

# 2023

# ILLINOIS

# REGISTER

Rules of  
Governmental Agencies



Volume 47, Issue 45

November 13, 2023

Pages 15873-16129

Index Department  
Administrative Code Division  
111 E. Monroe St.  
Springfield, IL 62756  
217-782-7017

Printed by authority of the State of Illinois. November – 70 – I Pub 35.1

PUBLISHED BY ALEXI GIANNOULIAS • SECRETARY OF STATE

## TABLE OF CONTENTS

November 13, 2023 Volume 47, Issue 45

### PROPOSED RULES

#### HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

##### Multifamily Rental Housing Grant Programs

47 Ill. Adm. Code 315.....15873

### ADOPTED RULES

#### CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

##### Licensing Standards for Day Care Centers

89 Ill. Adm. Code 407.....15896

#### EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY, ILLINOIS

##### Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises

32 Ill. Adm. Code 501.....15909

#### HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

##### Federal Emergency Rental Assistance Program

47 Ill. Adm. Code 378.....15915

#### NATURAL RESOURCES, DEPARTMENT OF

##### Sport Fishing Regulations for the Waters of Illinois

17 Ill. Adm. Code 810.....15925

#### STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

##### The Administration and Operation of the State Employees' Retirement System of Illinois

80 Ill. Adm. Code 1540.....16043

#### STATE FIRE MARSHAL, OFFICE OF THE

##### Fire Equipment Distributor and Employee Standards

41 Ill. Adm. Code 251.....16058

##### Fire Equipment Administrative Procedures (Repealer)

41 Ill. Adm. Code 280.....16105

#### STATE UNIVERSITIES CIVIL SERVICE SYSTEM, OF ILLINOIS

##### Public Information, Rulemaking and Organization

2 Ill. Adm. Code 5350.....16107

### AGENCY REFUSAL IN RESPONSE TO A STATEMENT OF OBJECTION

#### CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

##### Licensing Standards for Day Care Centers

89 Ill. Adm. Code 407.....16115

### SECOND NOTICES RECEIVED

#### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....16118

### OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Fire Equipment Distributor and Employee Standards
- 2) Code Citation: 41 Ill. Adm. Code 251
- 3) 

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 251.10                  | Amendment               |
| 251.20                  | Amendment               |
| 251.25                  | Amendment               |
| 251.30                  | Amendment               |
| 251.40                  | Amendment               |
| 251.50                  | Amendment               |
| 251.70                  | Amendment               |
| 251.75                  | New Section             |
| 251.80                  | Amendment               |
| 251.90                  | Amendment               |
| 251.100                 | Amendment               |
| 251.110                 | Amendment               |
| 251.120                 | Repealed                |
| 251.210                 | New Section             |
| 251.220                 | New Section             |
| 251.230                 | New Section             |
| 251.240                 | New Section             |
| 251.250                 | New Section             |
| 251.260                 | New Section             |
| 251.300                 | New Section             |
| 251.310                 | New Section             |
| 251.320                 | New Section             |
| 251.330                 | New Section             |
| 251.340                 | New Section             |
| 251.350                 | New Section             |
| 251.360                 | New Section             |
| 251.370                 | New Section             |
- 4) Statutory Authority: Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217/30].
- 5) Effective Date of Rule: October 26, 2023
- 6) Does this rulemaking contain an automatic repeal date? No

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the Adopted Rule, including any matter incorporated by reference, is on file in the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois 62703, and is available for public inspection at that location.
- 9) Notice of Proposal published in the *Illinois Register*: 47 Ill. Reg. 4251; March 31, 2023
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Changes made between the proposed and adopted versions: Minor non-substantive grammar and formatting revisions were requested by JCAR in Sections 251.20, 251.25, 251.30, 251.40, 251.50, 251.210, 251.220, 251.230, 251.240, 251.250, 251.260, 251.310, 251.340, 251.350, 251.360, and 251.370. In Section 251.240(a)(1), changed "on which employment was terminated." to "of termination. The terminated individual may also notify the Office, but that does not relieve the distributor of the responsibility to notify the Office.". In Section 251.360, add "17) failure to perform service in accordance with industry standards incorporated in this Part or adopted by authorities having jurisdiction. b) The Office may refuse to issue or renew a license to any applicant for failure to meet licensing standards or for any reason listed in this Section."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending to this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking combines provisions from 41 Ill. Adm. Code 280 (Fire Equipment Administrative Procedures) into 41 Ill. Adm. Code 251 and updates provisions throughout, streamlining the administration of the fire equipment distributor licensing program. The rulemaking updates the statutory authority to the Fire Equipment Distributor and Employee Regulation Act of 2011 (the Act) (225 ILCS 217). These adopted rules: transition the licensing program to a triennial program, clarify that fire equipment employees are sponsored under the fire equipment distributor's license, update the fees for licenses, update National Fire Protection Association (NFPA) standards incorporated in the rules, update the requirements and language for fire equipment distributor license applications pursuant to 225 ILCS 217/40, update trainee

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

registration requirements, clarify provisions related to hydrostatic testing, and revise procedures and terminology to reflect the current operations of the program and industry. Pursuant to 225 ILCS 217/83, this rulemaking also created procedures for issuing citations to anyone who violates the Act or rules and the related hearing process.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ashley Vincent  
Legal Division  
Attn: Part 2120 Rules  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, IL 62703

(217) 606-9822  
Fax: (217) 524-5487  
Ashley.Vincent@illinois.gov

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

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

PART 251  
FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS

SUBPART A: GENERAL

|               |   |
|---------------|---|
| Section       |   |
| 251.10        | Scope   |
| 251.20        | Definitions   |
| 251.25        | Incorporations by Reference   |
| 251.30        | Trainee   |
| 251.40        | Tagging   |
| 251.50        | Certification Tags  |
| 251.60        | Tamper Seals  |
| 251.70        | Labeling  |
| <u>251.75</u> | <u>Service Documents</u>  |
| 251.80        | Subcontracting  |
| 251.90        | Portable Fire Extinguishers   |
| 251.100       | Pre-Engineered Fire Suppression Systems   |
| 251.110       | Engineered Fire Suppression Systems   |
| 251.120       | Existing Dry Chemical and Wet Chemical Fire Extinguishing Systems <u>(Repealed)</u> |

SUBPART B: LICENSING

|                |   |
|----------------|---|
| <u>Section</u> |   |
| <u>251.210</u> | <u>Classes of Licenses</u>                |
| <u>251.220</u> | <u>Fire Equipment Distributor License</u> |
| <u>251.230</u> | <u>Fire Equipment Employee License</u>    |
| <u>251.240</u> | <u>Termination of Employment</u>          |
| <u>251.250</u> | <u>Fees</u>                               |
| <u>251.260</u> | <u>Exemptions to Licensing</u>            |

SUBPART C: VIOLATIONS AND PENALTIES

|                |                                 |
|----------------|---------------------------------|
| <u>Section</u> |                                 |
| <u>251.300</u> | <u>Citations</u>                |
| <u>251.310</u> | <u>Citation Penalty Process</u> |

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

|                         |   |
|-------------------------|---|
| <a href="#">251.320</a> | <a href="#">Procedures for Citations</a>  |
| <a href="#">251.330</a> | <a href="#">Status of Licensed Distributor and Unlicensed Distributor During Appeal of Citation</a> |
| <a href="#">251.340</a> | <a href="#">Complaints and Investigations</a>   |
| <a href="#">251.350</a> | <a href="#">Hearing Procedures for Formal Charges</a>   |
| <a href="#">251.360</a> | <a href="#">Grounds for Revocation, Suspension or Refusal to Issue a License</a>                    |
| <a href="#">251.370</a> | <a href="#">Sanctions to be Imposed for Violators</a>   |

AUTHORITY: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217].

SOURCE: Adopted at 32 Ill. Reg. 4179, effective March 5, 2008; amended at 32 Ill. Reg. 16860, effective October 1, 2008; amended at 47 Ill. Reg. 16058, effective October 26, 2023.

SUBPART A: GENERAL**Section 251.10 Scope**

This Part provides minimum requirements for licensed fire equipment distributors (Class A, B and C), and licensed [fire equipment](#) employees (Class 1, ~~2I~~, ~~2K~~ and 3), for servicing, recharging, [hydrostatic hydro](#)-testing, installing, repairing, replacing, maintaining or inspecting of all types of [fire equipment](#)~~fire extinguishers and fire suppression devices or systems~~.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.20 Definitions**

"Act" ~~means the:~~ ~~The~~ Fire Equipment Distributor and Employee Regulation Act of ~~2011~~~~2000~~ [225 ILCS ~~217~~~~216~~].

"Applicant" ~~means the entity that submits an application for a license. The applicant for any fire equipment employee license shall be the fire equipment distributor that intends to employ the candidate for fire equipment employee license.~~

"Approved" ~~means meeting:~~ ~~Meeting~~ the requirements of the ~~Illinois State Fire Marshal's~~ Office contained in this Part.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

"Authority Having Jurisdiction" or "AHJ" means the Office and governmental authorities.

"Candidate" means a certified individual for whom a fire equipment distributor has applied to license as a fire equipment employee.

"Citation" means a notice of fine or penalty related to a violation of the Act or this Part.

"Engineered Fire Suppression System" or "Engineered System" means any detection and special agent fire suppression system requiring individual calculation and design, the components of which have been tested and listed or approved by a nationally recognized testing laboratory. The design of the system must be within the manufacturer's parameters for the fire suppression system and components to protect a specific hazard. The design shall meet the applicable fire protection codes and standards. Engineered fire suppression systems shall not include a fire sprinkler system under the Fire Sprinkler Contractor Licensing Act [225 ILCS 317].

"Fire Equipment Distributor" or "Distributor" means any: ~~Any~~ person, company or corporation that services, recharges, hydrostatic ~~hydro~~-tests, inspects, installs, maintains, alters, repairs, or replaces fire equipment ~~fire extinguishers and/or fire suppression devices or systems other than water sprinklers~~. The term does not include a person, company or corporation that only performs hydrostatic testing of ~~hydro-test~~ cylinders ~~that store extinguishment materials~~. The term does not include a fire equipment manufacturer.

"Fire Equipment Distributor License" means a license issued to a fire equipment distributor in accordance with the conditions established by the Act and this Part.

*"Fire equipment" means any portable or fixed fire extinguishing device or system other than a fire sprinkler system under the Fire Sprinkler Contractor Licensing Act [225 ILCS 317]. [225 ILCS 217/5]*

"Fire Equipment Employee" means an individual who is currently employed by a fire equipment distributor licensed under the Act, whose duties include servicing, recharging, hydrostatic testing, installing, maintaining or inspecting fire equipment.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

"Fire Equipment Employee License" means a license issued to an individual employed by a fire equipment distributor and certified to service, recharge, install, maintain or inspect all types of fire suppression devices or systems in accordance with the conditions established by the Act and this Part.

"Governmental Authorities" means those entities that are a unit of government that enforce laws, regulations or ordinances within its specific geographical area. This includes, but is not limited to, fire departments, fire protection districts, and building departments.

"ICC" means the International Code Council.

~~"Employee": A licensee or person who is currently employed by a distributor licensed under the Act, whose full or part time duties may include servicing, recharging, hydro testing, installing, maintaining or inspecting fire extinguishers and/or fire suppression devices or systems other than water sprinkler systems.~~

~~"Engineered Fire Suppression Systems": Any detection and special agent fire suppression system requiring individual calculation and design, the components of which have been tested and listed or approved by a nationally recognized testing laboratory. The design of the system must be within the manufacturer's parameters for the fire suppression system and components to protect a specific hazard. The design shall meet the applicable fire protection codes and standards. Engineered fire suppression systems shall not include water sprinkler systems.~~

~~"License" means a~~ or ~~"Licensed": The license issued by the Office pursuant to this Part~~ the Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280).

~~"Maintenance" means the:~~ The thorough examination of all components of fire equipment ~~a fire extinguisher or fire suppression device or system~~ by a fire equipment properly licensed employee to ensure the fire equipment fire extinguisher and/or fire suppression device or system will operate effectively and safely in accordance with the relevant NFPA standard or standards adopted in this Part.

"NAFED" means the National Association of Fire Equipment Distributors. [225 ILCS 217/5]

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

"NICET" means the National Institute for Certification in Engineering Technologies. [225 ILCS 217/5]

"NFPA" means the: ~~The~~ National Fire Protection Association.

"Office" means the ~~or "OSFM": The~~ Office of the Illinois State Fire Marshal.

"Officer" means an individual within a business who, if the business is a:

sole proprietorship, then the owner of the business or any individual exercising managerial control; or

partnership, then any partner who has at least 10% ownership interest or any partner who exercises managerial control; or

corporation or any other business entity, then any corporate officer or director of the corporation or any individual 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, unit of local government or any other entity.

"Portable Fire Extinguisher" means a: ~~A~~ portable device, carried or on wheels and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire.

"Pre-Engineered Fire Suppression System" or "pre-engineered system" means a: ~~A~~ fire suppression system having predetermined flow rates, nozzle pressures, and quantities of extinguishing agents. These systems may have specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings and number and types of nozzles prescribed by a testing lab. The hazards protected by these systems are specifically limited as to type and size by a testing lab based upon actual fire tests. Limitations on hazards that can be addressed by a system are contained in the manufacturer's installation manual, which is referenced as part of the listing.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

"Requalifier Identification Number" or "RIN" means a code assigned by USDOT PHMSA to uniquely identify a cylinder requalification, repair, or rebuilding facility.

"Service" means work, including, but not limited to, recharging, repairing, installing, maintaining, inspecting, altering, and replacing fire equipment within the scope of the Act and this Part.

"Trainee" ~~means an:~~ ~~An~~ individual who is employed by a licensed fire equipment distributor and is training under the direct supervision of a licensed fire equipment ~~an~~ employee who is licensed in the same class for which the trainee is training ~~has applied or will apply in accordance with this Part and the Fire Equipment Administrative Rules.~~

~~"UL": Underwriters Laboratory.~~

"USDOT PHMSA" means the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.25 Incorporations by Reference**

- a) The following NFPA standards are hereby incorporated by reference:

National Fire Protection Association, 1 Batterymarch Park, Quincy MA  
~~02169029169~~-7471 (617)770-3000.

NFPA 10: Standard for Portable Fire Extinguishers (~~2007~~2022).

NFPA 11: Standard for Low-, Medium-, and High-Expansion Foam (~~2005~~2021).

NFPA 12: Standard on Carbon Dioxide Extinguishing Systems (~~2008~~2022).

NFPA 12A: Standard on Halon 1301 Fire Extinguishing Systems (~~2004~~2022).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

NFPA 17: [Standard for Dry Chemical Extinguishing Systems \(2021~~2002~~\)](#).

NFPA 17A: [Standard for Wet Chemical Extinguishing Systems \(2021~~2002~~\)](#).

NFPA 72: National Fire Alarm [and Signaling Code \(2022~~2007~~\)](#).

[NFPA 75: Standard for the Protection of Information and Technology Equipment \(2020\)](#).

NFPA 96: [Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations \(2021~~2008~~\)](#).

NFPA 750: [Standard on Water Mist Fire Protection Systems \(2019~~2006~~\)](#).

[NFPA 770: Standard on Hybrid \(Water and Inert Gas\) Fire-Extinguishing Systems \(2021\)](#).

NFPA 2001: [Standard on Clean Agent Fire Extinguishing Systems \(2022~~2008~~\)](#).

[NFPA 2010: Standard on Fixed Aerosol Fire-Extinguishing Systems \(2020\)](#).

- b) All materials incorporated by reference in this Section are incorporated as of the date specified and include no later editions or amendments.
- c) [\*A home rule unit may not regulate the service of fire equipment in a manner less restrictive than the regulation by the State on the service of fire equipment under the Act. \[225 ILCS 217/14\]\*](#)

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.30 Trainee**

- a) [Fire equipment distributors may employ trainees for purposes of training in a classification for which the fire equipment distributor is licensed for a period not](#)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

to exceed one year. The one-year period begins on the date the application for trainee registration is first received by the Office.

- b) All work performed by a trainee shall be supervised by a fire equipment employee who is licensed in the same class for which the trainee is training and who is employed by the same fire equipment distributor that employs the trainee.
- c) Trainees shall not tag fire equipment.
- d) No individual who is less than 18 years of age may be a trainee.
- e) Any fire equipment distributor that employs a trainee shall register the trainee. A fire equipment distributor shall submit a completed application for trainee registration to the Office in a manner prescribed by the Office, within 30 calendar days of beginning the training.
  - 1) The application for trainee registration shall include, for each class of fire equipment employee licensure for which the trainee will be training:
    - A) The name and license number of the fire equipment distributor;
    - B) The name and contact information for the trainee;
    - C) The class of fire equipment employee licensure; and
    - D) The name and license number of a fire equipment employee with whom the trainee will be training.
  - 2) The application for trainee registration shall be signed by an officer of the fire equipment distributor and the trainee.
  - 3) The fire equipment distributor shall also include with the application for trainee registration a copy of the trainee's valid driver's license, valid state identification with date of birth and address, or valid passport.
- f) Upon submission of the completed application for trainee registration, including all requisite information and documentation, the Office will review the application.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- g) Failure to submit a completed application for trainee registration within 30 calendar days of initial receipt of the application by the Office will cause the application to expire and a revised, completed form must be submitted for review. This shall not extend the date of the beginning of the one-year trainee training period, which shall remain the date that the original application for trainee registration was first received by the Office.
- h) After reviewing the completed application for trainee registration, the Office will invoice the fire equipment distributor for the trainee who meets all conditions for registration for the fee amount in accordance with Section 251.250. No trainee shall be registered until the applicable fees have been paid.
- i) Fire equipment distributors may add to or change the classes of registration of their trainees by submitting an additional application to the Office within 30 calendar days after the addition or change taking effect.
- j) The fire equipment distributor shall submit a completed change of status notification form to the Office in a manner prescribed by the Office within 30 calendar days after any of the following:
  - 1) Removing a class from a trainee's registration;
  - 2) The termination of employment of a trainee; or
  - 3) The trainee has passed an examination for any certification that may qualify an individual for a fire equipment employee license.

~~All work performed by a trainee shall be supervised by an employee who is licensed in the same class for which the trainee is applying. The distributor's and employee's license numbers shall appear on all tags and labels as required by Section 251.40.~~

- a) ~~The distributor shall, within 90 days after employment, submit an application to OSFM for an employee to obtain a license for the class in which the employee will be training.~~
- b) ~~If an individual neglects, fails or refuses to take the requisite examination within one year after the distributor files the application, the fee paid pursuant to 41 Ill. Adm. Code 280.30 shall be forfeited. However, the trainee may make a new application for examination, accompanied by the required fee.~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~Within 30 days after the termination of a trainee, the distributor shall notify OSFM in writing.~~

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.40 Tagging**

- a) A certification tag shall be affixed to ~~the side of~~ the portable fire extinguisher or fire suppression system when the extinguisher or system is installed or modified, or when maintenance is performed.
- b) All certification tags that are exposed to the outdoor elements shall be enclosed in a ~~plastic~~ tag protector, unless the certification tag is made of a weather resistant material.
- c) On pre-engineered or engineered fire suppression systems, the certification tag shall be attached and visible at the suppression unit and at the point of manual activation or inspection.
- d) Tagging of fire equipment shall be performed only by a licensed fire equipment employee.
- e) Certification tags shall conform to all specifications and requirements listed in Section 251.50.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.50 Certification Tags**

- a) An affixed certification tag indicates that the fire equipment ~~fire extinguisher or fire suppression system~~ was thoroughly checked and found to meet all requirements of this Part at the time the tag was affixed.
- b) Certification tags shall meet the following specifications:
- 1) Minimum Size: 2<sup>5</sup>/<sub>8</sub>" x 5<sup>1</sup>/<sub>4</sub>".
  - 2) The year of certification shall be printed in a minimum of 1/2" in height.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- c) The certification tag shall have only one year printed on it.
- d) Certification ~~service~~-tags shall bear the following information on the front of the tag:
- 1) "Do Not Remove by Order of the State Fire Marshal".
  - 2) A legible, printed name ~~Signature~~ of the fire equipment employee person who performed the maintenance on the fire equipment ~~extinguisher or system~~. The use of a ~~signature~~-stamp is allowed.
  - 3) License ~~State license~~-number of the fire equipment employee person-who performed the maintenance.
  - 4) Name ~~of the distributor~~, ~~State~~-license number, street address, city, state and phone number of the fire equipment distributor.
  - 5) Type of maintenance performed (shall be punched).
  - 6) Month and year the fire equipment is serviced (shall be punched).
  - 7) The USDOT PHMSA cylinder Requalifier Identification Number shall be included on all hydrostatic testing labels. ~~Department of Transportation approval number (if applicable)~~.
  - 8) Type of fire extinguisher ~~item~~ serviced (shall be punched) (fire extinguisher only).
  - 9) Type of system (shall be punched) (engineered or pre-engineered systems only).
- e) The certification tags shall be the following color for the respective calendar year in which the tag is affixed:
- 1) Blue - 2023, 2027, 2031 ~~2008 — White~~
  - 2) White - 2024, 2028, 2032 ~~2009 — Yellow~~



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) ~~Yellow - 2025, 2029, 2033~~~~2010~~—~~Green~~
- 4) ~~Green - 2026, 2030, 2034~~~~2011~~—~~Blue~~
- 5) ~~2012~~—~~White~~
- 6) ~~2013~~—~~Yellow~~

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.70 Labeling**

- a) All labels shall be placed on the side of the fire extinguisher or suppression system cylinder, creating an unobstructed view for inspection.
- b) All labels shall contain the following minimum information:
  - 1) Name and license number of the fire equipment distributor.
  - 2) Name and license number of the fire equipment employee performing the service.
  - 3) Type of service performed (shall be punched, if applicable).
  - 4) The date the service was performed (shall be punched, if applicable).
  - 5) Each stored pressure extinguisher that has undergone maintenance that includes internal examination shall have a verification-of-service collar located around the neck of the cylinder.
  - 6) Name and USDOT PHMSA cylinder Requalifier Identification Number of the hydrostatic testing provider shall be listed on the label.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.75 Service Documents**

All service documents provided to the customer or AHJ shall include the name and license number of the fire equipment distributor and fire equipment employee performing the service.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.80 Subcontracting**

- a) When a fire equipment distributor subcontracts any work that is covered by the Act, with the exception of hydrostatic ~~hydro~~-testing only, the subcontractor must be licensed and meet the requirements of the Act and this Part, ~~and shall so state on an affidavit maintained in the distributor's office files.~~
- b) Where this Part requires the name and/or license number of the fire equipment distributor be included, such as on tags or labels, a subcontractor shall use the subcontractor's own fire equipment distributor and fire equipment employee license numbers.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.90 Portable Fire Extinguishers**

- a) Portable fire extinguishers shall be installed, maintained, repaired, recharged, hydrostatic ~~hydro~~-tested, serviced, inspected and replaced in accordance with NFPA 10 and any other applicable standards; incorporated by reference in Section 251.25. ~~The Office~~ OSFM recommends that the building owner perform a monthly visual inspection of the portable fire extinguisher ~~extinguisher~~.
- b) Portable fire extinguishers ~~shall~~ may only be installed, maintained, repaired, recharged, ~~hydro-tested~~, serviced, inspected and replaced by a ~~licensed Class A distributor~~/Class 1 licensed fire equipment employee of a Class A licensed fire equipment distributor.
- c) Automatic fire extinguisher units having self-contained automatic detection and actuation, ~~with a providing the unit's~~ limited discharge piping network that cannot be modified in the field, ~~shall~~ may only be maintained, repaired, recharged, ~~hydro-tested~~, serviced, inspected and replaced by a ~~licensed Class A distributor~~/Class 1 licensed fire equipment employee of a Class A licensed fire equipment distributor or a Class 2 licensed fire equipment employee of a Class B licensed fire equipment distributor.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- d) Wheeled, stationary and skid mounted fire extinguisher units, with or without quick opening valves and provided they are manually operated, shall be classified as portable fire extinguishers and ~~shall may only~~ be maintained, repaired, recharged, ~~hydro tested~~, serviced, inspected and replaced by a ~~licensed Class A distributor~~/Class 1 licensed fire equipment employee of a Class A licensed fire equipment distributor.
- e) Carbon dioxide, dry chemical, wet chemical, and Halon 1211 and 1301 cylinders that are part of a fire suppression system may be recharged ~~and hydro tested~~ by a Class 1 licensed fire equipment employee of a licensed Class A licensed fire equipment distributor/~~Class 1 licensed employee~~. The fire suppression system, however, shall be serviced by a ~~licensed Class B or licensed Class C distributor~~/Class 2 licensed fire equipment employee of a Class B licensed fire equipment distributor or a Class 3 licensed fire equipment employee of a Class C licensed fire equipment distributor, whichever is applicable.
- f) All portable fire extinguishers shall have a pictorial classification decal affixed to the front of the extinguisher, if such pictorial markings are not already provided on the manufacturer's label. Markings shall be applied by decals that are durable and color-fade-resistant on a single label. Such markings shall comply with NFPA 10, Appendix B.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.100 Pre-Engineered Fire Suppression Systems**

- a) Pre-engineered kitchen fire suppression systems ~~shall may only~~ be installed, maintained, repaired, recharged, ~~hydro tested~~, serviced, inspected and replaced by a ~~licensed Class B distributor~~/Class 2K licensed fire equipment employee of a Class B licensed fire equipment distributor, except as otherwise specified in this Section.
- b) Pre-engineered industrial fire suppression systems shall be installed, maintained, repaired, recharged, serviced, inspected and replaced by a Class 2I licensed fire equipment employee of a Class B licensed fire equipment distributor, except as otherwise specified in this Section.
- cb) ~~Licensed Class A distributors~~/Class 1 licensed fire equipment employees of a Class A licensed fire equipment distributor may perform recharging ~~and hydro-~~

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

~~testing~~ functions enumerated in Section 251.90(e) on pre-engineered fire suppression systems.

- d) Pre-engineered fire suppression systems that are pre-piped in a hood and duct or other modular assembly and shipped to a location in Illinois shall be completed and certified by a ~~licensed Class B distributor~~/Class 2K licensed fire equipment employee of a Class B licensed fire equipment distributor for kitchen systems or a Class 2I licensed fire equipment employee of a Class B licensed fire equipment distributor for industrial systems.
- e) Pre-engineered fire suppression systems ~~shall~~must be installed, maintained, repaired, recharged, hydrostatic ~~hydro~~-tested, serviced, inspected and replaced in accordance with NFPA 96, 17 and 17A and any other applicable standards; incorporated by reference in Section 251.25.

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.110 Engineered Fire Suppression Systems**

- a) Engineered fire suppression systems ~~shall~~may only be installed, maintained, repaired, recharged, ~~hydro-tested~~, serviced, inspected and replaced by a ~~licensed Class C distributor~~/Class 3 licensed fire equipment employee of a Class C licensed fire equipment distributor, except as otherwise specified in this Section.
- b) ~~Licensed Class A distributors~~/Class 1 licensed fire equipment employees of a Class A licensed fire equipment distributor may perform recharging ~~and hydro-testing~~ functions enumerated in Section 251.90(e) on engineered fire suppression systems.
- c) Engineered fire suppression systems ~~shall~~must be maintained, repaired, recharged, hydrostatic ~~hydro~~-tested, serviced, inspected and replaced in accordance with NFPA 11, 12, 12A, 17, 17A, 72, 2001, ~~and~~ 750, and 770 and any other applicable standards as incorporated by reference in Section 251.25.
- d) ~~Upgrades to existing Carbon Dioxide Extinguishing Systems as required in Section 1.3.4 of NFPA 12 are required to be completed by July 1, 2008 and not August 7, 2006 as stated in Section 1.3.5 of NFPA 12.~~
- e) All designs of an engineered system must be performed by an individual:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) licensed as a professional engineer;
- 2) certified by NICET (National Institute for Certification in Engineering Technologies) as a Level III Special Hazards Systems technician; or
- 3) ~~by an individual who is~~ trained and currently certified by the manufacturer of the equipment being used in the engineered system. ~~For information about the certification process, see the National Institute of Certification in Engineering Technologies, 1420 King Street, Alexandria VA 22314-2715, Engineering Technician and Technologist Certification Program Book, 6<sup>th</sup> Edition.~~

(Source: Amended at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.120 Existing Dry Chemical and Wet Chemical Fire Extinguishing Systems**  
**(Repealed)**

- a) ~~All existing dry chemical and wet chemical fire extinguishing systems installed for the protection of commercial cooking operations that produce grease-laden vapors shall comply with the UL 300 "Standard for Fire Testing of Fire Extinguishing Systems for Protection of Commercial Cooking Equipment", identified in NFPA 17, 17A, and 96.~~
- b) ~~All existing extinguishing systems shall comply by January 1, 2010, except as otherwise permitted in subsection (c).~~
- c) ~~All existing extinguishing systems installed in occupancies that are owned or operated by a governmental entity shall comply by January 1, 2011.~~

(Source: Repealed at 47 Ill. Reg. 16058, effective October 26, 2023)

SUBPART B: LICENSING

**Section 251.210 Classes of Licenses**

- a) Classifications of Fire Equipment Distributors and Fire Equipment Employees

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Class A fire equipment distributors service all types of portable fire extinguishers and employ Class 1 fire equipment employees.
  - 2) Class B fire equipment distributors service all types of pre-engineered fire suppression systems and employ Class 2I and 2K fire equipment employees.
  - 3) Class C fire equipment distributors service all types of engineered fire suppression systems and employ Class 3 fire equipment employees.
- b) Table 1. Classifications of Fire Equipment Distributors and Fire Equipment Employees by Type of Fire Equipment

| <u>Type of Fire Equipment</u>                                 | <u>Fire Equipment<br/>Distributor License<br/>Class</u> | <u>Fire Equipment<br/>Employee License<br/>Class</u> |
|---|---|--|
| <u>Portable Fire Extinguishers</u>                            | <u>A</u>  | <u>1</u>   |
| <u>Pre-engineered industrial<br/>fire suppression systems</u> | <u>B</u>  | <u>2I</u>  |
| <u>Pre-engineered kitchen fire<br/>suppression systems</u>    | <u>B</u>  | <u>2K</u>  |
| <u>Engineered fire suppression<br/>systems</u>                | <u>C</u>  | <u>3</u>   |

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.220 Fire Equipment Distributor License**

- a) No person or business shall act as a fire equipment distributor or as an agency 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 in accordance with the terms of this Part. [225 ILCS 217/10(a)]
- b) Any person or business that services, recharges, installs, inspects, maintains, alters, repairs or replaces fire equipment must be licensed as a fire equipment distributor. If the person or business has more than one business location from which it will service fire equipment, each business location shall require a separate license.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- c) A person who engages in hydrostatic testing of fire equipment but does not service, recharge, install, inspect, maintain, alter, repair, or replace fire equipment is not required to be licensed as a fire equipment distributor. Such person must have a current RIN issued by USDOT PHMSA and shall provide proof of such qualifications upon request of the AHJ.
- d) License Relationship
- 1) A fire equipment distributor shall have at least one fire equipment employee licensed in the fire equipment employee classification corresponding to each distributor classification for which the fire equipment distributor holds a license.
  - 2) A fire equipment distributor shall follow the process in Section 251.240 regarding notice to the Office of the termination of a fire equipment employee's employment.
  - 3) A fire equipment distributor that fails to maintain a fire equipment employee for a distributor classification shall have that classification of license suspended. The distributor license for that classification of license will be reinstated upon the licensing of a fire equipment employee in the fire equipment employee classification corresponding to the distributor classification for which the fire equipment distributor held the license; submission of a reinstatement application form; and payment of a reinstatement fee established in Section 251.250. If a previously suspended license has since expired, an application must be submitted for a new license.
- e) Application for Licensure as a Fire Equipment Distributor
- 1) An applicant for fire equipment distributor license shall:
    - A) Submit a completed application form to the Office in a manner prescribed by the Office.
      - i) The application shall include the name, phone number, valid email address, and address of the business.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- ii) 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.
  
- B) Provide evidence of current registration as an Illinois corporation in good standing with the Illinois Secretary of State or evidence of compliance with the Assumed Business Name Act [805 ILCS 405].
  
- C) Provide a list of current officers.
  
- D) Provide evidence of financial responsibility in a minimum amount of \$1,000,000 through liability insurance, self-insurance, group insurance, group self-insurance or risk retention group.
  
- E) Provide evidence of compliance with the Illinois Workers' Compensation Act [820 ILCS 305].
  
- F) Provide either:
  - i) a copy of the Requalifier Identification Number issued to the applicant by the USDOT PHMSA, if engaged in hydrostatic testing or visually inspecting fire suppression devices or systems utilizing USDOT PHMSA specification cylinders; or
  
  - ii) an affirmative statement from an entity with a Requalifier Identification Number issued by the USDOT PHMSA that will provide hydrostatic testing and/or will visually inspect fire suppression devices or systems, utilizing USDOT PHMSA specification cylinders service, on behalf of the applicant.
  
- G) Provide a copy of the fire equipment employee license, or application for a fire equipment employee license, of a fire equipment employee that corresponds to the desired class of fire equipment distributor license.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- H) Provide 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 the work of a fire equipment distributor.
  - I) Provide 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.
- 2) An application for fire equipment distributor license and application for fire equipment employee license may be submitted simultaneously.
  - 3) Upon submission of the completed application, including all requisite information and documentation, the Office will review the application for licensure. The Office shall verify that the applicant is in good standing with the Illinois Department of Revenue.
    - A) During review of the application for licensure, the Office shall consider past history of the applicant. Past history of the applicant includes, but is not limited to, any citations or other discipline imposed by any jurisdiction or any occurrences of unlicensed work by the applicant or any person known by the Office to be associated with the applicant, such as a previous or predecessor company.
    - B) In addition to any other reason for refusal specified in this Part, the Office may refuse to issue a fire equipment distributor license on the basis of the past history of the applicant.
  - 4) Failure to submit a completed application within 30 calendar days of initial receipt of the application by the Office will 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 will invoice the applicant who meets all conditions for licensure for the fee amount in accordance with Section 251.250. No license shall be issued until the applicable fees have been paid.
  - 6) Upon submission of the requisite fee amount, the applicant will be assigned a fire equipment distributor license number and issued a

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

certificate of licensure. The certificate shall be prominently displayed in the business location of the fire equipment distributor, or in a location where the AHJ may readily verify the fire equipment distributor is licensed. The certificate will bear the following information:

- A) Name and street address of the fire equipment distributor;
- B) Fire equipment distributor license number;
- C) One or more classifications as outlined in Section 251.210; and
- D) Date of issue and date of expiration.

f) Renewal of Fire Equipment Distributor License

- 1) The expiration and renewal dates for each fire equipment distributor license under this Part shall be at three-year intervals. The Office will notify the fire equipment distributor, by issuance of a notice, 90 calendar days prior to the expiration of the license. Failure of a licensee to receive the notice is not a valid reason for operating without a current license.
- 2) The fire equipment distributor shall follow the process in subsection (e) to apply for renewal of the license. The fire equipment distributor shall ensure that the information provided for initial licensure or previous renewal is still correct, or shall update any incorrect information and provide any additional information requested at the time of renewal.
- 3) An expired license may be renewed within 60 calendar days after the expiration date without a reinstatement fee. However, a person or business working on an expired license shall be considered to be operating without a current license and shall be subject to the applicable discipline and penalties.
- 4) Failure to renew within 60 calendar days after the expiration date shall make the license inactive. An inactive license may not be reinstated until an application is submitted and all fees, including the renewal and reinstatement fees, are paid (see Section 251.250).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 5) Failure to reinstate an inactive license within one year after the expiration date of the license shall terminate the license. A terminated license may not be renewed or reinstated. A person or business with a terminated license may apply for a new license.
- 6) Renewal and reinstatement fees shall be waived for individuals who did not renew while on active duty in the military and who file for renewal or reinstatement within one year after discharge from such service. [225 ILCS 217/60(c)]
- g) Maintaining Conditions of Licensure
- 1) A fire equipment distributor is required to maintain in effect the conditions under which the fire equipment distributor was licensed or *the license shall automatically be suspended.* [225 ILCS 217/62(b)] When a fire equipment distributor's license is suspended, the fire equipment employee licenses for fire equipment employees of that distributor shall also be suspended.
- 2) A fire equipment distributor whose required items and documentation under subsection (e) expires or loses effect prior to the date of license expiration shall submit proof of replacement to the Office prior to the date on which the items or documentation expire or lose effect. These items/documentation are:
- A) evidence of registration as an Illinois corporation in good standing with the Illinois Secretary of State or evidence of compliance with the Assumed Business Name Act [805 ILCS 405];
- B) a list of current officers;
- C) evidence of financial responsibility in a minimum amount of \$1,000,000 through liability insurance, self-insurance, group insurance, group self-insurance or risk retention group;
- D) evidence of compliance with Illinois Workers' Compensation Act [820 ILCS 305];

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- E) a current Requalifier Identification Number issued by the USDOT PHMSA or agreement with an entity with a current Requalifier Identification Number (RIN) issued by the USDOT PHMSA; and
    - F) documentation of employment of a licensed fire equipment employee.
  - 3) A person or business working on a suspended license shall be considered to be operating without a current license and shall be subject to the applicable discipline and penalties.
- h) Amending Current Fire Equipment Distributor Licenses
  - 1) Any fire equipment distributor that changes its address or other contact information (phone, email, etc.), shall inform the Office in writing within 10 business days after the change and pay any requisite processing fees under Section 251.250.
  - 2) Adding Classifications
    - A) Any fire equipment distributor that applies for an additional classification prior to the expiration date of the current license, shall apply in accordance with subsection (e) for the classifications to be added.
    - B) The expiration date of the license for an added classification of fire equipment distributor license shall be the same as for the existing classifications of the fire equipment distributor license. For example, for a fire equipment distributor license with a license expiration date of October 1, 2025, when adding a classification of license on February 1, 2025, all classifications of license would expire on October 1, 2025.
    - C) Any fire equipment distributor that applies for additional classifications at the time of renewal shall apply in accordance with subsection (e). The expiration date of added classifications shall be the same as for the renewed license.
- i) Changes Requiring Application for a New License

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Any fire equipment distributor must apply for a new license within 10 business days after:
  - A) Any change in the name of the fire equipment distributor;
  - B) Any change in business organization; or
  - C) Any transfer of 51% or more of the equity of the fire equipment distributor during a single licensing period.
- 2) At any time when a fire equipment distributor must apply for a new license, the fire equipment distributor must also apply for new licenses for any related fire equipment employees.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.230 Fire Equipment Employee License**

- a) No person shall act as a fire equipment employee, 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 per the terms of this Part. [225 ILCS 217/10(a)]
- b) Any individual that services, recharges, installs, inspects, maintains, alters, repairs or replaces fire equipment, whether part-time or full-time, must be licensed as a fire equipment employee.
- c) No individual who is less than 18 years of age may be licensed as a fire equipment employee.
- d) An individual who engages in hydrostatic testing of fire equipment but does not service, recharge, install, inspect, maintain, alter, repair, or replace fire equipment is not required to be licensed as a fire equipment employee. The individual must have a current RIN issued by USDOT PHMSA, or be employed by an entity that has a current RIN issued by USDOT PHMSA, and shall provide proof of such qualifications upon request of the AHJ.
- e) License Relationship

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) A fire equipment employee shall be employed by a fire equipment distributor licensed in the distributor classification corresponding to the fire equipment employee classification for which the fire equipment employee holds a license.
  - 2) A fire equipment employee shall follow the process in Section 251.240 regarding notice to the Office of the termination of a fire equipment employee's employment.
  - 3) If a fire equipment employee is employed by a fire equipment distributor for a distributor classification in which the distributor is no longer licensed, the corresponding employee classification of the fire equipment employee license shall be suspended. The license may be reinstated upon the licensing of the fire equipment distributor in the distributor classification corresponding to the fire equipment employee classification for which the fire equipment employee held the license; submission of a reinstatement application form; and payment of reinstatement fee and any other applicable fees. If a previously suspended license has since expired, an application must be submitted for a new license.
- f) Application for Licensure as a Fire Equipment Employee
- 1) The application for a fire equipment employee license shall be submitted by the fire equipment distributor that employs the candidate for fire equipment employee licensure.
    - A) The application shall include the name and address of the candidate.
    - B) 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) A fire equipment distributor may submit an application for a fire equipment employee license only in the fire equipment employee classifications that correspond to those classifications for which the fire equipment distributor is licensed or applying to be licensed.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) An applicant for a fire equipment employee license shall:
- A) Submit a completed application form to the Office in a manner prescribed by the Office, including a signature by both the candidate and the applicant.
  - B) Submit a copy of the candidate's valid driver's license, valid state identification with date of birth and address, or valid passport.
  - C) Submit a digital color photograph of the candidate that meets the following criteria:
    - i) The photograph must show the candidate from a front view with full-face and head and shoulders visible. The Office will 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 photograph requirement shall submit the candidate's fingerprints through a fingerprint vendor licensed by the Illinois Department of Financial and Professional Regulation with the application in lieu of a photograph. [225 ILCS 217/40]*
    - iii) *A candidate who is 21 years of age or older seeking a religious exemption to this photograph requirement shall furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. [225 ILCS 217/40]*
  - D) Provide proof of the candidate's current certification appropriate to the fire equipment employee classification for which the applicant is applying. A copy of the certificate must be submitted to the Office. Acceptable certifications shall be:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- i) Class 1: ICC or NAFED certification in Portable Fire Extinguishers;
  - ii) Class 2I: ICC or NAFED certification in Pre-Engineered Industrial Fire Suppression Systems;
  - iii) Class 2K: ICC or NAFED certification in Pre-Engineered Kitchen Fire Extinguishing Systems; or
  - iv) Class 3: NAFED certification in Engineered Fire Suppression Systems or NICET certification in Special Hazards Systems (Level III).
- E) Provide a copy of the fire equipment distributor license, or application for a distributor license, that corresponds to the desired class of fire equipment employee license.
- F) Provide 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 the work of a fire equipment employee.
- G) Provide 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.
- 4) An application for fire equipment employee license and application for fire equipment distributor license may be submitted simultaneously.
- 5) Upon submission of the completed application, including all requisite information and documentation, the Office will review the application for licensure. During review of the application for licensure, the Office shall consider past history of the candidate. Past history of the candidate includes, but is not limited to, any citations or other discipline imposed by any jurisdiction or any occurrences of unlicensed work. In addition to any other reason for refusal, the Office may refuse to issue a fire equipment employee license on the basis of the past history of the candidate.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 6) Failure to submit a completed application within 30 calendar days of initial receipt of the application by the Office will cause the application to expire and a new, completed application must be submitted for review.
  - 7) After reviewing the applicant's completed application, the Office will invoice the applicant for a candidate who meets all conditions for licensure for the fee amount in accordance with Section 251.250. No license shall be issued until the applicable fees have been paid.
  - 8) Upon submission of the requisite fee amount, the candidate will be assigned a fire equipment employee 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 made available to the AHJ upon request. The identification card will bear the following information:
    - A) Name of the fire equipment employee;
    - B) Fire equipment employee license number;
    - C) One or more classifications as outlined in Section 251.210; and
    - D) Date of issue and date of expiration.
- g) Renewal of Fire Equipment Employee License
- 1) The expiration and renewal dates for each fire equipment employee license under this Part shall be at three year intervals. The Office will notify the fire equipment distributor, by issuance of a notice, 90 calendar days prior to the expiration of the fire equipment employee license. Failure of a licensee to receive the notice is not a valid reason for operating without a current license.
  - 2) The fire equipment distributor shall follow the process in subsection (f) to apply for renewal of the fire equipment employee license. The fire equipment distributor shall ensure that the information provided for initial licensure or previous renewal is still correct, or shall update any incorrect information and provide any additional information requested at the time of renewal.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) A license may be renewed within 60 calendar days after the expiration date without a reinstatement fee. However, an individual working on an inactive license shall be considered to be operating without a current license and that individual, and the employing person or business, shall be subject to the applicable discipline and penalties.
  - 4) Failure to renew within 60 calendar days after the expiration date shall make the license inactive. An inactive license may not be reinstated until an application is submitted and all fees, including the renewal and reinstatement fees, are paid (see Section 251.250).
  - 5) Failure to reinstate an inactive license within one year after the expiration date of the license shall terminate the license. A terminated license may not be renewed or reinstated. A fire equipment distributor may apply for a new license for an individual whose previous license has terminated.
  - 6) *Renewal and reinstatement fees shall be waived for individuals who did not renew while on active duty in the military and who file for renewal or reinstatement within one year after discharge from such service. [225 ILCS 217/60(c)]*
- h) Maintaining Conditions of Licensure
- 1) A fire equipment employee is required to maintain in effect the conditions under which the fire equipment employee was licensed or *the license shall automatically be suspended. [225 ILCS 217/62(b)]*
  - 2) A fire equipment distributor that employs a fire equipment employee whose required items or documentation under subsection (f) expire or lose effect prior to the date of license expiration shall submit proof of replacement to the Office prior to the date on which the items or documentation expire or lose effect. These items or documentation are:
    - A) A copy of the candidate's current valid driver's license, valid state identification with date of birth and address, or valid passport; and
    - B) Current certification appropriate to the classification.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) An individual working on a suspended or inactive license shall be considered to be operating without a current license. The individual, and the employing person or business, shall be subject to the applicable discipline and penalties.
- i) Amending Current Fire Equipment Employee Licenses
- 1) A fire equipment distributor that employs any fire equipment employee who changes their address or other contact information (phone, email, etc.), shall inform the Office in writing within 10 business days after the change and pay any requisite processing fees under Section 251.250.
- 2) Adding Classifications
- A) Any fire equipment distributor that applies for an additional classification for a fire equipment employee prior to the expiration date of the current fire equipment employee license, shall apply in accordance with subsection (f) for the classifications to be added.
- B) The expiration date of the license for an added classification of fire equipment employee license shall be the same as for the existing classifications of the fire equipment employee license. For example, for a fire equipment employee license with a license expiration date of October 1, 2025, when adding a classification of license on February 1, 2025, all classifications of license would expire on October 1, 2025.
- C) Any fire equipment distributor that applies for additional classification for a fire equipment employee at the time of renewal shall apply in accordance with subsection (f). The expiration date of added classifications shall be the same as for the renewed license.
- j) Changes Requiring Application for a New License  
A fire equipment distributor must apply for a new license for each fire equipment employee any time a fire equipment distributor is required to apply for a new fire equipment distributor license. This requirement does not apply to a license renewal application for the fire equipment distributor.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.240 Termination of Employment**

- a) Upon the termination of employment of a fire equipment employee, the fire equipment distributor and individual whose employment was terminated shall take steps to provide notice to the Office and return the fire equipment employee identification card.
- 1) Within 5 business days after the termination of employment, the fire equipment distributor shall notify the Office, in writing, of the termination of employment, including the date of termination. The terminated individual may also notify the Office, but that does not relieve the distributor of the responsibility to notify the Office.
  - 2) The individual whose employment was terminated shall return to the fire equipment distributor, within 10 business days after termination of employment, their fire equipment employee identification card issued by the Office.
  - 3) Within 30 calendar days after the termination of employment, the fire equipment distributor shall destroy the fire equipment employee identification card and provide notice to the Office of the destruction of the fire equipment employee identification card.
- b) The fire equipment employee license is inactive on the day of termination of employment.
- c) An individual whose employment with a fire equipment distributor was terminated may be eligible for a new fire equipment employee license. A fire equipment distributor shall apply for a fire equipment employee license for such individual in accordance with Section 251.230(f).

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.250 Fees**

License fees shall be as follows:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- a) Fire Equipment Distributor License Fees (three-year license cycle)
- 1) Initial License:
    - A) Class A \$900
    - B) Class B \$1500
    - C) Class C \$2100
  - 2) Renewal of License (before expiration date or within 60 calendar days after expiration date): cost of initial license for that class
  - 3) License Reinstatement:
    - A) Class A \$50
    - B) Class B \$100
    - C) Class C \$150
  - 4) Renewal of License with Reinstatement (between 61 calendar days after expiration date and 1 year after expiration date): cost of initial license for that class plus cost of reinstatement for that class
  - 5) Additional Class: cost of initial license for that class
- b) Fire Equipment Employee License Fees (three-year license cycle), per class:
- 1) Initial License: \$300
  - 2) Renewal of License (before expiration date or within 60 calendar days after expiration date): \$300
  - 3) License Reinstatement: \$50
  - 4) Renewal of License with Reinstatement (between 61 calendar days after expiration date and 1 year after expiration date): \$350

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 5) Additional Class: \$300
- c) Other Fees
- 1) Trainee Registration Fee: \$25
- 2) A fee of \$50 is required if a check or other order is returned by a financial institution twice because of insufficient funds.
- d) All fees paid under the Act are non-refundable except that the Office shall refund accidental overpayment of fees. [225 ILCS 217/60(d)]

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.260 Exemptions to Licensing**

- a) This Part shall not apply to an officer or employee of this State or the fire department or fire protection district of any political subdivision of this State while such officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with this State, or any political subdivision. However, any such person who offers his or her services as a private fire equipment distributor or employee, or any title where similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, shall be subject to the Act and its licensing requirements. [225 ILCS 217/15(a)]
- b) Any person who engages in hydrostatic testing of fire equipment but does not service, recharge, install, maintain, or inspect such equipment shall not be required to be licensed as a fire equipment distributor nor fire equipment employee. The person must have a current RIN issued by USDOT PHMSA and shall provide proof of such qualifications upon request of the AHJ. [225 ILCS 217/15(b)]

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**SUBPART C: VIOLATIONS AND PENALTIES****Section 251.300 Citations**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

Citations result from violations in the following three categories:

- a) Technical violations. These violations include, but are not limited to, a failure to abide by the requirements of the Act and this Part regarding tagging and labeling. Examples include:
  - 1) A multi-year or wrong color tag;
  - 2) Punching wrong product, agent, system, or date; or
  - 3) Information missing on a tag.
  
- b) Administrative violations. These violations include, but are not limited to, a failure to abide by the requirements of the Act and this Part regarding the obligations of a licensee or procedures of licensure, including training. Examples include:
  - 1) Working with an expired NAFED, ICC, or NICET certification;
  - 2) Working with expired insurance;
  - 3) Failure to provide notification to the Office as required by the Act or this Part; or
  - 4) Working out of license classification.
  
- c) Safety violations. Actions or business practices that pose a potential danger to the safety of the citizens of Illinois. Safety violations include, but are not limited to, a failure to abide by the requirements of the Act and this Part regarding the standards of practice or the conditions of licensure. Examples include:
  - 1) Practice or attempted practice as a fire equipment distributor or fire equipment employee without a license;
  - 2) Obtaining or attempting to obtain a license, practice, or business or any other thing of value by fraudulent representation;
  - 3) Working out of license classification without qualification; or

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

4) Deviation from accepted industry practices.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.310 Citation Penalty Process**

Pursuant to Section 251.300, violations may be categorized as technical, administrative, or safety. Penalties will be applied to citations based on the following criteria:

- a) All citations shall remain in the person's file.
- b) Penalty assessment for citations shall be calculated as follows:
  - 1) For a technical violation, the Office will impose a civil fine up to \$100 per violation.
  - 2) For an administrative violation, the Office will impose a civil fine up to \$500 per violation.
  - 3) For a safety violation, the Office will impose a civil fine up to \$1000 per violation.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.320 Procedures for Citations**

This Section provides the procedures for citations and citation appeals under Section 83 of the Act [225 ILCS 217/83].

- a) Issuance of a citation
  - 1) Citations may be issued independently, or in addition to any other criminal or civil action or penalties provided for in the Act or this Part.
  - 2) A citation may be issued for a single violation or multiple violations.
  - 3) The Office may issue a citation pursuant to Section 83 of the Act [225 ILCS 217/83] and serve the citation by personal service or certified mail to the licensee at the licensee's last known address as listed with the Office or



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

to the unlicensed person at the person's last known address. The citation shall be issued to the licensee or other person doing business without the required license and shall contain the person's name and address, the licensee's license number, if applicable, a brief factual statement, the Sections of the law or rules allegedly violated, and the penalty imposed in accordance with Section 251.310. The citation must clearly state that the person may choose, in lieu of accepting the citation, to request a hearing to appeal the citation. If the person does not file a written appeal of the citation with the Office of the State Fire Marshal within 20 calendar days after the citation is served, then the citation shall become a final order and shall constitute discipline. A written appeal will be deemed timely if it is postmarked no later than 20 calendar days after the date the citation was served. Failure to timely satisfy the penalty assessed may result in a censure, suspension, or other disciplinary action on the license for the violations noted.

- 4) Payment of the citation penalty does not absolve the licensee and its licensed employees from the responsibility to correct any outstanding violations related to its licensing or other regulatory obligations. Citations and penalties issued under this Section shall not limit the authority of the Office under other sections of law to take any other appropriate enforcement action.
  
- b) 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.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- B) A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - C) A reference to the particular 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, 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.
  - 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 citation 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 the final order of the Office 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*

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

*review is not a resident of Illinois, shall be commenced in the circuit court in Sangamon County. [225 ILCS 217/100]*

- 6) 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: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.330 Status of Licensed Distributor and Unlicensed Distributor During Appeal of Citation**

During the time a citation is under appeal, the licensee may continue to work in Illinois unless, in the opinion of the Office, continued work by the licensee poses a significant threat to the safety of citizens of Illinois. An unlicensed person may not continue to work in Illinois while a citation appeal is pending.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.340 Complaints and Investigations**

a) Complaints

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

b) Investigation

- 1) Allegations of wrongdoing on the part of a fire equipment distributor or a fire equipment employee may be investigated by the Office.
- 2) The Office may summarily suspend a license under the Act, without a hearing, simultaneously with the filing of a formal complaint and notice

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

for a hearing provided under Section 90 of the Act if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the Office suspends a license under Section 251.340(b)(2), a hearing by the hearing officer designated by the Office shall begin within 20 days after such suspension begins, unless continued at the request of the licensee. [225 ILCS 217/90(b)]

- 3) 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:
- A) 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 217/10(b)] or
  - B) any person found to be guilty by the hearing officer of the offenses outlined in Section 251.360.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.350 Hearing Procedures for Formal Charges**

- a) The procedures of this Section shall govern any appeal of formal charges seeking to impose disciplinary action under subsection (a) of Section 90 of the Act [225 ILCS 217/90(a)].
- b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 calendar days before the date of the hearing. The hearing shall be presided over by a hearing officer authorized by the Office in compliance with the Illinois Administrative Procedure Act. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Office.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- c) *The notice of a formal charge shall consist at a minimum of the following information:*
- 1) *The time, place, date and nature of the hearing;*
  - 2) *A statement of legal authority and jurisdiction under which the hearing is to be held;*
  - 3) *A reference to the particular Sections of the substantive and procedural statutes and rules involved;*
  - 4) *A short and plain statement of the matters asserted, the consequences of a failure to respond, and the case number or file number;*
  - 5) *A statement that the licensee shall appear personally at the hearing and may be represented by counsel;*
  - 6) *A statement that the licensee has the right to produce witnesses and evidence on the licensee's behalf and the right to cross-examine witnesses and object to evidence produced against the licensee;*
  - 7) *A statement that the hearing can result in disciplinary action being taken against the license;*
  - 8) *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;*
  - 9) *A statement that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy, and where the licensee can procure the rules of conduct of these hearings;*
  - 10) *A statement that the hearing officer authorized by the Office will preside at the hearing and, following the conclusion of the hearing, shall make findings of fact, conclusions of law and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee;*
  - 11) *A statement that the Office may continue the hearing;*

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 12) That the licensee shall submit a written response to the charges with the State Fire Marshal under oath within 20 calendar days after service of the notice; [225 ILCS 217/85(c)]
- 13) A statement that failure to respond will result in a judgment against the person and can also result in disciplinary action being taken against the licensee;
- 14) A statement that the Office may set a pre-hearing conference; and
- 15) At any pre-hearing conference, or if none, 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.
- d) The hearing officer shall conduct the hearing. After the conclusion of a hearing, the hearing officer shall make findings of fact, conclusions of law and recommendations, separately stated, and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made, if accomplished in a similar fashion as service of the notice of formal charges (see subsection (b)). Within 20 calendar days after such service, any party to the proceeding may present to the State Fire Marshal a motion, in writing, for a rehearing that specifies the grounds for rehearing. [225 ILCS 217/85(d)]
- e) Following the time allowed for filing a motion for rehearing, the State Fire Marshal shall review the hearing officer's findings of fact, conclusions of law, recommendations and any motion for rehearing. After reviewing this information, the State Fire Marshal may hear oral arguments, prior to issuing an order. The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the State Fire Marshal's order, in which the State Fire Marshal may accept or reject the recommendations of the hearing officer.
- f) If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention to the findings of fact, conclusions of law, and recommendations of the hearing officer. The finding is not admissible in evidence against the person in a criminal prosecution brought for violation of the Act or this Part. [225 ILCS 217/85(e)]

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.360 Grounds for Revocation, Suspension or Refusal to Issue a License**

- a) Licensees subject to the Act shall conduct their practice in accordance with the Act and this Part. Licensees shall be subject to the exercise of the disciplinary sanctions enumerated in Section 251.370 if the Office finds that a licensee is guilty of any of the following items or for other grounds enumerated in Section 75 of the Act:
- 1) fraud or material deception in obtaining or renewing of a license;
  - 2) professional incompetence as manifested by poor standards of service;
  - 3) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public in the course of professional services or activities;
  - 4) conviction of any crime by a licensee that has a substantial relationship to his or her practice or an essential element of which is misstatement, fraud, or dishonesty, or conviction in this or another state of any crime that is a felony under the laws of Illinois or conviction of a felony in a federal court, unless the person demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust;
  - 5) performing any services in a grossly negligent manner or permitting any of his or her licensed employees to perform services in a grossly negligent manner, regardless of whether actual damage or damages to the public is established;
  - 6) directly or indirectly willfully receiving compensation for any professional services not actually rendered;
  - 7) having disciplinary action taken against his or her license in another state;
  - 8) making differential treatment against any person to his or her detriment because of race, color, creed, sex, religion, or national origin;

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 9) engaging in unprofessional conduct;
  - 10) engaging in false or misleading advertising;
  - 11) contracting or assisting unlicensed persons to perform services for which a license is required under the Act;
  - 12) permitting the use of his or her license to enable any unlicensed person or agency to operate as a licensee;
  - 13) performing and charging for services without having authorization to do so from the member of the public being served;
  - 14) failure to comply with any provision of the Act or the rules adopted under the Act;
  - 15) conducting business regulated by the Act without a currently valid license;
  - 16) engaging in any unethical or criminal activity incidental to activities within the scope of licensure [225 ILCS 217/75]; and
  - 17) failure to perform service in accordance with industry standards incorporated in this Part or adopted by authorities having jurisdiction.
- b) The Office may refuse to issue or renew a license to any applicant for failure to meet licensing standards or for any reason listed in this Section.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

**Section 251.370 Sanctions to be Imposed for Violators**

- a) The Office shall impose any of the following sanctions, singly or in combination, when the Office finds that a licensee is guilty of any offense described in Section 75 of the Act or Section 251.360:
- 1) revocation of a license;
  - 2) suspension of a license for any period of time;



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 3) reprimand or censure of a licensee; or
- 4) refusal to issue, renew or reinstate the license. [225 ILCS 217/90(a)]
- b) Disposition may be made of any formal complaint by consent order between the Office and the licensee. [225 ILCS 217/90(c)]
- c) The Office shall reinstate any license to good standing under the Act, upon recommendation to the Office, by a hearing officer after a hearing before the hearing officer authorized by the Office. The Office shall be satisfied that the applicant's renewed practice is not contrary to the public interest before reinstating a license to good standing. [225 ILCS 217/90(d)]
- d) The Office may issue a cease and desist order to any licensee or other person doing business without the required license, when, in the opinion of the Office, the licensee or other person is violating or is about to violate any provision of the Act or this Part. Any person in violation of a cease and desist order entered by the State Fire Marshal shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation. [225 ILCS 217/10(c)]
- e) An order of revocation, suspension, placing the license on probationary status or other formal disciplinary action as the Office may deem proper, or a certified copy thereof, over the seal of the Office, and purporting to be signed by the Office, is prima facie proof that:
  - 1) the signature is that of the Office;
  - 2) the Office is qualified to act; and
  - 3) the hearing officer is qualified to act on behalf of the Office. [225 ILCS 217/105]
- f) Upon the suspension or revocation of a license issued under the Act, a licensee shall surrender the license to the Office. Upon failure to surrender a license, the Office shall seize the license. [225 ILCS 217/110]

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Fire Equipment Administrative Procedures
- 2) Code Citation: 41 Ill. Adm. Code 280
- 3) 

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 280.10                  | Repealed                |
| 280.15                  | Repealed                |
| 280.20                  | Repealed                |
| 280.30                  | Repealed                |
| 280.40                  | Repealed                |
| 280.50                  | Repealed                |
| 280.55                  | Repealed                |
| 280.60                  | Repealed                |
| 280.65                  | Repealed                |
| 280.70                  | Repealed                |
| 280.75                  | Repealed                |
| 280.80                  | Repealed                |
- 4) Statutory Authority: Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217/30]
- 5) Effective Date of Repealer: October 26, 2023
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) Notice of Proposal published in the *Illinois Register*: 47 Ill. Reg. 4299; March 31, 2023
- 9) Has JCAR issued a Statement of Objection to this rulemaking? No
- 10) Changes made between the proposed and adopted versions: None
- 11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.
- 12) Will this repealer replace an emergency rule currently in effect? No
- 13) Are there any rulemakings pending to this Part? No

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED REPEALER

- 14) Summary and Purpose of Rulemaking: This repeal is a companion to a newly amended Part 251. Part 280 currently addresses the licensing process and fees. Because significant portions of Part 251 were updated, to include, among other things, the license process and fees, OSFM is repealing Part 280 in its entirety.
- 15) Information and questions regarding this adopted repealer shall be directed to:

Ashley Vincent  
Legal Division  
Attn: Part 2120 Rules  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, IL 62703

(217) 606-9822  
Fax: (217) 524-5487  
Ashley.Vincent@illinois.gov