



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0806

Introduced 2/10/2021, by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Detection of Deception Examiners Act. Provides that all applicants and licensees under the Act shall provide a valid address and email address to the Department of Financial and Professional Regulation, which shall serve as the address of record and email address of record, and shall inform the Department of any change of address of record or email address of record within 14 days after such change. Repeals a provision authorizing the Secretary of Financial and Professional Regulation to appoint a Detection of Deception Examiners Act Coordinator to assist the Department in the administration of this Act (and makes conforming changes throughout the Act). Repeals a provision that requires the Department to maintain a roster of the names and addresses of all licensees and registrants and of all persons whose licenses have been suspended or revoked within the previous year. Removes language providing that exhibits shall be certified without cost as part of a judicial review proceeding. Amends the Regulatory Sunset Act. Extends the repeal date of the Detection of Deception Examiners Act and Disciplinary Act to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 02614 SPS 12617 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

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 Acts repealed on January 1, 2022.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8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and  
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 ~~The Detection of Deception Examiners Act.~~

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology  
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

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

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;  
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following  
8 Act is repealed on January 1, 2032:

9 The Detection of Deception Examiners Act.

10 Section 10. The Detection of Deception Examiners Act is  
11 amended by changing Sections 1, 7.1, 7.3, 17, and 20 and by  
12 adding Section 10.2 as follows:

13 (225 ILCS 430/1) (from Ch. 111, par. 2401)

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

15 Sec. 1. Definitions. As used in this Act, unless the  
16 context otherwise requires:

17 "Address of record ~~Record~~" means the designated address  
18 recorded by the Department in the applicant's or licensee's  
19 application file or license file as maintained by the  
20 Department's licensure maintenance unit. ~~It is the duty of the~~  
21 ~~applicant or licensee to inform the Department of any change~~  
22 ~~of address and those changes must be made either through the~~  
23 ~~Department's website or by contacting the Department.~~

1 "Detection of Deception Examination", hereinafter referred  
2 to as "Examination" means any examination in which a device or  
3 instrument is used to test or question individuals for the  
4 purpose of evaluating truthfulness or untruthfulness.

5 "Email address of record" means the designated email  
6 address recorded by the Department in the applicant's  
7 application file or the licensee's license file, as maintained  
8 by the Department's licensure maintenance unit.

9 "Examiner" means any person licensed under this Act.

10 "Person" includes any natural person, partnership,  
11 association, corporation or trust.

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

14 "Law enforcement agency" means an agency of the State or a  
15 unit of local government that is vested by law or ordinance  
16 with the power to maintain public order and to enforce  
17 criminal laws and ordinances.

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

20 (Source: P.A. 97-168, eff. 7-22-11.)

21 (225 ILCS 430/7.1) (from Ch. 111, par. 2408)

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

23 Sec. 7.1. Administrative Procedure Act. The Illinois  
24 Administrative Procedure Act is hereby expressly adopted and  
25 incorporated herein as if all of the provisions of that Act

1 were included in this Act, except that the provision of  
2 subsection (d) of Section 10-65 of the Illinois Administrative  
3 Procedure Act that provides that at hearings the licensee has  
4 the right to show compliance with all lawful requirements for  
5 retention, continuation, or renewal of the license is  
6 specifically excluded. For the purposes of this Act, the  
7 notice required under Section 10-25 of the Illinois  
8 Administrative Procedure Act is deemed sufficient when mailed  
9 or emailed to the last known address of a party.

10 (Source: P.A. 100-201, eff. 8-18-17.)

11 (225 ILCS 430/7.3)

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

13 Sec. 7.3. Appointment of a Hearing Officer. The Secretary  
14 has the authority to appoint an attorney, licensed to practice  
15 law in the State of Illinois, to serve as a Hearing Officer in  
16 any action for refusal to issue or renew a license or to  
17 discipline a license. The Hearing Officer has full authority  
18 to conduct the hearing. ~~The appointed Detection of Deception~~  
19 ~~Coordinator may attend hearings and advise the Hearing Officer~~  
20 ~~on technical matters involving Detection of Deception~~  
21 ~~examinations.~~

22 (Source: P.A. 97-168, eff. 7-22-11.)

23 (225 ILCS 430/10.2 new)

24 Sec. 10.2. Address of record; email address of record.

1 All applicants and licensees shall:

2 (1) provide a valid address and email address to the  
3 Department, which shall serve as the address of record and  
4 email address of record, respectively, at the time of  
5 application for licensure or renewal of a license; and

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

10 (225 ILCS 430/17) (from Ch. 111, par. 2418)

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

12 Sec. 17. Investigations; notice and hearing. The  
13 Department may investigate the actions of any applicant or any  
14 person or persons rendering or offering to render detection of  
15 deception services or any person holding or claiming to hold a  
16 license as a licensed examiner. The Department shall, before  
17 refusing to issue or renew a license or to discipline a  
18 licensee under Section 14, at least 30 days prior to the date  
19 set for the hearing, (i) notify the accused in writing of the  
20 charges made and the time and place for the hearing on the  
21 charges, (ii) direct him or her to file a written answer with  
22 the Department under oath within 20 days after the service of  
23 the notice, and (iii) inform the applicant or licensee that  
24 failure to file an answer will result in default being taken  
25 against the applicant or licensee. At the time and place fixed

1 in the notice, the Department shall proceed to hear the  
2 charges and the parties or their counsel shall be accorded  
3 ample opportunity to present any pertinent statements,  
4 testimony, evidence, and arguments. The Department may  
5 continue the hearing from time to time. In case the person,  
6 after receiving the notice, fails to file an answer, his or her  
7 license, may, in the discretion of the Department, be revoked,  
8 suspended, placed on probationary status, or the Department  
9 may take whatever disciplinary action considered proper,  
10 including limiting the scope, nature, or extent of the  
11 person's practice or the imposition of a fine, without a  
12 hearing, if the act or acts charged constitute sufficient  
13 grounds for that action under the Act. The written notice may  
14 be served by email, by personal delivery, or by ~~certified~~ mail  
15 to the accused's address of record.

16 (Source: P.A. 97-168, eff. 7-22-11.)

17 (225 ILCS 430/20) (from Ch. 111, par. 2421)

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

19 Sec. 20. Any person affected by a final administrative  
20 decision of the Department may have such decision reviewed  
21 judicially by the circuit court of the county wherein such  
22 person resides. If the plaintiff in the review proceeding is  
23 not a resident of this State, the venue shall be in Sangamon  
24 County. The provisions of the Administrative Review Law, and  
25 all amendments and modifications thereof, and the rules

1 adopted pursuant thereto, shall apply to and govern all  
2 proceedings for the judicial review of final administrative  
3 decisions of the Department hereunder. The term  
4 "administrative decision" is defined as in Section 3-101 of  
5 the Code of Civil Procedure.

6 The Department shall not be required to certify any record  
7 to the court or file any answer in court or otherwise appear in  
8 any court in a judicial ~~Judicial~~ review proceeding, unless and  
9 until the Department has received from the plaintiff payment  
10 of the costs of furnishing and certifying the record which  
11 costs shall be determined by the Department. ~~Exhibits shall be~~  
12 ~~certified without cost.~~ Failure on the part of the plaintiff  
13 to file a receipt in court is grounds for dismissal of the  
14 action.

15 (Source: P.A. 97-168, eff. 7-22-11.)

16 (225 ILCS 430/7.2 rep.)

17 (225 ILCS 430/16 rep.)

18 Section 15. The Detection of Deception Examiners Act is  
19 amended by repealing Sections 7.2 and 16.

20 Section 99. Effective date. This Act takes effect January  
21 1, 2022, except that this Section and Section 5 take effect  
22 upon becoming law.



1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.32

4 5 ILCS 80/4.41 new

5 225 ILCS 430/1 from Ch. 111, par. 2401

6 225 ILCS 430/7.1 from Ch. 111, par. 2408

7 225 ILCS 430/7.3

8 225 ILCS 430/10.2 new

9 225 ILCS 430/17 from Ch. 111, par. 2418

10 225 ILCS 430/20 from Ch. 111, par. 2421

11 225 ILCS 430/7.2 rep.

12 225 ILCS 430/16 rep.