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FILE NO. S-1471

PUBLIC HEALTH:
Application of Provisions of the
Illinois Plumbing License Law to
Municipal or Other Potable Water
Distribution Systems

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Department of Public Health
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Dear Dr. Francis:

I have your letter wherein you inquire whether the terms "plumbing" and "plumbing system" contained in section 2 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1977, ch. 111, par. 1102) apply to municipal or other potable water distribution systems. For the reasons hereinafter stated, it is my opinion that municipal or other potable water distribution systems do not fall within the scope of the definitions of the aforementioned terms. Therefore, persons installing, maintaining, altering or extending such systems are not subject to the provisions of the Illinois Plumbing License Law (Ill. Rev. Stat. 1977, ch. 111, par. 1101 et seq.).

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"Plumbing" is defined in subsection (5) of section 2 of the Illinois Plumbing License Law which provides in pertinent part as follows:

"(5) 'Plumbing' means the installation, repair, maintenance, alterations or extension of a plumbing system in any building which is connected to a water supply or sewage system and includes:

(a) All piping, fixtures, appurtenances and appliances for a supply of water for all purposes in and about buildings where a person or persons live, work or assemble;

(b) Piping, fixtures, appurtenances and appliances for a sanitary drainage and related ventilation system within a building, and all piping, fixtures, appurtenances, appliances outside a building connecting the building with the source of water supply on the premises or the main in the street, alley or at the curb;

(c) All piping, fixtures, appurtenances, appliances, drain or waste pipes carrying sewage from the foundation walls of a building to the sewer service lateral at the curb or in the street or alley, or other disposal terminal holding sewage;

(d) The planning, design, installation, repair, maintenance, alteration, extension and work upon and connection with such piping, fixtures, appliances, appurtenances, drain, waste and vent pipes;

(e) All piping, from discharge of pumping units to and including pressure tanks in water supply systems.

* * *

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(Emphasis added.)

"Plumbing system" is defined in subsection (8) of the same section which provides as follows:

"(8) 'Plumbing System' means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers; including their respective connections, devices

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and appurtenances within the property lines of the premises and water-treating or water-using equipment." (Emphasis added.)

This definition of plumbing system was added to the Illinois Plumbing License Law by Public Act 79-1000, which was effective October 1, 1975. The intent of the General Assembly was to clarify a term used throughout the Act and not to broaden the scope of the Act.

Section 3 of the Act (Ill. Rev. Stat. 1977, ch. 111, par. 1103) provides that:

"All planning, inspecting and designing of plumbing systems and all plumbing and the inspection thereof shall be performed only by plumbers licensed under the provisions of this Act * * *.

* * *

"

Prior to the enactment of Public Act 79-1000, the only definition to which one could have looked to determine what would constitute a plumbing system for purposes of section 3 was the definition of plumbing contained in subsection (5) of section 2. That definition clearly relates solely to systems in and about buildings and mentions a water supply system only as something to which plumbing is connected.

The reference in subsection (8) of section 2 to water service, water supply and distribution pipes might, at first blush, appear to broaden the scope of the Act.

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You will note, however, that the definition in subsection (8) contains the additional phrase "including their respective connections, devices and appurtenances within the property lines of the premises" which relates back to the phrase "water service, water supply and distribution pipes". The reference to the property lines of premises further evinces the intent of the General Assembly to exclude potable water distribution systems from the definition of plumbing system.

It is therefore my conclusion that a potable water distribution system, whether municipally or privately owned, does not constitute a "plumbing system" and therefore, that one engaged in installing, repairing, maintaining, altering or extending a potable water system is not engaged in plumbing for purposes of the Illinois Plumbing License Law.

Very truly yours,

A T T O R N E Y G E N E R A L