



SUMMARY OF COMMENTS AND RESPONSES

FOR COMMENTS RECEIVED BY OSFM FOR RULEMAKING ON FIRE SPRINKLER CONTRACTOR LICENSING RULES (41 Ill. Adm. Code 109)

October 23, 2023

Comment 1. Format of Fire Sprinkler Inspector Licenses

Comment

Commenters suggested the fire sprinkler inspector license, which is employer-specific in the proposed rules, be changed to an individual-based, portable license format.

Response

OSFM considered the impact on qualified individuals and fire sprinkler contractors, as well as further comparison with existing programs. OSFM is now proposing that the fire sprinkler inspector licenses be an individual-based portable license format. This would mean the license is fully held by the individual (rather than the employer), that individual would apply for the license themselves and would continue to use the same license throughout the two-year license period regardless of employer. OSFM is proposing changes that align the rest of the proposed rules with this licensing format.

Comment 2. Cost of Fire Sprinkler Inspector Licenses

Comment

Commenters suggested the originally proposed cost of the fire sprinkler inspector license (\$500 per license) be decreased.

Response

OSFM considered the cost of the license in comparison to program costs and expected revenues from licensing. OSFM has maintained the proposed \$500 license cost for the duration of the two-year license period. If there are significant differences between anticipated and actual outcomes, OSFM may adjust the cost of the license in the future.

Comment 3. Limitation on Work of Fire Sprinkler Inspectors

Comment

Commenters suggested that a fire sprinkler inspector should be limited to being a fire sprinkler inspector for only one fire sprinkler contractor at a time.

Response

OSFM considered potential concerns raised by commenters, concerns for smaller businesses (that may utilize an individual's services only part-time), access in geographic areas with a lesser concentration of qualified individuals, and the working capacity of qualified individuals themselves. OSFM has maintained a fire sprinkler inspector's ability to work for multiple contractors. OSFM has provided some clarification to portions of the rules which may have been unclear in the originally proposed rules.

Comment 4. Investigations

Comment

Commenters suggested OSFM amend proposed Sections 109.123 and 109.125 to align the rules with commenter's understanding of statutory responsibilities regarding investigations.

Response

OSFM considered statute and proposed rules. In order to avoid any confusion between statutory provisions and rules, OSFM is now proposing that most language regarding complaints and investigations, except the requirement that complaints be provided in writing, be removed from Sections 109.123 and 109.125 of the proposed rules. OSFM will defer to statutory language regarding the agency's responsibilities.

Comment 5. Destruction of Fire Sprinkler Inspector ID Cards

Comment

Commenters suggested that the agency should require "proof" of destruction of fire sprinkler inspector ID cards or return of fire sprinkler inspector ID cards to the agency in addition to notification of destruction of the ID cards by the fire sprinkler contractor.

Response

OSFM considered the comment. See Comment 1 and Response. As the style of fire sprinkler inspector license is shifting from employer-specific to individually held, the fire sprinkler inspector ID card would remain with the fire sprinkler inspector regardless of employer. OSFM is now proposing removal of provisions related to destruction of fire sprinkler inspector ID cards.

Comment 6. List of Fire Sprinkler Inspectors

Comment

Commenter suggests a searchable database of all license holders.

Response

A list of fire sprinkler contractors is already publicly available. The OSFM anticipates adding information for fire sprinkler inspectors once those licenses are issued. The current list of fire sprinkler contractors can be found at the link below. No changes to the proposed rules are proposed as a result of this comment.

<https://sfm.illinois.gov/content/dam/soi/en/web/sfm/sfmdocuments/documents/firepreventiondocs/fp-licensedfiresprinklercontractors.pdf>

Comment 7. Age of Fire Sprinkler Inspectors

Comment

Commenters requested clarification of impact of proposed rules on individuals performing routine inspection and testing who are not yet 21 years old. Commenters suggest that such individuals be grandfathered into licensing.

Response

OSFM considered the comment. OSFM notes that no individuals are currently licensed by the OSFM as a fire sprinkler inspector, so no individual can lose a license that they do not have. OSFM considered the question of exemption, the years of training needed to reach the required level of competency, and concerns about the efficacy of training that may occur while an individual is still both a minor and completing regular schooling. OSFM has maintained the proposed requirement that a licensed fire sprinkler inspector have attained 21 years of age, without an exemption for those currently performing routine inspection and testing.

Comment 8. Requirements for All Individuals in the Industry

Comment

Commenters suggested requirements for fire sprinkler inspectors be applicable to all individuals working in the sprinkler industry.

Response

OSFM considered the comment. Proposed rules include the specific standards for license application and licensing of the fire sprinkler contractor and of those individuals that must, by statute, be licensed as fire sprinkler inspectors. OSFM has maintained proposed rules and no changes to the proposed rules are proposed as a result of this comment.

Comment 9. List of Offenses

Comment

Commenters suggested a list of offenses that may result in discipline by OSFM be available to the industry.

Response

OSFM considered the comment. Though all requirements of the Act and rules are requirements which licensees must follow, industry members may reference Section 60 of the Fire Sprinkler Contractor Licensing Act (225 ILCS 317/60) for statutory grounds for disciplinary action, Section 62 of the Fire Sprinkler Contractor Licensing Act (225 ILCS 317/62) for provisions on unlicensed practice, Section 109.130 which includes considerations OSFM shall make in the assessment of fines, and Section 109.140 which includes details on the appeal of administrative action by OSFM. No changes to the proposed rules are proposed as a result of this comment.

Other Changes

Though not requested for consideration by stakeholders, OSFM has also proposed a couple additions to the proposed rules of items that were inadvertently missed in the originally proposed rules.

Addition 1. Fee for Duplicate or Corrected License

The OSFM had proposed the proposed rules include a \$50 fee for duplicate or corrected license. This is the same cost as in the existing sprinkler contractor rules. The costs would now be clearly visible in proposed Section 109.150, where fees are listed.

Addition 2. Application Review

The OSFM has proposed specific language that review of application for licensure included review of past history of an applicant. Proposed language for fire sprinkler contractor license is included below.

- 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, the Office may refuse to issue a fire sprinkler contractor license on the basis of the past history of the applicant.

FAQs

When will the rules be complete?

The rules will be considered at the November 7, 2023 committee hearing of the Joint Committee on Administrative Rules (JCAR). Typically, rules are adopted and become effective in the weeks that follow the hearing.

When can I apply for a fire sprinkler inspector license?

Applications will be available once the rules are adopted. OSFM will have applications available at <https://sfm.illinois.gov/iam/business/fire-sprinkler-contractor-information.html>.

Contact Us

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