



Sen. Don Harmon

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LRB100 04921 SMS 26260 a

1 AMENDMENT TO SENATE BILL 326

2 AMENDMENT NO. _____. Amend Senate Bill 326 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 The Detection of Deception Examiners Act.

12 The Home Inspector License Act.

13 The Registered Interior Designers ~~Design Title~~ Act.

14 The Massage Licensing Act.

15 The Petroleum Equipment Contractors Licensing Act.

16 The Real Estate Appraiser Licensing Act of 2002.

1 The Water Well and Pump Installation Contractor's License
2 Act.

3 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
4 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
5 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,
6 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

7 Section 10. The Interior Design Title Act is amended by
8 changing Sections 1, 2, 3, 5, 8, 9, 10, and 13 and by adding
9 Sections 11.5 and 30.5 as follows:

10 (225 ILCS 310/1) (from Ch. 111, par. 8201)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 1. Short title. This Act may be cited as the
13 Registered Interior Designers ~~Design Title~~ Act.

14 (Source: P.A. 92-104, eff. 7-20-01.)

15 (225 ILCS 310/2) (from Ch. 111, par. 8202)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 2. Public policy. Interior design in the State of
18 Illinois is hereby declared to affect the public health,
19 safety, and welfare and to be subject to regulation and control
20 in the public interest. It is further declared to be a matter
21 of public interest and concern that the interior design
22 profession ~~professions~~ merit and receive the confidence of the
23 public and that only qualified persons be permitted to use the

1 title of registered interior designer in the State of Illinois.
2 This Act shall be liberally construed to carry out these
3 objectives and purposes.

4 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

5 (225 ILCS 310/3) (from Ch. 111, par. 8203)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 3. Definitions. As used in this Act:

8 ~~"Department" means the Department of Financial and~~
9 ~~Professional Regulation.~~

10 ~~"Secretary" means the Secretary of Financial and~~
11 ~~Professional Regulation.~~

12 "Board" means the Board of Registered Interior Design
13 Professionals established under Section 6 of this Act.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "The profession of interior design", within the meaning and
17 intent of this Act, refers to persons qualified by education,
18 experience, and examination, who administer contracts for
19 fabrication, procurement, or installation in the
20 implementation of designs, drawings, and specifications for
21 any interior design project and offer or furnish professional
22 services, such as consultations, studies, drawings, and
23 specifications in connection with the location of lighting
24 fixtures, lamps and specifications of ceiling finishes as shown
25 in reflected ceiling plans, space planning, furnishings, or the

1 fabrication of non-loadbearing structural elements within and
2 surrounding interior spaces of buildings but specifically
3 excluding mechanical and electrical systems, except for
4 specifications of fixtures and their location within interior
5 spaces.

6 "Public member" means a person who is not an interior
7 designer, educator in the field, architect, structural
8 engineer, or professional engineer. For purposes of board
9 membership, any person with a significant financial interest in
10 the design or construction service or profession is not a
11 public member.

12 "Registered interior designer" means a person who has
13 received registration under Section 8 of this Act. A person
14 represents himself or herself to be a "registered interior
15 designer" within the meaning of this Act if he or she holds
16 himself or herself out to the public by any title incorporating
17 the words "registered interior designer" or any title that
18 includes the words "registered interior design".

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 ~~"The profession of interior design", within the meaning and~~
22 ~~intent of this Act, refers to persons qualified by education,~~
23 ~~experience, and examination, who administer contracts for~~
24 ~~fabrication, procurement, or installation in the~~
25 ~~implementation of designs, drawings, and specifications for~~
26 ~~any interior design project and offer or furnish professional~~

1 ~~services, such as consultations, studies, drawings, and~~
2 ~~specifications in connection with the location of lighting~~
3 ~~fixtures, lamps and specifications of ceiling finishes as shown~~
4 ~~in reflected ceiling plans, space planning, furnishings, or the~~
5 ~~fabrication of non loadbearing structural elements within and~~
6 ~~surrounding interior spaces of buildings but specifically~~
7 ~~excluding mechanical and electrical systems, except for~~
8 ~~specifications of fixtures and their location within interior~~
9 ~~spaces.~~

10 ~~A person represents himself or herself to be a "registered~~
11 ~~interior designer" within the meaning of this Act if he or she~~
12 ~~holds himself or herself out to the public by any title~~
13 ~~incorporating the words "registered interior designer" or any~~
14 ~~title that includes the words "registered interior design".~~

15 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

16 (225 ILCS 310/5) (from Ch. 111, par. 8205)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 5. Powers and duties of the Department. Subject to the
19 provisions of this Act, the Department shall exercise the
20 following functions, powers, and duties:

21 (a) To conduct or authorize examinations to ascertain
22 the fitness and qualifications of applicants for
23 registration and issue certificates of registration to
24 those who are found to be fit and qualified.

25 (b) To prescribe rules and regulations for a method of

1 examination of candidates. The Department shall designate
2 as its examination for registered interior designers the
3 National Council for Interior Design Qualification
4 examination.

5 (c) To adopt as its own rules relating to education and
6 experience requirements, those guidelines published from
7 time to time by the Council for Interior Design
8 Accreditation Foundation for Interior Design Education
9 Research or its successor entity equivalent.

10 (d) To conduct hearings on proceedings to revoke,
11 suspend, or refuse to issue certificates of registration.

12 (e) To promulgate rules and regulations required for
13 the administration of this Act.

14 (f) The Department is encouraged to:

15 (1) maintain membership in the Council for
16 Interior Design Qualification and participate in
17 activities of the Council for Interior Design
18 Qualification Council of Delegates; and

19 (2) designate at least one employee of the
20 Department to attend national and regional meetings of
21 the Council for Interior Design Qualification. All
22 costs associated with Department membership and
23 attendance of the delegate to any national or regional
24 Council for Interior Design Qualification meetings may
25 be funded from the General Professions Dedicated Fund.

26 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

1 (225 ILCS 310/8) (from Ch. 111, par. 8208)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 8. Requirements for registration.

4 (a) Each applicant for registration shall apply to the
5 Department in writing on a form provided by the Department.
6 Except as otherwise provided in this Act, each ~~applicant shall~~
7 ~~take and pass the examination approved by the Department. Prior~~
8 ~~to registration, the applicant shall provide substantial~~
9 ~~evidence to the Board that the applicant: (1) is a graduate of~~
10 ~~a 5 year interior design program from an accredited institution~~
11 ~~and has completed at least 2 years of full time diversified~~
12 ~~interior design experience; (2) is a graduate of a 4 year~~
13 ~~interior design program from an accredited institution and has~~
14 ~~completed at least 2 years of full time diversified interior~~
15 ~~design experience; (3) has completed at least 3 years of~~
16 ~~interior design curriculum from an accredited institution and~~
17 ~~has completed 3 years of full time diversified interior design~~
18 ~~experience; (4) is a graduate of a 2 year interior design~~
19 ~~program from an accredited institution and has completed 4~~
20 ~~years of full time diversified interior design experience; or~~
21 ~~(5) (blank).~~ (b) In addition to providing evidence of meeting
22 ~~the requirements of subsection (a): (1) Each applicant for~~
23 registration as a registered interior designer shall provide
24 substantial evidence, including written documentation, to the
25 Department that he or she has successfully passed ~~completed~~ the

1 examination administered by the ~~National~~ Council for Interior
2 Design Qualification ~~Qualifications~~. The evidence and
3 documentation shall be placed on file at the Department and be
4 available to the Board.

5 ~~(2) (Blank).~~

6 ~~Examinations for applicants under this Act may be held at~~
7 ~~the direction of the Department from time to time but not less~~
8 ~~than once each year. The scope and form of the examination~~
9 ~~shall conform to the National Council for Interior Design~~
10 ~~Qualification examination for interior designers.~~

11 (b) Each applicant for registration who possesses the
12 necessary qualifications shall pay to the Department the
13 required registration fee, which is not refundable, at the time
14 of filing his or her application.

15 (c) An individual may apply ~~applying~~ for original
16 registration prior to passing the National Council for Interior
17 Design Qualification examination. He or she shall have 2 years
18 after 3 years from the date of filing an application to pass
19 the examination ~~complete the application process~~. If evidence
20 and documentation of passing the examination is received by the
21 Department later than 2 years after the individual's filing ~~the~~
22 ~~process has not been completed in 3 years,~~ the application
23 shall be denied and the fee forfeited. The applicant may
24 reapply at any time, ~~but shall meet the requirements in effect~~
25 ~~at the time of reapplication.~~

26 ~~(e) (Blank).~~

1 ~~(c-5) (Blank).~~

2 (d) Upon payment of the required fee, which shall be
3 determined by rule, an applicant who is an architect licensed
4 under the laws of this State may, without passing the National
5 Council for Interior Design Qualification examination, be
6 granted registration as a registered interior designer by the
7 Department provided the applicant submits proof of an active
8 architectural license in Illinois.

9 ~~(c) (Blank).~~

10 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

11 (225 ILCS 310/9) (from Ch. 111, par. 8209)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 9. Expiration; renewal; restoration.

14 (a) The expiration date and renewal period for each
15 certificate of registration issued under this Act shall be set
16 by rule. A registrant may renew such registration during the
17 month preceding its expiration date by paying the required
18 renewal fee.

19 (b) Inactive status.

20 (1) Any registrant who notifies the Department in
21 writing on forms prescribed by the Department may elect to
22 place his or her certificate of registration on an inactive
23 status and shall, subject to rules of the Department, be
24 excused from payment of renewal fees until he or she
25 notifies the Department in writing of his or her desire to

1 resume active status.

2 (2) Any registrant requesting restoration from
3 inactive status shall be required to pay the current
4 renewal fee and shall be required to restore his or her
5 registration.

6 (3) Any registrant whose registration is on inactive
7 status shall not use the title "registered interior
8 designer" in the State of Illinois.

9 (4) Any registrant who uses the title "registered
10 interior designer" while his or her certificate of
11 registration is lapsed or inactive shall be considered to
12 be using the title without a registration which shall be
13 grounds for discipline under Section 13 of this Act.

14 (c) Any registrant whose registration has expired may have
15 his or her certificate of registration restored at any time
16 within 5 years after its expiration, upon payment of the
17 required fee.

18 (d) Any person whose registration has been expired for more
19 than 5 years may have his or her registration restored by
20 making application to the Department and filing proof
21 acceptable to the Department of his or her fitness to have his
22 or her registration restored, including sworn evidence
23 certifying to active lawful practice in another jurisdiction,
24 and by paying the required restoration fee. A person using the
25 title "registered interior designer" on an expired
26 registration is deemed to be in violation of this Act.

1 (e) If a person whose certificate of registration has
2 expired has not maintained active status in another
3 jurisdiction, the Department shall determine, by an evaluation
4 process established by rule, his or her fitness to resume
5 active status and may require the person to complete a period
6 of evaluated practical experience, and may require successful
7 completion of an examination.

8 (f) Any person whose certificate of registration has
9 expired while he or she has been engaged (1) in federal or
10 State service active duty, or (2) in training or education
11 under the supervision of the United States preliminary to
12 induction into the military service, may have his or her
13 registration restored without paying any lapsed renewal or
14 restoration fee if, within 2 years after termination of such
15 service, training or education, he or she furnishes the
16 Department with satisfactory proof that he or she has been so
17 engaged and that his or her service, training, or education has
18 been so terminated.

19 (g) An individual applying for restoration of a
20 registration shall have 3 years from the date of application to
21 complete the application process. If the process has not been
22 completed in 3 years, the application shall be denied and the
23 fee forfeited. The applicant may reapply at any time, ~~but shall~~
24 ~~meet the requirement in effect at the time of reapplication.~~

25 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

1 (225 ILCS 310/10) (from Ch. 111, par. 8210)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 10. Foreign applicants. Upon payment of the required
4 fee, an applicant who is an interior designer currently
5 registered, certified, or licensed under the laws of another
6 state or territory of the United States or a foreign country or
7 province shall, without further examination, be granted
8 registration as an interior designer, ~~as the case may be,~~ by
9 the Department if, as determined by the Department, the
10 applicant provides adequate documentation establishing:

11 (1) that the applicant has passed the National Council
12 for Interior Design Qualification examination; and

13 (2) the applicant's current licensure, certification,
14 or registration with regard to the practice of interior
15 design in one or more jurisdictions; ~~(a)~~ whenever the
16 requirements of such state or territory of the United
17 States or a foreign country or province were, at the date
18 of registration, certification, or licensure,
19 substantially equal to or greater than the requirements
20 then in force in this State. ~~;~~ ~~or~~

21 ~~(b) whenever such requirements of another state or~~
22 ~~territory of the United States or a foreign country or~~
23 ~~province together with educational and professional~~
24 ~~qualifications, as distinguished from practical~~
25 ~~experience, of the applicant since obtaining a license as~~
26 ~~an interior designer in such state or territory of the~~

1 ~~United States are substantially equal to the requirements~~
2 ~~in force in Illinois at the time of application for~~
3 ~~registration.~~

4 (Source: P.A. 96-1334, eff. 7-27-10.)

5 (225 ILCS 310/11.5 new)

6 Sec. 11.5. Continuing education.

7 (a) This Section applies to an individual applying for
8 renewal or restoration of registration as a registered interior
9 designer.

10 (b) An applicant for renewal of registration shall submit
11 proof to the Department of having completed 24 continuing
12 education units from one or more Department approved continuing
13 education providers during the term of the registration.

14 An applicant shall prove completion of continuing
15 education units by submitting with the registration renewal
16 application the following information:

17 (1) Official documentation from a continuing education
18 provider, including:

19 (A) the name and address of the continuing
20 education provider;

21 (B) the dates on which the applicant attended the
22 provider's continuing education course;

23 (C) the name of the continuing education course and
24 a description of the subject matter covered; and

25 (D) the hours of credit earned by the applicant due

1 to his or her successful completion of the continuing
2 education course.

3 (2) Satisfactory documentation that a total of at least
4 12 continuing education units addresses one or more of the
5 following subject matters:

6 (A) The health, wellness, or overall consumer
7 protection of building occupants.

8 (B) Public safety, with an emphasis on the impact
9 and application of the State, county, and local
10 building codes, especially those pertaining to fire
11 safety within interior spaces of a building or
12 structure.

13 (C) Resiliency.

14 (D) Sustainability.

15 (E) The impact and application of the federal
16 Americans with Disabilities Act and State, county, or
17 local accessibility standards or laws, such as the
18 Environmental Barriers Act and the Illinois
19 Accessibility Code.

20 (c) An individual with an expired registration of more than
21 one year seeking to restore the registration is required to
22 meet the same continuing education requirements as an
23 individual applying for renewal.

24 (d) The Department shall only approve continuing education
25 providers that have an established track record of annual
26 course offerings that contribute to individuals' growth of

1 professional competence in the practice of interior design.

2 (e) The Department may, in its discretion, grant extensions
3 of no more than one year for renewal after expiration if the
4 individual applicant's failure to submit proof of completion of
5 required continuing education units was due to emergency or
6 hardship, including:

7 (1) serious and protracted illness of the applicant;

8 (2) the death or serious and protracted illness of a
9 member of the applicant's immediate family; or

10 (3) the applicant or the applicant's spouse being on
11 extended active military duty.

12 An extension granted under this Section does not relieve a
13 registered interior designer from complying with the
14 continuing education requirement.

15 (225 ILCS 310/13) (from Ch. 111, par. 8213)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 13. Refusal, revocation or suspension of
18 registration. The Department may refuse to issue, renew, or
19 restore or may revoke, suspend, place on probation, reprimand
20 or take other disciplinary action as the Department may deem
21 proper, including fines not to exceed \$5,000 for each
22 violation, with regard to any registration for any one or
23 combination of the following causes:

24 (a) Fraud in procuring the certificate of
25 registration.

1 (b) Habitual intoxication or addiction to the use of
2 drugs.

3 (c) Making any misrepresentations or false promises,
4 directly or indirectly, to influence, persuade, or induce
5 patronage.

6 (d) Professional connection or association with, or
7 lending his or her name, to another for illegal use of the
8 title "registered interior designer", or professional
9 connection or association with any person, firm, or
10 corporation holding itself out in any manner contrary to
11 this Act.

12 (e) Obtaining or seeking to obtain checks, money, or
13 any other items of value by false or fraudulent
14 representations.

15 (f) Use of the title under a name other than his or her
16 own.

17 (g) Improper, unprofessional, or dishonorable conduct
18 of a character likely to deceive, defraud, or harm the
19 public.

20 (h) Conviction in this or another state, or federal
21 court, of any crime which is a felony, if the Department
22 determines, after investigation, that such person has not
23 been sufficiently rehabilitated to warrant the public
24 trust.

25 (i) A violation of any provision of this Act or its
26 rules.

1 (j) Revocation by another state, the District of
2 Columbia, territory, or foreign nation of an interior
3 design or residential interior design license,
4 certification, or registration if at least one of the
5 grounds for that revocation is the same as or the
6 equivalent of one of the grounds for revocation set forth
7 in this Act.

8 (k) Mental incompetence as declared by a court of
9 competent jurisdiction.

10 (l) Being named as a perpetrator in an indicated report
11 by the Department of Children and Family Services pursuant
12 to the Abused and Neglected Child Reporting Act, and upon
13 proof by clear and convincing evidence that the registrant
14 has caused a child to be an abused child or neglected child
15 as defined in the Abused and Neglected Child Reporting Act.

16 (m) Aiding or assisting another person in violating any
17 provision of this Act or its rules.

18 (n) Failure to provide information in response to a written
19 request made by the Department within 30 days after receipt of
20 the written request.

21 (o) Physical illness, including, but not limited to,
22 deterioration through the aging process or loss of motor skill
23 that results in the inability to practice interior design with
24 reasonable judgment, skill, or safety.

25 The Department shall deny a registration or renewal
26 authorized by this Act to any person who has defaulted on an

1 educational loan guaranteed by the Illinois Student Assistance
2 Commission; however, the Department may issue a certificate of
3 registration or renewal if such person has established a
4 satisfactory repayment record as determined by the Illinois
5 Student Assistance Commission.

6 The Department may refuse to issue or may suspend the
7 registration of any person who fails to file a return, or to
8 pay the tax, penalty, or interest showing in a filed return, or
9 to pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Illinois Department
11 of Revenue, until such time as the requirements of any such tax
12 Act are satisfied.

13 The entry of a decree by any circuit court establishing
14 that any person holding a certificate of registration under
15 this Act is a person subject to involuntary admission under the
16 Mental Health and Developmental Disabilities Code shall
17 operate as a suspension of that registration. That person may
18 resume using the title "registered interior designer" only upon
19 a finding by the Board that he or she has been determined to be
20 no longer subject to involuntary admission by the court and
21 upon the Board's recommendation to the Director that he or she
22 be permitted to resume using the title "registered interior
23 designer".

24 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

1 Sec. 30.5. Roster. The Department shall annually prepare a
2 roster showing the names and addresses of all registered
3 interior designers. This roster shall be available online and
4 electronically upon written request and payment of a required
5 fee as determined by the Department.

6 Section 15. The Unified Code of Corrections is amended by
7 changing Section 5-5-5 as follows:

8 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

9 Sec. 5-5-5. Loss and Restoration of Rights.

10 (a) Conviction and disposition shall not entail the loss by
11 the defendant of any civil rights, except under this Section
12 and Sections 29-6 and 29-10 of The Election Code, as now or
13 hereafter amended.

14 (b) A person convicted of a felony shall be ineligible to
15 hold an office created by the Constitution of this State until
16 the completion of his sentence.

17 (c) A person sentenced to imprisonment shall lose his right
18 to vote until released from imprisonment.

19 (d) On completion of sentence of imprisonment or upon
20 discharge from probation, conditional discharge or periodic
21 imprisonment, or at any time thereafter, all license rights and
22 privileges granted under the authority of this State which have
23 been revoked or suspended because of conviction of an offense
24 shall be restored unless the authority having jurisdiction of

1 such license rights finds after investigation and hearing that
2 restoration is not in the public interest. This paragraph (d)
3 shall not apply to the suspension or revocation of a license to
4 operate a motor vehicle under the Illinois Vehicle Code.

5 (e) Upon a person's discharge from incarceration or parole,
6 or upon a person's discharge from probation or at any time
7 thereafter, the committing court may enter an order certifying
8 that the sentence has been satisfactorily completed when the
9 court believes it would assist in the rehabilitation of the
10 person and be consistent with the public welfare. Such order
11 may be entered upon the motion of the defendant or the State or
12 upon the court's own motion.

13 (f) Upon entry of the order, the court shall issue to the
14 person in whose favor the order has been entered a certificate
15 stating that his behavior after conviction has warranted the
16 issuance of the order.

17 (g) This Section shall not affect the right of a defendant
18 to collaterally attack his conviction or to rely on it in bar
19 of subsequent proceedings for the same offense.

20 (h) No application for any license specified in subsection
21 (i) of this Section granted under the authority of this State
22 shall be denied by reason of an eligible offender who has
23 obtained a certificate of relief from disabilities, as defined
24 in Article 5.5 of this Chapter, having been previously
25 convicted of one or more criminal offenses, or by reason of a
26 finding of lack of "good moral character" when the finding is

1 based upon the fact that the applicant has previously been
2 convicted of one or more criminal offenses, unless:

3 (1) there is a direct relationship between one or more
4 of the previous criminal offenses and the specific license
5 sought; or

6 (2) the issuance of the license would involve an
7 unreasonable risk to property or to the safety or welfare
8 of specific individuals or the general public.

9 In making such a determination, the licensing agency shall
10 consider the following factors:

11 (1) the public policy of this State, as expressed in
12 Article 5.5 of this Chapter, to encourage the licensure and
13 employment of persons previously convicted of one or more
14 criminal offenses;

15 (2) the specific duties and responsibilities
16 necessarily related to the license being sought;

17 (3) the bearing, if any, the criminal offenses or
18 offenses for which the person was previously convicted will
19 have on his or her fitness or ability to perform one or
20 more such duties and responsibilities;

21 (4) the time which has elapsed since the occurrence of
22 the criminal offense or offenses;

23 (5) the age of the person at the time of occurrence of
24 the criminal offense or offenses;

25 (6) the seriousness of the offense or offenses;

26 (7) any information produced by the person or produced

1 on his or her behalf in regard to his or her rehabilitation
2 and good conduct, including a certificate of relief from
3 disabilities issued to the applicant, which certificate
4 shall create a presumption of rehabilitation in regard to
5 the offense or offenses specified in the certificate; and

6 (8) the legitimate interest of the licensing agency in
7 protecting property, and the safety and welfare of specific
8 individuals or the general public.

9 (i) A certificate of relief from disabilities shall be
10 issued only for a license or certification issued under the
11 following Acts:

12 (1) the Animal Welfare Act; except that a certificate
13 of relief from disabilities may not be granted to provide
14 for the issuance or restoration of a license under the
15 Animal Welfare Act for any person convicted of violating
16 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
17 Care for Animals Act or Section 26-5 or 48-1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012;

19 (2) the Illinois Athletic Trainers Practice Act;

20 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
21 and Nail Technology Act of 1985;

22 (4) the Boiler and Pressure Vessel Repairer Regulation
23 Act;

24 (5) the Boxing and Full-contact Martial Arts Act;

25 (6) the Illinois Certified Shorthand Reporters Act of
26 1984;

1 (7) the Illinois Farm Labor Contractor Certification
2 Act;

3 (8) the Registered Interior Designers ~~Design Title~~
4 Act;

5 (9) the Illinois Professional Land Surveyor Act of
6 1989;

7 (10) the Illinois Landscape Architecture Act of 1989;

8 (11) the Marriage and Family Therapy Licensing Act;

9 (12) the Private Employment Agency Act;

10 (13) the Professional Counselor and Clinical
11 Professional Counselor Licensing and Practice Act;

12 (14) the Real Estate License Act of 2000;

13 (15) the Illinois Roofing Industry Licensing Act;

14 (16) the Professional Engineering Practice Act of
15 1989;

16 (17) the Water Well and Pump Installation Contractor's
17 License Act;

18 (18) the Electrologist Licensing Act;

19 (19) the Auction License Act;

20 (20) the Illinois Architecture Practice Act of 1989;

21 (21) the Dietitian Nutritionist Practice Act;

22 (22) the Environmental Health Practitioner Licensing
23 Act;

24 (23) the Funeral Directors and Embalmers Licensing
25 Code;

26 (24) the Land Sales Registration Act of 1999;

1 (25) the Professional Geologist Licensing Act;
2 (26) the Illinois Public Accounting Act; and
3 (27) the Structural Engineering Practice Act of 1989.
4 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;
5 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.
6 1-25-13; 98-756, eff. 7-16-14.)

7 Section 20. The Mechanics Lien Act is amended by changing
8 Section 1 as follows:

9 (770 ILCS 60/1) (from Ch. 82, par. 1)

10 Sec. 1. Contractor defined; amount of lien; waiver of lien;
11 attachment of lien; agreement to waive; when not enforceable.

12 (a) Any person who shall by any contract or contracts,
13 express or implied, or partly expressed or implied, with the
14 owner of a lot or tract of land, or with one whom the owner has
15 authorized or knowingly permitted to contract, to improve the
16 lot or tract of land or for the purpose of improving the tract
17 of land, or to manage a structure under construction thereon,
18 is known under this Act as a contractor and has a lien upon the
19 whole of such lot or tract of land and upon adjoining or
20 adjacent lots or tracts of land of such owner constituting the
21 same premises and occupied or used in connection with such lot
22 or tract of land as a place of residence or business; and in
23 case the contract relates to 2 or more buildings, on 2 or more
24 lots or tracts of land, upon all such lots and tracts of land

1 and improvements thereon for the amount due to him or her for
2 the material, fixtures, apparatus, machinery, services or
3 labor, and interest at the rate of 10% per annum from the date
4 the same is due. This lien extends to an estate in fee, for
5 life, for years, or any other estate or any right of redemption
6 or other interest that the owner may have in the lot or tract
7 of land at the time of making such contract or may subsequently
8 acquire and this lien attaches as of the date of the contract.

9 (b) As used in subsection (a) of this Section, "improve"
10 means to furnish labor, services, material, fixtures,
11 apparatus or machinery, forms or form work in the process of
12 construction where cement, concrete or like material is used
13 for the purpose of or in the building, altering, repairing or
14 ornamenting any house or other building, walk or sidewalk,
15 whether the walk or sidewalk is on the land or bordering
16 thereon, driveway, fence or improvement or appurtenances to the
17 lot or tract of land or connected therewith, and upon, over or
18 under a sidewalk, street or alley adjoining; or fill, sod or
19 excavate such lot or tract of land, or do landscape work
20 thereon or therefor; or raise or lower any house thereon or
21 remove any house thereto, or remove any house or other
22 structure therefrom, or perform any services or incur any
23 expense as an architect, structural engineer, professional
24 engineer, land surveyor, registered interior designer, or
25 property manager in, for, or on a lot or tract of land for any
26 such purpose; or drill any water well thereon; or furnish or

1 perform labor or services as superintendent, time keeper,
2 mechanic, laborer or otherwise, in the building, altering,
3 repairing or ornamenting of the same; or furnish material,
4 fixtures, apparatus, machinery, labor or services, forms or
5 form work used in the process of construction where concrete,
6 cement or like material is used, or drill any water well on the
7 order of his agent, architect, structural engineer, registered
8 interior designer, or superintendent having charge of the
9 improvements, building, altering, repairing, or ornamenting
10 the same.

11 (c) The taking of additional security by the contractor or
12 sub-contractor is not a waiver of any right of lien which he
13 may have by virtue of this Act, unless made a waiver by express
14 agreement of the parties and the waiver is not prohibited by
15 this Act.

16 (d) An agreement to waive any right to enforce or claim any
17 lien under this Act, or an agreement to subordinate the lien,
18 where the agreement is in anticipation of and in consideration
19 for the awarding of a contract or subcontract, either express
20 or implied, to perform work or supply materials for an
21 improvement upon real property is against public policy and
22 unenforceable. This Section does not prohibit release of lien
23 under subsection (b) of Section 35 of this Act, nor does it
24 prohibit an agreement to subordinate a mechanics lien to a
25 mortgage lien that secures a construction loan if that
26 agreement is made after more than 50% of the loan has been

1 disbursed to fund improvements to the property.

2 (Source: P.A. 98-764, eff. 7-16-14.)

3 Section 99. Effective date. This Act takes effect January

4 1, 2018."