

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL

PART 109
FIRE SPRINKLER CONTRACTOR LICENSING RULES

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

SOURCE: Adopted at 28 Ill. Reg. _____, effective _____.

Section 109.10 Purpose

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

Section 109.20 Applicability of Rules

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

Section 109.30 Definitions

The following definitions shall apply to this Part:

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

"Business" means any person, firm, or company engaged in the business of planning, selling, installing, maintaining or servicing fire protection sprinkler systems in the State of Illinois.

"Designated certified person" means an individual who has met the qualifications set forth in Section 20 of the Act and who is designated by the fire

sprinkler contractor on a full time basis to provide supervision and to assure that each fire sprinkler system is installed and repaired in accordance with this Part.

"Fire sprinkler contractor" means a business that holds itself out to be in the business of installing or repairing or contracts with another business to install or repair a fire sprinkler system.

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

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

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

"Licensee" means a person or business organization licensed in accordance with the Act.

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

"NICET" means the National Institute for Certification in Engineering Technologies.

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

"Officer" means:

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

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

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

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

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

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

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

Section 109.40 Application for License

- a) All applications to obtain a license as a fire sprinkler contractor shall be submitted to the Office on forms provided by the Office and shall include:
 - 1) The name and address of the business. The address shall be an actual street address and shall include the city, state and zip code. A post office box number is not acceptable as an address.
 - 2) The names and personal addresses of all officers of the business applying.
 - 3) If an assumed name is to be used, a copy of the assumed name certificate.
 - 4) The name and personal address of the designated certified person or the responsible managing employee, if applicable, and the following:
 - A) For a designated certified person, an original copy of the person's Illinois Professional Engineers License or NICET certification. The original will be returned.
 - B) For a responsible managing employee, the business shall provide:
 - i) The responsible managing employee's name, qualifications and last three years of work experience; and
 - ii) The name, address and telephone number for each person who can verify those qualifications and work experience.
 - 5) If the business is not required to have a designated certified person pursuant to Section 120 of the Act, the business shall provide:

- A) The business' work experience since January 1, 2000, identifying all the jobs in which the business has installed or repaired fire sprinkler systems; and
 - B) The name, address and telephone number for each person who can verify that work experience.
- 6) For the initial license and for each renewal license, a fee of \$1,500.
 - 7) A Certificate of Insurance *for personal injuries of not less than \$500,000 per person or \$1,000,000 per occurrence, and for property damage not less than \$1,000,000 per occurrence*, and proof of worker's compensation insurance. Such insurance coverage shall provide for 30 days' minimum prior to written notice of cancellation to the Office.
 - 8) An organizational chart for each business office showing the supervisory duties of the designated certified person or responsible managing employee.
 - 9) A list of each license issued by any state, local or federal governmental entity in the previous 3 years to engage in fire sprinkler contracting and a statement of whether the licensee is currently subject to disciplinary action or has been adjudicated to have violated a license.
- 10) Proof of payment of taxes to the Illinois Department of Revenue.
 - b) A corporation, in addition to the requirements of subsection (a), shall submit the name and address of its registered agent and a copy of its Articles of Incorporation bearing the seal of the officer responsible for registering the corporation under the laws of the applicable jurisdiction. In addition, a foreign corporation must submit a copy of the Certificate of Authority to transact business in this State.
 - c) Partnerships, in addition to the requirements of subsection (a), shall submit an affidavit stating that the partnership has been legally formed.
 - d) Limited partnerships, in addition to the requirements of subsection (c), shall submit a letter of authority from the Secretary of State's Limited Partnership Department.
 - e) If the business has more than one business location from which it will install or repair fire sprinkler systems, each location shall require a separate designated certified person and a separate license.
 - f) Upon receipt of the documents required by this Section and review of the application, the Office shall issue a license to engage in fire sprinkler contracting or shall notify the applicant of the reason for the denial of such license.

Section 109.50 Communications by Business

A fire sprinkler contractor shall use the business name exactly as it appears on the license and the license number issued by the Office on all written communications. The license number shall appear on all advertisements after January 1, 2005.

Section 109.60 Required Notifications to the Office

- a) The business must notify the Office in writing by certified mail within 30 days after any of the following events:
 - 1) When 51% of the assets, stock or equity of a licensee is sold. A new fire sprinkler contractor application shall be filed with the Office in accordance with Section 109.40;
 - 2) Officers are changed;
 - 3) A change in address of an existing office. If not at the time of renewal, the licensee shall include with the notice a fee of \$50 for issuance of a corrected license;
 - 4) Whenever there is an addition, departure, or change in the designated certified person or responsible managing employee at a licensee's location;
 - 5) The business ceases to operate or ceases to operate under the name on the certificate; or
 - 6) Any changes in the name of the business. A change in business name requires the registrant to apply for a new license.

- b) Notice required by this Section shall be mailed to:

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

Section 109.70 Termination of License

A license shall terminate when:

- a) The business ceases operation;
- b) The business ceases to operate under the name on the license;
- c) The Certificate of Insurance is non-renewed or cancelled;
- d) The license is revoked; or

- e) The business fails to fill the vacant position of its designated certified person or responsible managing employee within 180 days after the position becoming vacant.

Section 109.80 Display of License and Retention of Sprinkler System Plans

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

Section 109.90 Availability of Books, Records, Forms and Stationery

All books, records, forms and stationery associated with fire sprinkler contracting shall be made available to agents of the Office upon request. Failure or refusal to make these records available shall be grounds for disciplinary action.

Section 109.100 Renewal of License

- a) Each license issued under the Act shall be issued for a period of two years. A renewal notice, along with the renewal forms, will be sent to the licensee 90 days prior to the expiration date. Upon receipt of the completed renewal forms and the \$1,500 fee, the Office will issue the new license.
- b) Failure to receive a renewal form from the Office shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) In addition to the renewal fee, a reinstatement fee of \$100 shall be assessed for each business failing to renew within 60 days after the end of the license period. The Office may waive the renewal fee and any reinstatement fee for a sole proprietorship if the owner was on active duty in the military during the time the renewal was due.

- d) Each designated certified person or responsible managing employee must provide proof that he or she attended at least 8 hours of continuing education for each year of the current license.

Section 109.110 Compliance Standards

- a) The fire sprinkler system shall be installed, repaired and maintained in accordance with the edition of the following copyrighted standards and recommended practices in effect at the time of installation or alteration. These standards are available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269-7471.
 - 1) NFPA 13 – Standard for the Installation of Sprinkler Systems;
 - 2) NFPA 13D – Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes;
 - 3) NFPA 13R – Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height;
 - 4) NFPA 14 – Standard for the Installation of Standpipe and Hose Systems;
 - 5) NFPA 15 – Standard for Water Spray Fixed Systems for Fire Protection;
 - 6) NFPA 16 – Standard for the Installation of Deluge Foam-Water Sprinkler and Foam-Water Spray Systems;
 - 7) NFPA 20 – Standard for the Installation of Centrifugal Fire Pumps;
 - 8) NFPA 22 – Standard for Water Tanks for Private Fire Protection;
 - 9) NFPA 24 – Standard for the Installation of Private Fire Service Mains and Their Appurtenances;
 - 10) NFPA 25 – Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
 - 11) NFPA 30 – Flammable and Combustible Liquids Code;
 - 12) NFPA 30A – Automotive and Marine Service Station Code;
 - 13) NFPA 30B – Code for the Manufacture and Storage of Aerosol Products;
 - 14) NFPA 214 – Standard on Water-Cooling Towers;
 - 15) NFPA 231 – Standard for General Storage;
 - 16) NFPA 231C – Standard for Rack Storage of Materials;
 - 17) NFPA 231D – Standard for Storage of Rubber Tires;

- 18) NFPA 231F – Standard for Storage of Roll Paper;
 - 19) NFPA 232 – Standard for Protection of Records;
 - 20) NFPA 307 – Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves; and
 - 21) NFPA 409 – Standard on Aircraft Hangars.
- b) All equipment used in the installation or repair of a fire sprinkler system shall be tested and approved by either the Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc.
 - c) All design drawings of engineered sprinkler systems shall be stamped by a Illinois licensed professional engineer prior to submittal to the authority having jurisdiction.

Section 109.120 Administrative Actions

The failure to comply with the Act and this Part by any licensee may subject the licensee to administrative action, including, but not limited to, suspension, revocation or refusal to issue or renew a license and the assessment of fines.

Section 109.130 Administrative Fines

- a) The State Fire Marshal may assess an administrative penalty against any person who violates the Act or this Part.
- b) Issuance of Administrative Citation
 - 1) The State Fire Marshal may issue an administrative citation and serve the administrative citation on the person by certified mail or personal service. Each citation shall be in writing and shall specifically describe the nature of the violation and its location and shall include a reference to the particular section of the law, rule or standard alleged to have been violated. The citation shall also state the amount of the fine and the process for appeal.
 - 2) Administrative citations and penalties issued under this Section shall not limit the authority of the State Fire Marshal under other sections of law to issue orders, revoke permits, stop work on construction, order the disconnection of electrical power, or take any other appropriate enforcement action.
- c) In assessing the penalty, the State Fire Marshal or a duly authorized representative shall consider the seriousness of the violation, whether the violation was corrected after notification of the contractor, and whether the person has been fined for the same or similar violations in the past. Fines levied under this Section shall not exceed \$1,000.

Section 109.140 Appeal of an Administrative Action

- a) Any person aggrieved by a decision, order or ruling of the Office may, as a matter of right, appeal such action.
- b) All appeal requests shall:
 - 1) Be in writing;
 - 2) Contain an address and telephone number where the appellant may be notified of the time and place of the hearing; and
 - 3) Set forth the reasons why the action of the State Fire Marshal should be reversed or modified.
- c) Appeals from a decision, order or ruling of the State Fire Marshal shall be instituted by filing a written request for a hearing, pursuant to 41 Ill. Adm. Code 210, no later than 10 days following receipt of the notice of the action. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.
- d) The appeal request shall be mailed to:

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