

SB2343



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2343

Introduced 2/7/2025, by Sen. Seth Lewis

SYNOPSIS AS INTRODUCED:

New Act

Creates the Design Professional Self-Certification Act. Provides that the Executive Director of the Capital Development Board shall establish a self-certification program through which a qualified design professional within a participating municipality shall be permitted to: (1) take responsibility for a project's compliance with the baseline building code; and (2) self-certify that a permit application, plans, and specifications comply with the baseline building code. Requires the Executive Director to establish requirements for design professionals to qualify for the self-certification program. Sets forth program requirements; oversight; and recordkeeping. Effective January 1, 2026.

LRB104 10312 AAS 20386 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the Design
5 Professional Self-Certification Act.

6 Section 5. Definitions. As used in this Act:

7 "Architect" means a person licensed as an architect in
8 this State.

9 "Board" means the Capital Development Board.

10 "Design professional" means an architect or a professional
11 engineer.

12 "Enforcing agency" means the municipal or county
13 construction officials.

14 "Executive Director" means the Executive Director of the
15 Capital Development Board.

16 "Professional engineer" means a person licensed as a
17 professional engineer in this State.

18 "Project" means the work identified in a construction
19 permit application and accompanying plans.

20 "Qualified design professional" means a design
21 professional who satisfies the requirements established by the
22 Board and who has not been excluded, suspended, or otherwise
23 sanctioned by the Board.

1 "Qualified design professional of record" means the
2 qualified design professional who prepared or supervised the
3 preparation of an application for a construction permit, and
4 the associated plans and specifications, filed with the
5 enforcing agency under the self-certification program
6 established by the Board.

7 "Self-certification" or "self-certified" means a qualified
8 design professional's submission of a permit application,
9 plans, specifications, and design professional of record
10 self-certification form to an enforcing agency.

11 "Self-certification program" or "program" means the
12 program established by the Board, requiring an enforcing
13 agency to accept an application for a construction permit, and
14 the associated plans and specifications, that have been
15 self-certified by a qualified design professional.

16 "Supervisory check" means the enforcing agency's
17 acknowledgment of receipt of all materials required to support
18 issuance of a construction permit under the baseline building
19 code.

20 Section 10. Self-certification program.

21 (a) The Executive Director of the Capital Development
22 Board shall establish a self-certification program through
23 which a qualified design professional within a participating
24 municipality shall be permitted to:

25 (1) take responsibility for a project's compliance

1 with the baseline building code; and

2 (2) self-certify that a permit application, plans, and
3 specifications comply with the baseline building code and
4 the requirements of any applicable laws.

5 (b) Self-certification shall be available for repair and
6 alteration projects, as defined by the baseline building code,
7 in the following use groups with the following square footage
8 limitations:

- 9 (1) Group B occupancies up to 9,000 square feet;
- 10 (2) Group F-1 occupancies up to 8,500 square feet;
- 11 (3) Group F-2 occupancies up to 13,000 square feet;
- 12 (4) Group M occupancies up to 9,000 square feet;
- 13 (5) Group R-1 occupancies up to 7,000 square feet;
- 14 (6) Group R-2 occupancies up to 7,000 square feet;
- 15 (7) Group R-3 occupancies up to 4,800 square feet;
- 16 (8) Group R-4 occupancies up to 7,000 square feet;
- 17 (9) Group S-1 occupancies up to 9,000 square feet; and
- 18 (10) Group S-2 occupancies up to 13,500 square feet.

19 (c) The Executive Director, by rule, may extend
20 authorization to participate in the self-certification program
21 to projects in addition to those specified in subsection (b),
22 including, but not limited to, projects involving additional
23 categories of work, additional use groups, more extensive
24 square footage limitations, and projects and submittals
25 specified in subsection (d).

26 (d) Self-certification shall not be available for any of

1 the following types of projects and submittals, unless the
2 Executive Director extends authorization for that type of
3 project or submittal in the self-certification program by
4 rule:

5 (1) projects that include a new commercial kitchen;

6 (2) projects that include new electrical service
7 exceeding 400 amps;

8 (3) projects that include structural alterations
9 involving lateral design;

10 (4) any project that requires a special inspection
11 under the baseline building code; and

12 (5) prototype plan submittals.

13 (e) The enforcing agency of a participating municipality
14 shall, no later than 5 calendar days after receipt of a
15 self-certified construction permit application and
16 accompanying plans and specifications, conduct a supervisory
17 check of the application materials to ascertain receipt of all
18 materials necessary to support issuance of the construction
19 permit, and upon acknowledgment of receipt of those materials,
20 issue a construction permit.

21 A permit issued under the self-certification program shall
22 have the same force and effect as a permit issued by an
23 enforcing agency after full examination and approval of the
24 construction documents. Except as otherwise provided in the
25 baseline building code, or rules adopted by the Board, an
26 approved application for a construction permit, plans or

1 specifications, or the approval of similar construction
2 documents, shall be deemed to refer to accepted,
3 self-certified construction documents or to the acceptance of
4 construction documents, as applicable.

5 (f) The Executive Director shall establish requirements
6 for design professionals to qualify to participate in the
7 self-certification program, including, but not be limited to:

8 (1) current licensure as a design professional;

9 (2) current licensure by the Board to inspect
10 high-rise and hazardous structures for the applicable
11 baseline building code;

12 (3) authorization granted by the Board; and

13 (4) proof of or a certificate demonstrating
14 professional liability insurance coverage, issued by an
15 insurer authorized to provide insurance coverage in this
16 State, that provides coverage with limits that are no less
17 than \$500,000 per claim, and \$1,000,000 in the aggregate,
18 for all claims made during the policy period.

19 (g) The self-certification program shall include a
20 condition that the qualified design professional of record
21 remain with the project until the enforcing agency signs off
22 on the project through the issuance of a letter of completion
23 or certificate of approval. If the qualified design
24 professional of record withdraws from a project before the
25 enforcing agency's issuance of a letter of completion or
26 certificate of approval, all work shall cease and no permit,

1 letter of completion, or certificate of approval shall be
2 issued until:

3 (1) a successor qualified design professional is
4 designated as the qualified design professional of record
5 and satisfies the requirements set forth in this Section;
6 and

7 (2) the successor qualified design professional
8 submits a professional certification confirming the
9 qualified design professional's concurrence with the
10 construction documents accepted by the enforcing agency;
11 or

12 (3) new construction documents are approved or
13 accepted by the enforcing agency.

14 (h) A permit issuing municipality may elect to become a
15 participating municipality under this Act by ordinance.

16 Section 15. Self-certification form.

17 (a) The Executive Director shall adopt rules to implement
18 a design professional of record self-certification form and
19 shall provide online access to the form through the Board's
20 website. A qualified design professional of record shall
21 complete and submit the form, permit application, plans, and
22 specifications to the enforcing agency. The form shall
23 include:

24 (1) a design professional of record self-certification
25 statement; and

(2) the qualified design professional of record's certification and attestation that:

(A) the qualified design professional of record shall take all measures necessary to correct a false or inaccurate statement provided to the enforcing agency in the permit application, plans, and specifications immediately after the qualified design professional of record becomes aware of the false or inaccurate statement, regardless of whether the false or inaccurate statement was made by the qualified design professional of record or the design professional's agent or employee;

(B) the qualified design professional of record acknowledges that the enforcing agency's issuance of a permit under the self-certification program is reliant upon the truth and accuracy of the design professional's certifications set forth in the design professional of record self-certification;

(C) the qualified design professional of record agrees that if the enforcing agency determines that a submitted permit application, plans, and specifications do not conform to the requirements of the baseline building code or other applicable law, the qualified design professional of record, in a timely manner, shall bring the submitted permit application, plans, and specifications and all

1 construction into conformance with the requirements of
2 the baseline building code and other applicable law,
3 and shall take all remedial measures within the
4 qualified design professional of record's control;

5 (D) the qualified design professional of record
6 acknowledges that failure to bring the submitted
7 permit application, plans, and specifications and all
8 construction into conformity with the requirements of
9 the baseline building code and other applicable law,
10 and failure to take all reasonably necessary remedial
11 measures, within the design professional's control, to
12 do so may result in revocation of the qualified design
13 professional of record's privileges under the
14 self-certification program and may result in
15 notification of the revocation to the appropriate
16 State professional licensing Board; and

17 (E) the qualified design professional agrees to
18 comply with additional certification requirements
19 imposed by rule adopted by the Executive Director.

20 (b) In order to support issuance of a construction permit
21 under the self-certification program, at the time of
22 submission of a design professional of record
23 self-certification form and a self-certified construction
24 permit application, plans, and specifications to the enforcing
25 agency, the qualified design professional of record shall
26 submit a design professional of record self-certification

1 statement certifying that:

2 (1) the qualified design professional has been a
3 licensed architect or professional engineer for at least 3
4 years and is licensed in this State;

5 (2) within the preceding 5-year period, the qualified
6 design professional has not been convicted or found liable
7 of:

8 (A) knowingly making a false statement of material
9 fact on, or in connection with, a construction permit
10 application;

11 (B) knowingly submitting, in support of a
12 construction permit application, a document containing
13 false or fraudulent information; or

14 (C) knowingly affixing a false signature to a
15 construction permit application;

16 (3) submission to an enforcing agency of a permit
17 application, plans, and specifications, upon which the
18 stamp of the qualified design professional has been
19 affixed, indicates that each page of the application:

20 (A) was prepared by, under the direct supervision
21 of or reviewed by the qualified design professional of
22 record;

23 (B) is complete; and

24 (C) as of the date of submission, the permit
25 application, plans, and specifications comply with the
26 requirements of the baseline building code and other

1 applicable law;

2 (4) the permit application, plans, and specifications,
3 and all technical submissions made by the qualified design
4 professional of record in connection with the
5 self-certified project, were prepared in accordance with
6 and meet the standard of care required of the profession;
7 and

8 (5) all information and assertions made in support of
9 a permit application by the qualified design professional
10 of record in the permit application, plans, and
11 specifications are true and correct.

12 (c) The Executive Director shall create and make publicly
13 accessible on the Board's website, an owner certification
14 statement, that, for each project, the owner responsible for
15 the work identified in the permit application, shall certify
16 that the owner:

17 (1) authorized the work of all professionals and
18 consultants named in the permit application and
19 accompanying plans; and

20 (2) shares joint responsibility for ensuring
21 compliance with the baseline building code.

22 (d) The Executive Director shall create and make publicly
23 available the Board's website, an owner hold harmless letter,
24 that for each project, the owner shall sign, date, and agree
25 to, and furnish to the qualified design professional of
26 record, who shall submit the letter to the enforcing agency,

1 and which shall provide that the owner agrees:

2 (1) to protect, defend, indemnify, and hold harmless
3 the municipality and this State, and their officers,
4 representatives, managers, agents, and employees, against
5 any and all claims, liabilities, judgments, costs,
6 expenses, delays, demands, or injuries arising out of or
7 in any way connected with the design, construction,
8 baseline building code compliance review, or issuance of a
9 permit for the project identified in the permit
10 application; and

11 (2) that if any component of construction is found to
12 not conform to the requirements of the baseline building
13 code, any other applicable law, or any permit issued under
14 the self-certification program, the owner shall, without
15 undue delay, remove or modify, at the owner's own expense,
16 the nonconforming component or components of construction.

17 Section 20. Oversight by the Board.

18 (a) The Board may review any action performed by an
19 enforcing agency to ensure reasonable oversight of a project.

20 (b) All qualified design professionals shall be subject to
21 random audits by the Board to determine whether the
22 application, plans, and specifications for projects comply
23 with the requirements of the baseline building code, the
24 provisions of this Act, and other applicable laws. The Board
25 shall design and implement audits to measure the efficiency of

1 the self-certification program and compliance with the
2 provisions of this Act.

3 The Board shall provide written notice of the results of
4 an audit to the qualified design professional of record. The
5 notification shall provide a summary of the audit results and
6 direct the qualified design professional to address all
7 violations of the baseline building code found in the audit by
8 a specific date. The specified date shall be reasonable based
9 upon the type of violations and the nature of the corrections
10 that need to be made. Failure to submit required corrections
11 may result in actions specified in subsection (c).

12 The Executive Director may assess a reasonable fee to
13 cover the costs associated with the performance of the audit.

14 (c) The Executive Director may exclude, suspend, or
15 otherwise sanction a qualified design professional for cause,
16 after providing the opportunity for a hearing, for failure to
17 submit required corrections as described in subsection (b). A
18 qualified design professional shall not be eligible to
19 participate in the self-certification program during any
20 period of probation imposed as a sanction by the Architecture
21 Licensing Board or the State Board of Professional Engineers.

22 The Executive Director, after providing a qualified design
23 professional the opportunity for an administrative hearing,
24 shall exclude or suspend a qualified design professional from
25 participating in the self-certification program or otherwise
26 condition the professional's eligibility to participate in the

1 program, upon determining that the professional:

2 (1) knowingly or negligently submitted a
3 self-certified permit application or construction document
4 that contains false information or is not in compliance
5 with all applicable provisions of law; or

6 (2) submitted 2 self-certified permit applications or
7 construction documents within a 12-month period that
8 contained material errors that resulted in revocation of
9 construction permits or otherwise demonstrate incompetence
10 or a lack of knowledge of applicable laws.

11 (d) A qualified design professional who is excluded from
12 the program under this Section may apply for reinstatement no
13 earlier than one year after the date of exclusion. An
14 applicant who the Executive Director determines is qualified
15 to resume participation in the program shall be on probation
16 for a period of not less than 6 months after reinstatement and,
17 during that time, as a condition of reinstatement, shall
18 attend one or more trainings or continuing education courses
19 approved by the Board and related to compliance with the
20 baseline building code and related laws and rules. The design
21 professional shall submit satisfactory proof of the successful
22 completion of the training or continuing education courses to
23 the Board.

24 The Executive Director shall revoke, after the opportunity
25 for an administrative hearing, for a period of not less than 5
26 years, the self-certification privileges of a qualified design

1 professional who, while on probation, professionally certifies
2 an application, plan, construction documents, or other
3 document that contains materially false information or is not
4 in material compliance with all applicable provisions of law,
5 or who otherwise demonstrates gross negligence or
6 incompetence, or a total disregard of applicable laws or
7 standards.

8 Nothing in this Section shall be construed to limit the
9 Executive Director's power to adopt rules that include
10 additional grounds to limit the self-certification privileges
11 of, or otherwise sanction, a qualified design professional,
12 after affording the professional an opportunity for a hearing,
13 when the Executive Director determines that the design
14 professional knowingly or negligently submitted permit
15 applications or other documents to the enforcing agency that
16 contained materially false information or were not in material
17 compliance with all applicable provisions of law, or that
18 otherwise demonstrate gross negligence or incompetence, or a
19 total disregard of applicable law or standards.

20 (e) The Board shall create and maintain a searchable
21 database on the Board's website of all qualified design
22 professionals who have been excluded, suspended, or otherwise
23 sanctioned by the Board. No later than 7 business days after
24 the date a sanction is imposed, the Board shall post on its
25 website and shall make available upon request, the name of the
26 qualified design professional, a description of the sanction,

1 the initial date of the sanction, the reinstatement date, if
2 applicable, the address of the premises for which the
3 application associated with the sanction was submitted, and
4 whether the sanction was imposed after a hearing or through a
5 settlement. The Board shall provide requested information
6 concerning the exclusion, suspension, or other sanction of a
7 specific qualified design professional within 30 days after
8 receiving the request.

9 (f) No later than 10 business days after the Board's
10 adverse determination or sanction of a professional engineer
11 under the self-certification program, the Board shall provide
12 written notice of the adverse determination or sanction to the
13 State Board of Professional Engineers and Land Surveyors,
14 including the name and business firm name and address of the
15 professional engineer, as well as supporting documentation for
16 the sanction imposed.

17 (g) No later than 10 business days after the Board's
18 adverse determination or sanction of a registered architect
19 under the self-certification program, the Board shall provide
20 written notice of the adverse determination or sanction to the
21 Architecture Licensing Board including, the name, business
22 firm name, and address of the registered architect, as well as
23 supporting documentation for the sanction imposed.

24 (h) The Board shall not assess an adverse determination or
25 sanction against until all of a design professional's rights
26 to appeal are exhausted or have expired.

1 Section 25. Study and report.

2 (a) The Board shall conduct a study to determine
3 construction activity that may be added to the
4 self-certification program. The Board may retain a third party
5 or consultant to conduct this study.

6 (b) No later than January 1, 2029, the Board shall submit a
7 report to the Governor and the General Assembly concerning the
8 self-certification program and the results of the study
9 conducted under subsection (a).

10 Section 30. Rulemaking. The Executive Director may adopt
11 rules as necessary to implement and administer this Act.

12 Section 99. Effective date. This Act takes effect January
13 1, 2026.