

**BOILER AND PRESSURE VESSEL SAFETY
REPAIRER REGULATIONS
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AUTHORITY: Implementing the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203] and authorized by Section 25 of that Act [225 ILCS 203/25].

**BOILER AND PRESSURE VESSEL
REPAIRER REGULATION ACT**

AN ACT concerning boiler and pressure vessel repairers.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

(225 ILCS 203/1)

Sec. 1. Short Title. This Act may be cited as the Boiler and Pressure Vessel Repairer Regulation Act.

(225 ILCS 203/5)

Sec. 5. Definitions. In this Act:

“Board” means the Board of Boiler and Pressure Vessel Rules created under the Boiler and Pressure Vessel Safety Act.

“Boiler and Pressure Vessel Repairer” means any person, company, or corporation that performs welded repairs to the pressure retaining boundaries of boilers or pressure vessels.

“Person” means a natural person, company, corporation, or other business entity.

(225 ILCS 203/10)

Sec. 10. License; Enforcement; Failure To Pay Tax. No person shall act as a boiler and pressure vessel repairer, or advertise or use any title implying that the person is engaged in the practice or occupation of boiler and pressure vessel repair, unless licensed by the State Fire Marshal under this Act.

No firm, association, or corporation shall act as an agency licensed under this Act, or advertise or use any title implying that it is engaged in the practice of boiler and pressure vessel repair, unless licensed by the State Fire Marshal under this Act. However, an organization that performs welded repairs to its own equipment is not required to have a license if it is authorized by the Board to perform those repairs.

The State Fire Marshal, in the name of the People, through the Attorney General, the State’s Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed, from practicing a licensed activity. Upon filing a verified petition in court, the court, if satisfied by affidavit, or otherwise, that the person is or has been practicing in violation of this Act, may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further unlicensed activity. A copy of the verified complaint shall be served upon the defendant and the proceedings are to be conducted as in other civil cases. The court may enter a judgment permanently enjoining a defendant from further unlicensed activity if it is established that the defendant has been, or is practicing in violation of this Act. In case of violation of any injunctive order or judgment entered under this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings are in addition to all penalties and other remedies in this Act.

The State Fire Marshal may refuse to issue or may suspend license of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until such time as the requirements of the tax Act are satisfied.

Nothing in this Act shall apply to boilers and pressure vessels regulated under Section 2a or 2b of the Boiler and Pressure Vessel Safety Act.

(225 ILCS 203/15)

Sec. 15. Deposit of Fees. All fees collected under this Act shall be deposited into the Fire Prevention Fund.

(225 ILCS 203/20)

Sec. 20. Board Members' Liability Exemptions. A board member shall not be liable for any acts, omissions, decisions, or any other conduct in connection with his or her duties on the Board, except those involving willful, wanton, or intentional misconduct.

(225 ILCS 203/25)

Sec. 25. Rules; Advice; Report.

(a) The Board shall promulgate rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall include standards and criteria for registration, professional conduct, fees, and discipline.

(b) The State Fire Marshal may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(c) The State Fire Marshal shall issue to the Board before each Board meeting, but not less than quarterly, a report of the status of all convictions related to the profession received by the State Fire Marshal.

(225 ILCS 203/30)

Sec. 30. Personnel. The State Fire Marshal may employ, in conformity with the Personnel Code, professional, technical, investigative, or clerical help, on either a full or part-time basis, as may be necessary for the enforcement of this Act.

(225 ILCS 203/35)

Sec. 35. Licensure Requirements and Fees. Implementation of this Section begins October 1, 1996. After July 31, 1997, no person shall engage in any activity described in this Section without first applying for and obtaining a license from the Office of the State Fire Marshal. Applicants for a license must submit to the State Fire Marshal Office the following:

- (1) Fees as established by the Board.
- (2) Evidence of registration as an Illinois corporation or evidence of compliance with the Assumed Business Name Act.

- (3) Evidence of financial responsibility in a minimum amount of \$300,000 through liability insurance, self-insurance, group insurance, group self-insurance, or risk retention groups.
- (4) Evidence of compliance with the qualifications and standards established by the Board.

All fees paid to the Office of the State Fire Marshal under this Act shall be deposited into the Fire Prevention Fund.

(225 ILCS 203/40)

Sec. 40 Application for License. Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the State Fire Marshal.

(225 ILCS 203/45)

Sec. 45. License; Out-Of-State Registration. The Board shall promulgate rules for licensure for applicants who are registered under the laws of another state. Applicants may be licensed under this Act without examination, upon payment of the required fee, if the requirements for registration are substantially equal to the requirements in force in this State and that the state, territory, or country has similar rules for licensure.

(225 ILCS 203/50)

Sec. 50. Issuance of License; Renewal; Fees Nonrefundable.

(a) The State Fire Marshal shall, upon the applicant's satisfactory completion of the requirements authorized under this Act, and upon receipt of the requisite fees, issue the appropriate license showing the name and business location of the licensee, the dates of issuance and expiration.

(b) Each licensee may apply for renewal of his or her license upon payment of fees, as set forth in this Act. The expiration date and renewal period for each license issued under this Act shall be set by rule. Failure to renew within 60 days of the date shall lapse the license. A lapsed license may not be reinstated until a written application is filed, the renewal fee is paid, and the reinstatement fee established by the Board is paid. Renewal and reinstatement fees shall be waived for persons who did not renew while on active duty in the military and who file for renewal or restoration within one year after discharge from the service. A lapsed license may not be reinstated after 5 years have elapsed except upon passing an examination to determine fitness to have the license restored and by paying the required fees.

(c) All fees paid pursuant to this Act are non-refundable.

(225 ILCS 203/55)

Sec. 55. Insufficient Funds Checks. Any person who on two occasions issues or delivers a check or other order to the State Fire Marshal that is not honored by the financial institution upon which it is drawn because of insufficient funds on account, shall pay to the State Fire Marshal, in addition to the amount owing upon the check or other order, a fee of \$50. If the check or other order was issued or delivered in payment of a renewal fee and the licensee whose license has lapsed continues to practice without paying the renewal fee and the \$50 fee required

under this Section, an additional fee of \$100 shall be imposed for practicing without a current license.

Within 30 days after the discovery by the State Fire Marshal that the individual person or distributor is acting as a boiler and pressure vessel repairer without a current license, the State Fire Marshal shall notify the licensee that his or her license has lapsed and the amount due to the State Fire Marshal including the lapsed renewal fee and all other fees required by this Section. If after the expiration of 30 days from the date of notification, the licensee whose license has lapsed seeks a current license, he or she shall thereafter apply to the State Fire Marshal for reinstatement of the license and pay all fees due to the State Fire Marshal. The Board may establish a fee for the processing of an application for reinstatement of a license which allows the State Fire Marshal to pay all costs and expenses incident to processing the application. The State Fire Marshal may waive the fees due under this Section in individual cases where he or she finds that in the particular case the fees would be unreasonable or unnecessarily burdensome.

(225 ILCS 203/60)

Sec. 60. Conditions of Renewal; change of address; Duplicate License; Inspection.

(a) As a condition of renewal of a license, the State Fire Marshal may require the licensee to report information pertaining to his or her practice which the State Fire Marshal determines to be in the interest of public safety.

(b) A licensee shall report a change in home or office address within 10 days of the change.

(c) Each licensee shall prominently display his or her license to practice at each place from which the practice is being performed. If more than one location is used, branch office certificates shall be issued upon payment of a fee to be established by the Board.

(d) If a license or certificate is lost, a duplicate shall be issued upon payment of the required fee to be established by the Board. If a licensee wishes to change his name, the State Fire Marshal shall issue a license in the new name upon satisfactory proof that the change of name was done in accordance with law and upon payment of the required fee.

(e) Each licensee shall permit his or her facilities and repairs to be inspected by representatives of the State Fire Marshal.

(225 ILCS 203/65)

Sec. 65. Grounds for Discipline. Licensees subject to this Act shall conduct their practice in accordance with this Act and the rules promulgated thereunder. Licensees are subject to disciplinary sanctions enumerated in this Act if the State Fire Marshal finds that a licensee is guilty of any of the following:

- (1) Fraud or material deception in obtaining or renewing 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, 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 such licensee demonstrates that he or she has been sufficiently rehabilitated to warrant the public trust.

- (5) Performing any service in a grossly negligent manner or permitting any licensed employee to perform a service in a grossly negligent manner, regardless of whether actual damage or damages to the public is established.
- (6) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, controlled substances, or other habit-forming drugs.
- (7) Directly or indirectly willfully receiving compensation for any professional service not actually rendered.
- (8) Having disciplinary action taken against his or her license in another state.
- (9) Making differential treatment against any person to his or her detriment because of race, color, creed, sex, religion, or national origin.
- (10) Engaging in unprofessional conduct.
- (11) Engaging in false or misleading advertising.
- (12) Contracting or assisting an unlicensed person to perform services for which a license is required under this Act.
- (13) Permitting the use of his or her license to enable an unlicensed person or agency to operate as a licensee.
- (14) Performing and charging for a service without having the authorization to do so from the member of the public being serviced.
- (15) Failure to comply with any provision of this Act or the rules promulgated pursuant thereto.
- (16) Conducting business regulated by this Act without a currently valid license.

(225 ILCS 203/70)

Sec. 70. Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the State Fire Marshal and reported to the Board.

(225 ILCS 203/75)

Sec. 75. Formal Charges; Hearing.

(a) Following the investigative process, the State Fire Marshal may file formal charges against a licensee. Formal charges shall, at a minimum, inform the licensee of specific facts that are the basis of the charge to enable the licensee to defend himself or herself.

(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 days before the date of the hearing. The hearing shall be presided over by the Board or a hearing officer authorized by the Board 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 requested to the licensee at the licensee's last known address as listed with the State Fire Marshal.

(c) The notice of a formal charge shall consist, at a minimum, of the following information:

- (1) The time, place, and date of the hearing.
- (2) A statement that the licensee shall appear personally at the hearing and may be represented by counsel.
- (3) A statement that the licensee has the right to produce witnesses and evidence in his or her behalf and the right to cross-examine witnesses and evidence produced against him or her.
- (4) A statement that the hearing can result in disciplinary action being taken against his or her license.
- (5) A statement that rules for the conduct of these hearings exist and it may be in his or her best interest to obtain a copy.
- (6) A statement that the hearing officer authorized by the Board shall 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 Board as to what disciplinary action, if any, should be imposed on the licensee.
- (7) A statement that the Board may continue such hearing.

(d) The Board or the hearing officer authorized by the Board shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. If the hearing is conducted by a hearing officer, at the conclusion of the hearing, the hearing officer shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Board and to all parties to the proceeding. Submission to the licensee shall be considered as having been made if done in a similar fashion as service of the notice of formal charges. Within 20 days after such service, any party to the proceeding may present to the Board a motion, in writing, for a rehearing. The written motion shall specify the particular grounds for the rehearing.

(e) The Board, following the time allowed for filing a motion for rehearing, shall review the hearing officer's findings of fact, conclusions of law, and recommendations, and any motions filed subsequent thereto. After review of the information, the Board may hear oral arguments and thereafter shall issue such order. The report of findings of fact, conclusions of law, and recommendations of the hearing officer shall be the basis for the Board's order. If the Board finds that substantial justice was not done, it may issue an order in contravention thereof.

(f) All proceedings pursuant to this Section are matters of public record and shall be preserved.

(225 ILCS 203/80)

Sec. 80. Sanctions.

(a) The Board shall impose any of the following sanctions, singularly or in combination when it finds that a licensee is guilty of any offense described in this Act.

- (1) revocation;
- (2) suspension for any period of time;
- (3) reprimand or censure;

- (4) place on probationary status and require the submission of any of the following:
 - (i) report regularly to the Board or State Fire Marshal upon matters which are the basis of the probation;
 - (ii) continue or renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of the probation; or
 - (iii) such other reasonable requirements or restrictions as are proper.
- (5) refuse to issue, renew, or restore; or
- (6) revoke probation which has been granted and impose any other discipline in this subsection (a) when the requirements of probation have not been fulfilled or have been violated.

(b) The State Fire Marshal may summarily suspend a license under this Act, without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing provided under this Section 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 State Fire Marshal suspends a license under this subsection, a hearing by the hearing officer designated by the State Fire Marshal shall begin within 20 days after the suspension begins, unless continued at the request of the licensee.

(c) Disposition may be made of any formal complaint by consent order between the State Fire Marshal and the licensee, but the Board must be apprised of the full consent order in a timely way.

(d) The Board shall reinstate any license to good standing under this Act, upon recommendation to the Board, after a hearing before the hearing officer authorized by the Board. The Board shall be satisfied that the applicant's renewed practice is not contrary to the public interest.

(e) The Board may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act without having a valid license, certificate, or registration. Any person in violation of a cease and desist order entered by the Board 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.

(f) The Board shall seek to achieve consistency in the application of the foregoing sanctions and consent orders and significant departure from prior decisions involving similar conduct shall be explained in the Board's orders.

(225 ILCS 203/85)

Sec. 85. Subpoena, Production of Evidence; Records; Administrative Review; License Suspension; Revocation.

(a) The Board has the power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial proceedings in civil cases. The State Fire Marshal, the Board, and the hearing officer approved by the Board, have the power to administer oaths at any hearing which the Board is authorized to conduct.

(b) Any circuit court, upon the application of the licensee, the Board, or the State Fire Marshal, may order the attendance of witnesses and the production of relevant books and papers in any hearing pursuant to this Act. The court may compel obedience to its order by proceedings for contempt.

(c) The Office of the State Fire Marshal, at its expense, shall provide a stenographer or a mechanical recording device to record the testimony and preserve a record of all proceedings at the hearing of any case wherein a license may be revoked, suspended, placed on probationary status, or other disciplinary action taken with regard thereto. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the hearing officer and the orders of the State Fire Marshal constitute the record of the proceedings. The State Fire Marshal shall furnish a transcript of the record to any interested person upon payment of the costs of copying and transmitting the records.

(d) All final administrative decisions of the Board are subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of Illinois, the venue shall be in Sangamon County. The State Fire Marshal shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the State Fire Marshal acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the cost of preparing such record. Exhibits shall be certified without cost. Failure on the part of the licensee to file such receipt in court shall be grounds for dismissal of the action. During all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the accused by the Board shall remain in effect, unless the court feels justice requires a stay of the order.

(e) An order of revocation, suspension, placing the license on probationary status, or other formal disciplinary action as the State Fire Marshal may consider proper, or a certified copy thereof, over the seal of the State Fire Marshal and purporting to be signed by the State Fire Marshal, is prima facie proof that:

- (1) the signature is that of the State Fire Marshal;
- (2) the State Fire Marshal and the Board are qualified to act; and
- (3) the hearing officer is qualified to act on behalf of the Board. Such proof

may be rebutted.

(f) Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the State Fire Marshal and upon failure to do so, the State Fire Marshal shall seize the same.

(g) The State Fire Marshal shall, upon request, publish a list of the names and addresses of all licensees under the provisions of this Act. The State Fire Marshal shall publish a list of all persons whose licenses have been disciplined within the past year, together with such other information as it may consider of interest to the public.

(225 ILCS 203/90)

Sec. 90. Penalties.

(a) Any natural person who violates any of the following provisions shall be guilty of a Class A misdemeanor for the first offense and a corporation or other business entity that violates any of the following provision commits a business offense punishable by a fine of up to \$1,000.

- (1) Practicing or attempting to practice as a boiler and pressure vessel repairer without a license;
- (2) Obtaining or attempting to obtain a license, practice or business, or any other thing of value by fraudulent representation;
- (3) Permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

Whenever any person is punished as a repeat offender under this Section, the State Fire Marshal or the Board may proceed to obtain a permanent injunction against the person under Section 10.

If any person in making any oath or affidavit required by this Act swears falsely, such person is guilty of perjury and upon conviction thereof may be punished accordingly.

A natural person who violates any Section of this Act other than this Section shall be guilty of a Class A misdemeanor for the first offense, and a corporation or other business entity that violates any Section of this Act commits a business offense punishable by a fine of up to \$1000 for the first offense.

Second or subsequent offenses in violation of any Section of this Act, including this Section, are Class 4 felonies if committed by a natural person, or a business offense punishable by a fine of up to \$5,000 if committed by a corporation or other business entity.

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

PART 121
BOILER AND PRESSURE VESSEL
REPAIRER REGULATIONS

Section	
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121.60	Change of Ownership
121.70	Termination or Change in License
121.80	Records and Documents to be Kept by Boiler or Pressure Vessel Repairer
121.90	Availability of Books, Records, Forms and Stationery
121.100	Renewals

AUTHORITY: Implementing the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203] and authorized by Section 25 of that Act.

SOURCE: Adopted at 21 Ill. Reg. 972, effective January 1, 1997; amended at 35 Ill. Reg. 9050, effective July 1, 2011.

Section 121.10 Definitions

The following definitions shall apply to this Part:

"Act" means the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203].

"Board" means the Board of Boiler and Pressure Vessel Rules.

"Boiler and Pressure Vessel Repairer" means an organization performing any welding on boilers and pressure vessels that affects pressure retaining boundaries and includes, but is not limited to, repairs and alterations as defined in 41 Ill. Adm. Code 120. However, an organization that performs welding to its own equipment and is authorized pursuant to 41 Ill. Adm. Code 120.1010 is not required to have a license.

"Certificate of Registration" means a license issued under this Part prior to July 1, 2011.

"License" means the license issued to a qualified organization by OSFM pursuant to the Act.

"Managerial Control" means having authority to conduct the affairs of the organization and direct others in the conduct of the affairs or business of the organization.

"Organization" means a business or other entity, including, but not limited to, a sole proprietorship, partnership, corporation or association and includes units of local government and the State of Illinois.

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

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.20 Officer

- a) If the organization is a sole proprietorship, the owner of the organization or any person exercising managerial control shall be considered an officer.
- b) If the organization is a partnership, any partner who has at least 10% ownership interest or any partner who exercises managerial control shall be considered an officer.
- c) If the organization is a corporation, any officer or director of the corporation or any person who has at least 10% ownership interest in the corporation or who exercises managerial control shall be considered an officer.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.30 Application for License

- a) All applications for a license as a boiler or pressure vessel repairer, whether located in Illinois or out-of-state, shall be submitted to OSFM, on forms provided by OSFM, and shall include all the information required by this Section.
 - 1) Organizations that desire to practice boiler or pressure vessel repairs in this State, in accordance with Section 40 of the Act, shall file an application with OSFM, on forms provided by OSFM, together with the following:
 - A) A valid Certificate of Authorization to use the "R" Repair Symbol Stamp issued by the National Board of Boiler and Pressure Vessel Inspectors;
 - B) The name and address of all officers (as defined in Section 121.20) of the boiler or pressure vessel repairer. 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;
 - C) If an assumed name is to be used, a copy of the assumed name certificate; and
 - D) A Certificate of Insurance in the amount of \$300,000 to cover losses, naming OSFM as a person to be notified in the event of cancellation or nonrenewal.
 - 2) Corporations, in addition to the requirements of subsection (a), shall submit the following:
 - A) The name and registered address of the corporation, and the name and address of the Registered Agent;
 - B) A copy of the Articles of Incorporation bearing the seal of the officer, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the Certificate of Authority to transact business in this State is also required; and
 - C) If an assumed name is to be used, a copy of the assumed name certificate.

- 3) Partnerships, in addition to the requirements of subsection (a)(1), shall submit the following:
 - A) An application containing the name and business address of the partnership and the names and addresses of all general partners; and
 - B) An affidavit stating that the partnership has been legally formed.
- 4) Limited partnerships, in addition to the requirements of subsections (a)(1) and (a)(3), shall submit the following:
 - A) A letter of authority from the Secretary of State's Business Services Department; and
 - B) A listing of all limited partners.
- b) After reviewing the application, OSFM shall notify the applicant of the reason for the denial of the license or, if being granted, invoice the applicant for the appropriate fee as follows:
 - 1) Initial License – \$300; or
 - 2) Renewal License – \$150 (except as otherwise provided in Section 121.100(e)(2). A certificate of registration previously issued under this Part shall be deemed a license and the renewal fee shall remain \$150, except as provided in Section 121.100(f).
- c) Upon receipt of the appropriate fee, OSFM shall issue a license authorizing the organization to engage in boiler and pressure vessel repairs.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.40 Communication by Organization

A boiler or pressure vessel repairer shall use in all communications only the organization name or tradestyle exactly as it appears on the organization's license issued by OSFM (e.g., ABC Boiler Repairer cannot use a name such as ABC Heating and Cooling Company).

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.50 Changes of Location of Offices

If an organization changes the location of an existing office other than at the time of renewal, the organization shall notify OSFM in writing of the new address at least 30 days prior to the change of location and file the required application and fee of \$50.

(Source: Amended at 35 Ill. Reg. Reg. 9050, effective July 1, 2011)

Section 121.60 Change of Ownership

When 51% of the assets, stock or equity of a boiler or pressure vessel repairer organization are sold, a new boiler or pressure vessel repairer application shall be filed with OSFM in accordance with Section 121.30.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.70 Termination or Change in License

- a) The license shall terminate when the:
 - 1) Organization ceases operation;
 - 2) Organization ceases to operate under the name on the license;
 - 3) Certificate of Insurance has expired or is nonrenewed or cancelled;
 - 4) License is revoked;
 - 5) Period for which the license has expired and no renewal has been issued by OSFM; or
 - 6) The "R" Stamp expired or the organization ceases to possess an "R" Stamp as required by Section 121.30(a)(1)(A).
- b) The organization shall notify OSFM in writing by certified mail within 10 days after the organization ceases to operate or ceases to operate under the name on the license.
- c) In the event of a change of the organization name, the registrant must apply for a new license.
- d) All notices required by this Section shall be sent to OSFM at its headquarters in Springfield, addressed to the Chief Inspector of Boiler and Pressure Vessel Safety. The address is 1035 Stevenson Drive, Springfield IL 62703-4259.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.80 Records and Documents to be Kept by Boiler or Pressure Vessel Repairer

- a) The current license shall be prominently displayed at the location where the organization conducts business.
- b) Records shall be maintained as required by 41 Ill. Adm. Code 120.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

Section 121.90 Availability of Books, Records, Forms and Stationery

All books, records, forms and stationery associated with boiler or pressure vessel repair shall be made available to OSFM agents upon request. Failure or refusal by the organization to make these records available shall be grounds for denial, suspension or revocation of the organization's license under Section 65 of the Act.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)

BOILER & PRESSURE VESSEL REPAIRER REGULATIONS

Section 121.100 Renewals

- a) Subject to the terms of subsection (e), each license issued under the Act shall be issued for a period of three years. A renewal notice, along with the renewal forms, will be sent to the organization 90 days prior to the expiration date. Upon receipt of the completed renewal forms and the appropriate fee, OSFM will renew the license.
- b) It is the responsibility of each licensee to notify OSFM of any change of address, contact information, or information provided in the original application or renewal form.
- c) Failure to receive a renewal form from OSFM shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- d) In addition to the renewal fee, a reinstatement fee of \$100 shall be assessed for each organization failing to renew within 60 days after the end of the licensure period. A sole proprietorship may have the renewal and reinstatement fees waived if the person was on active duty in the military, pursuant to Section 50 of the Act.
- e) On or after July 1, 2011, any new or renewed license will be issued for a period that coincides with the 3 year authorization period of the "R" Stamp.
- f) In the transition from OSFM registration to OSFM licensure, there will be no charge for a renewed license issued for 3 months or less; a \$75 fee for a renewed license issued for a period longer than 3 months but less than 18 months; and the normal renewal fee for a renewed license issued for more than 18 months. The Office will invoice this fee.

(Source: Amended at 35 Ill. Reg. 9050, effective July 1, 2011)