a copy of the Certificate of Authority to transact business in this State.
  - ii) Partnerships shall submit an affidavit stating that the partnership has been legally formed.
  - iii) Limited partnerships shall submit a letter of authority from the Secretary of State's Limited Partnership Department.
- 2) Continuing Education for Renewal
- A) For renewal applications, the designated certified person or responsible managing employee must provide proof that he or she has completed at least 16 hours of continuing education since the issuance of the current license, with at least 8 hours of continuing education completed during each year of the current license.
- B) A designated certified person or responsible managing employee who holds a current license as a professional engineer or has a current NICET certification in water-based fire protection systems layout (Level III or IV) shall be deemed to have met the continuing education requirement.

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- 3) Upon submission of the completed application, including all requisite information and documentation, the Office shall review the application for licensure. The Office shall verify that the applicant is in good standing with the Illinois Department of Revenue.
  - 4) Failure to submit a completed application within 30 calendar days of initial receipt of an application by the Office shall cause the application to expire and a new, completed application must be submitted for review.
  - 5) After reviewing the applicant's completed application, the Office shall invoice the applicant who meets all conditions for licensure for the fee amount in accordance with Section 109.150. No license shall be issued until the applicable fees have been paid.
  - 6) Upon receipt of the requisite fee amount, the applicant shall be assigned a fire sprinkler contractor license number and issued a certificate of licensure. The certificate shall be prominently displayed in the business location of the fire sprinkler contractor, or in a location where the Office or AHJ may readily verify the fire sprinkler contractor is licensed. The certificate shall bear the following information:
    - A) Name and street address of the fire sprinkler contractor;
    - B) The fire sprinkler contractor license number; and
    - C) The date of issuance and date of expiration.
  - 7) If the business has more than one business location from which it will service fire sprinkler systems, then each location that a business contracts business out of shall require:
    - A) a separate designated certified person or responsible managing employee; and
    - B) a separate license.
- e) Maintaining Conditions of Licensure

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- 1) A fire sprinkler contractor is required to maintain in effect the conditions under which the fire sprinkler contractor was licensed, or the license shall be suspended.
  - 2) A fire sprinkler contractor that has required documentation or certifications under subsection (d) that expire or lose effect prior to the date of the license's expiration shall submit proof of replacement to the Office prior to the date on which the documentation or certificates expire.
  - 3) A person working as a fire sprinkler contractor on a suspended license shall be subject to discipline and penalties for such operation.
- a) ~~All applications to obtain a license as a fire sprinkler contractor shall be submitted to the Office on forms provided by the Office and shall include:~~
- 1) ~~The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.~~
  - 2) ~~The names and personal addresses of all officers of the business applying.~~
  - 3) ~~If an assumed name is to be used, a copy of the assumed name certificate.~~
  - 4) ~~The name and personal address of the designated certified person or the responsible managing employee, if applicable, and the following:~~
    - A) ~~For a designated certified person, an original copy of the person's Illinois Professional Engineers License or NICET certification. The original will be returned.~~
    - B) ~~For a responsible managing employee, the business shall provide:~~
      - i) ~~The responsible managing employee's name, qualifications and last three years of work experience; and~~
      - ii) ~~The name, address and telephone number for each person who can verify those qualifications and work experience.~~

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- ~~5) If the business is not required to have a designated certified person pursuant to Section 120 of the Act, the business shall provide:~~
- ~~A) The business' work experience since January 1, 2000, identifying all the jobs in which the business has installed or repaired fire sprinkler systems; and~~
  - ~~B) The name, address and telephone number for each person who can verify that work experience.~~
- ~~6) For the initial license and for each renewal license, a fee of \$1,500.~~
- ~~7) A Certificate of Insurance for personal injuries of not less than \$500,000 per person or \$1,000,000 per occurrence, and for property damage not less than \$1,000,000 per occurrence [225 ILCS 317/35], and proof of worker's compensation insurance. Such insurance coverage shall provide for 30 days' minimum prior to written notice of cancellation to the Office.~~
- ~~8) An organizational chart for each business office showing the supervisory duties of the designated certified person or responsible managing employee.~~
- ~~9) A list of each license issued by any state, local or federal governmental entity in the previous 3 years to engage in fire sprinkler contracting and a statement of whether the licensee is currently subject to disciplinary action or has been adjudicated to have violated a license.~~
- ~~10) Proof of payment of taxes to the Illinois Department of Revenue.~~
- b) ~~A corporation, in addition to the requirements of subsection (a), shall submit the name and address of its registered agent and a copy of its Articles of Incorporation bearing the seal of the officer responsible for registering the corporation under the laws of the applicable jurisdiction. In addition, a foreign corporation must submit a copy of the Certificate of Authority to transact business in this State.~~
- e) ~~Partnerships, in addition to the requirements of subsection (a), shall submit an affidavit stating that the partnership has been legally formed.~~



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- d) ~~Limited partnerships, in addition to the requirements of subsection (c), shall submit a letter of authority from the Secretary of State's Limited Partnership Department.~~
- e) ~~If the business has more than one business location from which it will install or repair fire sprinkler systems, each location shall require a separate designated certified person and a separate license.~~
- f) ~~Upon receipt of the documents required by this Section and review of the application, the Office shall issue a license to engage in fire sprinkler contracting or shall notify the applicant of the reason for the denial of such license.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.45 Application for a Fire Sprinkler Inspector License**

- a) No person shall act as a fire sprinkler inspector, or advertise or assume to act as such, or use any title that suggests the person is engaged in such practice or occupation, unless licensed by the Office.
- b) Any individual that performs routine inspection or testing of fire sprinklers, whether part-time or full-time, must be licensed as a fire sprinkler inspector. An individual exempt from licensing as a fire sprinkler inspector under subsection (c) of Section 17 of the Act shall still perform routine inspection or testing in accordance with compliance standards [225 ILCS 317/17(c)].
- c) No individual who is less than 21 years of age may be licensed as a fire sprinkler inspector.
- d) License Relationship
  - 1) A fire sprinkler inspector shall be employed by a fire sprinkler contractor.
  - 2) A fire sprinkler inspector shall follow the process in Section 109.60 regarding notice to the Office of the termination of a fire sprinkler inspector's employment.
- e) Application for Licensure as a Fire Sprinkler Inspector

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- 1) The application for a fire sprinkler inspector license shall be submitted to the Office by the fire sprinkler contractor that is responsible for the employment of the candidate for fire sprinkler inspector license.
- 2) An applicant on behalf of a candidate for fire sprinkler inspector license shall:
  - A) Submit a completed application form provided by the Office, that includes the name and address of the candidate. The address shall be an actual street address and shall include the city, state, and zip code.
  - B) Submit a copy of the candidate's valid driver's license, valid state identification, or valid passport.
  - C) Submit a digital color photograph of the candidate:
    - i) The photograph must show the candidate from a front view with his or her full-face and head and shoulders visible. The Office shall reject photographs showing the candidate wearing sunglasses, hats, scarves, or any object that obscures the candidate's identity. Photographs must show the candidate wearing plain or company shirts, on a white background. Photographs shall be of sufficient quality to clearly identify the candidate.
    - ii) A candidate seeking a religious exemption to this photo requirement shall submit a set of his or her fingerprints from a Fingerprint Vendor licensed by the Illinois Department of Financial and Professional Regulation with the application in lieu of a photograph. [225 ILCS 317/22]
    - iii) A candidate who is 21 years of age or older seeking a religious exemption to the photograph requirement shall submit with his or her application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. [225 ILCS 317/22]

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- D) Provide proof of the candidate's current certification or other qualifications under this Section, which shall include one of the following:
- i) *A current certification related to inspection and testing of fire sprinkler systems offered by a nationally recognized certification organization that is at an appropriate level. Examples of acceptable certifications include, but are not limited to: NICET certification in Inspection and Testing of Water Based Systems (Level III) and NFPA certification in Water-Based Inspection, Testing, and Maintenance. A copy of the certificate must be submitted to the Office;*
  - ii) *A current ASSE 15010 certification in inspection, testing, and maintenance for water-based fire protection systems by the American Society of Sanitary Engineering. [225 ILCS 317/17]. A copy of the certificate must be submitted to the Office; or*
  - iii) *Completion of a certified sprinkler fitter apprenticeship program approved by the U.S. Department of Labor [225 ILCS 317/17]. Proof of completion must be submitted to the Office.*
- E) A list of each license issued to the candidate by any state, local or federal governmental entity in the previous 3 years to engage in fire sprinkler inspecting or testing and a statement of whether the individual is currently subject to disciplinary action or has been adjudicated to have violated conditions of a license in any jurisdiction.
- F) Continuing Education for Renewal
- i) For renewal applications, the fire sprinkler inspector shall also provide proof that he or she has completed *at least 16 hours of continuing education since the issuance of the current license, with at least 8 hours of continuing education completed during each year of the current license.* [225 ILCS 317/35]

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- ii) A fire sprinkler inspector who holds a current certification under subsection (e)(2)(D)(i) or (ii) shall be deemed to have met the continuing education requirement.
- 3) Upon submission of the completed application, including all requisite information and documentation, the Office shall review the application for licensure.
- 4) Failure to submit a completed application within 30 calendar days of initial receipt of an application by the Office shall cause the application to expire and a new, completed application must be submitted for review.
- 5) After reviewing the applicant's completed application, the Office shall invoice the applicant for a candidate who meets all conditions for licensure for the fee amount in accordance with Section 109.150. No license shall be issued until the applicable fees have been paid.
- 6) Upon receipt of the requisite fee amount, the candidate shall be assigned a fire sprinkler inspector license number and issued an identification card. This identification card shall be carried at all times the individual is engaged in a licensed activity and shall be available to Office personnel or AHJ upon request. The identification card will bear the following information:
  - A) Name of the fire sprinkler inspector;
  - B) Fire sprinkler inspector license number; and
  - C) Date of Issue and Date of Expiration.
- f) Maintaining Conditions of Licensure
  - 1) A fire sprinkler inspector is required to maintain in effect the conditions under which the fire sprinkler inspector was licensed, or the license shall be suspended.
  - 2) A fire sprinkler inspector whose required documentation or certification under subsection (d) expires or loses effect prior to the date of license

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expiration shall submit proof of replacement to the Office prior to the date on which the documentation or certification expire or lose effect.

- 3) A person or business working on a suspended license shall be subject to the discipline and penalties for such operation.

(Source: Added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.60 Required Notifications to the Office**

- a) The fire sprinkler contractor~~business~~ must notify the Office in writing by certified mail within 30 calendar days after any of the following events:
- 1) If~~When~~ 51% or more of the assets, stock or equity of a licensee is sold during a single licensing period, then a~~—A~~ new fire sprinkler contractor license application shall be filed with the Office in accordance with Section 109.40;
  - 2) If there is a change of officers, then the notification shall include the names and personal addresses of all new and current officers~~Officers are changed;~~
  - 3) If there is a~~A~~ change in address of an existing business location that occurs other than~~office. If not~~ at the time of renewal, then the licensee shall submit~~include~~ with the notice a fee in response to an invoice of \$50~~for issuance of a corrected license;~~
  - 4) Whenever there is an addition, departure, or change in the designated certified person or responsible managing employee at a licensee's business location, then the notification shall include all the information and documentation required under Section 109.40(d)(1)(A)(iv);
  - 5) If the fire sprinkler contractor~~The business~~ ceases to operate~~—or ceases to operate under the name on the certificate;~~ or
  - 6) If the fire sprinkler contractor changes its name or business structure, then a new fire sprinkler contractor license application shall be filed with the Office in accordance with Section 109.40~~Any changes in the name of the~~

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~~business. A change in business name requires the registrant to apply for a new license.~~

b) Termination of Fire Sprinkler Inspector Employment

- 1) Upon termination of a fire sprinkler inspector's employment with a fire sprinkler contractor under whom the individual is employed, the fire sprinkler contractor and inspector shall take steps to provide notice to the Office and return the fire sprinkler inspector's identification card.
  - A) Within 5 business days after the termination of employment, the fire sprinkler contractor shall notify the Office, in writing, of the termination of employment.
  - B) The individual whose employment was terminated shall return to the fire sprinkler contractor, within 10 business days after termination of employment, their fire sprinkler inspector identification card issued by the Office.
  - C) Within 30 calendar days after the termination of employment, the fire sprinkler contractor shall destroy the fire sprinkler inspector identification card and provide notice to the Office of the destruction of the fire sprinkler inspector identification card.
- 2) The fire sprinkler inspector license is inactive on the day of termination of employment.
- 3) An individual whose employment with a fire sprinkler contractor was terminated may be eligible for a new fire sprinkler inspector license. A subsequent fire sprinkler contractor may apply for a new fire sprinkler inspector license for such an individual in accordance with Part 109.45.

cb) Notice required by this Section shall be provided~~mailed~~ to:

Office of the State Fire Marshal  
Division of Fire Prevention  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

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(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.70 Termination of License**

- a) A license shall terminate ~~if~~when:
- 1a) The fire sprinkler contractor~~business~~ ceases operation, including ceasing operations under corporate filing;
  - 2b) The fire sprinkler contractor~~business~~ ceases to operate under the name on the license;
  - 3e) The Certificate of Insurance is non-renewed or cancelled;
  - 4d) The license is revoked;
  - 5e) The fire sprinkler contractor~~business~~ fails to fill the vacant position of its designated certified person or responsible managing employee within 180 calendar days after the position becoming vacant; ~~or~~;
  - 6) The fire sprinkler contractor's business structure is amended, changed, or reorganized.
- b) If any fire sprinkler inspector is employed by a fire sprinkler contractor, and the fire sprinkler contractor's licenses is expired, revoked, or suspended, then any fire sprinkler inspector license associated with the fire sprinkler contractor license is subsequently expired, revoked, or suspended as well.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.80 Display of License and Retention of Sprinkler System Plans**

- a) The current fire sprinkler contractor license shall be prominently displayed at the business location~~within the business' office~~. The fire sprinkler inspector license shall be carried at all times when the fire sprinkler inspector is engaged in routine inspection or testing and shall be made available for verification by Office personnel and the AHJ upon request.

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- b) A set of as-built plans and hydraulic calculations, showing details of system piping, calculations, and alarm configurations, must be provided to the building owner or ~~the building owner's~~ his representative by the fire sprinkler contractor when installation is complete.
- c) The fire sprinkler contractor ~~business~~ must maintain a set of as-built plans for the life of the sprinkler system.
- d) Subsequent alterations or additions must be legibly noted on updated plans and provided to the building owner or the building owner's representative by the fire sprinkler contractor, except that, when an alteration involves 20 or fewer sprinklers and all floor areas were protected prior to the alteration, updated plans are not required. Updated plans are required for all alterations involving more than 20 sprinklers and additions to systems protecting previously unprotected areas. Updated plans must be maintained by the fire sprinkler contractor ~~business~~ for the life of the fire sprinkler system.
- e) In addition to the requirements in subsection (c) of Section 109.110 ~~(e)~~, all plans must bear the date of installation, alteration, or addition; the license number of the fire sprinkler contractor ~~business~~; and the name and signature of the designated certified person or responsible managing employee, as applicable, responsible for supervision of the installation, alteration, or addition ~~or, where such person is not required by Section 120 of the Act, the name of the responsible managing employee~~.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.100 Renewal of License**

- a) ~~The expiration and renewal dates for each~~ Each license issued under this Part ~~the Act~~ shall be ~~issued~~ for a ~~period of two-year interval years~~. The Office shall notify the fire sprinkler contractor, by issuance of a ~~A renewal~~ notice, ~~along with the renewal forms, will be sent to the licensee~~ 90 calendar days prior to the expiration of a fire sprinkler contractor license or fire sprinkler inspector license ~~date~~. ~~Upon receipt of the completed renewal forms and the \$1,500 fee, the Office will issue the new license.~~
- b) Failure of a licensee to receive the notice is not a valid reason for operating without a current license. Failure to receive a renewal notice ~~form~~ from the Office



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shall not constitute an excuse for failure to pay the renewal fee or to renew ~~a one's~~ license.

- c) An applicant or candidate for license renewal shall complete an application form provided by the Office in accordance with the licensing provisions set forth in either Section 109.40 or Section 109.45, as applicable.
- d) In addition to the renewal fee, a reinstatement fee ~~of \$100~~ shall be assessed for each license renewal application filed~~business failing to renew within 60 days~~ after the expiration date~~end~~ of the license ~~period~~. The Office may waive the renewal fee and any reinstatement fee for a fire sprinkler contractor license for a sole proprietorship if the owner was on active duty in the military during the time the renewal was due or for a fire sprinkler inspector license if the individual was on active duty in the military during the time the renewal was due.
- d) Any person working on an expired fire sprinkler contractor license shall be subject to discipline and penalties for such operation. If any individual is employed by a fire sprinkler contractor and holds a fire sprinkler inspector license, and the fire sprinkler contractor's license is expired, revoked, or suspended, then any fire sprinkler inspector license associated with the fire sprinkler contractor license is subsequently expired, revoked, or suspended. Any individual working on an expired fire sprinkler inspector license shall be subject to the discipline and penalties for such operation. A fire sprinkler contractor that permits an individual (employed by the fire sprinkler contractor) to perform routine inspection or testing without a current license shall also be subject to discipline and penalties.~~Each designated certified person or responsible managing employee must provide proof that he or she attended at least 8 hours of continuing education for each year of the current license.~~
- e) Failure to renew an expired license within one year after the expiration date of the license shall terminate the license. A terminated license may not be renewed; however, a person or business whose previous fire sprinkler contractor license has been terminated may apply for a new license. A fire sprinkler contractor may apply for a new license for an individual whose previous fire sprinkler inspector license has terminated.~~For each duplicate license requested, the fee shall be \$50.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.110 Compliance Standards**

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- a) The fire sprinkler system shall be serviced (including installed, repaired, inspected, tested, and maintained) in accordance with the edition of the following copyrighted standards and recommended practices in effect at the time of service~~installation or alteration~~. These standards are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269-7471.

[NFPA 11 – Standard for Low-, Medium-, and High-Expansion Foam](#)

~~1)~~NFPA 13 – Standard for the Installation of Sprinkler Systems;

~~2)~~NFPA 13D – Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes;

~~3)~~NFPA 13R – Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies~~up to and Including Four Stories in Height~~;

~~4)~~NFPA 14 – Standard for the Installation of Standpipe and Hose Systems;

~~5)~~NFPA 15 – Standard for Water Spray Fixed Systems for Fire Protection;

~~6)~~NFPA 16 – Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems;

~~7)~~NFPA 20 – Standard for the Installation of Stationary ~~Fire~~-Pumps of Fire Protection;

~~8)~~NFPA 22 – Standard for Water Tanks for Private Fire Protection;

~~9)~~NFPA 24 – Standard for the Installation of Private Fire Service Mains and Their Appurtenances;

~~10)~~NFPA 25 – Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

- b) All equipment used in the service~~installation or repair~~ of a fire sprinkler system shall be tested and approved by either the Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc.

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- c) *Fire sprinkler system layout documents of fire sprinkler systems, ~~as defined in Section 10 of the Act~~, shall be prepared by:*
- 1) *a professional engineer who is licensed under the Professional Engineering Practice Act of 1989 [225 ILCS 312]; ~~or~~*
  - 2) *an architect who is licensed under the Illinois Architecture Practice Act of 1989 [225 ILCS 305]; or*
  - 3) *a holder of a valid NICET Level III or IV ~~level 3 or 4~~ certification in water-based fire protection systems ~~technology automatic sprinkler system~~ layout who is either licensed under the ~~the~~ Act or employed by an organization licensed under the ~~the~~ Act. [225 ILCS 317/1415(j)] All design drawings of engineered fire sprinkler systems shall be stamped by an Illinois licensed professional engineer or architect prior to submittal to the authority having jurisdiction.*

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.123 Complaints**

- a) All complaints concerning violations regarding licensees or unlicensed activity shall be submitted to the Office, Division of Fire Prevention, in writing.
- b) The Office shall log all complaints received under this Section.

(Source: Added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.125 Unlicensed Practice**

- a) Allegations of wrongdoing on the part of a fire sprinkler contractor or a fire sprinkler inspector, or one who is holding themselves out to be a fire sprinkler contractor or fire sprinkler inspector, may be investigated by the Office.
- b) A determination by the Office that an entity or individual has represented themselves as a licensee under the Act, and does not hold a current, valid license, or who is not exempt from licensing requirements set forth in the Act, may result in a civil penalty up to \$10,000. The Office, prior to assessing a civil penalty,

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shall hold an administrative hearing to determine the whether the allegation is credible, and the amount of the civil penalty. [225 ILCS 317/62]

- c) The Office, in the name of the People and through the Attorney General, the State's Attorney of any county, any interested resident of the State, or any interested legal entity within the State, may petition the court with appropriate jurisdiction for an order seeking injunctive relief to enjoin from practicing a licensed activity:
- 1) any person, firm, association, or corporation who has not been issued a license, or whose license has been suspended, revoked, or not renewed; [225 ILCS 317/90]; or
  - 2) any person found guilty by the hearing officer of the offenses outlined in Section 60 of the Act [225 ILCS 317/60].

(Source: Added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.130 Administrative Civil Fines**

- a) The ~~Office State Fire Marshal~~ may assess an administrative civil fine~~penalty~~ against any licensee~~person~~ who violates the Act or this Part.
- b) Issuance of Administrative Civil Fine~~Citation~~
  - 1) The ~~Office State Fire Marshal~~ may issue an administrative civil fine~~citation~~ and serve the administrative civil fine~~citation~~ on the licensee~~person~~ by sending notice of the violation by certified mail or personal service to the address listed on the application for license. Each administrative civil fine~~citation~~ shall be in writing and shall specifically describe the nature of the violation and its location and shall include a reference to the particular provision~~section~~ of the law, rule or standard alleged to have been violated. The citation shall also state the amount of the fine and the process for appeal.
  - 2) Administrative civil fines~~citations and penalties~~ issued under this Section shall not limit the authority of the ~~Office State Fire Marshal~~ under other sections of law to issue orders, revoke licenses~~permits~~, stop work on

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~~installation construction, order the disconnection of electrical power,~~ or take any other appropriate enforcement action.

- c) In assessing the ~~administrative civil fine~~ penalty, the ~~Office State Fire Marshal or a duly authorized representative~~ shall consider the seriousness of the violation, whether the violation was corrected after notification ~~to~~ of the ~~fire sprinkler contractor or fire sprinkler inspector~~, and whether the ~~licensee person~~ has been fined for the same or similar violations in the past. ~~The administrative civil fines~~ Fines levied under this Section shall not exceed \$1,000 ~~per violation~~.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.140 Appeal of an Administrative Action**

- a) Any person aggrieved by a decision, order or ruling of the Office may, as a matter of right, appeal such action.
- b) All appeal requests shall:
- 1) Be in writing;
  - 2) Contain an address, ~~and~~ telephone number, ~~and email address~~ where the appellant may be notified of the time and place of the hearing; and
  - 3) Set forth the reasons why the action of the ~~Office State Fire Marshal~~ should be reversed or modified.
- c) Appeals from a decision, order or ruling of the ~~Office State Fire Marshal~~ shall be instituted by filing a written request for a hearing, ~~pursuant to 41 Ill. Adm. Code 240~~, no later than 10 ~~calendar~~ days following receipt of the notice of the action. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.
- d) The appeal request shall be mailed to:

Office of the State Fire Marshal  
Attn: Legal Division  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259

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- e) In the event of a timely written appeal, the Office shall conduct an administrative hearing governed by this Section. Notice of the time and place for any hearing shall be given to any party concerned at least 30 calendar days prior to the hearing date. If an attorney, through written communication, is known to represent any party to a hearing, then notice is to be given to that attorney. A corporation, limited liability company, professional limited liability company, or partnership must appear by legal counsel, licensed to practice in the State of Illinois or appearing pro hac vice, who must file an appearance with the Office. Notice sent to the last known address by U.S. mail, registered or certified, addressed to all parties or their agents appointed to receive service of process, or their attorneys when applicable, is sufficient.
- 1) The notice of hearing shall include the following:
- A) The date, time, place, and nature of the hearing.
  - B) A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - C) A reference to the particular Section or Sections of the substantive and procedural statutes and rules involved.
  - D) A short and plain statement of the matters asserted, the consequences of a failure to respond, and the case number or file number.
  - E) To the extent such information is available, the names, phone numbers, email addresses, and mailing addresses of the parties and designated agency contact, and if known, of any assigned hearing officer.
- 2) Document Exchange. At any pre-hearing conference, or if none, at least 7 days prior to the start of the hearing, the parties shall exchange a list of those witnesses who may testify at hearing and any exhibits or documents that may be identified at hearing.

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- 3) Continuances. A hearing officer may, for good cause, grant a continuance at the request of a party or a continuance on the hearing officer's own motion.
- 4) Default. Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Office shall constitute a default and the civil fine appealed from shall become final. Appeals, petitions, motions or other requests for relief that are not prosecuted diligently may be dismissed for want of prosecution.
- 5) At the close of the evidence, or upon receiving the recommended decision of the hearing officer with findings of fact and conclusions of law, the Office shall enter an order to sustain, modify, or revoke the citation. Any appeal by the petitioner from such Office final order shall be *subject to judicial review under the provisions of the Administrative Review Law [735 ILCS 5/Art. III] and this Part. [225 ILCS 217/100] Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides or, if the party applying for review is not a resident of Illinois, shall be commenced in the circuit court in Sangamon County. [225 ILCS 217/100]*
- f) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, or consent order. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section; however, notice of such an informal disposition must be presented to the Office within 20 calendar days of the citation being served.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 109.150 Fees**

- a) License fees shall be as follows:
  - 1) Fire Sprinkler Contractor License Fees
    - A) Initial License: \$3,000
    - B) Renewal of License (before or on expiration date): \$3,000

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C) License Reinstatement (Late filing fee): \$500

D) Renewal of License (after expiration date): \$3,500

2) Fire Sprinkler Inspector License Fees

A) Initial License: \$500

B) Renewal of License (before or on expiration date): \$500

C) License Reinstatement (Late filing fee): \$100

D) Renewal of License (after expiration date): \$600

b) All fees are non-refundable except that Office shall refund accidental overpayment of fees.

(Source: Added at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)