



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1899

Introduced 2/15/2019, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.40 new

70 ILCS 1205/8-50

70 ILCS 1505/26.10-4

225 ILCS 745/20

730 ILCS 5/5-5-5

from Ch. 38, par. 1005-5-5

Creates the Illinois Landscape Architecture Practice Act of 2019. Provides for the licensure of landscape architects and registration of professional design firms. Provides that any landscape architect licensed under the Illinois Landscape Architecture Act of 1989 on the effective date of the new Act shall be deemed licensed under the new Act until his or her license is revoked. Provides that persons holding office as members of the Illinois Landscape Architect Registration Board immediately prior to the effective date of the new Act under the Illinois Landscape Architecture Act of 1989 shall continue as members of the Board until the expiration of the term for which they were appointed and until their successors are appointed and qualified. Makes conforming changes throughout other Acts. Amends the Regulatory Sunset Act. Provides that the new Act is repealed on January 1, 2030. Preempts home rule powers. Effective January 1, 2020.

LRB101 09883 AMC 54985 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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
5 Illinois Landscape Architecture Practice Act of 2019.

6 Section 5. Declaration of public policy. The practice of
7 landscape architecture in the State of Illinois is hereby
8 declared to affect the public health, safety, and welfare and
9 to be subject to regulation and control in the public interest.
10 It is further declared to be a matter of public interest and
11 concern that the practice of landscape architecture, as defined
12 in this Act, merit and receive the confidence of the public and
13 that only qualified persons be authorized to practice landscape
14 architecture in the State of Illinois. This Act shall be
15 liberally construed to best carry out this purpose.

16 Section 10. Application of the Act; exemptions.

17 (a) Nothing in this Act shall be deemed or construed to
18 prevent the practice of architecture as defined in the
19 Architecture Practice Act of 1989, the practice of structural
20 engineering as defined in the Structural Engineering Practice
21 Act of 1989, the practice of professional engineering as
22 defined in the Professional Engineering Practice Act of 1989,

1 or the practice of land surveying as defined in the
2 Professional Land Surveyor Act of 1989.

3 (b) Nothing contained in this Act shall prevent the
4 draftsmen, students, project representatives, and other
5 employees of those lawfully practicing as landscape architects
6 under this Act from acting under the responsible control of
7 their employers, or prevent the employment of project
8 representatives for enlargement or alteration of site
9 development, or any parts thereof, or prevent such project
10 representatives from acting under the responsible control of
11 the landscape architect by whom the construction documents,
12 including drawings and specifications of any such site
13 development, enlargement, or alteration, were prepared.

14 (c) Nothing in this Act shall be construed to prohibit
15 those persons engaged in nursery occupations, landscape
16 contractors, home builders, or residential developers from
17 preparing plans and items incidental thereto, from such
18 practice to include design, planning, location, and
19 arrangement of plantings, pavements, or other ornamental
20 features; nor shall this Act be construed to prevent the
21 practice of any other legally recognized profession as governed
22 by applicable law.

23 (d) An architect, land surveyor, professional engineer, or
24 structural engineer shall be permitted to affix his or her
25 professional seal or stamp to any plans, specifications, and
26 reports prepared by or under his or her responsible control in

1 connection with the incidental practice of landscape
2 architecture.

3 Section 15. Definitions. As used in this Act:

4 "Address of record" means the designated address recorded
5 by the Department in the applicant's or licensee's application
6 file or license file maintained by the Department's licensure
7 maintenance unit.

8 "Approved landscape architecture curriculum" means a
9 landscape architecture curriculum or program of 4 academic
10 years or more that meets the standards established by the rules
11 of the Department.

12 "Board" means the Illinois Landscape Architect Board.

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

15 "Landscape architect" means a person who, based on
16 education, experience, and examination in the field of
17 landscape architecture, is licensed under this Act.

18 "Landscape architect intern" means an unlicensed person
19 who has completed the education requirements, is actively
20 participating in diversified professional training, and
21 maintains a training record in good standing as required for
22 licensure by this Act.

23 "Landscape architecture" means the application of
24 mathematical, physical, and social-science principles in
25 landscape architectural consultation, evaluation, planning,

1 and design. "Landscape architecture" includes preparing,
2 filing, and administering landscape architecture plans,
3 drawings, specifications, permits, and other contract
4 documents involving landscape architecture projects that
5 direct, inform, or advise on the functional use and
6 preservation of natural environments.

7 "Landscape architecture practice" means the offering or
8 furnishing of professional services in connection with a
9 landscape architecture project or scope of work that does not
10 require the seal of an architect, land surveyor, professional
11 engineer, or structural engineer. "Landscape architecture
12 practice" includes, but is not limited to, consultations,
13 investigations, reconnaissance, research, planning, design, or
14 responsible supervision in connection with landscape
15 architecture projects involving the arranging of elements for
16 public and private use with emphasis on the preservation and
17 enhancement of land uses, including providing preliminary
18 studies; developing landscape architecture design concepts;
19 planning for the relationships of physical improvements to the
20 site; establishing form and aesthetic elements of a site;
21 determining vegetative systems for soil conservation; other
22 strategies for integrating the built and natural environments
23 to promote site and community resilience and support ecosystem
24 services; reforestation; planting and ground cover; analyzing
25 and providing for life safety requirements; technical
26 submissions consisting of landscape architecture drawings and

1 specifications and other documents required in the
2 construction process that are exclusive of any building or
3 structure; administration of landscape architecture
4 construction contracts; project representation and
5 construction management in connection with the construction of
6 any landscape architecture project that is exclusive of any
7 building or structure.

8 "Person" means any person, sole proprietorship, or entity,
9 such as a partnership, professional service corporation, or
10 corporation.

11 "Professional design firm" means any business that
12 includes the practice of landscape architecture within its
13 stated purpose or practices or holds itself out as available to
14 practice landscape architecture.

15 "Public health" means the state of the well-being of the
16 body or mind of the user.

17 "Public safety" means the state of being reasonably free
18 from risk of danger, damage, or injury.

19 "Public welfare" means the well-being of the user resulting
20 from the state of a physical environment that accommodates
21 human activity.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation.

24 Section 20. Change of address. It is the duty of the
25 applicant or licensee to inform the Department of any change of

1 address, and such changes must be made either through the
2 Department's website or by directly contacting the Department.

3 Section 25. Technical submissions. All technical
4 submissions intended for use in construction in the State of
5 Illinois shall be prepared and administered in accordance with
6 standards of reasonable professional skill and diligence. Care
7 shall be taken to reflect the requirements of State statutes
8 and, where applicable, county and municipal ordinances in such
9 submissions. In recognition that landscape architects are
10 licensed for the protection of the public health, public
11 safety, and public welfare, submissions shall be of such
12 quality and scope and be so administered as to conform to
13 professional standards.

14 Technical submissions are the designs, drawings, and
15 specifications that establish the scope of the landscape
16 architecture to be constructed, the standard of quality for
17 materials, workmanship, equipment, and construction systems
18 and the studies and other technical reports and calculations
19 prepared in the course of the practice of landscape
20 architecture.

21 No officer, board, commission, or other public entity that
22 receives technical submissions shall accept for filing or
23 approval any technical submissions relating to services
24 requiring the involvement of a landscape architect that do not
25 bear the seal and signature of a landscape architect licensed

1 under this Act.

2 It is unlawful to affix one's seal to technical submissions
3 if it masks the true identity of the person who actually
4 exercised responsible control of the preparation of such work.
5 A landscape architect who seals and signs technical submissions
6 is not responsible for damage caused by subsequent changes to
7 or uses of those technical submissions where the subsequent
8 changes or uses, including changes or uses made by State or
9 local governmental agencies, are not authorized or approved in
10 writing by the landscape architect who originally sealed and
11 signed the technical submissions.

12 Section 30. Powers and duties of the Department. Subject to
13 this Act, the Department shall exercise the following
14 functions, powers, and duties:

15 (1) To pass upon the qualifications and conduct
16 examinations of applicants for licensure as landscape
17 architects or enrollment as landscape architect interns
18 and pass upon the qualifications of applicants by
19 endorsement and issue a license or enrollment to those who
20 are found to be fit and qualified.

21 (2) To prescribe rules for the method, conduct, and
22 grading of the examination of applicants.

23 (3) To register corporations, partnerships,
24 professional service corporations, limited liability
25 companies, and sole proprietorships for the practice of

1 landscape architecture and issue a certificate of
2 registration to those who qualify.

3 (4) To conduct investigations and hearings regarding
4 violations of this Act and take disciplinary or other
5 actions as provided in this Act as a result of the
6 proceedings.

7 (5) To adopt rules as to what shall constitute a
8 landscape architecture curriculum and to determine if a
9 specific landscape architecture curriculum is in
10 compliance with the rules, and to terminate the approval of
11 a specific landscape architecture curriculum for
12 non-compliance with such rules.

13 (6) To adopt rules required for the administration of
14 this Act, including rules of professional conduct.

15 (7) To maintain membership and representation in the
16 national body composed of state licensing and testing
17 boards for landscape architects.

18 (8) To obtain written recommendations from the Board
19 regarding qualifications of individuals for licensure and
20 enrollment, definitions of curriculum content and approval
21 of landscape architecture curricula, standards of
22 professional conduct and formal disciplinary actions, and
23 the promulgation of the rules affecting these matters.

24 Prior to issuance of any final decision or order that
25 deviates from any report or recommendations of the Board
26 relating to the qualification of applicants, discipline of

1 licenses or registrants, or adoption of rules, the
2 Secretary shall notify the Board in writing with an
3 explanation of any such deviation. The Department may at
4 any time seek the expert advice and knowledge of the Board
5 on any matter relating to the enforcement of this Act.

6 (9) To post on the Department's website, a newsletter
7 describing the most recent changes in this Act and the
8 rules adopted under this Act and containing information of
9 any final disciplinary action that has been ordered under
10 this Act since the date of the last newsletter.

11 (10) To review such applicant qualifications to sit for
12 the examination or for licensure as the Board designates
13 pursuant to Section 60.

14 Section 35. Composition, qualifications, and terms of the
15 Board.

16 (a) The Board shall be appointed by the Secretary and shall
17 consist of 6 members, one of whom shall be a public member and
18 5 of whom shall be landscape architects licensed under this
19 Act. In addition, each member who is a landscape architect
20 shall:

21 (1) be a citizen of the United States, and

22 (2) be a resident of this State.

23 (3) have not less than 12 years of experience in the
24 practice of landscape architecture;

25 (4) hold an active license as a landscape architect in

1 Illinois; and

2 (5) have been in charge of landscape architecture work
3 for at least 5 years.

4 For the purposes of this subsection (a), any period in
5 which a person has been in charge of teaching landscape
6 architecture in a landscape architecture program with the rank
7 of assistant professor or higher shall be considered as time in
8 which such person was in charge of landscape architecture work.

9 (b) The terms for all members shall be for 5 years. On the
10 expiration of the term of any member or in the event of a
11 vacancy, the Secretary shall appoint a member who shall hold
12 office until the expiration of the term for which the member is
13 appointed and until a successor has been appointed and
14 qualified.

15 No member shall be reappointed to the Board for a term that
16 would cause that individual's lifetime service on the Board to
17 be longer than 15 years.

18 In implementing the 5 year terms, the Secretary shall vary
19 the terms to enable the Board to have no more than 2 terms
20 expire in any one year.

21 The public member shall be a voting member and shall not
22 hold a license as a landscape architect, architect,
23 professional engineer, structural engineer, or a land
24 surveyor. The public member shall be an Illinois resident and a
25 citizen of the United States.

26 In making appointments to the Board, the Secretary shall

1 give due consideration to recommendations by members of the
2 profession and by organizations therein.

3 The Secretary may remove any member of the Board for
4 misconduct, incompetence, neglect of duty, or for reasons
5 prescribed by law for removal of State officials.

6 The Secretary may remove a member of the Board who does not
7 attend 2 consecutive meetings.

8 A quorum of the Board shall consist of 4 Board members. A
9 quorum is required for Board decisions.

10 Each member of the Board may receive compensation as
11 determined by the Secretary and shall be reimbursed for all
12 actual traveling expenses.

13 Members of the Board shall be immune from suit in any
14 action based upon any disciplinary proceedings or other
15 activities performed in good faith as members of the Board.

16 Persons holding office as members of the Illinois Landscape
17 Architect Registration Board immediately prior to the
18 effective date of this Act under the Illinois Landscape
19 Architecture Act of 1989 shall continue as members of the Board
20 until the expiration of the term for which they were appointed
21 and until their successors are appointed and qualified.

22 Section 40. Powers and duties of the Board.

23 (a) The Board shall hold at least 3 regular meetings each
24 year.

25 (b) The Board shall annually elect a chairperson and a vice

1 chairperson amongst its members who shall be landscape
2 architects.

3 (c) The Board, upon request by the Department, may make a
4 curriculum evaluation to determine if courses conform to the
5 requirements of approved landscape architectural programs.

6 (d) The Board shall assist the Department in conducting
7 oral interviews, disciplinary conferences, and formal
8 evidentiary hearings.

9 (e) The Department may, at any time, seek the expert advice
10 and knowledge of the Board on any matter relating to the
11 enforcement of this Act.

12 (f) The Board may appoint a subcommittee to serve as a
13 Complaint Committee to recommend the disposition of case files
14 according to procedures established by rule and any amendments
15 or changes thereto.

16 (g) The Board shall review applicant qualifications to sit
17 for the examination or for licensure and shall make
18 recommendations to the Department except for those applicant
19 qualifications that the Board designates as routinely
20 acceptable. The Department shall review the Board's
21 recommendations on applicant qualifications. The Secretary
22 shall notify the Board with an explanation of any deviation
23 from the Board's recommendation on applicant qualifications.
24 After review of the Secretary's explanation of his or her
25 reasons for deviation, the Board shall have the opportunity to
26 comment upon the Secretary's decision.

1 (h) The Board may submit comments to the Secretary within a
2 reasonable time from notification of any final decision or
3 order from the Secretary that deviates from any report or
4 recommendation of the Board relating to the qualifications of
5 applicants, unlicensed practice, discipline of licensees or
6 registrants, or adoption of rules.

7 (i) The Board may recommend that the Department contract
8 with an individual or a corporation or other business entity to
9 assist in providing investigative, legal, prosecutorial, and
10 other services necessary to perform its duties.

11 Section 45. Application for license. Applications for
12 licensure shall be made to the Department in writing on forms
13 prescribed by the Department and shall be accompanied by the
14 required fee, which is not refundable. Any such application
15 shall require information as in the judgment of the Department
16 will enable the Department to pass on the qualifications of the
17 applicant to practice landscape architecture. The Department
18 may require an applicant, at the applicant's expense, to have
19 an evaluation of the applicant's education in a foreign country
20 by an evaluation service approved by the Board in accordance
21 with rules prescribed by the Department.

22 An applicant who has graduated from a landscape
23 architectural program outside the United States or its
24 territories and whose first language is not English shall
25 submit certification of passage of the Test of English as a

1 Foreign Language (TOEFL) and a test of spoken English as
2 defined by rule. However, any such applicant who subsequently
3 earns an advanced degree from an accredited educational
4 institution in the United States or its territories shall not
5 be subject to this requirement.

6 Section 50. Social security number on license application.
7 In addition to any other information required to be contained
8 in the application, every application for an original license
9 under this Act shall include the applicant's social security
10 number, which shall be retained in the agency's records
11 pertaining to the license. As soon as practical, the Department
12 shall assign a customer's identification number to each
13 applicant for a license.

14 Every application for a renewal or restored license shall
15 require the applicant's customer identification number.

16 Section 55. Examination.

17 (a) No person shall receive a license under this Act until
18 such person has passed an examination that shall include the
19 Landscape Architect Registration Examination established by
20 the Council of Landscape Architectural Registration Boards for
21 examination of candidates for licensure as landscape
22 architects.

23 (b) The Department shall exempt from such written
24 examination an applicant who holds a registration or license in

1 another state that has equivalent or substantially equivalent
2 requirements as the State of Illinois.

3 (c) The Department shall adopt rules determining
4 requirements for practical training and education. The
5 Department shall also adopt the examinations and recommended
6 grading procedures of the National Council of Landscape
7 Architectural Registration Boards and the accreditation
8 procedures of the Landscape Architectural Accrediting Board.
9 The Department shall issue a license to each applicant who
10 satisfies the requirements in this Section. Such licensure
11 shall be effective upon issuance.

12 (d) If an applicant neglects, fails without an approved
13 excuse, or refuses to take an examination or fails to pass an
14 examination to obtain a license under this Act within 3 years
15 after filing the application, the application shall be denied.
16 However, such applicant may thereafter submit a new application
17 accompanied by the required fee.

18 (e) Any landscape architect licensed under the Illinois
19 Landscape Architecture Act of 1989 on the effective date of
20 this Act shall be deemed licensed under this Act until his or
21 her license is revoked. Upon the revocation of the valid
22 license, the requirements for license renewal, license
23 restoration, or administrative proceedings shall apply.

24 Section 60. Qualifications for licensure. Any person who
25 has completed the course of study in and graduated from a

1 college or school of landscape architecture accredited by the
2 Landscape Architectural Accreditation Board may apply for such
3 examination if that person submits evidence of a minimum of 2
4 years' practical experience under the direct supervision of a
5 licensed landscape architect.

6 A person may be admitted to the examination upon presenting
7 to the Board evidence of: (1) having graduated with at least a
8 bachelor's degree in land surveying, architecture,
9 engineering, or urban or regional planning and (2) a minimum 6
10 years of practical experience satisfactory to the Board under
11 the direct supervision of a licensed landscape architect. The
12 Board shall determine what qualifies as practical experience
13 under the direct supervision of a licensed landscape architect.

14 Section 65. Qualifications of applicants. Any person who is
15 of good moral character may apply for licensure if he or she is
16 a graduate with a first professional degree in landscape
17 architecture from a program accredited by the Landscape
18 Architectural Accrediting Board, has completed the examination
19 requirements set forth under Section 55, and has completed such
20 diversified professional training, including academic
21 training, as is required by rules of the Department.

22 Good moral character means such character as will enable a
23 person to discharge the fiduciary duties of a landscape
24 architect to that person's client and to the public in a manner
25 which protects health, safety and welfare. Evidence of

1 inability to discharge such duties may include the commission
2 of an offense justifying discipline under Section 115. In
3 addition, the Department may take into consideration whether
4 the applicant has engaged in conduct or actions that would
5 constitute grounds for discipline under this Act.

6 Section 70. Display of license; seal. Every holder of a
7 license as a landscape architect shall display it in a
8 conspicuous place in the principal office of the landscape
9 architect.

10 Every landscape architect shall have a reproducible seal,
11 or facsimile, the print of which shall contain the name of the
12 landscape architect, the license number, and the words
13 "Licensed Landscape Architect, State of Illinois". The
14 landscape architect shall affix the signature, current date,
15 date of license expiration, and seal to the first sheet of any
16 bound set or loose sheets of technical submissions utilized as
17 contract documents between the parties to the contract or
18 prepared for the review and approval of any governmental or
19 public authority having jurisdiction by that landscape
20 architect or under that landscape architect's responsible
21 control. The sheet of technical submissions in which the seal
22 is affixed shall indicate those documents or parts thereof for
23 which the seal shall apply. The seal and dates may be
24 electronically affixed. The licensee may provide, at his or her
25 sole discretion, an original signature in the licensee's

1 handwriting, a scanned copy of the document bearing an original
2 signature, or a signature generated by a computer. All
3 technical submissions issued by any corporation, partnership,
4 professional service corporation, or professional design firm
5 as registered under this Act shall contain the corporate or
6 assumed business name and design firm registration number, in
7 addition to any other seal requirements as in this Section.

8 As used in this Section, "responsible control" means that
9 amount of control over and detailed professional knowledge of
10 the content of technical submissions during their preparation
11 as is ordinarily exercised by architects applying the required
12 professional standard of care. Merely reviewing or reviewing
13 and correcting the technical submissions or any portion thereof
14 prepared by those not in the regular employment of the office
15 where the architect is resident without control over the
16 content of such work throughout its preparation does not
17 constitute responsible control.

18 A landscape architect licensed under this Act shall not
19 sign and seal technical submissions that were not prepared by
20 or under the responsible control of the landscape architect
21 except that:

- 22 (1) the landscape architect may sign and seal those
23 portions of the technical submissions that were prepared by
24 or under the responsible control of persons who hold a
25 license under this Act, and who shall have signed and
26 sealed the documents, if the landscape architect has

1 reviewed in whole or in part such portions and has either
2 coordinated their preparation or integrated them into his
3 or her work;

4 (2) the landscape architect may sign and seal portions
5 of the professional work that are not required by this Act
6 to be prepared by or under the responsible control of a
7 landscape architect if the landscape architect has
8 reviewed and adopted in whole or in part such portions and
9 has integrated them into his or her work; and

10 (3) a partner or corporate officer of a professional
11 design firm registered in Illinois who is licensed under
12 this Act and who has professional knowledge of the content
13 of the technical submissions and intends to be responsible
14 for the adequacy of the technical submissions, may sign and
15 seal technical submissions that are prepared by or under
16 the responsible control of landscape architects who are
17 licensed under this Act and who are in the regular
18 employment of the professional design firm.

19 The landscape architect exercising responsible control
20 under which the documents or portions of the documents were
21 prepared shall be identified on the documents or portions of
22 the documents by name and Illinois license number.

23 Any landscape architect who signs and seals technical
24 submissions not prepared by that landscape architect but
25 prepared under the landscape architect's responsible control
26 by persons not regularly employed in the office where the

1 landscape architect is resident shall maintain and make
2 available to the Board upon request for at least 5 years
3 following such signing and sealing adequate and complete
4 records demonstrating the nature and extent of the landscape
5 architect's control over and detailed professional knowledge
6 of such technical submissions throughout their preparation.

7 Section 75. Licenses; renewal; restoration; landscape
8 architects in military service. The expiration date and renewal
9 period for each license issued under this Act shall be set by
10 rule. The holder of a license may renew such license during the
11 month preceding the expiration date thereof by paying the
12 required fee. A landscape architect who has permitted his or
13 her license to expire or who has had his or her license on
14 inactive status may have his or her license restored by making
15 application to the Department and filing proof acceptable to
16 the Department of his or her fitness to have his or her license
17 restored, including sworn evidence certifying to active
18 practice in another jurisdiction satisfactory to the
19 Department, and by paying the required restoration fee.

20 If the person has not maintained an active practice in
21 another jurisdiction satisfactory to the Department, the Board
22 shall determine, by an evaluation program established by rule,
23 that person's fitness to resume active status and may require
24 that person to successfully complete an examination.

25 Any person whose license has been expired for more than 3

1 years may have his or her license restored by making
2 application to the Department and filing proof acceptable to
3 the Department of his or her fitness to have his or her license
4 restored, including sworn evidence certifying to active
5 practice in another jurisdiction, and by paying the required
6 restoration fee.

7 However, any person whose license has expired while he or
8 she has been engaged (1) in federal service on active duty with
9 the Army of the United States, the United States Navy, the
10 Marine Corps, the Air Force, the Coast Guard, or the State
11 Militia called into the service or training of the United
12 States of America, or (2) in training or education under the
13 supervision of the United States preliminary to induction into
14 the military service, may have his or her license restored or
15 reinstated without paying any lapsed renewal fees or
16 restoration fee if within 2 years after termination of such
17 service, training, or education other than by dishonorable
18 discharge he or she furnishes the Department with an affidavit
19 to the effect that he or she has been so engaged and that his or
20 her service, training, or education has been so terminated.

21 Section 80. Continuing education. The Department may adopt
22 rules of continuing education for persons licensed under this
23 Act. The Department shall consider the recommendations of the
24 Board in establishing the guidelines for the continuing
25 education requirements. The requirements of this Section apply

1 to any person seeking renewal or restoration under Section 75
2 or 85.

3 Section 85. Inactive status; restoration. A landscape
4 architect, who notifies the Department in writing on forms
5 prescribed by the Department, may elect to place his or her
6 license on inactive status and shall, subject to rules of the
7 Department, be excused from payment of renewal fees until he or
8 she notifies the Department in writing of his or her desire to
9 resume active status.

10 Any landscape architect requesting restoration from
11 inactive status shall be required to pay the current renewal
12 fee and shall have his or her license restored as provided in
13 Section 75.

14 Any landscape architect whose license is in an inactive
15 status shall not practice landscape architecture in the State
16 of Illinois.

17 Section 90. Landscape Architect, Retired. Pursuant to
18 Section 2105-15 of the Department of Professional Regulation
19 Law of the Civil Administrative Code of Illinois, the
20 Department may grant the title "Landscape Architect, Retired"
21 to any person who has been duly licensed as a landscape
22 architect by the Department and who has chosen to place on
23 inactive status or not renew his or her license. Those persons
24 granted the title "Landscape Architect, Retired" may request

1 restoration to active status under the applicable provisions of
2 this Act.

3 The use of the title "Landscape Architect, Retired" shall
4 not constitute representation of current licensure. Any person
5 without an active license shall not be permitted to practice
6 landscape architecture as defined in this Act.

7 Nothing in this Section shall be construed to require the
8 Department to issue any certificate, credential, or other
9 official document indicating that a person has been granted the
10 title "Landscape Architect, Retired".

11 Section 95. Endorsement. The Department may, in its
12 discretion, license as a landscape architect, without
13 examination on payment of the required fee, an applicant who is
14 a landscape architect licensed under the laws of another state
15 or territory if the requirements for licensure in the state or
16 territory in which the applicant was licensed were, at the date
17 of his licensure, substantially equivalent to the requirements
18 in force in this State on that date.

19 Applicants have 3 years from the date of application to
20 complete the application process. If the process has not been
21 completed within the 3 years, the application shall be denied,
22 the fee forfeited, and the applicant must reapply and meet the
23 requirements in effect at the time of reapplication.

24 Section 100. Fees.

1 (a) The Department shall provide by rule for a schedule of
2 fees to be paid for licenses by all applicants. All fees are
3 not refundable.

4 (b) The fees for the administration and enforcement of this
5 Act, including, but not limited to, original licensure,
6 renewal, and restoration, shall be set by rule by the
7 Department.

8 All of the fees and fines collected under this Section
9 shall be deposited into the Design Professionals
10 Administration and Investigation Fund. Of the moneys deposited
11 into the Design Professionals Administration and Investigation
12 Fund, the Department may use such funds as necessary and
13 available to produce and distribute newsletters to persons
14 licensed under this Act.

15 Any person who delivers a check or other payment to the
16 Department that is returned to the Department unpaid by the
17 financial institution upon which it is drawn shall pay to the
18 Department, in addition to the amount already owed to the
19 Department, a fine of \$50. The fines imposed by this Section
20 are in addition to any other discipline provided under this Act
21 for unlicensed practice or practice on a non-renewed license.
22 The Department shall notify the person that payment of fees and
23 fines shall be paid to the Department by certified check or
24 money order within 30 calendar days of the notification. If,
25 after the expiration of 30 days from the date of the
26 notification, the person has failed to submit the necessary

1 remittance, the Department shall automatically terminate the
2 license or deny the application, without hearing. If, after
3 termination or denial, the person seeks a license, he or she
4 shall apply to the Department for restoration or issuance of
5 the license and pay all fees and fines due to the Department.
6 The Department may establish a fee for the processing of an
7 application for restoration of a license or certificate to pay
8 all expenses of processing this application. The Secretary may
9 waive the fines due under this Section in individual cases
10 where the Secretary finds that the fines would be unreasonable
11 or unnecessarily burdensome.

12 Section 105. Roster of licensees and registrants. A roster
13 showing the names and addresses of all landscape architects,
14 landscape architectural corporations and partnerships, and
15 professional design firms licensed or registered under this Act
16 shall be prepared by the Department each year. This roster
17 shall be organized by discipline and available by discipline
18 upon written request and payment of the required fee.

19 Section 110. Professional design firm registration;
20 conditions.

21 (a) Nothing in this Act shall prohibit the formation, under
22 the provisions of the Professional Service Corporation Act, of
23 a corporation to offer the practice of landscape architecture.

24 Any business, including a professional service

1 corporation, that includes the practice of landscape
2 architecture within its stated purposes, practices landscape
3 architecture, or holds itself out as available to practice
4 landscape architecture shall register with the Department
5 under this Section. Any professional service corporation, sole
6 proprietorship, or professional design firm offering landscape
7 architecture services must have a resident landscape architect
8 in responsible charge of the landscape architecture practices
9 in each location in which landscape architecture services are
10 provided who shall be designated as a managing agent.

11 Any sole proprietorship not owned and operated by an
12 Illinois licensed design professional licensed under this Act
13 is prohibited from offering landscape architecture services to
14 the public. "Illinois licensed design professional" means a
15 person who holds an active license as a landscape architect
16 under this Act, as an architect under the Illinois Architecture
17 Practice Act of 1989, as a structural engineer under the
18 Structural Engineering Practice Act of 1989, as a professional
19 engineer under the Professional Engineering Practice Act of
20 1989, or as a professional land surveyor under the Professional
21 Land Surveyor Act of 1989. Any sole proprietorship owned and
22 operated by a landscape architect with an active license issued
23 under this Act and conducting or transacting such business
24 under an assumed name in accordance with the provisions of the
25 Assumed Business Name Act shall comply with the registration
26 requirements of a professional design firm. Any sole

1 proprietorship owned and operated by a landscape architect with
2 an active license issued under this Act and conducting or
3 transacting such business under the real name of the sole
4 proprietor is exempt from the registration requirements of a
5 professional design firm.

6 (b) Any corporation, including a professional service
7 corporation, partnership, limited liability company, or
8 professional design firm seeking to be registered under this
9 Section shall not be registered unless:

10 (1) two-thirds of the board of directors, in the case
11 of a corporation, or two-thirds of the general partners, in
12 the case of a partnership, or two-thirds of the members, in
13 the case of a limited liability company, are licensed under
14 the laws of any state to practice landscape architecture,
15 architecture, professional engineering, land surveying, or
16 structural engineering; and

17 (2) a managing agent is (A) a director in the case of a
18 corporation, a general partner in the case of a
19 partnership, or a member in the case of a limited liability
20 company, and (B) holds a license under this Act.

21 Any corporation, limited liability company, professional
22 service corporation, or partnership qualifying under this
23 Section and practicing in this State shall file with the
24 Department any information concerning its officers, directors,
25 members, managers, partners, or beneficial owners as the
26 Department may, by rule, require.

1 (c) No business shall offer the practice or hold itself out
2 as available to offer the practice of landscape architecture
3 until it is registered with the Department as a professional
4 design firm. Every entity registered as a professional design
5 firm shall display its certificate of registration or a
6 facsimile thereof in a conspicuous place in each office
7 offering architectural services.

8 (d) Any business seeking to be registered under this
9 Section shall make application on a form provided by the
10 Department and shall provide any information requested by the
11 Department, which shall include but shall not be limited to all
12 of the following:

13 (1) The name and landscape architect's license number
14 of at least one person designated as a managing agent. In
15 the case of a corporation, the corporation shall also
16 submit a certified copy of the resolution by the board of
17 directors designating at least one managing agent. If a
18 limited liability company, the company shall submit a
19 certified copy of either its articles of organization or
20 operating agreement designating at least one managing
21 agent.

22 (2) The names and landscape architect's, architect's,
23 professional engineer's, structural engineer's, or land
24 surveyor's license numbers of the directors, in the case of
25 a corporation, the members, in the case of a limited
26 liability company, or general partners, in the case of a

1 partnership.

2 (3) A list of all locations at which the professional
3 design firm provides landscape architectural services.

4 (4) A list of all assumed names of the business.

5 Nothing in this Section shall be construed to exempt a
6 business from compliance with the requirements of the Assumed
7 Business Name Act.

8 It is the responsibility of the professional design firm to
9 provide the Department notice, in writing, of any changes in
10 the information requested on the application.

11 (e) If a managing agent is terminated or terminates his or
12 her status as managing agent of the professional design firm,
13 the managing agent and professional design firm shall notify
14 the Department of this fact in writing, by certified mail,
15 within 10 business days of termination.

16 Thereafter, the professional design firm, if it has so
17 informed the Department, has 30 days in which to notify the
18 Department of the name and license number of the landscape
19 architect who is the newly designated managing agent. If a
20 corporation, the corporation shall also submit a certified copy
21 of a resolution by the board of directors designating the new
22 managing agent. If a limited liability company, the company
23 shall also submit a certified copy of either its articles of
24 organization or operating agreement designating the new
25 managing agent. The Department may, upon good cause shown,
26 extend the original 30 day period.

1 If the professional design firm has not notified the
2 Department in writing, by certified mail within the specified
3 time, the registration shall be terminated without prior
4 hearing. Notification of termination shall be sent by certified
5 mail to the address of record. If the professional design firm
6 continues to operate and offer landscape architecture services
7 after the termination, the Department may seek prosecution
8 under Sections 115 and 190 for the unlicensed practice of
9 landscape architecture.

10 (f) No professional design firm shall be relieved of
11 responsibility for the conduct or acts of its agents,
12 employees, or officers by reason of its compliance with this
13 Section nor shall any individual practicing landscape
14 architecture be relieved of the responsibility for
15 professional services performed by reason of the individual's
16 employment or relationship with a professional design firm
17 registered under this Section.

18 (g) Disciplinary action against a professional design firm
19 registered under this Section shall be administered in the same
20 manner and on the same grounds as disciplinary action against a
21 licensed landscape architect. All disciplinary action taken or
22 pending against a corporation or partnership before the
23 effective date of this Act shall be continued or remain in
24 effect without the Department filing separate actions.

25 Section 115. Refusal, suspension, and revocation of

1 licenses; causes.

2 (a) The Department may, singularly or in combination,
3 refuse to issue, renew, or restore or may suspend, revoke,
4 place on probation, or take other disciplinary or
5 non-disciplinary action as deemed appropriate, including, but
6 not limited to, the imposition of fines not to exceed \$10,000
7 for each violation, as the Department may deem proper, with
8 regard to a license for any one or combination of the following
9 causes:

10 (1) material misstatement in furnishing information to
11 the Department;

12 (2) negligence, incompetence, or misconduct in the
13 practice of landscape architecture;

14 (3) failure to comply with any of the provisions of
15 this Act or any of its rules;

16 (4) making any misrepresentation for the purpose of
17 obtaining licensure;

18 (5) purposefully making false statements or signing
19 false statements, certificates, or affidavits to induce
20 payment;

21 (6) conviction of or plea of guilty or nolo contendere
22 to any crime that is a felony under the laws of the United
23 States or any state or territory thereof or that is a
24 misdemeanor, an essential element of which is dishonesty,
25 or any crime that is directly related to the practice of
26 the profession of landscape architecture;

1 (7) aiding or assisting another person in violating any
2 provision of this Act or its rules;

3 (8) signing or affixing the landscape architect's seal
4 or permitting the landscape architect's seal to be affixed
5 to any technical submission not prepared by the landscape
6 architect or under that landscape architect's responsible
7 control;

8 (9) engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public;

11 (10) habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in the inability to practice with reasonable
14 judgment, skill, or safety;

15 (11) a finding by the Board that an applicant,
16 licensee, or registrant has failed to pay a fine imposed by
17 the Department or a registrant or licensee, whose
18 registration or license has been placed on probationary
19 status, has violated the terms of probation;

20 (12) discipline by another state, territory, foreign
21 country, the District of Columbia, the United States
22 government, or any other governmental agency, if at least
23 one of the grounds for discipline is the same or
24 substantially equivalent to those set forth herein;

25 (13) failure to provide information in response to a
26 written request made by the Department within 30 days after

1 the receipt of such written request;

2 (14) physical illness, including, but not limited to,
3 deterioration through the aging process or loss of motor
4 skill, mental illness, or disability that results in the
5 inability to practice the profession with reasonable
6 judgment, skill, and safety, including without limitation
7 deterioration through the aging process, mental illness,
8 or disability.

9 (b) In enforcing this Section, the Department or Board,
10 upon a showing of a possible violation, may order a licensee or
11 applicant to submit to a mental or physical examination, or
12 both, at the expense of the Department. The Department or Board
13 may order the examining physician to present testimony
14 concerning his or her examination of the licensee or applicant.
15 No information shall be excluded by reason of any common law or
16 statutory privilege relating to communications between the
17 licensee or applicant and the examining physician. The
18 examining physicians shall be specifically designated by the
19 Board or Department. The licensee or applicant may have, at his
20 or her own expense, another physician of his or her choice
21 present during all aspects of the examination. Failure of a
22 licensee or applicant to submit to any such examination when
23 directed, without reasonable cause as defined by rule, shall be
24 grounds for either the immediate suspension of his or her
25 license or immediate denial of his or her application.

26 If the Secretary immediately suspends the license of a

1 licensee for his or her failure to submit to a mental or
2 physical examination when directed, a hearing must be convened
3 by the Department within 15 days after the suspension and
4 completed without appreciable delay.

5 If the Secretary otherwise suspends a license pursuant to
6 the results of the licensee's mental or physical examination, a
7 hearing must be convened by the Department within 15 days after
8 the suspension and completed without appreciable delay. The
9 Department and Board shall have the authority to review the
10 licensee's record of treatment and counseling regarding the
11 relevant impairment or impairments to the extent permitted by
12 applicable federal statutes and regulations safeguarding the
13 confidentiality of medical records.

14 Any licensee suspended under this subsection (b) shall be
15 afforded an opportunity to demonstrate to the Department or
16 Board that he or she can resume practice in compliance with the
17 acceptable and prevailing standards under the provisions of his
18 or her license.

19 (c) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission, as
21 provided in the Mental Health and Developmental Disabilities
22 Code, operates as an automatic suspension. Such suspension will
23 end only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission,
25 the issuance of an order so finding and discharging the
26 patient, and the recommendation of the Board to the Secretary

1 that the licensee be allowed to resume practice.

2 (d) In cases where the Department of Healthcare and Family
3 Services has previously determined that a licensee or a
4 potential licensee is more than 30 days delinquent in the
5 payment of child support and has subsequently certified the
6 delinquency to the Department, the Department shall refuse to
7 issue or renew or shall revoke or suspend that person's license
8 or shall take other disciplinary action against that person
9 based solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance with
11 paragraph (5) of subsection (a) of Section 2105-15 of the
12 Department of Professional Regulation Law of the Civil
13 Administrative Code of Illinois.

14 (e) The Department shall deny a license or renewal
15 authorized by this Act to a person who has failed to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Department of Revenue, until the requirements of the tax Act
20 are satisfied in accordance with subsection (g) of Section
21 2105-15 of the Department of Professional Regulation Law of the
22 Civil Administrative Code of Illinois.

23 (f) Persons who assist the Department as consultants or
24 expert witnesses in the investigation or prosecution of alleged
25 violations of this Act, licensure matters, restoration
26 proceedings, or criminal prosecutions shall not be liable for

1 damages in any civil action or proceeding as a result of such
2 assistance, except upon proof of actual malice. The Attorney
3 General shall defend such persons in any such action or
4 proceeding.

5 Section 120. Violations; injunction; cease and desist
6 order.

7 (a) If any person or entity violates a provision of this
8 Act, the Secretary may, in the name of the People of the State
9 of Illinois, through the Attorney General of the State of
10 Illinois, petition for an order enjoining such violation or for
11 an order enforcing compliance with this Act. Upon the filing of
12 a verified petition in such court, the court may issue a
13 temporary restraining order, without notice or bond, and may
14 preliminarily and permanently enjoin such violation. If it is
15 established that such person or entity has violated or is
16 violating the injunction, the Court may punish the offender for
17 contempt of court. Proceedings under this Section are in
18 addition to, and not in lieu of, all other remedies and
19 penalties provided by this Act.

20 (b) If any person or entity practices as a landscape
21 architect or holds himself out as a "landscape architect",
22 "professional landscape architect", "registered landscape
23 architect", "licensed landscape architect", "landscape
24 architect design profession", any other title that includes the
25 words "landscape architect" or "landscape architecture", or

1 professional design firm without being licensed or registered
2 under the provisions of this Act, then any landscape architect,
3 any interested party or any person injured thereby may, in
4 addition to the Secretary, petition for relief as provided in
5 subsection (a) of this Section.

6 (c) Whenever in the opinion of the Department any person or
7 entity violates any provision of this Act, the Department may
8 issue a rule to show cause why an order to cease and desist
9 should not be entered against him. The rule shall clearly set
10 forth the grounds relied upon by the Department and shall
11 provide a period of 7 days from the date of the rule to file an
12 answer to the satisfaction of the Department. Failure to answer
13 to the satisfaction of the Department shall cause an order to
14 cease and desist to be issued immediately.

15 Section 125. Unlicensed practice; violation; civil
16 penalty.

17 (a) Any person who practices, offers to practice, attempts
18 to practice, or holds oneself out to practice as a landscape
19 architect without being licensed under this Act shall, in
20 addition to any other penalty provided by law, pay a civil
21 penalty to the Department in an amount not to exceed \$10,000
22 for each offense as determined by the Department. The civil
23 penalty shall be assessed by the Department after a hearing is
24 held in accordance with the provisions set forth in this Act
25 regarding the provision of a hearing for the discipline of a

1 licensee.

2 (b) Any entity that advertises landscape architecture
3 services in a telecommunications directory must include its
4 landscape architecture firm registration number or, in the case
5 of a sole proprietor, his or her individual license number.
6 Nothing in this subsection (b) requires the publisher of a
7 telecommunications directory to investigate or verify the
8 accuracy of the registration or license number provided by the
9 advertiser of landscape architecture services.

10 (c) The Department has the authority and power to
11 investigate any and all unlicensed activity.

12 (d) The civil penalty shall be paid within 60 days after
13 the effective date of the order imposing the civil penalty. The
14 order shall constitute a judgment and may be filed and
15 execution had thereon in the same manner as any judgment from
16 any court of record.

17 Section 130. Investigations; notice and hearing. The
18 Department may investigate the actions of any applicant or of
19 any person or entity holding or claiming to hold a license or
20 registration. Before the initiation of an investigation, the
21 matter shall be reviewed by a subcommittee of the Board
22 according to procedures established by rule for the Complaint
23 Committee. The Department shall, before refusing to restore,
24 issue or renew a license or registration, or discipline a
25 licensee or registrant, at least 30 days prior to the date set

1 for the hearing, notify in writing the applicant for, or holder
2 of, a license or registration of the nature of the charges and
3 that a hearing will be held on the date designated, and direct
4 the applicant or licensee or registrant to file a written
5 answer to the Board under oath within 20 days after the service
6 of the notice and inform the applicant or licensee or
7 registrant that failure to file an answer will result in
8 default being taken against the applicant or licensee or
9 registrant and that the license or registration may be
10 suspended, revoked, or placed on probationary status or other
11 disciplinary action may be taken, including limiting the scope,
12 nature, or extent of practice, as the Secretary may deem
13 proper. Written notice may be served by personal delivery or
14 certified or registered mail to the respondent at the address
15 of record with the Department. In case the person or entity
16 fails to file an answer after receiving notice, his or her
17 license or registration may, in the discretion of the
18 Department, be suspended, revoked, or placed on probationary
19 status or the Department may take whatever disciplinary action
20 deemed proper, including limiting the scope, nature, or extent
21 of the person's practice or the imposition of a fine, without a
22 hearing, if the act or acts charged constitute sufficient
23 grounds for such action under this Act. At the time and place
24 fixed in the notice, the Board shall proceed to hear the
25 charges and the parties or their counsel shall be accorded
26 ample opportunity to present such statements, testimony,

1 evidence, and argument as may be pertinent to the charges or to
2 their defense. The Board may continue the hearing from time to
3 time.

4 Section 135. Stenographer; transcript. The Department, at
5 its expense, shall preserve a record of all proceedings at the
6 formal hearing of any case involving the refusal to restore,
7 issue, or renew a license or the discipline of a licensee. The
8 notice of hearing, complaint, and all other documents in the
9 nature of pleadings and written motions filed in the
10 proceedings, the transcript of testimony, the report of the
11 Board, and the orders of the Department shall be the record of
12 the proceedings. A transcript of the record may be made
13 available to any person interested in the hearing upon payment
14 of the fee required by Section 2105-115 of the Department of
15 Professional Regulation Law of the Civil Administrative Code of
16 Illinois.

17 Section 140. Subpoenas; depositions; oaths. The Department
18 has power to subpoena documents, books, records, or other
19 materials and to bring before it any person and to take
20 testimony, either orally or by deposition, or take written
21 interrogatories, or any combination thereof, with the same fees
22 and mileage and in the same manner as is prescribed in civil
23 cases in the courts of this State.

24 The Secretary, the designated hearing officer, and every

1 member of the Board has the power to administer oaths to
2 witnesses at any hearing that the Department is authorized to
3 conduct and any other oaths authorized in any Act administered
4 by the Department.

5 Section 145. Procedure to compel attendance of witnesses.
6 Any circuit court, upon the application of the accused person
7 or complainant or of the Department, may, by order duly
8 entered, require the attendance of witnesses and the production
9 of relevant books and papers before the Department in any
10 hearing relative to the application for or refusal, recall,
11 suspension or revocation of a license, or the discipline of a
12 licensee, and the court may compel obedience to its order by
13 proceedings for contempt.

14 Section 150. Report of Board; rehearing. After the
15 hearing, the Board shall present to the Secretary its written
16 report of its findings and recommendations. A copy of such
17 report shall be served upon the accused person, either
18 personally or by registered or certified mail as provided in
19 this Act for the service of the notice. Within 20 days after
20 such service, the accused person may present to the Department
21 his or her motion in writing for a rehearing that shall specify
22 the particular grounds for rehearing. If the accused person
23 orders and pays for a transcript of the record as provided in
24 this Section, the time elapsing before such transcript is ready

1 for delivery to him or her shall not be counted as part of such
2 20 days.

3 If the Secretary is not satisfied that substantial justice
4 has been done, he or she may order a rehearing by the same or
5 another special board. At the expiration of the time specified
6 for filing a motion for a rehearing the Secretary has the right
7 to take the action recommended by the Board.

8 Section 155. Hearing officer. Notwithstanding the
9 provisions of Section 150, the Secretary has the authority to
10 appoint any attorney duly licensed to practice law in the State
11 of Illinois to serve as the hearing officer in any action under
12 Section 130. The Secretary shall notify the Board of any such
13 appointment. The hearing officer has full authority to conduct
14 the hearing. The Board has the right to have at least one
15 member present at any hearing conducted by such hearing
16 officer. The hearing officer shall report his or her findings
17 of fact, conclusions of law, and recommendations to the Board
18 and the Secretary. The Board has 60 days from receipt of the
19 report to review the report of the hearing officer and present
20 its findings of fact, conclusions of law and recommendations to
21 the Secretary. If the Board fails to present its report within
22 the 60 day period, the Secretary may issue an order based on
23 the report of the hearing officer. If the Secretary disagrees
24 in any regard with the report of the Board or hearing officer,
25 he or she may issue an order in contravention thereof. The

1 Secretary shall notify the Board on any such deviation and
2 shall specify with particularity the reasons for such action in
3 the final order.

4 Section 160. Order to be prima facie proof. An order of
5 revocation or suspension or a certified copy thereof, over the
6 seal of the Department and purporting to be signed by the
7 Secretary, shall be prima facie proof that:

8 (1) the signature is the genuine signature of the
9 Secretary;

10 (2) the Secretary is duly appointed and qualified; and

11 (3) the Board and the members thereof are qualified to
12 act.

13 Such proof may be rebutted.

14 Section 165. Restoration of suspended or revoked license.
15 At any time after the successful completion of a term of
16 suspension or revocation of a license, the Department may
17 restore it to the licensee, upon the written recommendation of
18 the Board, unless after an investigation and a hearing the
19 Board determines that restoration is not in the public
20 interest.

21 Section 170. Surrender of license. Upon the revocation or
22 suspension of any license, the licensee shall immediately
23 surrender the license or licenses to the Department and if the

1 licensee fails to do so, the Department has the right to seize
2 the license.

3 Section 175. Temporary suspension of a license. The
4 Secretary may temporarily suspend the license of a landscape
5 architect without a hearing, simultaneously with the
6 institution of proceedings for a hearing provided for in
7 Section 130, if the Secretary finds that evidence in his or her
8 possession indicates that a landscape architect's continuation
9 in practice would constitute an imminent danger to the public.
10 In the event that the Secretary temporarily suspends the
11 license of a landscape architect without a hearing, a hearing
12 by the Board must be held within 30 days after such suspension
13 has occurred.

14 Section 180. Review under Administrative Review Law;
15 venue. All final administrative decisions of the Department
16 hereunder are subject to judicial review pursuant to the
17 provisions of the Administrative Review Law and its rules. The
18 term "administrative decision" is defined as in Section 3-101
19 of the Code of Civil Procedure.

20 Such proceedings for judicial review shall be commenced in
21 the circuit court of the county in which the party applying for
22 review resides, but if such party is not a resident of this
23 State, the venue shall be in Sangamon County.

1 Section 185. Certification of record. The Department shall
2 not be required to certify any record to the court or file any
3 answer in court or otherwise appear in any court in a judicial
4 review proceeding, unless there is filed in the court with the
5 complaint a receipt from the Department acknowledging payment
6 of the costs of furnishing and certifying the record. Failure
7 on the part of the plaintiff to file such receipt in court
8 shall be grounds for dismissal of the action.

9 Section 190. Violations. Each of the following acts
10 constitutes a Class A misdemeanor for the first offense and a
11 Class 4 felony for a second or subsequent offense:

12 (1) the practice, attempt to practice or offer to
13 practice landscape architecture or the advertising or
14 putting out of any sign or card or other device that might
15 indicate to the public that the person is entitled to
16 practice landscape architecture, without a license as a
17 landscape architect, or registration as a professional
18 design firm issued by the Department; each day of
19 practicing landscape architecture or attempting to
20 practice landscape architecture, and each instance of
21 offering to practice landscape architecture, without a
22 license as a landscape architect or registration as a
23 professional design firm constitutes a separate offense;

24 (2) the making of any willfully false oath or
25 affirmation in any matter or proceeding where an oath or

1 affirmation is required by this Act;

2 (3) the affixing of a landscape architect's seal to any
3 technical submissions that have not been prepared by that
4 landscape architect or under the landscape architect's
5 responsible control;

6 (4) the violation of any provision of this Act or its
7 rules;

8 (5) using or attempting to use an expired, inactive,
9 suspended, or revoked license, or the certificate or seal
10 of another, or impersonating another licensee;

11 (6) obtaining or attempting to obtain a license or
12 registration by fraud; or

13 (7) if any person, sole proprietorship, professional
14 service corporation, limited liability company,
15 corporation or partnership, or other entity practices
16 architecture or advertises or displays any sign or card or
17 other device that might indicate to the public that the
18 person or entity is entitled to practice as a landscape
19 architect or use the title "landscape architect" or any of
20 its derivations unless the person or other entity holds an
21 active license as an architect or registration as a
22 professional design firm in the State; then, in addition to
23 any other penalty provided by law any person or other
24 entity who violates this paragraph (7) shall forfeit and
25 pay to the Design Professionals Administration and
26 Investigation Fund a civil penalty in an amount determined

1 by the Department of not more than \$10,000 for each
2 offense.

3 Section 195. Landscape architecture intern. An
4 unlicensed person who has completed the education
5 requirements, is actively participating in the diversified
6 professional training, and maintains in good standing a
7 training record as required for licensure by this Act may use
8 the title "landscape architecture intern" but may not
9 independently engage in the practice of landscape
10 architecture.

11 Section 200. Illinois Administrative Procedure Act;
12 application. The Illinois Administrative Procedure Act is
13 hereby expressly adopted and incorporated herein as if all of
14 the provisions of that Act were included in this Act, except
15 that the provision of subsection (d) of Section 10-65 of the
16 Illinois Administrative Procedure Act that provides that at
17 hearings the licensee has the right to show compliance with all
18 lawful requirements for retention, continuation or renewal of
19 the license is specifically excluded. For the purposes of this
20 Act, the notice required under Section 10-25 of the Illinois
21 Administrative Procedure Act is deemed sufficient when mailed
22 to the last known address of a party.

23 Section 205. Confidentiality. All information collected by

1 the Department in the course of an examination or investigation
2 of a licensee or applicant, including, but not limited to, any
3 complaint against a licensee filed with the Department and
4 information collected to investigate any such complaint, shall
5 be maintained for the confidential use of the Department and
6 shall not be disclosed. The Department may not disclose the
7 information to anyone other than law enforcement officials,
8 other regulatory agencies that have an appropriate regulatory
9 interest as determined by the Secretary, or a party presenting
10 a lawful subpoena to the Department. Information and documents
11 disclosed to a federal, State, county, or local law enforcement
12 agency shall not be disclosed by the agency for any purpose to
13 any other agency or person. A formal complaint filed against a
14 licensee by the Department or any order issued by the
15 Department against a licensee or applicant shall be a public
16 record, except as otherwise prohibited by law.

17 Section 210. Fund; appropriations; investments; audits.
18 Moneys deposited in the Design Professionals Administration
19 and Investigation Fund shall be appropriated to the Department
20 exclusively for expenses of the Department and the Board in the
21 administration of this Act, the Illinois Architecture Practice
22 Act of 1989, the Illinois Professional Land Surveyor Act of
23 1989, the Professional Engineering Practice Act of 1989, and
24 the Structural Engineering Practice Act of 1989. The expenses
25 of the Department under this Act shall be limited to the

1 ordinary and contingent expenses of the Design Professionals
2 Dedicated Employees within the Department as established under
3 Section 2105-75 of the Department of Professional Regulation
4 Law of the Civil Administrative Code of Illinois and other
5 expenses related to the administration and enforcement of this
6 Act.

7 Moneys from the Fund may also be used for direct and
8 allocable indirect costs related to the public purposes of the
9 Department of Financial and Professional Regulation. Moneys in
10 the Fund may be transferred to the Professions Indirect Cost
11 Fund as authorized by Section 2105-300 of the Department of
12 Professional Regulation Law of the Civil Administrative Code of
13 Illinois.

14 All fines and penalties under Sections 115 and 190 shall be
15 deposited into the Design Professionals Administration and
16 Investigation Fund.

17 Moneys in the Design Professionals Administration and
18 Investigation Fund may be invested and reinvested, with all
19 earnings received from the investments to be deposited into the
20 Design Professionals Administration and Investigation Fund and
21 used for the same purposes as fees deposited into the Fund.

22 Upon the completion of any audit of the Department as
23 prescribed by the Illinois State Auditing Act that includes an
24 audit of the Design Professionals Administration and
25 Investigation Fund, the Department shall make the audit open to
26 inspection by any interested person. The copy of the audit

1 report required to be submitted to the Department by this
2 Section is an addition to copies of audit reports required to
3 be submitted to other State officers and agencies by Section
4 3-14 of the Illinois State Auditing Act.

5 Section 215. Public policy. It is declared to be the public
6 policy of this State, pursuant to paragraph (h) of Section 6 of
7 Article VII of the Illinois Constitution of 1970, that any
8 power or function set forth in this Act to be exercised by the
9 State is an exclusive State power or function. Such power or
10 function shall not be exercised concurrently, either directly
11 or indirectly, by any unit of local government, including home
12 rule units, except as otherwise provided in this Act. This is a
13 limitation of home rule powers.

14 Section 220. Reinstatement of existing licenses; rules in
15 force. All licenses and certificates of registration in effect
16 on December 31, 2019 and issued pursuant to the Illinois
17 Landscape Architecture Act of 1989 are reinstated for the
18 balance of the term for which last issued. All rules in effect
19 on December 31, 2019 and adopted pursuant to the Illinois
20 Landscape Architecture Act of 1989 shall remain in full force
21 and effect on the effective date of this Act without being
22 adopted again by the Department, except to the extent any such
23 rule is inconsistent with any provision of this Act. All
24 disciplinary action, taken or pending, pursuant to the Illinois

1 Landscape Architecture Act of 1989 shall, for the actions
2 taken, remain in effect, and for the action pending, shall be
3 continued, on the effective date of this Act without having
4 separate actions filed by the Department.

5 Section 900. The Regulatory Sunset Act is amended by adding
6 Section 4.40 as follows:

7 (5 ILCS 80/4.40 new)

8 Sec. 4.40. Act repealed on January 1, 2030. The following
9 Act is repealed on January 1, 2030:

10 The Illinois Landscape Architecture Practice Act of 2019.

11 Section 905. The Park District Code is amended by changing
12 Section 8-50 as follows:

13 (70 ILCS 1205/8-50)

14 Sec. 8-50. Definitions. For the purposes of Sections 8-50
15 through 8-57, the following terms shall have the following
16 meanings, unless the context requires a different meaning:

17 "Delivery system" means the design and construction
18 approach used to develop and construct a project.

19 "Design-bid-build" means the traditional delivery system
20 used on public projects that incorporates the Local Government
21 Professional Services Selection Act and the principles of
22 competitive selection.

1 "Design-build" means a delivery system that provides
2 responsibility within a single contract for the furnishing of
3 architecture, engineering, land surveying, and related
4 services as required, and the labor, materials, equipment, and
5 other construction services for the project.

6 "Design-build contract" means a contract for a public
7 project under this Act between any park district and a
8 design-build entity to furnish architecture, engineering, land
9 surveying, landscape architecture, and related services as
10 required, and to furnish the labor, materials, equipment, and
11 other construction services for the project. The design-build
12 contract may be conditioned upon subsequent refinements in
13 scope and price and may allow the park district to make
14 modifications in the project scope without invalidating the
15 design-build contract.

16 "Design-build entity" means any individual, sole
17 proprietorship, firm, partnership, joint venture, corporation,
18 professional corporation, or other entity that proposes to
19 design and construct any public project under this Act. A
20 design-build entity and associated design-build professionals
21 shall conduct themselves in accordance with the laws of this
22 State and the related provisions of the Illinois Administrative
23 Code, as referenced by the licensed design professionals Acts
24 of this State.

25 "Design professional" means any individual, sole
26 proprietorship, firm, partnership, joint venture, corporation,

1 professional corporation, or other entity that offers services
2 under the Illinois Architecture Practice Act of 1989, the
3 Professional Engineering Practice Act of 1989, the Structural
4 Engineering Practice Act of 1989, or the Illinois Professional
5 Land Surveyor Act of 1989.

6 "Evaluation criteria" means the requirements for the
7 separate phases of the selection process for design-build
8 proposals as defined in this Act and may include the
9 specialized experience, technical qualifications and
10 competence, capacity to perform, past performance, experience
11 with similar projects, assignment of personnel to the project,
12 and other appropriate factors. Price may not be used as a
13 factor in the evaluation of Phase I proposals.

14 "Landscape architect design professional" means any
15 person, sole proprietorship, or entity including, but not
16 limited to, a partnership, professional service corporation,
17 or corporation that offers services under the Illinois
18 Landscape Architecture Practice Act of 2019 ~~1989~~.

19 "Proposal" means the offer to enter into a design-build
20 contract as submitted by a design-build entity in accordance
21 with this Act.

22 "Request for proposal" means the document used by the park
23 district to solicit proposals for a design-build contract.

24 "Scope and performance criteria" means the requirements
25 for the public project, including, but not limited to: the
26 intended usage, capacity, size, scope, quality, and

1 performance standards; life-cycle costs; and other
2 programmatic criteria that are expressed in performance
3 oriented and quantifiable specifications and drawings that can
4 be reasonably inferred and are suited to allow a design-build
5 entity to develop a proposal.

6 (Source: P.A. 97-349, eff. 8-12-11.)

7 Section 910. The Chicago Park District Act is amended by
8 changing Section 26.10-4 as follows:

9 (70 ILCS 1505/26.10-4)

10 Sec. 26.10-4. Definitions. The following terms, whenever
11 used or referred to in this Act, have the following meaning
12 unless the context requires a different meaning:

13 "Delivery system" means the design and construction
14 approach used to develop and construct a project.

15 "Design-bid-build" means the traditional delivery system
16 used on public projects that incorporates the Local Government
17 Professional Services Selection Act (50 ILCS 510/) and the
18 principles of competitive selection.

19 "Design-build" means a delivery system that provides
20 responsibility within a single contract for the furnishing of
21 architecture, engineering, land surveying and related services
22 as required, and the labor, materials, equipment, and other
23 construction services for the project.

24 "Design-build contract" means a contract for a public

1 project under this Act between the Chicago Park District and a
2 design-build entity to furnish architecture, engineering, land
3 surveying, landscape architecture, and related services as
4 required, and to furnish the labor, materials, equipment, and
5 other construction services for the project. The design-build
6 contract may be conditioned upon subsequent refinements in
7 scope and price and may allow the Chicago Park District to make
8 modifications in the project scope without invalidating the
9 design-build contract.

10 "Design-build entity" means any individual, sole
11 proprietorship, firm, partnership, joint venture, corporation,
12 professional corporation, or other entity that proposes to
13 design and construct any public project under this Act. A
14 design-build entity and associated design-build professionals
15 shall conduct themselves in accordance with the laws of this
16 State and the related provisions of the Illinois Administrative
17 Code, as referenced by the licensed design professionals Acts
18 of this State.

19 "Design professional" means any individual, sole
20 proprietorship, firm, partnership, joint venture, corporation,
21 professional corporation, or other entity that offers services
22 under the Illinois Architecture Practice Act of 1989 (225 ILCS
23 305/), the Professional Engineering Practice Act of 1989 (225
24 ILCS 325/), the Structural Engineering Practice Act of 1989
25 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act
26 of 1989 (225 ILCS 330/).

1 "Landscape architect design professional" means any
2 person, sole proprietorship, or entity such as a partnership,
3 professional service corporation, or corporation that offers
4 services under the Illinois Landscape Architecture Practice
5 Act of 2019 ~~1989~~.

6 "Evaluation criteria" means the requirements for the
7 separate phases of the selection process for design-build
8 proposals as defined in this Act and may include the
9 specialized experience, technical qualifications and
10 competence, capacity to perform, past performance, experience
11 with similar projects, assignment of personnel to the project,
12 and other appropriate factors. Price may not be used as a
13 factor in the evaluation of Phase I proposals.

14 "Proposal" means the offer to enter into a design-build
15 contract as submitted by a design-build entity in accordance
16 with this Act.

17 "Request for proposal" means the document used by the
18 Chicago Park District to solicit proposals for a design-build
19 contract.

20 "Scope and performance criteria" means the requirements
21 for the public project, including but not limited to, the
22 intended usage, capacity, size, scope, quality and performance
23 standards, life-cycle costs, and other programmatic criteria
24 that are expressed in performance-oriented and quantifiable
25 specifications and drawings that can be reasonably inferred and
26 are suited to allow a design-build entity to develop a

1 proposal.

2 "Guaranteed maximum price" means a form of contract in
3 which compensation may vary according to the scope of work
4 involved but in any case may not exceed an agreed total amount.
5 (Source: P.A. 96-777, eff. 8-28-09; 96-1000, eff. 7-2-10.)

6 Section 915. The Professional Geologist Licensing Act is
7 amended by changing Section 20 as follows:

8 (225 ILCS 745/20)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 20. Exemptions. Nothing in this Act shall be construed
11 to restrict the use of the title "geologist" or similar words
12 by any person engaged in a practice of geology exempted under
13 this Act, provided the person does not hold himself or herself
14 out as being a Licensed Professional Geologist or does not
15 practice professional geology in a manner requiring licensure
16 under this Act. Performance of the following activities does
17 not require licensure as a licensed professional geologist
18 under this Act:

19 (a) The practice of professional geology by an employee
20 or a subordinate of a licensee under this Act, provided the
21 work does not include responsible charge of geological work
22 and is performed under the direct supervision of a Licensed
23 Professional Geologist who is responsible for the work.

24 (b) The practice of professional geology by officers

1 and employees of the United States government within the
2 scope of their employment.

3 (c) The practice of professional geology as geologic
4 research to advance basic knowledge for the purpose of
5 offering scientific papers, publications, or other
6 presentations (i) before meetings of scientific societies,
7 (ii) internal to a partnership, corporation,
8 proprietorship, or government agency, or (iii) for
9 publication in scientific journals, or in books.

10 (d) The teaching of geology in schools, colleges, or
11 universities, as defined by rule.

12 (e) The practice of professional geology exclusively
13 in the exploration for or development of energy resources
14 or base, precious and nonprecious minerals, including
15 sand, gravel, and aggregate, that does not require, by law,
16 rule, or ordinance, the submission of reports, documents,
17 or oral or written testimony to public agencies. Public
18 agencies may, by law or by rule, allow required oral or
19 written testimony, reports, permit applications, or other
20 documents based on the science of geology to be submitted
21 to them by persons not licensed under this Act. Unless
22 otherwise required by State or federal law, public agencies
23 may not require that the geology-based aspects of
24 testimony, reports, permits, or other documents so
25 exempted be reviewed by, approved, or otherwise certified
26 by any person who is not a Licensed Professional Geologist.

1 Licensure is not required for the submission and review of
2 reports or documents or the provision of oral or written
3 testimony made under the Well Abandonment Act, the Illinois
4 Oil and Gas Act, the Surface Coal Mining Land Conservation
5 and Reclamation Act, or the Surface-Mined Land
6 Conservation and Reclamation Act.

7 (f) The practice of professional engineering as
8 defined in the Professional Engineering Practice Act of
9 1989.

10 (g) The practice of structural engineering as defined
11 in the Structural Engineering Practice Act of 1989.

12 (h) The practice of architecture as defined in the
13 Illinois Architecture Practice Act of 1989.

14 (i) The practice of land surveying as defined in the
15 Illinois Professional Land Surveyor Act of 1989.

16 (j) The practice of landscape architecture as defined
17 in the Illinois Landscape Architecture Practice Act of 2019
18 ~~1989~~.

19 (k) The practice of professional geology for a period
20 not to exceed 9 months by any person pursuing a course of
21 study leading to a degree in geology from an accredited
22 college or university, as set forth in this Act and as
23 established by rule, provided that (i) such practice
24 constitutes a part of a supervised course of study, (ii)
25 the person is under the supervision of a geologist licensed
26 under this Act or a teacher of geology at an accredited

1 college or university, and (iii) the person is designated
2 by a title that clearly indicates his or her status as a
3 student or trainee.

4 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

5 Section 920. The Unified Code of Corrections is amended by
6 changing Section 5-5-5 as follows:

7 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

8 Sec. 5-5-5. Loss and restoration of rights.

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

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

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

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

1 restoration is not in the public interest. This paragraph (d)
2 shall not apply to the suspension or revocation of a license to
3 operate a motor vehicle under the Illinois Vehicle Code.

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

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

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

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

1 convicted of one or more criminal offenses, unless:

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

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

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

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

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

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

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

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

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

25 (7) any information produced by the person or produced
26 on his or her behalf in regard to his or her rehabilitation

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

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

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

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

18 (2) the Illinois Athletic Trainers Practice Act;

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

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

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

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

26 (7) the Illinois Farm Labor Contractor Certification

1 Act;

2 (8) the Registered Interior Designers Act;

3 (9) the Illinois Professional Land Surveyor Act of
4 1989;

5 (10) the Illinois Landscape Architecture Practice Act
6 of 2019 ~~1989~~;

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

8 (12) the Private Employment Agency Act;

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

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

12 (15) the Illinois Roofing Industry Licensing Act;

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

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

17 (18) the Electrologist Licensing Act;

18 (19) the Auction License Act;

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

20 (21) the Dietitian Nutritionist Practice Act;

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

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

25 (24) (blank);

26 (25) the Professional Geologist Licensing Act;

1 (26) the Illinois Public Accounting Act; and
2 (27) the Structural Engineering Practice Act of 1989.
3 (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)

4 Section 999. Effective date. This Act takes effect January
5 1, 2020.