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**PUBLIC HEALTH:
Plumbing Inspectors -
Plumbing License Requirement**

Paul G. Peterson, M.D., M.P.H.
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Department of Public Health
535 West Jefferson Street, Suite 450
Springfield, Illinois 62761

Dear Dr. Peterson:

I have your letter wherein you ask the following question:

"If a county enacts an ordinance or resolution providing for building inspections within that county, must the county employ Illinois licensed plumbers to conduct inspections of plumbing being regulated pursuant to that ordinance or resolution?"

For the reasons hereinafter stated, it is my opinion that all plumbing inspectors, whether employed on the State, county or municipal level, must be licensed under the Illinois

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Plumbing License Law. (Ill. Rev. Stat. 1977, ch. 111, par. 1101 et seq.) Therefore, persons conducting plumbing inspections under county building inspection ordinances must be licensed plumbers.

The function of the Illinois Plumbing License Law is two-fold, to insure plumbing skill, and to establish good plumbing practice. The purpose and policy of the Act is set forth in section 1 thereof (Ill. Rev. Stat. 1977, ch. 111, par. 1101) which states in part as follows:

" * * *

Consistent with its duty to safeguard the health of the people of this State, the General Assembly therefore declares that individuals who plan, inspect, install, alter, extend, repair and maintain plumbing systems should be individuals of proved skill. Further, the General Assembly declares that a guide for minimum control of plumbing materials and fixtures, the design of plumbing systems, and the construction and installation methods of plumbing systems is essential for the protection of public health. In order to insure plumbing skill and to authoritatively establish what shall be good plumbing practice, this Act provides for the licensing of plumbers and for the promulgation of a Minimum Plumbing Code of standards by the Department, this Act is therefore declared to be essential to the public interest." (Emphasis added.)

Section 3 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1977, ch. 111, par. 1103) provides in

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pertinent part as follows:

"(1) 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 hereinafter called 'licensed plumbers'.
* * * " (Emphasis added.)

The only conclusion which may be drawn from the above language is that all persons who engage in plumbing inspections in this State must be licensed under the Illinois Plumbing License Law regardless of which unit of government employs them or the code under which they function. The language of section 3 is clear, is of general application, and needs no further construction.

Because a county is authorized to regulate plumbing (Ill. Rev. Stat. 1977, ch. 34, pars. 419, 422), it may adopt a minimum code of standards pursuant to local ordinance, or it may adopt all or part of the minimum code of standards promulgated by the Department of Public Health. (Ill. Rev. Stat. 1977, ch. 111, par. 1134.) Thus, a county is given discretion in adopting a code affecting plumbing, but its discretion goes only to the adoption of substantive standards for the regulation of plumbing fixtures, materials, design and installation, and not to the qualification of plumbing inspectors. Furthermore, section 37 of the Illinois Plumbing

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License Law (Ill. Rev. Stat. 1977, ch. 111, par. 1135), which gives governmental units discretion in the requirement of plumbing inspection, clearly provides that, if plumbing inspections are required, they must be conducted by licensed plumbers.

You point out in your letter that certain counties have maintained that their plumbing inspectors need not be licensed because section 18 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1977, ch. 111, par. 1117), which requires that plumbing inspectors hired by municipalities be licensed, applies only to municipalities and thereby excludes county plumbing inspectors from the requirement. It is true that section 18 applies only to municipalities, but as noted above, section 3 of the Illinois Plumbing License Law clearly requires that all plumbing inspectors be licensed, including those hired by counties. Furthermore, any unlicensed person conducting plumbing inspections for a county would be in violation of the Illinois Plumbing License Law and would be subject to prosecution under section 29 thereof. Ill. Rev. Stat. 1977, ch. 111, par. 1128.

Very truly yours,

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