



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB4034

Introduced 1/10/2021, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.41 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 Landscape Architecture Registration Act. Provides that no person shall use the title "registered landscape architect" or "landscape architect" without being registered by the Department of Financial and Professional Regulation. Creates the Registered Landscape Architecture Registration Board. Provides for the membership, meetings, and powers of the Board. Provides that the Department may seek the expert advice and knowledge of the Board on any matter relating to the enforcement of the Act, including qualifications of applicants for registration. Provides that the Department may issue certificates of registration to those who meet the requirements of the Act. Provides that the Department may authorize examinations to ascertain the fitness and qualifications of applicants for registration. Provides that the Department may conduct investigations and hearings to refuse to issue, renew, or restore registrations, revoke, suspend, place on probation, or reprimand persons registered under provisions of the Act. Provides that the Department may take disciplinary action with regard to any certificate of registration issued under the Act. Makes corresponding changes in the Park District Code, the Chicago Park District Act, the Professional Geologist Licensing Act, and the Unified Code of Corrections. Amends the Regulatory Sunset Act to repeal the Landscape Architecture Registration Act on January 1, 2031.

LRB101 23388 SPS 74612 b

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 Landscape Architecture Registration Act.

6 Section 5. Purpose. It is the purpose of this Act to  
7 provide for the registration of landscape architects. This Act  
8 shall be liberally construed to carry out these objectives and  
9 purposes.

10 Section 10. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded  
12 by the Department in the applicant's application file or  
13 registrant's registration file as maintained by the  
14 Department.

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

17 "Email address of record" means the designated email  
18 address of record by the Department in the applicant's  
19 application file or registrant's registration file as  
20 maintained by the Department.

21 "Landscape architecture" means the art and science of  
22 arranging land, together with the spaces and objects upon it,

1 for the purpose of creating a safe, efficient, healthful, and  
2 aesthetically pleasing physical environment for human use and  
3 enjoyment, as performed by landscape architects.

4 "Landscape architectural practice" means the offering or  
5 furnishing of professional services in connection with a  
6 landscape architecture project that do not require the seal of  
7 an architect, land surveyor, professional engineer, or  
8 structural engineer. These services may include, but are not  
9 limited to, providing preliminary studies; developing design  
10 concepts; planning for the relationships of physical  
11 improvements and intended uses of the site; establishing form  
12 and aesthetic elements; developing those technical details on  
13 the site that are exclusive of any building or structure;  
14 preparing and coordinating technical submissions; and  
15 conducting site observation of a landscape architecture  
16 project.

17 "Registered landscape architect" means a person who, based  
18 on education, experience, and examination in the field of  
19 landscape architecture, is registered under this Act.

20 "Secretary" means the Secretary of Financial and  
21 Professional Regulation. The Secretary may designate his or her  
22 duties under this Act to a designee of his or her choice,  
23 including, but not limited to, the Director of Professional  
24 Regulation.

25 Section 15. Title.

1 (a) No person shall use the title "registered landscape  
2 architect" or "landscape architect" without being so  
3 registered by the Department.

4 (b) Nothing in this Act shall be construed as preventing or  
5 restricting the offering, advertising, or providing of  
6 services defined as landscape architecture practice under this  
7 Act by an individual not registered under this Act.

8 Section 20. Seal.

9 (a) Every registered landscape architect shall have a  
10 reproducible seal, which may be computer generated, the  
11 impression of which shall contain the name of the registered  
12 landscape architect, the registered landscape architect's  
13 registration number, and the words "Registered Landscape  
14 Architect, State of Illinois". The registered landscape  
15 architect shall be responsible for his or her seal and  
16 signature as defined by rule.

17 (b) Notwithstanding the requirements of this Section, an  
18 architect, land surveyor, professional engineer, or structural  
19 engineer licensed by the Department shall be permitted to affix  
20 his or her seal to any plans, specifications, and reports  
21 prepared by or under his or her supervision in connection with  
22 the incidental practice of landscape architecture.

23 Section 23. Technical submissions.

24 (a) As used in this Section, "technical submissions"

1 includes the designs, drawings, and specifications that  
2 establish the scope of a landscape architecture project; the  
3 standard of quality for materials, workmanship, equipment, and  
4 systems; and the studies and other technical reports and  
5 calculations prepared in the course of the practice of  
6 landscape architecture.

7 (b) A registered landscape architect shall not exercise  
8 authority in preparing technical submissions that require the  
9 involvement of an architect, professional engineer, structural  
10 engineer, or professional land surveyor licensed in Illinois.

11 (c) The registered landscape architect who has contract  
12 responsibility shall seal a cover sheet of the technical  
13 submissions and those individual portions of the technical  
14 submissions for which the registered landscape architect is  
15 legally and professionally responsible.

16 Section 25. Display of registration. Every holder of a  
17 registered landscape architect registration shall display his  
18 or her certificate of registration in a conspicuous place in  
19 his or her principal office, place of business, or place of  
20 employment.

21 Section 30. Address of record; email address of record. All  
22 applicants and registrants shall:

23 (1) provide a valid address and email address to the  
24 Department, which shall serve as the address of record and

1 email address of record, respectively, at the time of  
2 application for registration or renewal of registration;  
3 and

4 (2) inform the Department of any change of address of  
5 record or email address of record within 14 days after such  
6 change either through the Department's website or by  
7 contacting the Department.

8 Section 33. Registered Landscape Architecture Registration  
9 Board.

10 (a) The Secretary shall appoint a Registered Landscape  
11 Architecture Registration Board. The Board shall consist of 5  
12 persons who shall serve in an advisory capacity to the  
13 Secretary. All members of the Board shall be residents of  
14 Illinois. Four members shall be registered under this Act and  
15 have not been disciplined within the last 10-year period under  
16 this Act or the Illinois Landscape Architecture Act of 1989. In  
17 addition to the 4 registered landscape architects, there shall  
18 be one public member. The public member shall be a voting  
19 member and shall not be registered under this Act or licensed  
20 under any other design profession licensing Act that the  
21 Department administers.

22 (b) Board members shall serve 5-year terms and until their  
23 successors are appointed and qualified.

24 (c) In appointing members to the Board, the Secretary shall  
25 give due consideration to recommendations by members and

1 organizations of the landscape architecture profession.

2 (d) The membership of the Board should reasonably reflect  
3 representation from the geographic areas in this State.

4 (e) No member shall be reappointed to the Board for a term  
5 that would cause his or her continuous service on the Board to  
6 be longer than 2 consecutive 5-year terms.

7 (f) An appointment to fill a vacancy for the unexpired  
8 portion of the vacated term shall be made in the same manner as  
9 an initial appointment.

10 (g) Three members shall constitute a quorum. A quorum is  
11 required for Board decisions.

12 (h) The Secretary may terminate the appointment of any  
13 member for cause that, in the opinion of the Secretary,  
14 reasonably justified such termination, which may include, but  
15 is not limited to, a Board member who does not attend 2  
16 consecutive meetings.

17 (i) Members of the Board may be reimbursed for all  
18 legitimate, necessary, and authorized expenses.

19 (j) The Department may at any time seek the expert advice  
20 and knowledge of the Board on any matter relating to the  
21 enforcement of this Act.

22 Section 34. Powers and duties of the Board.

23 (a) The Board shall hold at least one meeting each year,  
24 conducted in accordance with the Open Meetings Act.

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

1 chairperson who shall be registered landscape architects.

2 (c) The Department may, at any time, seek the expert advice  
3 and knowledge of the Board on any matter relating to the  
4 enforcement of this Act, including qualifications of  
5 applicants for registration.

6 Section 35. Powers and duties of the Department. The  
7 Department shall exercise, subject to the provisions of this  
8 Act, the following functions, powers, and duties:

9 (1) Authorize examinations to ascertain the fitness  
10 and qualifications of applicants for registration and pass  
11 upon the qualifications and fitness of applicants for  
12 registration by endorsement.

13 (2) Adopt rules and regulations required for the  
14 administration of this Act.

15 (3) Conduct hearings on proceedings to refuse to issue,  
16 renew, or restore registrations, revoke, suspend, place on  
17 probation, or reprimand persons registered under  
18 provisions of this Act.

19 (4) Adopt rules to establish what constitutes an  
20 approved landscape architecture program.

21 (5) Adopt rules to establish what constitutes  
22 landscape architecture experience.

23 (6) Issue certificates of registration to those who  
24 meet the requirements of this Act.

25 (7) Conduct investigations related to possible



1 violations of this Act.

2 Section 40. Application for registration.

3 (a) Applications for registration shall be made to the  
4 Department in writing on forms or electronically as prescribed  
5 by the Department and shall be accompanied by the required fee,  
6 which shall not be refundable. All applications shall contain  
7 information that, in the judgment of the Department, enables  
8 the Department to pass on the qualifications of the applicant  
9 for registration as a registered landscape architect. The  
10 Department may require an applicant, at the applicant's  
11 expense, to have an evaluation of the applicant's education in  
12 a foreign country by a nationally recognized evaluation service  
13 approved by the Department in accordance with rules adopted by  
14 the Department.

15 (b) Applicants have 3 years from the date of application to  
16 complete the application process. If the process has not been  
17 completed in 3 years, the application shall be denied, the fee  
18 shall be forfeited, and the applicant must reapply and meet the  
19 requirements in effect at the time of reapplication.

20 Section 45. Qualifications for registration.

21 (a) To qualify for registration as a registered landscape  
22 architect, each applicant shall:

23 (1) provide proof of graduation from an approved  
24 landscape architecture program as approved by rule;

1           (2) provide proof of experience for registration as  
2 approved by rule; and

3           (3) provide proof of successful passage of an  
4 examination as approved by rule.

5           (b) Upon payment of the required fee and meeting other  
6 requirements as determined by rule, an applicant who is  
7 actively registered or licensed as a landscape architect under  
8 the laws of another jurisdiction of the United States may,  
9 without examination, be granted registration as a registered  
10 landscape architect by the Department.

11           Section 50. Registration, renewal, and restoration.

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

17           (b) A registered landscape architect who has permitted his  
18 or her registration to expire or has had his or her  
19 registration placed on inactive status may have his or her  
20 registration restored by making application to the Department  
21 and filing proof acceptable to the Department of his or her  
22 fitness to have his or her registration restored, including,  
23 but not limited to, sworn evidence certifying active lawful  
24 practice in another jurisdiction satisfactory to the  
25 Department and by paying the required fee as determined by

1 rule.

2 (c) A registered landscape architect whose registration  
3 expired while engaged (1) in federal service on active duty  
4 with the Armed Forces of the United States or the State Militia  
5 called into service or training or (2) in training or education  
6 under the supervision of the United States preliminary to  
7 induction into the military service, may have a registration  
8 restored or reinstated without paying any lapsed  
9 reinstatement, renewal, or restoration fees if within 2 years  
10 after termination other than by dishonorable discharge of such  
11 service, training, or education and the Department is furnished  
12 with satisfactory evidence that the registrant has been so  
13 engaged in the practice of landscape architecture and that such  
14 service, training, or education has been so terminated.

15 Section 55. Prior registrations under the Illinois  
16 Landscape Architecture Act of 1989. A person who was actively  
17 registered under the Illinois Landscape Architecture Act of  
18 1989 and had renewed his or her registration before January 1,  
19 2020, may have his or her registration restored without fee  
20 upon the effective date of the rules adopted under this Act.

21 Section 60. Inactive status.

22 (a) A person registered under this Act who notifies the  
23 Department in writing on forms or electronically as prescribed  
24 by the Department may elect to place his or her registration on

1 inactive status and shall, subject to rules of the Department,  
2 be excused from payment of renewal fees until he or she  
3 notifies the Department in writing on forms or electronically  
4 as prescribed by the Department of his or her desire to resume  
5 active status.

6 (b) Any registrant whose registration is on inactive status  
7 shall not use the title "registered landscape architect" or  
8 "landscape architect" in the State of Illinois.

9 (c) Any registrant who uses the title "registered landscape  
10 architect" or "landscape architect" while his or her  
11 registration is inactive shall be considered to be using the  
12 title without a registration that shall be grounds for  
13 discipline under this Act.

14 Section 65. Fees. The Department shall establish by rule a  
15 schedule of fees for the administration and maintenance of this  
16 Act. These fees are not refundable.

17 Section 70. Disposition of funds. All of the fees collected  
18 as authorized under this Act shall be deposited into the  
19 General Professions Dedicated Fund. The moneys deposited into  
20 the General Professions Dedicated Fund may be used for the  
21 expenses of the Department in the administration of this Act.  
22 Moneys from the Fund may also be used for direct and allocable  
23 indirect costs related to the public purposes of the Department  
24 of Financial and Professional Regulation. Moneys in the Fund

1 may be transferred to the Professions Indirect Cost Fund as  
2 authorized by Section 2105-300 of the Department of  
3 Professional Regulation Law.

4 Section 75. Advertising. Any person registered under this  
5 Act may advertise the availability of professional services in  
6 the public media or on the premises where such professional  
7 services are rendered provided that such advertising is  
8 truthful and not misleading.

9 Section 80. Violation; injunction; cease and desist order.

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

24 (b) Whoever holds himself or herself out as a "registered

1 landscape architect", "landscape architect", or any other name  
2 or designation that would in any way imply that he or she is  
3 able to use the title "registered landscape architect" or  
4 "landscape architect" without being registered under this Act  
5 shall be guilty of a Class A misdemeanor, and for each  
6 subsequent conviction shall be guilty of a Class 4 felony.

7 Section 85. Grounds for discipline.

8 (a) The Department may refuse to issue or to renew a  
9 certificate of registration, or may revoke, suspend, place on  
10 probation, reprimand, or take other disciplinary or  
11 nondisciplinary action the Department may deem proper,  
12 including fines not to exceed \$10,000 for each violation, with  
13 regard to any certificate of registration issued under this  
14 Act, for any one or combination of the following reasons:

15 (1) Material misstatement in furnishing information.

16 (2) Negligent or intentional disregard of this Act or  
17 rules adopted under this Act.

18 (3) Conviction of or plea of guilty or nolo contendere,  
19 finding of guilt, jury verdict, or entry of judgment or  
20 sentencing, including, but not limited to, convictions,  
21 preceding sentences of supervision, conditional discharge,  
22 or first offender probation under the laws of any  
23 jurisdiction of the United States that is (i) a felony,  
24 (ii) a misdemeanor, an essential element of which is  
25 dishonesty, or (iii) any crime that is directly related to

1 the practice of landscape architecture.

2 (4) Making any misrepresentations for the purpose of  
3 obtaining a certificate of registration.

4 (5) Professional incompetence or gross negligence in  
5 the rendering of landscape architectural services.

6 (6) Aiding or assisting another person in violating any  
7 provision of this Act or any rules and regulations issued  
8 pursuant to this Act.

9 (7) Failing to provide information within 60 days in  
10 response to a written request made by the Department.

11 (8) Engaging in dishonorable, unethical, or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public.

14 (9) Habitual or excessive use or abuse of drugs defined  
15 by law as controlled substances, alcohol, narcotics,  
16 stimulants, or any other substances that results in the  
17 inability to practice with reasonable judgment, skill, or  
18 safety.

19 (10) Discipline by another jurisdiction, if at least  
20 one of the grounds for the discipline is the same or  
21 substantially equivalent to those set forth in this  
22 Section.

23 (11) Directly or indirectly giving to or receiving from  
24 any person, firm, corporation, partnership, or association  
25 any fee, commission, rebate, or other form of compensation  
26 for any professional service not actually rendered.

1           (12) A finding by the Department that the registrant,  
2           after having the registration placed on probationary  
3           status, has violated or failed to comply with the terms of  
4           probation.

5           (13) A finding by the Department that the registrant  
6           has failed to pay a fine imposed by the Department.

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

14          (15) Solicitation of professional services by using  
15          false or misleading advertising.

16          (16) Inability to practice the profession with  
17          reasonable judgment, skill, or safety as a result of  
18          physical illness, including, but not limited to,  
19          deterioration through the aging process, loss of motor  
20          skill, mental illness, or disability.

21          (17) Using or attempting to use an expired, inactive,  
22          suspended, or revoked registration, or the seal of another  
23          registrant, or impersonating another registrant.

24          (18) Signing, affixing, or allowing the registered  
25          landscape architect's seal to be affixed to any plans not  
26          prepared by the registered landscape architect or under the



1 registered landscape architect's supervision.

2 (b) The Department may refuse to issue or may suspend the  
3 registration of any person who fails to file a return, fails to  
4 pay the tax, penalty, or interest showing in a filed return, or  
5 fails to pay any final assessment of tax, penalty, or interest,  
6 as required by any tax Act administered by the Department of  
7 Revenue, until any such tax Act are satisfied.

8 (c) The entry of a decree by any circuit court establishing  
9 that any person holding a certificate of registration under  
10 this Act is a person subject to involuntary admission under the  
11 Mental Health and Developmental Disabilities Code shall  
12 operate as a suspension of that registration. That person may  
13 resume using the title "registered landscape architect" or  
14 "landscape architect" only upon a finding by the Department  
15 that he or she has been determined to be no longer subject to  
16 involuntary admission by the court and meeting the requirements  
17 for restoration as required by this Act and its rules.

18 Section 90. Investigation; notice and hearing.

19 (a) The Department may investigate the actions of any  
20 applicant or of any person holding or claiming to hold a  
21 certificate of registration under this Act.

22 (b) The Department shall, before disciplining an applicant  
23 or registrant, at least 30 days prior to the date set for the  
24 hearing, (i) notify in writing the applicant or registrant of  
25 the charges made and the time and place for the hearing on the

1 charges, (ii) direct the applicant or registrant to file a  
2 written answer to the charges under oath within 20 days after  
3 the service of the notice, and (iii) inform the applicant or  
4 registrant that failure to file a written answer to the charges  
5 will result in a default judgment being entered against the  
6 applicant or registrant.

7 (c) Written or electronic notice, and any notice in the  
8 subsequent proceeding, may be served by personal delivery, by  
9 email, or by mail to the applicant or registrant at their  
10 address of record or email address of record.

11 (d) At the time and place fixed in the notice, the hearing  
12 officer appointed by the Secretary shall proceed to hear the  
13 charges and the parties or their counsel shall be accorded  
14 ample opportunity to present any statement, testimony,  
15 evidence, and argument as may be pertinent to the charges or to  
16 their defense. The hearing officer may continue the hearing  
17 from time to time.

18 (e) In case the registrant or applicant, after receiving  
19 the notice, fails to file an answer, their registration may, in  
20 the discretion of the Secretary, be suspended, revoked, placed  
21 on probationary status, or be subject to whatever disciplinary  
22 action the Secretary considers proper, including limiting the  
23 scope, nature, or extent of the person's practice or imposition  
24 of a fine, without hearing, if the act or acts charged  
25 constitute sufficient grounds for such action under this Act.

1 Section 95. Record of proceedings.

2 (a) The Department, at its expense, shall provide a  
3 certified shorthand reporter to take down the testimony and  
4 preserve a record of all proceedings in which a registrant may  
5 have their registration revoked or suspended or in which the  
6 registrant may be placed on probationary status, reprimanded,  
7 fined, or subjected to other disciplinary action with reference  
8 to the registration when a disciplinary action is authorized  
9 under this Act and rules issued pursuant to this Act. The  
10 notice of hearing, complaint, and all other documents in the  
11 nature of pleadings and written motions filed in the  
12 proceedings, the transcript of the testimony, and the orders of  
13 the Department shall be the record of the proceedings. The  
14 record may be made available to any person interested in the  
15 hearing upon payment of the fee required by Section 2105-115 of  
16 the Department of Professional Regulation Law.

17 (b) The Department may contract for court reporting  
18 services, and, if it does so, the Department shall provide the  
19 name and contact information for the certified shorthand  
20 reporter who transcribed the testimony at a hearing to any  
21 person interested, who may obtain a copy of the transcript of  
22 any proceedings at a hearing upon payment of the fee specified  
23 by the certified shorthand reporter.

24 Section 100. Subpoenas; depositions; oaths.

25 (a) The Department has the power to subpoena and bring

1 before it any person and to take testimony either orally, by  
2 deposition, or both, with the same fees and mileage and in the  
3 same manner as prescribed in civil cases in circuit courts of  
4 this State.

5 (b) The Secretary and the designated hearing officer have  
6 the power to administer oaths to witnesses at any hearing which  
7 the Department is authorized to conduct, and any other oaths  
8 authorized in any Act administered by the Department.

9 Section 105. Compelling testimony. Any court, upon the  
10 application of the Department, designated hearing officer, or  
11 the applicant or registrant against whom proceedings under  
12 Section 85 of this Act are pending, may, enter an order  
13 requiring the attendance of witnesses and their testimony and  
14 the production of documents, papers, files, books, and records  
15 in connection with any hearing or investigation. The court may  
16 compel obedience to its order by proceedings for contempt.

17 Section 110. Hearing; motion for rehearing.

18 (a) The hearing officer appointed by the Secretary shall  
19 hear evidence in support of the formal charges and evidence  
20 produced by the registrant. At the conclusion of the hearing,  
21 the hearing officer shall present to the Secretary a written  
22 report of his or her findings of fact, conclusions of law, and  
23 recommendations.

24 (b) At the conclusion of the hearing, a copy of the hearing

1 officer's report shall be served upon the applicant or  
2 registrant, either personally or as provided in this Act for  
3 the service of the notice of hearing. Within 20 days after such  
4 service, the applicant or registrant may present to the  
5 Department a motion, in writing, for a rehearing which shall  
6 specify the particular grounds for rehearing. The Department  
7 may respond to the motion for rehearing within 20 days after  
8 its service on the Department. If no motion for rehearing is  
9 filed, then upon the expiration of the time specified for  
10 filing such a motion, or upon denial of a motion for rehearing,  
11 the Secretary may enter an order in accordance with the  
12 recommendations of the hearing officer. If the applicant or  
13 registrant orders from the reporting service and pays for a  
14 transcript of the record within the time for filing a motion  
15 for rehearing, the 20-day period within which a motion may be  
16 filed shall commence upon delivery of the transcript to the  
17 applicant or registrant.

18 (c) If the Secretary disagrees in any regard with the  
19 report of the hearing officer, the Secretary may issue an order  
20 contrary to the hearing officer's report.

21 (d) If the Secretary is not satisfied that substantial  
22 justice has been done, the Secretary may order a hearing by the  
23 same or another hearing officer.

24 (e) At any point in any investigation or disciplinary  
25 proceeding provided for in this Act, both parties may agree to  
26 a negotiated consent order. The consent order shall be final

1 upon signature of the Secretary.

2 Section 115. Appointment of a hearing officer. The  
3 Secretary has the authority to appoint an attorney licensed to  
4 practice law in the State of Illinois to serve as the hearing  
5 officer in any action for refusal to issue, restore, or renew a  
6 registration or to discipline an applicant or registrant. The  
7 hearing officer shall have full authority to conduct the  
8 hearing.

9 Section 120. Order or certified copy; prima facie proof.  
10 An order or a certified copy thereof, over the seal of the  
11 Department and purporting to be signed by the Secretary, shall  
12 be prima facie proof that:

13 (1) the signature is the genuine signature of the  
14 Secretary; and

15 (2) the Secretary is appointed and qualified.

16 Section 125. Restoration of suspended or revoked  
17 registration.

18 (a) At any time after the successful completion of a term  
19 of probation, suspension, or revocation of a registration under  
20 this Act, the Department may restore it to the registrant  
21 unless after an investigation and hearing the Department  
22 determines that restoration is not in the public interest.

23 (b) Where circumstances of suspension or revocation so

1 indicate, the Department may require an examination of the  
2 registrant prior to restoring his or her registration.

3 (c) No person whose registration has been revoked as  
4 authorized in this Act may apply for restoration of that  
5 registration until such time as provided for in the Civil  
6 Administrative Code of Illinois.

7 (d) A registration that has been suspended or revoked shall  
8 be considered nonrenewed for purposes of restoration and a  
9 registration restoring their registration from suspension or  
10 revocation must comply with the requirements for restoration as  
11 set forth in Section 50 of this Act and any rules adopted  
12 pursuant to this Act.

13 Section 130. Surrender of registration. Upon the  
14 revocation or suspension of any registration, the registrant  
15 shall immediately surrender his or her certificate of  
16 registration to the Department. If the registrant fails to do  
17 so, the Department has the right to seize the certificate of  
18 registration.

19 Section 135. Administrative Review Law; venue.

20 (a) All final administrative decisions of the Department  
21 are subject to judicial review under the Administrative Review  
22 Law and its rules. The term "administrative decision" is  
23 defined as in Section 3-101 of the Code of Civil Procedure.

24 (b) Proceedings for judicial review shall be commenced in

1 the circuit court of the county in which the party applying for  
2 review resides, but if the party is not a resident of this  
3 State, the venue shall be in Sangamon County.

4 (c) The Department shall not be required to certify any  
5 record to the court, file any answer in court, or to otherwise  
6 appear in any court in a judicial review proceeding, unless and  
7 until the Department has received from the plaintiff payment of  
8 the costs of furnishing and certifying the record, which costs  
9 shall be determined by the Department.

10 (d) Failure on the part of the plaintiff to file a receipt  
11 of the plaintiff's payment to the Department as specified in  
12 subsection (c) of this Section in court shall be grounds for  
13 dismissal of the action.

14 (e) During the pendency and hearing of any and all judicial  
15 proceedings incident to a disciplinary action, the sanctions  
16 imposed upon the accused by the Department shall remain in full  
17 force and effect.

18 Section 140. Confidentiality. All information collected by  
19 the Department in the course of an examination or investigation  
20 of a registrant or applicant, including, but not limited to,  
21 any complaint against a registrant filed with the Department  
22 and information collected to investigate any such complaint,  
23 shall be maintained for the confidential use of the Department  
24 and shall not be disclosed. The Department may not disclose the  
25 information to anyone other than law enforcement officials,



1 other regulatory agencies that have an appropriate regulatory  
2 interest as determined by the Secretary, or a party presenting  
3 a lawful subpoena to the Department. Information and documents  
4 disclosed to a federal, State, county, or local law enforcement  
5 agency shall not be disclosed by the agency for any purpose to  
6 any other agency or person. A formal complaint filed against a  
7 registrant by the Department or any order issued by the  
8 Department against a registrant or applicant shall be a public  
9 record, except as otherwise prohibited by law.

10 Section 145. Illinois Administrative Procedure Act. The  
11 Illinois Administrative Procedure Act is hereby expressly  
12 adopted and incorporated herein as if all of the provisions of  
13 that Act were included in this Act, except that the provision  
14 of subsection (d) of Section 10-65 of the Illinois  
15 Administrative Procedure Act that provides that at hearings the  
16 registrant has the right to show compliance with all lawful  
17 requirements for retention, continuation, or renewal of the  
18 registration is specifically excluded. The Department shall  
19 not be required to annually verify email addresses as specified  
20 in paragraph (a) of subsection (2) of Section 10-75 of the  
21 Illinois Administrative Procedure Act. For the purposes of this  
22 Act the notice required under Section 10-25 of the Illinois  
23 Administrative Procedure Act is deemed sufficient when mailed  
24 to the address of record or emailed to the email address of  
25 record.

1 Section 900. The Regulatory Sunset Act is amended by adding  
2 Section 4.41 as follows:

3 (5 ILCS 80/4.41 new)

4 Sec. 4.41. Act repealed on January 1, 2031. The following  
5 Act is repealed on January 1, 2031:

6 Landscape Architecture Registration Act.

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

9 (70 ILCS 1205/8-50)

10 Sec. 8-50. Definitions. For the purposes of Sections 8-50  
11 through 8-57, the following terms shall have the following  
12 meanings, 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 and the principles of  
18 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  
22 services as required, and the labor, materials, equipment, and

1 other construction services for the project.

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

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

21 "Design professional" means any individual, sole  
22 proprietorship, firm, partnership, joint venture, corporation,  
23 professional corporation, or other entity that offers services  
24 under the Illinois Architecture Practice Act of 1989, the  
25 Professional Engineering Practice Act of 1989, the Structural  
26 Engineering Practice Act of 1989, or the Illinois Professional

1 Land Surveyor Act of 1989.

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

10 "Landscape architect design professional" means any  
11 person, sole proprietorship, or entity including, but not  
12 limited to, a partnership, professional service corporation,  
13 or corporation that offers services under the Landscape  
14 Architecture Registration Act ~~Illinois Landscape Architecture~~  
15 ~~Act of 1989~~.

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

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

21 "Scope and performance criteria" means the requirements  
22 for the public project, including, but not limited to: the  
23 intended usage, capacity, size, scope, quality, and  
24 performance standards; life-cycle costs; and other  
25 programmatic criteria that are expressed in performance  
26 oriented and quantifiable specifications and drawings that can

1 be reasonably inferred and are suited to allow a design-build  
2 entity to develop a proposal.

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

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

6 (70 ILCS 1505/26.10-4)

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

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

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

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

21 "Design-build contract" means a contract for a public  
22 project under this Act between the Chicago Park District and a  
23 design-build entity to furnish architecture, engineering, land  
24 surveying, landscape architecture, and related services as

1 required, and to furnish the labor, materials, equipment, and  
2 other construction services for the project. The design-build  
3 contract may be conditioned upon subsequent refinements in  
4 scope and price and may allow the Chicago Park District to make  
5 modifications in the project scope without invalidating the  
6 design-build contract.

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

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

24 "Landscape architect design professional" means any  
25 person, sole proprietorship, or entity such as a partnership,  
26 professional service corporation, or corporation that offers

1 services under the Landscape Architecture Registration Act  
2 ~~Illinois Landscape Architecture Act of 1989.~~

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

11 "Proposal" means the offer to enter into a design-build  
12 contract as submitted by a design-build entity in accordance  
13 with this Act.

14 "Request for proposal" means the document used by the  
15 Chicago Park District to solicit proposals for a design-build  
16 contract.

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

25 "Guaranteed maximum price" means a form of contract in  
26 which compensation may vary according to the scope of work

1 involved but in any case may not exceed an agreed total amount.  
2 (Source: P.A. 96-777, eff. 8-28-09; 96-1000, eff. 7-2-10.)

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

5 (225 ILCS 745/20)

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

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

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

21 (b) The practice of professional geology by officers  
22 and employees of the United States government within the  
23 scope of their employment.

24 (c) The practice of professional geology as geologic



1 research to advance basic knowledge for the purpose of  
2 offering scientific papers, publications, or other  
3 presentations (i) before meetings of scientific societies,  
4 (ii) internal to a partnership, corporation,  
5 proprietorship, or government agency, or (iii) for  
6 publication in scientific journals, or in books.

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

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

1 Oil and Gas Act, the Surface Coal Mining Land Conservation  
2 and Reclamation Act, or the Surface-Mined Land  
3 Conservation and Reclamation Act.

4 (f) The practice of professional engineering as  
5 defined in the Professional Engineering Practice Act of  
6 1989.

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

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

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

13 (j) The practice of landscape architecture as defined  
14 in the Landscape Architecture Registration Act ~~Illinois~~  
15 ~~Landscape Architecture Act of 1989.~~

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

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

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

4 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

15 (d) On completion of sentence of imprisonment or upon  
16 discharge from probation, conditional discharge or periodic  
17 imprisonment, or at any time thereafter, all license rights and  
18 privileges granted under the authority of this State which have  
19 been revoked or suspended because of conviction of an offense  
20 shall be restored unless the authority having jurisdiction of  
21 such license rights finds after investigation and hearing that  
22 restoration is not in the public interest. This paragraph (d)  
23 shall not apply to the suspension or revocation of a license to  
24 operate a motor vehicle under the Illinois Vehicle Code.

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

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

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

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

25           (1) there is a direct relationship between one or more  
26 of the previous criminal offenses and the specific license

1 sought; or

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

5 In making such a determination, the licensing agency shall  
6 consider the following factors:

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

11 (2) the specific duties and responsibilities  
12 necessarily related to the license being sought;

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

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

19 (5) the age of the person at the time of occurrence of  
20 the criminal offense or offenses;

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

22 (7) any information produced by the person or produced  
23 on his or her behalf in regard to his or her rehabilitation  
24 and good conduct, including a certificate of relief from  
25 disabilities issued to the applicant, which certificate  
26 shall create a presumption of rehabilitation in regard to

1 the offense or offenses specified in the certificate; and

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

5 (i) A certificate of relief from disabilities shall be  
6 issued only for a license or certification issued under the  
7 following Acts:

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

15 (2) the Illinois Athletic Trainers Practice Act;

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

18 (4) the Boiler and Pressure Vessel Repairer Regulation  
19 Act;

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

21 (6) the Illinois Certified Shorthand Reporters Act of  
22 1984;

23 (7) the Illinois Farm Labor Contractor Certification  
24 Act;

25 (8) the Registered Interior Designers Act;

26 (9) the Illinois Professional Land Surveyor Act of

1 1989;

2 (10) the Landscape Architecture Registration Act  
3 ~~Illinois Landscape Architecture Act of 1989;~~

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

5 (12) the Private Employment Agency Act;

6 (13) the Professional Counselor and Clinical  
7 Professional Counselor Licensing and Practice Act;

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

9 (15) the Illinois Roofing Industry Licensing Act;

10 (16) the Professional Engineering Practice Act of  
11 1989;

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

14 (18) the Electrologist Licensing Act;

15 (19) the Auction License Act;

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

17 (21) the Dietitian Nutritionist Practice Act;

18 (22) the Environmental Health Practitioner Licensing  
19 Act;

20 (23) the Funeral Directors and Embalmers Licensing  
21 Code;

22 (24) (blank);

23 (25) the Professional Geologist Licensing Act;

24 (26) the Illinois Public Accounting Act; and

25 (27) the Structural Engineering Practice Act of 1989.

26 (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)