

State of Illinois
Office of the State Fire Marshal
Policy



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Subject: Grandfather Clause in Fire Sprinkler
Contractor Licensing Act

Authorized by: 
Fire Marshal

Policy

Procedure

Directive

PURPOSE: To provide current policy and guidance to ensure uniform enforcement of the original intent of 225 ILCS 317/120 (Grandfather Clause of the Fire Sprinkler Contractor Licensing Act ("Act")).

This policy rescinds Policy Number 11-FP-003 issued by the Office of the State Fire Marshal and made effective January 6, 2011.

SCOPE: Statewide

GENERAL: 225 ILCS 317 provides for the establishment of minimum standards for the licensure of fire sprinkler installation or repair contractors ("fire sprinkler contractors"). Section 20 ("Designated certified person requirements") requires that every firm, association, partnership or corporation engaged in the installation and repair of fire sprinkler systems must have at least one "designated certified person" with either a current Illinois license as a professional engineer or a valid NICET level 3 or higher certification in "fire protection technology, automatic sprinkler system layout." 225 ILCS 317/20. Section 15(c) requires that a "business applying for a license must have a designated certified person..." The Act further provides at Section 30(f) that "Inspections and testing of existing fire sprinkler systems and control equipment must be performed by a licensee or an individual employed or contracted by a licensee."

The Act also contains a grandfather clause. Section 120 provides that "Any person or business that, as of the effective date of this Act, is installing or repairing fire sprinkler systems in the State of Illinois and has a minimum of 3 years of experience in installing or repairing fire sprinkler systems is exempt from having a designated certified person as required in Section 20." 225 ILCS 317/120

The Fire Sprinkler Contractor Licensing Rules provide that fire sprinkler contractors not required to have a "designated certified person" shall, instead, have a "responsible managing employee." "Responsible managing employee" is defined by Section 109.30 as "the individual designated on a full time basis, by the fire sprinkler contractor that is not required to have a designated certified person pursuant to Section 120 of the Act, to provide supervision and to assure that each fire sprinkler

system is installed and repaired in accordance with this Part.” 41 Ill. Adm. Code 109.30.

POLICY:

Effective April 22, 2015, the following policy applies to every person, business or company engaged in the installation, repair, inspection or testing of fire sprinkler systems. The Act requires every firm, association, partnership and corporation engaged in the installation, repair, inspection or testing of fire sprinkler systems to employ a Designated Certified Person with either a professional engineer license or NICET level 3 or higher certification in “fire protection technology, automatic sprinkler system layout.” The Office of the State Fire Marshal (“OSFM”) concludes that the Act intended the grandfather clause in 225 ILCS 317/120 to lessen any perceived burdens imposed by the Designated Certified Person requirements of the Act.

To qualify to employ a Responsible Managing Employee rather than a Designated Certified Person, the license applicant¹ must meet the following criteria: as of January 3, 2003, the applicant 1) was installing or repairing fire sprinkler systems in the State of Illinois, and 2) had a minimum of 3 years of experience in installing or repairing fire sprinkler systems. The person, business or company applying for a fire sprinkler contractor license must meet this exemption criteria; it is not sufficient merely for the proposed Responsible Managing Employee to meet said criteria. The Responsible Managing Employee must be an individual person, and cannot be a business, firm, association, partnership, corporation, or other entity. The fire sprinkler contractor’s Responsible Managing Employee must provide supervision and assure that each fire sprinkler system is installed, repaired, inspected and tested by the fire sprinkler contractor in accordance with the Fire Sprinkler Contractor Licensing Act and the Fire Sprinkler Contractor Licensing Rules.

All license applicants that cannot prove that they qualify for Section 120’s grandfather clause must comply with the Designated Certified Person requirements contained in 225 ILCS 317/20. Fire sprinkler contractors must also abide by all other requirements applicable to them, including all other licensure requirements found in 225 ILCS 317 et seq.

If it is determined that a fire sprinkler contractor currently licensed with a Responsible Managing Employee did not meet the criteria of the provisions of Section 120’s grandfather clause when the license was originally issued, the license will be renewed only once. All subsequent renewals must be in strict accordance with the Act, including, but not limited to, the Designated Certified Person provisions set forth in Section 20.

¹ As used herein, the term “applicant” means the person, business or company who/which is the proposed licensee to be named on the fire sprinkler contractor license.

COMMON SCENARIOS:

The purpose of this section is to provide examples of scenarios involving some licensing issues commonly encountered by the OSFM regarding Designated Certified Persons and Responsible Managing Employees, and the probable licensing decision for each. The following scenarios are for hypothetical purposes only, and are intended to provide guidance to the public. They are not intended to be all-inclusive or applicable to all licensing situations or decisions.

ABC Fire Protection was first licensed as a fire sprinkler contractor with a Designated Certified Person. The Designated Certified Person separated from the company. ABC applied to renew its license with a Responsible Managing Employee based upon the credentials of the owner, who was working as a sprinkler fitter as of January 3, 2003, and for at least three years prior thereto. ABC did not qualify for Section 120's grandfather clause, because ABC was not in the sprinkler business as of January 3, 2003 and for at least three years prior thereto. However, ABC's owner can obtain a license in his/her own name with a Responsible Managing Employee, because the owner (as an individual) meets the criteria of Section 120's grandfather clause.

XYZ Fire Equipment Company, a long time fire equipment distributor, expanded into sprinkler work after January 3, 2003. XYZ requested an exemption under Section 120's grandfather clause based upon its existence prior to January 3, 2003. Although XYZ was organized and in business prior to January 3, 2003, it was not engaged in the fire sprinkler business and therefore is not eligible for the grandfather clause exemption.

B&G, a fire sprinkler contractor licensed for years with a Responsible Managing Employee, allowed its license to lapse and then terminate, requiring application as a new fire sprinkler contractor. As a new fire sprinkler contractor with a documented history in the sprinkler business prior to and on January 3, 2003, B&G qualified for the exemption under the grandfather clause.

C&C Construction, a long time plumbing, process piping and mechanical contractor, was first licensed as a fire sprinkler contractor with a Responsible Managing Employee in 2005. C&C was in the fire sprinkler business as of January 3, 2003, and for more than 10 years prior thereto. In 2013, C&C's Responsible Managing Employee was disqualified due to lack of continuing education. At that time, C&C retained a Designated Certified Person to renew its license. In 2015, C&C applied for renewal, using the previous Responsible Managing Employee with updated relevant continuing education. Section 120's grandfather clause exemption was granted.

Eastern Fire Protection was organized in the 1990's by Mr. Smith and Mr. Jones, and met the criteria for Section 120's grandfather clause, becoming licensed with Smith as its Responsible Managing Employee. Mr. Smith and Mr. Jones have the same qualifications in terms of experience, however only Mr. Smith submitted proof of continuing education because the Act requires only one Designated Certified Person per licensee, and OSFM's regulations require only one Responsible Managing Employee per licensee. After 20 years at Eastern Fire Protection, Mr. Smith left to start his own company. Eastern Fire Protection continues to qualify for Section 120's grandfather clause exemption based upon the company's documented experience and involvement in the sprinkler business on January 3, 2003 and for at least three years prior thereto. Also, Mr. Smith and Mr. Jones each qualify for the grandfather clause exemption if he seeks a fire sprinkler contractor license in his individual name because of his documented experience and involvement in the sprinkler business as of January 3, 2003 and for at least three years prior thereto.