



Sen. Suzy Glowiak Hilton

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10300HB2395sam002

LRB103 28370 SPS 62390 a

1 AMENDMENT TO HOUSE BILL 2395

2 AMENDMENT NO. _____. Amend House Bill 2395, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Regulatory Sunset Act is amended by
6 changing Sections 4.34 and 4.39 as follows:

7 (5 ILCS 80/4.34)

8 Sec. 4.34. Acts and Section repealed on January 1, 2024.
9 The following Acts and Section of an Act are repealed on
10 January 1, 2024:

11 The Crematory Regulation Act.

12 ~~The Electrologist Licensing Act.~~

13 The Illinois Certified Shorthand Reporters Act of
14 1984.

15 The Illinois Occupational Therapy Practice Act.

16 ~~The Illinois Public Accounting Act.~~

1 ~~The Private Detective, Private Alarm, Private~~
2 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

3 The Registered Surgical Assistant and Registered
4 Surgical Technologist Title Protection Act.

5 ~~Section 2.5 of the Illinois Plumbing License Law.~~

6 ~~The Veterinary Medicine and Surgery Practice Act of~~
7 ~~2004.~~

8 (Source: P.A. 102-291, eff. 8-6-21.)

9 (5 ILCS 80/4.39)

10 Sec. 4.39. Acts repealed on January 1, 2029 and December
11 31, 2029.

12 (a) The following Act is repealed on January 1, 2029:

13 The Electrologist Licensing Act.

14 The Environmental Health Practitioner Licensing Act.

15 The Illinois Public Accounting Act.

16 The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.

18 Section 2.5 of the Illinois Plumbing License Law.

19 The Veterinary Medicine and Surgery Practice Act of
20 2004.

21 (b) The following Act is repealed on December 31, 2029:

22 The Structural Pest Control Act.

23 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
24 101-81, eff. 7-12-19.)

1 Section 10. The Veterinary Medicine and Surgery Practice
2 Act of 2004 is amended by changing Sections 3, 4, 8, 10, 10.5,
3 11, 12, 14.1, 25, 25.2, 25.6, 25.7, 25.9, 25.15, 25.17, and 27
4 and by adding Sections 3.5 and 4.5 as follows:

5 (225 ILCS 115/3) (from Ch. 111, par. 7003)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 3. Definitions. The following terms have the meanings
8 indicated, unless the context requires otherwise:

9 "Accredited college of veterinary medicine" means a
10 veterinary college, school, or division of a university or
11 college that offers the degree of Doctor of Veterinary
12 Medicine or its equivalent and that is accredited by the
13 Council on Education of the American Veterinary Medical
14 Association (AVMA).

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

22 "Accredited program in veterinary technology" means any
23 post-secondary educational program that is accredited by the
24 AVMA's Committee on Veterinary Technician Education and
25 Activities or any veterinary technician program that is

1 recognized as its equivalent by the AVMA's Committee on
2 Veterinary Technician Education and Activities.

3 "Animal" means any animal, vertebrate or invertebrate,
4 other than a human.

5 "Board" means the Veterinary Licensing and Disciplinary
6 Board.

7 "Certified veterinary technician" means a person who is
8 validly and currently licensed to practice veterinary
9 technology in this State.

10 "Client" means an entity, person, group, or corporation
11 that has entered into an agreement with a veterinarian for the
12 purposes of obtaining veterinary medical services.

13 "Complementary, alternative, and integrative therapies"
14 means a heterogeneous group of diagnostic and therapeutic
15 philosophies and practices, which at the time they are
16 performed may differ from current scientific knowledge, or
17 whose theoretical basis and techniques may diverge from
18 veterinary medicine routinely taught in accredited veterinary
19 medical colleges, or both. "Complementary, alternative, and
20 integrative therapies" include, but are not limited to,
21 veterinary acupuncture, acutherapy, and acupressure;
22 veterinary homeopathy; veterinary manual or manipulative
23 therapy or therapy based on techniques practiced in
24 osteopathy, chiropractic medicine, or physical medicine and
25 therapy; veterinary nutraceutical therapy; veterinary
26 phytotherapy; and other therapies as defined by rule.

1 "Consultation" means when a veterinarian receives advice
2 in person, telephonically, electronically, or by any other
3 method of communication from a veterinarian licensed in this
4 or any other state or other person whose expertise, in the
5 opinion of the veterinarian, would benefit a patient. Under
6 any circumstance, the responsibility for the welfare of the
7 patient remains with the veterinarian receiving consultation.

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

10 "Direct supervision" means the supervising veterinarian is
11 readily available on the premises where the animal is being
12 treated.

13 "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file, as maintained
16 by the Department's licensure maintenance unit.

17 "Immediate supervision" means the supervising veterinarian
18 is in the immediate area, within audible and visual range of
19 the ~~animal~~ patient and the person treating the patient.

20 "Impaired veterinarian" means a veterinarian who is unable
21 to practice veterinary medicine with reasonable skill and
22 safety because of a physical or mental disability as evidenced
23 by a written determination or written consent based on
24 clinical evidence, including deterioration through the aging
25 process, loss of motor skills, or abuse of drugs or alcohol of
26 sufficient degree to diminish a person's ability to deliver

1 competent patient care.

2 "Indirect supervision" means the supervising veterinarian
3 need not be on the premises, but has given either written or
4 oral instructions for the treatment of the animal and is
5 available by telephone or other form of communication.

6 "Licensed veterinarian" means a person who is validly and
7 currently licensed to practice veterinary medicine in this
8 State.

9 "Patient" means an animal or group of animals that is
10 examined or treated by a veterinarian.

11 "Person" means an individual, firm, partnership (general,
12 limited, or limited liability), association, joint venture,
13 cooperative, corporation, limited liability company, or any
14 other group or combination acting in concert, whether or not
15 acting as a principal, partner, member, trustee, fiduciary,
16 receiver, or any other kind of legal or personal
17 representative, or as the successor in interest, assignee,
18 agent, factor, servant, employee, director, officer, or any
19 other representative of such person.

20 "Practice of veterinary medicine" means to diagnose,
21 prognose, treat, correct, change, alleviate, or prevent animal
22 disease, illness, pain, deformity, defect, injury, or other
23 physical, dental, or mental conditions by any method or mode,
24 such as telemedicine,[†] including the performance of one or
25 more of the following:

26 (1) Prescribing, dispensing, administering, applying,

1 or ordering the administration of any drug, medicine,
2 biologic, apparatus, anesthetic, or other therapeutic or
3 diagnostic substance, or medical or surgical technique.

4 (2) (Blank).

5 (3) Performing upon an animal a surgical or dental
6 operation.

7 (3.5) Performing upon an animal complementary,
8 alternative, or integrative therapy.

9 (4) Performing upon an animal any manual or mechanical
10 procedure for reproductive management, including the
11 diagnosis or treatment of pregnancy, sterility, or
12 infertility.

13 (4.5) The rendering of advice or recommendation by any
14 means, including telephonic and other electronic
15 communications, with regard to the performing upon an
16 animal any manual or mechanical procedure for reproductive
17 management, including the diagnosis or treatment of
18 pregnancy, sterility, or infertility.

19 (5) Determining the health and fitness of an animal.

20 (6) Representing oneself, directly or indirectly, as
21 engaging in the practice of veterinary medicine.

22 (7) Using any word, letters, or title under such
23 circumstances as to induce the belief that the person
24 using them is qualified to engage in the practice of
25 veterinary medicine or any of its branches. Such use shall
26 be prima facie evidence of the intention to represent

1 oneself as engaging in the practice of veterinary
2 medicine.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 "Supervising veterinarian" means a veterinarian who
6 assumes responsibility for the professional care given to an
7 animal by a person working under his or her direction in either
8 an immediate, direct, or indirect supervision arrangement. The
9 supervising veterinarian must have examined the animal at such
10 time as acceptable veterinary medical practices requires,
11 consistent with the particular delegated animal health care
12 task.

13 "Therapeutic" means the treatment, control, and prevention
14 of disease.

15 "Veterinarian" means a person who is validly and currently
16 licensed to practice veterinary medicine in this State.

17 "Veterinarian-client-patient relationship" means that all
18 of the following conditions have been met:

19 (1) The veterinarian has assumed the responsibility
20 for making clinical judgments regarding the health of an
21 animal and the need for medical treatment and the client,
22 owner, or other caretaker has agreed to follow the
23 instructions of the veterinarian;

24 (2) There is sufficient knowledge of an animal by the
25 veterinarian to initiate at least a general or preliminary
26 diagnosis of the medical condition of the animal. This

1 means that the veterinarian has recently seen and is
2 personally acquainted with the keeping and care of the
3 animal by virtue of an in-person examination of the animal
4 or by medically appropriate and timely visits to the
5 premises where the animal is kept, or the veterinarian has
6 access to the ~~animal~~ patient's records and has been
7 designated by the veterinarian with the prior relationship
8 to provide reasonable and appropriate medical care if the
9 veterinarian with the prior relationship ~~he or she~~ is
10 unavailable; and

11 (3) The practicing veterinarian is readily available
12 for follow-up in case of adverse reactions or failure of
13 the treatment regimen or, if unavailable, has designated
14 another available veterinarian who has access to the
15 ~~animal~~ patient's records to provide reasonable and
16 appropriate medical care.

17 "Veterinarian-client-patient relationship" does not mean a
18 relationship solely based on telephonic or other electronic
19 communications.

20 "Veterinary medicine" means all branches and specialties
21 included within the practice of veterinary medicine.

22 "Veterinary premises" means any premises or facility where
23 the practice of veterinary medicine occurs, including, but not
24 limited to, a mobile clinic, outpatient clinic, satellite
25 clinic, or veterinary hospital or clinic. "Veterinary
26 premises" does not mean the premises of a veterinary client,

1 research facility, a federal military base, or an accredited
2 college of veterinary medicine.

3 "Veterinary prescription drugs" means those drugs
4 restricted to use by or on the order of a licensed veterinarian
5 in accordance with Section 503(f) of the Federal Food, Drug,
6 and Cosmetic Act (21 U.S.C. 353).

7 "Veterinary specialist" means a veterinarian: (1) who has
8 been awarded and maintains certification from a veterinary
9 specialty organization recognized by the American Board of
10 Veterinary Specialties; (2) who has been awarded and maintains
11 certification from a veterinary certifying organization whose
12 standards have been found by the Board to be equivalent to or
13 more stringent than those of American Board of Veterinary
14 Specialties-recognized veterinary specialty organizations; or
15 (3) who otherwise meets criteria that may be established by
16 the Board to support a claim to be a veterinary specialist ~~that~~
17 ~~a veterinarian is a diplomate within an AVMA recognized~~
18 ~~veterinary specialty organization.~~

19 "Veterinary technology" means the performance of services
20 within the field of veterinary medicine by a person who, for
21 compensation or personal profit, is employed by a licensed
22 veterinarian to perform duties that require an understanding
23 of veterinary medicine necessary to carry out the orders of
24 the veterinarian. Those services, however, shall not include
25 diagnosing, prognosing, prescribing ~~writing prescriptions~~, or
26 surgery.

1 (Source: P.A. 98-339, eff. 12-31-13.)

2 (225 ILCS 115/3.5 new)

3 Sec. 3.5. Address of record; email address of record. All
4 applicants and licensees shall:

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

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

13 (225 ILCS 115/4) (from Ch. 111, par. 7004)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 4. Exemptions. Nothing in this Act shall apply to any
16 of the following:

17 (1) Veterinarians employed by the federal or State
18 government while engaged in their official duties.

19 (2) Licensed veterinarians from other states who are
20 invited to Illinois for consultation by a veterinarian
21 licensed in Illinois.

22 (3) Veterinarians employed by colleges or universities
23 while engaged in the performance of their official duties,
24 or faculty engaged in animal husbandry or animal

1 management programs of colleges or universities.

2 (3.5) A veterinarian or veterinary technician from
3 another state or country who (A) is not licensed under
4 this Act; (B) is currently licensed as a veterinarian or
5 veterinary technician in another state or country, or
6 otherwise exempt from licensure in the other state; (C) is
7 an invited guest of a professional veterinary association,
8 veterinary training program, or continuing education
9 provider approved by the Department; and (D) engages in
10 professional education through lectures, clinics, or
11 demonstrations.

12 (4) A veterinarian employed by an accredited college
13 of veterinary medicine providing assistance requested by a
14 veterinarian licensed in Illinois, acting with informed
15 consent from the client and acting under the direct or
16 indirect supervision and control of the licensed
17 veterinarian. Providing assistance involves hands-on
18 active participation in the treatment and care of the
19 patient. The licensed veterinarian shall maintain
20 responsibility for the veterinarian-client-patient
21 relationship.

22 (5) Veterinary students in an accredited college of
23 veterinary medicine, university, department of a
24 university, or other institution of veterinary medicine
25 and surgery engaged in duties assigned by their
26 instructors or working under the immediate or direct

1 supervision of a licensed veterinarian.

2 (5.5) Students of an accredited program in veterinary
3 technology performing veterinary technology duties or
4 actions assigned by instructors or working under the
5 immediate or direct supervision of a licensed
6 veterinarian.

7 (6) Any person engaged in bona fide scientific
8 research which requires the use of animals.

9 (7) An owner of livestock and any of the owner's
10 employees or the owner and employees of a service and care
11 provider of livestock caring for and treating livestock
12 belonging to the owner or under a provider's care,
13 including but not limited to, the performance of husbandry
14 and livestock management practices such as dehorning,
15 castration, emasculation, or docking of cattle, horses,
16 sheep, goats, and swine, artificial insemination, and
17 drawing of semen. Nor shall this Act be construed to
18 prohibit any person from administering in a humane manner
19 medicinal or surgical treatment to any livestock in the
20 care of such person. However, any such services shall
21 comply with the Humane Care for Animals Act.

22 (8) An owner of an animal, or an agent of the owner
23 acting with the owner's approval, in caring for, training,
24 or treating an animal belonging to the owner, so long as
25 that individual or agent does not represent himself or
26 herself as a veterinarian or use any title associated with

1 the practice of veterinary medicine or surgery or
2 diagnose, prescribe drugs, or perform surgery. The agent
3 shall provide the owner with a written statement
4 summarizing the nature of the services provided and obtain
5 a signed acknowledgment from the owner that they accept
6 the services provided. The services shall comply with the
7 Humane Care for Animals Act. The provisions of this item
8 (8) do not apply to a person who is exempt under item (7).

9 (9) A member in good standing of another licensed or
10 regulated profession within any state or a member of an
11 organization or group approved by the Department by rule
12 providing assistance that is requested in writing by a
13 veterinarian licensed in this State acting within a
14 veterinarian-client-patient relationship and with
15 ~~informed~~ consent from the client and the member is acting
16 under the immediate, direct, or indirect supervision and
17 control of the licensed veterinarian. Providing assistance
18 involves hands-on active participation in the treatment
19 and care of the patient, as defined by rule. The licensed
20 veterinarian shall maintain responsibility for the
21 veterinarian-client-patient relationship, but shall be
22 immune from liability, except for willful and wanton
23 conduct, in any civil or criminal action if a member
24 providing assistance does not meet the requirements of
25 this item (9).

26 (10) A graduate of a non-accredited college of

1 veterinary medicine who is in the process of obtaining a
2 certificate of educational equivalence and is performing
3 duties or actions assigned by instructors in an approved
4 college of veterinary medicine.

5 (10.5) A veterinarian who is enrolled in a
6 postgraduate instructional program in an accredited
7 college of veterinary medicine performing duties or
8 actions assigned by instructors or working under the
9 immediate or direct supervision of a licensed veterinarian
10 or a faculty member of the College of Veterinary Medicine
11 at the University of Illinois.

12 (11) A certified euthanasia technician who is
13 authorized to perform euthanasia in the course and scope
14 of his or her employment only as permitted by the Humane
15 Euthanasia in Animal Shelters Act.

16 (12) A person who, without expectation of
17 compensation, provides emergency veterinary care in an
18 emergency or disaster situation so long as the person ~~he~~
19 ~~or she~~ does not represent oneself ~~himself or herself~~ as a
20 veterinarian or use a title or degree pertaining to the
21 practice of veterinary medicine and surgery.

22 (13) Any certified veterinary technician or other
23 employee of a licensed veterinarian performing permitted
24 duties other than diagnosis, prognosis, prescribing
25 ~~prescription~~, or surgery under the appropriate direction
26 and supervision of the veterinarian, who shall be

1 responsible for the performance of the employee.

2 (13.5) Any pharmacist licensed in the State, merchant,
3 or manufacturer selling at a ~~his or her~~ regular place of
4 business medicines, feed, appliances, or other products
5 used in the prevention or treatment of animal diseases as
6 permitted by law and provided that the services provided
7 ~~he or she provides~~ do not include diagnosing, prognosing,
8 prescribing ~~writing prescriptions~~, or surgery.

9 (14) An approved humane investigator regulated under
10 the Humane Care for Animals Act or employee of a shelter
11 licensed under the Animal Welfare Act, working under the
12 indirect supervision of a licensed veterinarian.

13 (15) An individual providing equine dentistry services
14 requested by a veterinarian licensed to practice in this
15 State, an owner, or an owner's agent. For the purposes of
16 this item (15), "equine dentistry services" means floating
17 teeth without the use of drugs or extraction.

18 (15.5) In the event of an emergency or disaster, a
19 veterinarian or veterinary technician not licensed in this
20 State who (A) is responding to a request for assistance
21 from the Illinois Department of Agriculture, the Illinois
22 Department of Public Health, the Illinois Emergency
23 Management Agency, or other State agency as determined by
24 the Department; (B) is licensed and in good standing in
25 another state; and (C) has been granted a temporary waiver
26 from licensure by the Department.

1 (16) Private treaty sale of animals unless otherwise
2 provided by law.

3 (Source: P.A. 98-339, eff. 12-31-13.)

4 (225 ILCS 115/4.5 new)

5 Sec. 4.5. Telemedicine. Telemedicine occurs when either
6 the animal who is receiving the care is located in the State
7 when receiving telemedicine treatment or the veterinarian
8 providing the care to the animal is located in the State when
9 providing telemedicine treatment, pursuant to the provisions
10 of Section 5. Telemedicine may only be used when a
11 veterinarian has an established veterinarian-client-patient
12 relationship. Telemedicine may be used in the following
13 circumstance:

14 (1) when a physical examination of the patient has
15 been conducted within one year; and

16 (2) if it is possible to make a diagnosis and create a
17 treatment plan without a recent physical examination based
18 on professional standards of care.

19 A veterinarian shall not substitute telehealth,
20 teleadvice, telemedicine, or teletriage when a physical
21 examination is warranted or necessary for an accurate
22 diagnosis of any medical condition or creation of an
23 appropriate treatment plan. All minimum standards of practice
24 and provisions under this Act and rules shall be maintained.

25 A veterinarian shall ensure that any technology used in

1 the provision of telemedicine is sufficient and of appropriate
2 quality to provide accurate remote assessment and diagnosis. A
3 veterinarian shall meet all recordkeeping requirements
4 pursuant to subsection (c) of Section 25.17.

5 A supervising veterinarian may delegate telemedicine
6 services to a certified veterinary technician who is acting
7 under direct or indirect supervision and in accordance with
8 the Act and rules. A valid veterinarian-client-patient
9 relationship established by a physical examination conducted
10 by the supervising veterinarian must exist for the certified
11 veterinary technician to provide delegated telemedicine
12 services.

13 A veterinarian and a certified veterinary technician
14 providing telemedicine services shall, at the time of service,
15 provide the veterinarian or certified veterinary technician's
16 contact information, including the veterinarian or certified
17 veterinary technician's full name, to the client or practice
18 using the service. All telemedicine records shall be provided
19 to the client upon request.

20 (225 ILCS 115/8) (from Ch. 111, par. 7008)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 8. Qualifications. A person is qualified to receive a
23 license if the applicant ~~he or she~~: (1) is of good moral
24 character; (2) has graduated from an accredited college or
25 school of veterinary medicine; and (3) has passed the

1 examination authorized by the Department to determine fitness
2 to hold a license.

3 Applicants for licensure from non-accredited veterinary
4 schools are required to successfully complete a program of
5 educational equivalency as established by rule. At a minimum,
6 this program shall include all of the following:

7 (1) A certified transcript indicating graduation from
8 such college.

9 (2) Successful completion of a communication ability
10 examination designed to assess communication skills,
11 including a command of the English language.

12 (3) Successful completion of an examination or
13 assessment mechanism designed to evaluate educational
14 equivalence, including both preclinical and clinical
15 competencies.

16 (4) Any other reasonable assessment mechanism designed
17 to ensure an applicant possesses the educational
18 background necessary to protect the public health and
19 safety.

20 Successful completion of the criteria set forth in this
21 Section shall establish education equivalence as one of the
22 criteria for licensure set forth in this Act. Applicants under
23 this Section must also meet all other statutory criteria for
24 licensure prior to the issuance of any such license, including
25 graduation from veterinary school.

26 A graduate of a non-approved veterinary school who was

1 issued a work permit by the Department before the effective
2 date of this amendatory Act of the 93rd General Assembly may
3 continue to work under the direct supervision of a licensed
4 veterinarian until the expiration of his or her permit.

5 In determining moral character under this Section, the
6 Department may take into consideration any felony conviction
7 of the applicant, but such a conviction shall not operate as a
8 bar to obtaining a license. The Department may also request
9 the applicant to submit and may consider as evidence of moral
10 character, endorsements from 2 individuals licensed under this
11 Act.

12 (Source: P.A. 93-281, eff. 12-31-03.)

13 (225 ILCS 115/10) (from Ch. 111, par. 7010)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 10. Application for licensure. A person who desires
16 to obtain a license as a veterinarian or a certificate as a
17 veterinary technician shall apply to the Department on forms
18 provided by the Department. Each application shall be
19 accompanied by proof of qualifications and shall be verified
20 by the applicant under oath and be accompanied by the required
21 fee.

22 If an applicant neglects, fails, or refuses to take an
23 examination or fails to pass an examination for a license or
24 otherwise fails to complete the application process under this
25 Act within 3 years after filing the applicant's application,

1 the application shall be denied. However, such applicant may
2 make a new application for examination accompanied by the
3 required fee and must furnish proof of meeting qualifications
4 for examination in effect at the time of new application.

5 (Source: P.A. 88-424.)

6 (225 ILCS 115/10.5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 10.5. Social Security Number or individual taxpayer
9 identification number on license application. In addition to
10 any other information required to be contained in the
11 application, every application for an original license under
12 this Act shall include the applicant's Social Security Number
13 or individual taxpayer identification number, which shall be
14 retained in the agency's records pertaining to the license. As
15 soon as practical, the Department shall assign a customer's
16 identification number to each applicant for a license.

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

19 (Source: P.A. 97-400, eff. 1-1-12.)

20 (225 ILCS 115/11) (from Ch. 111, par. 7011)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 11. Practice pending licensure. A person holding the
23 degree of Doctor of Veterinary Medicine, or its equivalent,
24 from an accredited college of veterinary medicine, and who has

1 applied in writing to the Department for a license to practice
2 veterinary medicine and surgery in any of its branches, and
3 who has fulfilled the requirements of Section 8 of this Act,
4 with the exception of receipt of notification of his or her
5 examination results, may practice under the direct supervision
6 of a veterinarian who is licensed in this State, until: (1) the
7 applicant has been notified of his or her failure to pass the
8 examination authorized by the Department; (2) the applicant
9 has withdrawn his or her application; (3) the applicant has
10 received a license from the Department after successfully
11 passing the examination authorized by the Department; or (4)
12 the applicant has been notified by the Department to cease and
13 desist from practicing.

14 The applicant shall perform only those acts that may be
15 prescribed by and incidental to his or her employment and
16 those acts shall be performed under the direction of a
17 supervising veterinarian who is licensed in this State. The
18 applicant shall not be entitled to otherwise engage in the
19 practice of veterinary medicine until fully licensed in this
20 State.

21 The Department shall immediately notify, ~~by certified~~
22 ~~mail,~~ the supervising veterinarian employing the applicant and
23 the applicant that the applicant shall immediately cease and
24 desist from practicing if the applicant (1) practices outside
25 his or her employment under a licensed veterinarian; (2)
26 violates any provision of this Act; or (3) becomes ineligible

1 for licensure under this Act.

2 (Source: P.A. 96-571, eff. 8-18-09; 96-638, eff. 8-24-09;
3 96-1000, eff. 7-2-10.)

4 (225 ILCS 115/12) (from Ch. 111, par. 7012)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 12. Renewal and inactive status; restoration;
7 military service.

8 (a) The expiration date and renewal period for each
9 license or certificate shall be set by rule.

10 (b) A licensee who has permitted his or her license to
11 expire or who has had his or her license on inactive status may
12 have the license restored by making application to the
13 Department by filing proof acceptable to the Department of his
14 or her fitness to have the license restored and by paying the
15 required fees. Proof of fitness may include sworn evidence
16 certifying to active lawful practice in another jurisdiction.
17 If the licensee has not maintained an active practice in
18 another jurisdiction satisfactory to the Department, the
19 Department shall determine, by an evaluation program
20 established by rule, his or her fitness for restoration of the
21 license and shall establish procedures and requirements for
22 restoration.

23 (c) A licensee whose license expired while the licensee ~~he~~
24 ~~or she~~ was (1) in federal service on active duty with the Armed
25 Forces of the United States or the State Militia called into

1 service or training or (2) in training or education under the
2 supervision of the United States before induction into the
3 military service, may have the license restored without paying
4 any lapsed renewal fees if within 2 years after honorable
5 termination of the service, training, or education the
6 licensee ~~he or she~~ furnishes the Department with satisfactory
7 evidence to the effect that the licensee ~~he or she~~ has been so
8 engaged and that the licensee's ~~his or her~~ service, training,
9 or education has been so terminated.

10 (d) Any licensee who notifies the Department in writing on
11 the prescribed form may place the licensee's ~~his or her~~ license
12 or certification on an inactive status and shall, subject to
13 rule, be exempt from payment of the renewal fee until the
14 licensee ~~he or she~~ notifies the Department in writing of the
15 licensee's ~~his or her~~ intention to resume active status.

16 (e) Any veterinarian or certified veterinary technician
17 requesting restoration from inactive or expired status shall
18 be required to complete the continuing education requirements
19 for a single license or certificate renewal period, pursuant
20 to rule, and pay the current renewal fee to restore the renewal
21 applicant's ~~his or her~~ license or certification as provided in
22 this Act.

23 (f) Any licensee whose license is in inactive, expired, or
24 suspended status shall not practice veterinary medicine and
25 surgery in this State.

26 (Source: P.A. 98-339, eff. 12-31-13.)

1 (225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 14.1. Returned checks; fines. Any person who delivers
4 a check or other payment to the Department that is returned to
5 the Department unpaid by the financial institution upon which
6 it is drawn shall pay to the Department, in addition to the
7 amount already owed to the Department, a fine of \$50. The fines
8 imposed by this Section are in addition to any other
9 discipline provided under this Act for unlicensed practice or
10 practice on a nonrenewed license or certificate. The
11 Department shall notify the person that payment of fees and
12 fines shall be paid to the Department by certified check or
13 money order within 30 calendar days of the notification. If,
14 after the expiration of 30 days from the date of the
15 notification, the person has failed to submit the necessary
16 remittance, the Department shall automatically terminate the
17 license or certificate or deny the application, without
18 hearing. If, after termination or denial, the person seeks a
19 license or certificate, the person ~~he or she~~ shall apply to the
20 Department for restoration or issuance of the license or
21 certificate and pay all fees and fines due to the Department.
22 The Department may establish a fee for the processing of an
23 application for restoration of a license or certificate to pay
24 all expenses of processing this application. The Secretary may
25 waive the fines due under this Section in individual cases

1 where the Secretary finds that the fines would be unreasonable
2 or unnecessarily burdensome.

3 (Source: P.A. 96-1322, eff. 7-27-10.)

4 (225 ILCS 115/25) (from Ch. 111, par. 7025)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 25. Disciplinary actions.

7 1. The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem appropriate, including imposing fines not to exceed
11 \$10,000 for each violation and the assessment of costs as
12 provided for in Section 25.3 of this Act, with regard to any
13 license or certificate for any one or combination of the
14 following:

15 A. Material misstatement in furnishing information to
16 the Department.

17 B. Violations of this Act, or of the rules adopted
18 pursuant to this Act.

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

1 of which is dishonesty, or that is directly related to the
2 practice of the profession.

3 D. Fraud or any misrepresentation in applying for or
4 procuring a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 E. Professional incompetence.

7 F. Malpractice.

8 G. Aiding or assisting another person in violating any
9 provision of this Act or rules.

10 H. Failing, within 60 days, to provide information in
11 response to a written request made by the Department.

12 I. Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

15 J. Habitual or excessive use or abuse of drugs defined
16 in law as controlled substances, alcohol, or any other
17 substance that results in the inability to practice with
18 reasonable judgment, skill, or safety.

19 K. Discipline by another state, unit of government,
20 government agency, District of Columbia, territory, or
21 foreign nation, if at least one of the grounds for the
22 discipline is the same or substantially equivalent to
23 those set forth herein.

24 L. Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered.

1 M. A finding by the Board that the licensee or
2 certificate holder, after having his license or
3 certificate placed on probationary status, has violated
4 the terms of probation.

5 N. Willfully making or filing false records or reports
6 in his practice, including but not limited to false
7 records filed with State agencies or departments.

8 O. Physical illness, including but not limited to,
9 deterioration through the aging process, or loss of motor
10 skill which results in the inability to practice under
11 this Act with reasonable judgment, skill, or safety.

12 P. Solicitation of professional services other than
13 permitted advertising.

14 Q. Allowing one's license under this Act to be used by
15 an unlicensed person in violation of this Act.

16 R. Conviction of or cash compromise of a charge or
17 violation of the Harrison Act or the Illinois Controlled
18 Substances Act, regulating narcotics.

19 S. Fraud or dishonesty in applying, treating, or
20 reporting on tuberculin or other biological tests.

21 T. Failing to report, as required by law, or making
22 false report of any contagious or infectious diseases.

23 U. Fraudulent use or misuse of any health certificate,
24 shipping certificate, brand inspection certificate, or
25 other blank forms used in practice that might lead to the
26 dissemination of disease or the transportation of diseased

1 animals dead or alive; or dilatory methods, willful
2 neglect, or misrepresentation in the inspection of milk,
3 meat, poultry, and the by-products thereof.

4 V. Conviction on a charge of cruelty to animals.

5 W. Failure to keep one's premises and all equipment
6 therein in a clean and sanitary condition.

7 X. Failure to provide satisfactory proof of having
8 participated in approved continuing education programs.

9 Y. Mental illness or disability that results in the
10 inability to practice under this Act with reasonable
11 judgment, skill, or safety.

12 Z. (Blank). ~~Conviction by any court of competent~~
13 ~~jurisdiction, either within or outside this State, of any~~
14 ~~violation of any law governing the practice of veterinary~~
15 ~~medicine, if the Department determines, after~~
16 ~~investigation, that the person has not been sufficiently~~
17 ~~rehabilitated to warrant the public trust.~~

18 AA. Promotion of the sale of drugs, devices,
19 appliances, or goods provided for a patient in any manner
20 to exploit the client for financial gain of the
21 veterinarian.

22 BB. Gross, willful, or continued overcharging for
23 professional services.

24 CC. Practicing under a false or, except as provided by
25 law, an assumed name.

26 DD. Violating state or federal laws or regulations

1 relating to controlled substances or legend drugs.

2 EE. Cheating on or attempting to subvert the licensing
3 examination administered under this Act.

4 FF. Using, prescribing, or selling a prescription drug
5 or the extra-label use of a prescription drug by any means
6 in the absence of a valid veterinarian-client-patient
7 relationship.

8 GG. Failing to report a case of suspected aggravated
9 cruelty, torture, or animal fighting pursuant to Section
10 3.07 or 4.01 of the Humane Care for Animals Act or Section
11 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
12 Code of 2012.

13 All fines imposed under this Section shall be paid within
14 60 days after the effective date of the order imposing the fine
15 or in accordance with the terms set forth in the order imposing
16 the fine.

17 2. The determination by a circuit court that a licensee or
18 certificate holder is subject to involuntary admission or
19 judicial admission as provided in the Mental Health and
20 Developmental Disabilities Code operates as an automatic
21 suspension. The suspension will end only upon a finding by a
22 court that the patient is no longer subject to involuntary
23 admission or judicial admission and issues an order so finding
24 and discharging the patient. In any case where a license is
25 suspended under this provision, the licensee shall file a
26 petition for restoration and shall include evidence acceptable

1 to the Department that the licensee can resume practice in
2 compliance with acceptable and prevailing standards of his or
3 her profession.

4 3. All proceedings to suspend, revoke, place on
5 probationary status, or take any other disciplinary action as
6 the Department may deem proper, with regard to a license or
7 certificate on any of the foregoing grounds, must be commenced
8 within 5 years after receipt by the Department of a complaint
9 alleging the commission of or notice of the conviction order
10 for any of the acts described in this Section. Except for
11 proceedings brought for violations of items (CC), (DD), or
12 (EE), no action shall be commenced more than 5 years after the
13 date of the incident or act alleged to have violated this
14 Section. In the event of the settlement of any claim or cause
15 of action in favor of the claimant or the reduction to final
16 judgment of any civil action in favor of the plaintiff, the
17 claim, cause of action, or civil action being grounded on the
18 allegation that a person licensed or certified under this Act
19 was negligent in providing care, the Department shall have an
20 additional period of one year from the date of the settlement
21 or final judgment in which to investigate and begin formal
22 disciplinary proceedings under Section 25.2 of this Act,
23 except as otherwise provided by law. The time during which the
24 holder of the license or certificate was outside the State of
25 Illinois shall not be included within any period of time
26 limiting the commencement of disciplinary action by the

1 Department.

2 4. The Department may refuse to issue or may suspend
3 without hearing, as provided for in the Illinois Code of Civil
4 Procedure, the license of any person who fails to file a
5 return, to pay the tax, penalty, or interest shown in a filed
6 return, or to pay any final assessment of tax, penalty, or
7 interest as required by any tax Act administered by the
8 Illinois Department of Revenue, until such time as the
9 requirements of any such tax Act are satisfied in accordance
10 with subsection (g) of Section 2105-15 of the Civil
11 Administrative Code of Illinois.

12 5. In enforcing this Section, the Department, upon a
13 showing of a possible violation, may compel any individual who
14 is registered under this Act or any individual who has applied
15 for registration to submit to a mental or physical examination
16 or evaluation, or both, which may include a substance abuse or
17 sexual offender evaluation, at the expense of the Department.
18 The Department shall specifically designate the examining
19 physician licensed to practice medicine in all of its branches
20 or, if applicable, the multidisciplinary team involved in
21 providing the mental or physical examination and evaluation.
22 The multidisciplinary team shall be led by a physician
23 licensed to practice medicine in all of its branches and may
24 consist of one or more or a combination of physicians licensed
25 to practice medicine in all of its branches, licensed
26 chiropractic physicians, licensed clinical psychologists,

1 licensed clinical social workers, licensed clinical
2 professional counselors, and other professional and
3 administrative staff. Any examining physician or member of the
4 multidisciplinary team may require any person ordered to
5 submit to an examination and evaluation pursuant to this
6 Section to submit to any additional supplemental testing
7 deemed necessary to complete any examination or evaluation
8 process, including, but not limited to, blood testing,
9 urinalysis, psychological testing, or neuropsychological
10 testing.

11 The Department may order the examining physician or any
12 member of the multidisciplinary team to provide to the
13 Department any and all records, including business records,
14 that relate to the examination and evaluation, including any
15 supplemental testing performed. The Department may order the
16 examining physician or any member of the multidisciplinary
17 team to present testimony concerning this examination and
18 evaluation of the registrant or applicant, including testimony
19 concerning any supplemental testing or documents relating to
20 the examination and evaluation. No information, report,
21 record, or other documents in any way related to the
22 examination and evaluation shall be excluded by reason of any
23 common law or statutory privilege relating to communication
24 between the licensee or applicant and the examining physician
25 or any member of the multidisciplinary team. No authorization
26 is necessary from the registrant or applicant ordered to

1 undergo an evaluation and examination for the examining
2 physician or any member of the multidisciplinary team to
3 provide information, reports, records, or other documents or
4 to provide any testimony regarding the examination and
5 evaluation. The individual to be examined may have, at his or
6 her own expense, another physician of his or her choice
7 present during all aspects of the examination.

8 Failure of any individual to submit to mental or physical
9 examination or evaluation, or both, when directed, shall
10 result in an automatic suspension without hearing, until such
11 time as the individual submits to the examination. If the
12 Department finds a registrant unable to practice because of
13 the reasons set forth in this Section, the Department shall
14 require such registrant to submit to care, counseling, or
15 treatment by physicians approved or designated by the
16 Department as a condition for continued, reinstated, or
17 renewed registration.

18 In instances in which the Secretary immediately suspends a
19 registration under this Section, a hearing upon such person's
20 registration must be convened by the Department within 15 days
21 after such suspension and completed without appreciable delay.
22 The Department shall have the authority to review the
23 registrant's record of treatment and counseling regarding the
24 impairment to the extent permitted by applicable federal
25 statutes and regulations safeguarding the confidentiality of
26 medical records.

1 Individuals registered under this Act who are affected
2 under this Section, shall be afforded an opportunity to
3 demonstrate to the Department that they can resume practice in
4 compliance with acceptable and prevailing standards under the
5 provisions of their registration.

6 6. (Blank).

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

18 (Source: P.A. 99-78, eff. 7-20-15; 100-872, eff. 8-14-18.)

19 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 25.2. Investigation; notice and hearing. The
22 Department may investigate the actions of any applicant or of
23 any person or persons holding or claiming to hold a license or
24 certificate. The Department shall, before refusing to issue,
25 to renew or discipline a license or certificate under Section

1 25, at least 30 days prior to the date set for the hearing,
2 notify the applicant or licensee in writing of the nature of
3 the charges and the time and place for a hearing on the
4 charges. The Department shall direct the applicant,
5 certificate holder, or licensee to file a written answer to
6 the charges with the Board under oath within 20 days after the
7 service of the notice and inform the applicant, certificate
8 holder, or licensee that failure to file an answer will result
9 in default being taken against the applicant, certificate
10 holder, or licensee. At the time and place fixed in the notice,
11 the Department shall proceed to hear the charges and the
12 parties or their counsel shall be accorded ample opportunity
13 to present any pertinent statements, testimony, evidence, and
14 arguments. The Department may continue the hearing from time
15 to time. In case the person, after receiving the notice, fails
16 to file an answer, his or her license may, in the discretion of
17 the Department, be revoked, suspended, placed on probationary
18 status, or the Department may take whatever disciplinary
19 action considered proper, including limiting the scope,
20 nature, or extent of the person's practice or the imposition
21 of a fine, without a hearing, if the act or acts charged
22 constitute sufficient grounds for that action under the Act.
23 The written notice and any notice in the subsequent proceeding
24 may be served by registered or certified mail to the
25 licensee's address of record or, if in the course of the
26 administrative proceeding the party has previously designated

1 a specific email address at which to accept electronic service
2 for that specific proceeding, by sending a copy by email to an
3 email address on record.

4 (Source: P.A. 98-339, eff. 12-31-13.)

5 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 25.6. Board report. At the conclusion of the hearing
8 the Board shall present to the Secretary a written report of
9 its findings of fact, conclusions of law, and recommendations.
10 The report shall contain a finding whether or not the accused
11 person violated this Act or failed to comply with the
12 conditions required in this Act. The Board shall specify the
13 nature of the violation or failure to comply, and shall make
14 its recommendations to the Secretary.

15 The report of findings of fact, conclusions of law and
16 recommendation of the Board shall be the basis for the
17 Secretary's Department's order for refusing to issue, restore,
18 or renew a license, or otherwise disciplining a licensee, or
19 for the granting of a license, certificate, or permit. If the
20 Secretary disagrees in any regard with the report of the
21 Board, then the Secretary may issue an order in contravention
22 thereof. The finding is not admissible in evidence against the
23 person in a criminal prosecution brought for the violation of
24 this Act, but the hearing and finding are not a bar to a
25 criminal prosecution brought for the violation of this Act.

1 (Source: P.A. 98-339, eff. 12-31-13.)

2 (225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 25.7. Motion for rehearing; procedure upon refusal to
5 license or issue certificate. In any hearing involving the
6 refusal to issue, renew, or discipline a license or
7 certificate, a copy of the Board's report shall be served upon
8 the respondent by the Department, either personally or as
9 provided in this Act for the service of the notice of hearing.
10 Within 20 days after service, the respondent may present to
11 the Secretary ~~Department~~ a motion in writing for a rehearing.
12 The motion shall specify the particular grounds for the
13 rehearing. If no motion for rehearing is filed, then upon the
14 expiration of the time specified for filing a motion, or if a
15 motion for rehearing is denied, then upon the denial, then the
16 Secretary may enter an order in accordance with
17 recommendations of the Board except as provided in Section
18 25.6 of this Act. If the respondent orders from the reporting
19 service, and pays for a transcript of the record within the
20 time for filing a motion for rehearing, the 20-day ~~20-day~~
21 period within which such a motion may be filed shall commence
22 upon the delivery of the transcript to the respondent.

23 (Source: P.A. 98-339, eff. 12-31-13.)

24 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 25.9. Hearing officers; reports; review. The
3 Secretary shall have the authority to appoint any attorney
4 duly licensed to practice law in the State of Illinois to serve
5 as the hearing officer in any action for refusal to issue,
6 renew, or discipline of a license, certificate, or permit. The
7 hearing officer shall have full authority to conduct the
8 hearing. The hearing officer shall report his or her findings
9 of fact, conclusions of law, and recommendations to the Board
10 ~~and the Secretary~~. The Board shall have 60 days from receipt of
11 the report to review the report of the hearing officer and
12 present its findings of fact, conclusions of law, and
13 recommendations to the Secretary. If the Board fails to
14 present its report within the 60-day ~~60-day~~ period, then the
15 Secretary may issue an order based on the report of the hearing
16 officer. If the Secretary disagrees with the recommendation of
17 the Board or hearing officer, then the Secretary may issue an
18 order in contravention of the report.

19 (Source: P.A. 98-339, eff. 12-31-13.)

20 (225 ILCS 115/25.15) (from Ch. 111, par. 7025.15)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 25.15. Certification of record. The Department shall
23 not be required to certify any record to the Court or file any
24 answer in court or otherwise appear in any court in a judicial
25 review proceeding, unless and until the Department has

1 received from the plaintiff payment of the costs of furnishing
2 and certifying the record, which costs shall be determined by
3 the Department. ~~Exhibits shall be certified without cost.~~
4 Failure on the part of the plaintiff to file a receipt in Court
5 shall be grounds for dismissal of the action.

6 (Source: P.A. 98-339, eff. 12-31-13.)

7 (225 ILCS 115/25.17)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 25.17. Disclosure of patient records; maintenance.

10 (a) No veterinarian shall be required to disclose any
11 information concerning the veterinarian's care of an animal
12 except on written authorization or other waiver by the
13 veterinarian's client or on appropriate court order or
14 subpoena. Any veterinarian releasing information under written
15 authorization, or other waiver by the client, or court order
16 of subpoena is not liable to the client or any other person.
17 The privilege provided by this Section is waived to the extent
18 that the veterinarian's client or the owner of the animal
19 places the care and treatment or the nature and extent of
20 injuries to the animal at issue in any civil or criminal
21 proceeding. When communicable disease laws, cruelty to animal
22 laws, or laws providing for public health and safety are
23 involved, the privilege provided by this Section is waived.

24 (b) Copies of patient records must be released to the
25 client upon written request as provided for by rule.

1 (c) Each person who provides veterinary medical services
2 shall maintain appropriate patient records as defined by rule.
3 The patient records are the property of the practice and the
4 practice owner. Patient records shall, if applicable, include
5 the following:

6 (1) patient identification;

7 (2) client identification;

8 (3) dated reason for visit and pertinent history;

9 (4) physical exam findings;

10 (5) diagnostic, medical, surgical or therapeutic
11 procedures performed;

12 (6) all medical treatment must include identification
13 of each medication given in the practice, together with
14 the date, dosage, and route of administration and
15 frequency and duration of treatment;

16 (7) all medicines dispensed or prescribed must be
17 recorded, including directions for use and quantity;

18 (8) any changes in medications or dosages, including
19 telephonically or electronically initiated changes, must
20 be recorded;

21 (9) if a necropsy is performed, then the record must
22 reflect the findings;

23 (10) any written records and notes, radiographs,
24 sonographic images, video recordings, photographs or other
25 images, and laboratory reports;

26 (11) other information received as the result of

1 consultation;

2 (12) identification of any designated agent of the
3 client for the purpose of authorizing veterinary medical
4 or animal health care decisions; and

5 (13) any authorizations, releases, waivers, or other
6 related documents.

7 (d) Patient records must be maintained for a minimum of 5
8 years from the date of the last known contact with a ~~an animal~~
9 patient.

10 (e) Information and records related to patient care shall
11 remain confidential except as provided in subsections (a) and
12 (b) of this Section.

13 (Source: P.A. 96-1322, eff. 7-27-10.)

14 (225 ILCS 115/27) (from Ch. 111, par. 7027)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 27. Administrative Procedure Act. The Illinois
17 Administrative Procedure Act is hereby expressly adopted and
18 incorporated into this Act as if all of the provisions of that
19 Act were included in this Act, except that the provision of
20 subsection (d) of Section 10-65 of the Illinois Administrative
21 Procedure Act that provides that at hearings the licensee or
22 certificate holder has the right to show compliance with all
23 lawful requirements for retention, continuation, or renewal of
24 the license or certificate is specifically excluded. For the
25 purpose of this Act the notice required under Section 10-25 of

1 the Illinois Administrative Procedure Act is considered
2 sufficient when mailed to the last known address of record or
3 sent electronically to the last known email address of record.

4 (Source: P.A. 98-339, eff. 12-31-13.)

5 (225 ILCS 115/23 rep.)

6 Section 15. The Veterinary Medicine and Surgery Practice
7 Act of 2004 is amended by repealing Section 23.

8 Section 20. The Landscape Architecture Registration Act is
9 amended by changing Section 10 and by adding Section 53 as
10 follows:

11 (225 ILCS 316/10)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 10. Definitions. As used in this Act:

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

18 "Board" means the Registered Landscape Architecture
19 Registration Board.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Email address of record" means the designated email
23 address of record by the Department in the applicant's

1 application file or registrant's registration file as
2 maintained by the Department.

3 "Landscape architecture" means the art and science of
4 arranging land, together with the spaces and objects upon it,
5 for the purpose of creating a safe, efficient, healthful, and
6 aesthetically pleasing physical environment for human use and
7 enjoyment, as performed by landscape architects.

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

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

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation. The Secretary may designate his or
26 her duties under this Act to a designee of his or her choice,

1 including, but not limited to, the Director of Professional
2 Regulation.

3 (Source: P.A. 102-284, eff. 8-6-21.)

4 (225 ILCS 316/53 new)

5 Sec. 53. Continuing education. The Department may adopt
6 rules of continuing education for persons registered under
7 this Act. The Department shall consider the recommendations of
8 the Board in establishing the guidelines for the continuing
9 education requirements. The requirements of this Section apply
10 to any person seeking renewal or restoration under Section 50.

11 Section 25. The Electrologist Licensing Act is amended by
12 changing Sections 10, 32, 40, 90, and 120 and by adding Section
13 12 as follows:

14 (225 ILCS 412/10)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 10. Definitions. In this Act:

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

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Electrologist" means an individual licensed to practice
4 electrology pursuant to the provisions of this Act.

5 "Electrology" means the practice or teaching of services
6 for permanent hair removal utilizing only solid probe
7 electrode type epilation, which may include thermolysis
8 (shortwave, high frequency), electrolysis (galvanic), or a
9 combination of both (superimposed or sequential blend).

10 "Email address of record" means the designated email
11 address recorded by the Department in the applicant's
12 application file or in a licensee's license file, as
13 maintained by the Department's licensure maintenance unit.

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

16 (Source: P.A. 98-363, eff. 8-16-13.)

17 (225 ILCS 412/12 new)

18 Sec. 12. Address of record and email address of record.
19 All applicants and licensees shall:

20 (1) provide a valid physical address and email address
21 to the Department, which shall serve as the address of
22 record and email address of record, respectively, at the
23 time of application for licensure or renewal of a license;
24 and

25 (2) inform the Department of any change of address of

1 record or email address of record within 14 days. Those
2 changes must be made either through the Department's
3 website or by contacting the Department through the
4 Department's licensure maintenance unit.

5 (225 ILCS 412/32)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 32. Social Security number or individual taxpayer
8 identification number on license application. In addition to
9 any other information required to be contained in the
10 application, every application for an original license under
11 this Act shall include the applicant's social security number
12 or individual taxpayer identification number, which shall be
13 retained in the agency's records pertaining to the license. As
14 soon as practical, the Department shall assign a customer's
15 identification number to each applicant for a license.

16 Every application for a renewed, reinstated, or restored
17 license shall require the applicant's customer identification
18 number.

19 (Source: P.A. 97-400, eff. 1-1-12; 98-363, eff. 8-16-13.)

20 (225 ILCS 412/40)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 40. Administrative Procedure Act. The Illinois
23 Administrative Procedure Act is hereby expressly adopted and
24 incorporated in this Act as if all of the provisions of the

1 Illinois Administrative Procedure Act where included in this
2 Act, except that the provision of paragraph (d) of Section
3 10-65 of the Illinois Administrative Procedure Act, which
4 provides that at hearings the licensee has the right to show
5 compliance with all lawful requirements for retention,
6 continuation, or renewal of the license, is specifically
7 excluded. For the purposes of this Act, the notice required
8 under Section 10-25 of the Illinois Administrative Procedure
9 Act is considered to be sufficient when mailed to the
10 licensee's address of record or email address of record.

11 (Source: P.A. 98-363, eff. 8-16-13.)

12 (225 ILCS 412/90)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 90. Investigations; notice and hearing.

15 (a) The Department may investigate the actions of an
16 applicant or a person holding or claiming to hold a license.

17 (b) Before refusing to issue or renew a license or take any
18 disciplinary or non-disciplinary action against a licensed
19 electrologist pursuant to Section 75 of this Act, the
20 Department shall notify in writing the applicant or the
21 licensee of the nature of the charges and that a hearing will
22 be held on the date designated, which shall be at least 30 days
23 after the date of the notice. The Department shall direct the
24 applicant or licensee to file a written answer to the
25 Department under oath within 20 days after the service of the

1 notice and inform the applicant or licensee that failure to
2 file an answer will result in default being taken against the
3 applicant or licensee and that the license may be suspended,
4 revoked, placed on probationary status, or other disciplinary
5 or non-disciplinary action may be taken, including limiting
6 the scope, nature, or extent of business as the Secretary may
7 deem proper. Written notice may be served by certified or
8 registered mail sent to the licensee's address of record.

9 The written notice and any notice in the subsequent
10 proceeding may be served electronically to the licensee's
11 email address of record, or, if in the course of the
12 administrative proceeding the party has previously designated
13 a specific email address at which to accept electronic service
14 for that specific proceeding, by sending a copy by email to the
15 email address on record.

16 If the applicant or licensee fails to file an answer after
17 receiving notice, the license may, in the discretion of the
18 Department, be suspended, revoked, or placed on probationary
19 status, or the Department may take whatever disciplinary
20 action considered proper including limiting the scope, nature,
21 or extent of the person's practice or the imposition of a fine,
22 without a hearing if the act or acts charged constitute
23 sufficient grounds for such action under this Act.

24 At the time and place fixed in the notice, the Department
25 shall proceed to hear the charges, and the parties or their
26 counsel shall be accorded ample opportunity to present any

1 pertinent statements, testimony, evidence, and argument. The
2 Department may continue a hearing from time to time.

3 (Source: P.A. 98-363, eff. 8-16-13.)

4 (225 ILCS 412/120)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 120. Motion for rehearing. In any case involving the
7 refusal to issue or renew a license, or the discipline of a
8 licensee, a copy of the hearing officer's report shall be
9 served upon the respondent by the Secretary ~~Department~~, either
10 personally or as provided in this Act for the service of the
11 notice of hearing. Within 20 days after service, the
12 respondent may present to the Department a motion in writing
13 for a rehearing which shall specify the particular grounds for
14 rehearing. If no motion for rehearing is filed, then upon the
15 expiration of the time specified for filing a motion, or if a
16 motion for rehearing is denied, then upon denial, the
17 Secretary may enter an order in accordance with the
18 recommendation of the hearing officer. If the respondent
19 orders from the reporting service, and pays for a transcript
20 of the record within the time for filing a motion for
21 rehearing, the 20-day period within which a motion may be
22 filed shall commence upon the delivery of the transcript to
23 the respondent.

24 (Source: P.A. 98-363, eff. 8-16-13.)

1 Section 30. The Private Detective, Private Alarm, Private
2 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
3 amended by changing Sections 5-10, 10-5, 10-20, 10-37, 10-45,
4 15-5, 15-10, 15-15, 15-25, 20-10, 20-15, 20-20, 25-5, 25-10,
5 25-15, 25-20, 25-30, 30-5, 30-10, 30-15, 30-20, 30-30, 31-5,
6 31-10, 31-15, 31-20, 35-5, 35-10, 35-15, 35-25, 35-30, 35-35,
7 35-43, 35-45, 40-5, 40-10, 40-20, 40-25, 40-30, 45-10, 45-15,
8 45-40, 45-55, 50-5, 50-10, 50-15, 50-20, and 50-45 as follows:

9 (225 ILCS 447/5-10)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 5-10. Definitions. As used in this Act:

12 "Address of record" means the designated address recorded
13 by the Department in the applicant's application file or the
14 licensee's license file, as maintained by the Department's
15 licensure maintenance unit.

16 "Advertisement" means any public media, including printed
17 or electronic material, that is published or displayed in a
18 phone book, newspaper, magazine, pamphlet, newsletter,
19 website, or other similar type of publication or electronic
20 format that is intended to either attract business or merely
21 provide contact information to the public for an agency or
22 licensee. Advertisement shall not include a licensee's or an
23 agency's letterhead, business cards, or other stationery used
24 in routine business correspondence or customary name, address,
25 and number type listings in a telephone directory.

1 "Alarm system" means any system, including an electronic
2 access control system, a surveillance video system, a security
3 video system, a burglar alarm system, a fire alarm system, or
4 any other electronic system that activates an audible,
5 visible, remote, or recorded signal that is designed for the
6 protection or detection of intrusion, entry, theft, fire,
7 vandalism, escape, or trespass, or other electronic systems
8 designed for the protection of life by indicating the
9 existence of an emergency situation. "Alarm system" also
10 includes an emergency communication system and a mass
11 notification system.

12 "Applicant" means a person or business applying for
13 licensure, registration, or authorization under this Act. Any
14 applicant or person who holds oneself ~~himself or herself~~ out
15 as an applicant is considered a licensee or registrant for the
16 purposes of enforcement, investigation, hearings, and the
17 Illinois Administrative Procedure Act.

18 "Armed employee" means a licensee or registered person who
19 is employed by an agency licensed or an armed proprietary
20 security force registered under this Act who carries a weapon
21 while engaged in the performance of official duties within the
22 course and scope of the employee's ~~his or her~~ employment
23 during the hours and times the employee is scheduled to work or
24 is commuting between the employee's ~~his or her~~ home or place of
25 employment.

26 "Armed proprietary security force" means a security force

1 made up of one or more armed individuals employed by a
2 commercial or industrial operation or by a financial
3 institution as security officers for the protection of persons
4 or property.

5 "Board" means the Private Detective, Private Alarm,
6 Private Security, Fingerprint Vendor, and Locksmith Board.

7 "Branch office" means a business location removed from the
8 place of business for which an agency license has been issued,
9 including, but not limited to, locations where active employee
10 records that are required to be maintained under this Act are
11 kept, where prospective new employees are processed, or where
12 members of the public are invited in to transact business. A
13 branch office does not include an office or other facility
14 located on the property of an existing client that is utilized
15 solely for the benefit of that client and is not owned or
16 leased by the agency.

17 "Canine handler" means a person who uses or handles a
18 trained dog to protect persons or property or to conduct
19 investigations.

20 "Canine handler authorization card" means a card issued by
21 the Department that authorizes the holder to use or handle a
22 trained dog to protect persons or property or to conduct
23 investigations during the performance of the holder's ~~his or~~
24 ~~her~~ duties as specified in this Act.

25 "Canine trainer" means a person who acts as a dog trainer
26 for the purpose of training dogs to protect persons or

1 property or to conduct investigations.

2 "Canine trainer authorization card" means a card issued by
3 the Department that authorizes the holder to train a dog to
4 protect persons or property or to conduct investigations
5 during the performance of the holder's ~~his or her~~ duties as
6 specified in this Act.

7 "Canine training facility" means a facility operated by a
8 licensed private detective agency or private security
9 contractor agency wherein dogs are trained for the purposes of
10 protecting persons or property or to conduct investigations.

11 "Corporation" means an artificial person or legal entity
12 created by or under the authority of the laws of a state,
13 including without limitation a corporation, limited liability
14 company, or any other legal entity.

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

17 "Email address of record" means the designated email
18 address recorded by the Department in the applicant's
19 application file or the licensee's license file, as maintained
20 by the Department's licensure maintenance unit.

21 "Emergency communication system" means any system that
22 communicates information about emergencies, including but not
23 limited to fire, terrorist activities, shootings, other
24 dangerous situations, accidents, and natural disasters.

25 "Employee" means a person who works for a person or agency
26 that has the right to control the details of the work performed

1 and is not dependent upon whether or not federal or state
2 payroll taxes are withheld.

3 "Fingerprint vendor" means a person that offers,
4 advertises, or provides services to fingerprint individuals,
5 through electronic or other means, for the purpose of
6 providing fingerprint images and associated demographic data
7 to the Illinois State Police for processing fingerprint based
8 criminal history record information inquiries.

9 "Fingerprint vendor agency" means a person, firm,
10 corporation, or other legal entity that engages in the
11 fingerprint vendor business and employs, in addition to the
12 fingerprint vendor licensee-in-charge, at least one other
13 person in conducting that business.

14 "Fingerprint vendor licensee-in-charge" means a person who
15 has been designated by a fingerprint vendor agency to be the
16 licensee-in-charge of an agency who is a full-time management
17 employee or owner who assumes sole responsibility for
18 maintaining all records required by this Act and who assumes
19 sole responsibility for assuring the licensed agency's
20 compliance with its responsibilities as stated in this Act.
21 The Department shall adopt rules mandating licensee-in-charge
22 participation in agency affairs.

23 "Fire alarm system" means any system that is activated by
24 an automatic or manual device in the detection of smoke, heat,
25 or fire that activates an audible, visible, or remote signal
26 requiring a response.

1 "Firearm control card" means a card issued by the
2 Department that authorizes the holder, who has complied with
3 the training and other requirements of this Act, to carry a
4 weapon during the performance of the holder's ~~his or her~~
5 duties as specified in this Act.

6 "Firm" means an unincorporated business entity, including
7 but not limited to proprietorships and partnerships.

8 "Licensee" means a person or business licensed under this
9 Act. Anyone who holds oneself ~~himself or herself~~ out as a
10 licensee or who is accused of unlicensed practice is
11 considered a licensee for purposes of enforcement,
12 investigation, hearings, and the Illinois Administrative
13 Procedure Act.

14 "Locksmith" means a person who engages in a business or
15 holds oneself ~~himself~~ out to the public as providing a service
16 that includes, but is not limited to, the servicing,
17 installing, originating first keys, re-coding, repairing,
18 maintaining, manipulating, or bypassing of a mechanical or
19 electronic locking device, access control or video
20 surveillance system at premises, vehicles, safes, vaults, safe
21 deposit boxes, or automatic teller machines.

22 "Locksmith agency" means a person, firm, corporation, or
23 other legal entity that engages in the locksmith business and
24 employs, in addition to the locksmith licensee-in-charge, at
25 least one other person in conducting such business.

26 "Locksmith licensee-in-charge" means a person who has been

1 designated by agency to be the licensee-in-charge of an
2 agency, who is a full-time management employee or owner who
3 assumes sole responsibility for maintaining all records
4 required by this Act, and who assumes sole responsibility for
5 assuring the licensed agency's compliance with its
6 responsibilities as stated in this Act. The Department shall
7 adopt rules mandating licensee-in-charge participation in
8 agency affairs.

9 "Mass notification system" means any system that is used
10 to provide information and instructions to people in a
11 building or other space using voice communications, including
12 visible signals, text, graphics, tactile, or other
13 communication methods.

14 "Peace officer" or "police officer" means a person who, by
15 virtue of office or public employment, is vested by law with a
16 duty to maintain public order or to make arrests for offenses,
17 whether that duty extends to all offenses or is limited to
18 specific offenses. Officers, agents, or employees of the
19 federal government commissioned by federal statute to make
20 arrests for violations of federal laws are considered peace
21 officers.

22 "Permanent employee registration card" means a card issued
23 by the Department to an individual who has applied to the
24 Department and meets the requirements for employment by a
25 licensed agency under this Act.

26 "Person" means a natural person.

1 "Private alarm contractor" means a person who engages in a
2 business that individually or through others undertakes,
3 offers to undertake, purports to have the capacity to
4 undertake, or submits a bid to sell, install, design, monitor,
5 maintain, test, inspect, alter, repair, replace, or service
6 alarm and other security-related systems or parts thereof,
7 including fire alarm systems, at protected premises or
8 premises to be protected or responds to alarm systems at a
9 protected premises on an emergency basis and not as a
10 full-time security officer. "Private alarm contractor" does
11 not include a person, firm, or corporation that manufactures
12 or sells alarm systems only from its place of business and does
13 not sell, install, monitor, maintain, alter, repair, replace,
14 service, or respond to alarm systems at protected premises or
15 premises to be protected.

16 "Private alarm contractor agency" means a person,
17 corporation, or other entity that engages in the private alarm
18 contracting business and employs, in addition to the private
19 alarm contractor-in-charge, at least one other person in
20 conducting such business.

21 "Private alarm contractor licensee-in-charge" means a
22 person who has been designated by an agency to be the
23 licensee-in-charge of an agency, who is a full-time management
24 employee or owner who assumes sole responsibility for
25 maintaining all records required by this Act, and who assumes
26 sole responsibility for assuring the licensed agency's

1 compliance with its responsibilities as stated in this Act.
2 The Department shall adopt rules mandating licensee-in-charge
3 participation in agency affairs.

4 "Private detective" means any person who by any means,
5 including, but not limited to, manual, canine odor detection,
6 or electronic methods, engages in the business of, accepts
7 employment to furnish, or agrees to make or makes
8 investigations for a fee or other consideration to obtain
9 information relating to:

10 (1) Crimes or wrongs done or threatened against the
11 United States, any state or territory of the United
12 States, or any local government of a state or territory.

13 (2) The identity, habits, conduct, business
14 occupation, honesty, integrity, credibility, knowledge,
15 trustworthiness, efficiency, loyalty, activity,
16 movements, whereabouts, affiliations, associations,
17 transactions, acts, reputation, or character of any
18 person, firm, or other entity by any means, manual or
19 electronic.

20 (3) The location, disposition, or recovery of lost or
21 stolen property.

22 (4) The cause, origin, or responsibility for fires,
23 accidents, or injuries to individuals or real or personal
24 property.

25 (5) The truth or falsity of any statement or
26 representation.

1 (6) Securing evidence to be used before any court,
2 board, or investigating body.

3 (7) The protection of individuals from bodily harm or
4 death (bodyguard functions).

5 (8) Service of process in criminal and civil
6 proceedings.

7 "Private detective agency" means a person, firm,
8 corporation, or other legal entity that engages in the private
9 detective business and employs, in addition to the
10 licensee-in-charge, one or more persons in conducting such
11 business.

12 "Private detective licensee-in-charge" means a person who
13 has been designated by an agency to be the licensee-in-charge
14 of an agency, who is a full-time management employee or owner
15 who assumes sole responsibility for maintaining all records
16 required by this Act, and who assumes sole responsibility for
17 assuring the licensed agency's compliance with its
18 responsibilities as stated in this Act. The Department shall
19 adopt rules mandating licensee-in-charge participation in
20 agency affairs.

21 "Private security contractor" means a person who engages
22 in the business of providing a private security officer,
23 watchman, patrol, guard dog, canine odor detection, or a
24 similar service by any other title or name on a contractual
25 basis for another person, firm, corporation, or other entity
26 for a fee or other consideration and performing one or more of

1 the following functions:

2 (1) The prevention or detection of intrusion, entry,
3 theft, vandalism, abuse, fire, or trespass on private or
4 governmental property.

5 (2) The prevention, observation, or detection of any
6 unauthorized activity on private or governmental property.

7 (3) The protection of persons authorized to be on the
8 premises of the person, firm, or other entity for which
9 the security contractor contractually provides security
10 services.

11 (4) The prevention of the misappropriation or
12 concealment of goods, money, bonds, stocks, notes,
13 documents, or papers.

14 (5) The control, regulation, or direction of the
15 movement of the public for the time specifically required
16 for the protection of property owned or controlled by the
17 client.

18 (6) The protection of individuals from bodily harm or
19 death (bodyguard functions).

20 "Private security contractor agency" means a person, firm,
21 corporation, or other legal entity that engages in the private
22 security contractor business and that employs, in addition to
23 the licensee-in-charge, one or more persons in conducting such
24 business.

25 "Private security contractor licensee-in-charge" means a
26 person who has been designated by an agency to be the

1 licensee-in-charge of an agency, who is a full-time management
2 employee or owner who assumes sole responsibility for
3 maintaining all records required by this Act, and who assumes
4 sole responsibility for assuring the licensed agency's
5 compliance with its responsibilities as stated in this Act.
6 The Department shall adopt rules mandating licensee-in-charge
7 participation in agency affairs.

8 "Public member" means a person who is not a licensee or
9 related to a licensee, or who is not an employer or employee of
10 a licensee. The term "related to" shall be determined by the
11 rules of the Department.

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

14 (Source: P.A. 102-152, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22.)

16 (225 ILCS 447/10-5)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 10-5. Requirement of license.

19 (a) It is unlawful for a person to act as or provide the
20 functions of a private detective, private security contractor,
21 private alarm contractor, fingerprint vendor, or locksmith or
22 to advertise or to assume to act as any one of these, or to use
23 these or any other title implying that the person is engaged in
24 any of these activities unless licensed as such by the
25 Department. An individual or sole proprietor who does not

1 employ any employees other than himself or herself may operate
2 under a "doing business as" or assumed name certification
3 without having to obtain an agency license, so long as the
4 assumed name is first registered with the Department.

5 (b) It is unlawful for a person, firm, corporation, or
6 other legal entity to act as an agency licensed under this Act,
7 to advertise, or to assume to act as a licensed agency or to
8 use a title implying that the person, firm, or other entity is
9 engaged in the practice as a private detective agency, private
10 security contractor agency, private alarm contractor agency,
11 fingerprint vendor agency, or locksmith agency unless licensed
12 by the Department.

13 (c) No agency shall operate a branch office without first
14 applying for and receiving a branch office license for each
15 location.

16 (d) ~~It Beginning 12 months after the adoption of rules~~
17 ~~providing for the licensure of fingerprint vendors under this~~
18 ~~Act,~~ it is unlawful for a person to operate live scan
19 fingerprint equipment or other equipment designed to obtain
20 fingerprint images for the purpose of providing fingerprint
21 images and associated demographic data to the Illinois State
22 Police, unless the person ~~he or she~~ has successfully completed
23 a fingerprint training course conducted or authorized by the
24 Illinois State Police and is licensed as a fingerprint vendor.

25 (e) ~~No Beginning 12 months after the adoption of rules~~
26 ~~providing for the licensure of canine handlers and canine~~

1 ~~trainers under this Act, no~~ person shall operate a canine
2 training facility unless licensed as a private detective
3 agency or private security contractor agency under this Act,
4 and no person shall act as a canine trainer unless the person
5 ~~he or she~~ is licensed as a private detective or private
6 security contractor or is a registered employee of a private
7 detective agency or private security contractor agency
8 approved by the Department.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (225 ILCS 447/10-20)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 10-20. Application for license; forms.

13 (a) Each license application shall be on forms provided by
14 the Department.

15 (b) Application for a license by endorsement shall be made
16 in accordance with the provisions of Section 10-40.

17 (c) Every application for an original license shall
18 include the applicant's Social Security number or individual
19 taxpayer identification number, which shall be retained in the
20 agency's records pertaining to the license. As soon as
21 practical, the Department shall assign a customer's
22 identification number to each applicant for a license.

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

25 (Source: P.A. 97-400, eff. 1-1-12.)

1 (225 ILCS 447/10-37)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 10-37. Address of record; email address of record.

4 All applicants and licensees shall:

5 (1) provide a valid address and email address to the
6 Department, which serves as the address of record and
7 email address of record, respectively, at the time of
8 application for licensure or renewal of a license; and

9 (2) It is the duty of the applicant or licensee to
10 inform the Department of any change of address within 14
11 days after such change either through the Department's
12 website or by contacting the Department's licensure
13 maintenance unit.

14 (Source: P.A. 96-1445, eff. 8-20-10.)

15 (225 ILCS 447/10-45)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 10-45. Emergency care without a fee. A license
18 holder, agency, or registered employee of a private security
19 contractor, as defined in Section 5-10 of this Act, who in good
20 faith provides emergency care without fee to any person or
21 takes actions in good faith that directly relate to the
22 employee's job responsibilities to protect people and
23 property, as defined by the areas in which registered security
24 officers receive training under Sections 20-20 and 25-20 shall

1 not, as a result of those ~~his or her~~ acts or omissions, except
2 willful and wanton misconduct, in providing the care, be
3 liable to a person to whom such care is provided for civil
4 damages.

5 (Source: P.A. 93-438, eff. 8-5-03.)

6 (225 ILCS 447/15-5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 15-5. Exemptions; private detective. The provisions
9 of this Act relating to the licensure of private detectives do
10 not apply to any of the following:

11 (1) An employee of the United States, Illinois, or a
12 political subdivision of either while the employee is
13 engaged in the performance of the employee's ~~his or her~~
14 official duties within the scope of the employee's ~~his or~~
15 ~~her~~ employment. However, any such person who offers ~~his or~~
16 ~~her~~ services as a private detective or uses a similar
17 title when these services are performed for compensation
18 or other consideration, whether received directly or
19 indirectly, is subject to this Act.

20 (2) A person, firm, or other entity engaged
21 exclusively in tracing and compiling lineage or ancestry
22 who does not hold oneself ~~himself or herself~~ out to be a
23 private detective.

24 (3) A person engaged exclusively in obtaining and
25 furnishing information, including providing reports, as to

1 the financial rating or creditworthiness of persons in
2 connection with (i) consumer credit transactions, (ii)
3 information for employment purposes, or (iii) information
4 for the underwriting of consumer insurance.

5 (4) Insurance adjusters employed or under contract as
6 adjusters who engage in no other investigative activities
7 other than those directly connected with adjustment of
8 claims against an insurance company or a self-insured
9 entity by which they are employed or with which they have a
10 contract. No insurance adjuster or company may use the
11 term "investigation" or any derivative thereof, in its
12 name or in its advertising.

13 (5) A person, firm, or other entity engaged in
14 providing computer forensics services so long as the
15 person, firm, or other entity does not hold oneself
16 ~~himself or herself~~ out to be a private detective. For the
17 purposes of this item (5), "computer forensics services"
18 means a branch of forensic science pertaining to the
19 recovery and analysis of electronically stored
20 information.

21 (6) A person employed as an investigator exclusively
22 by only one employer in connection with the exclusive
23 activities of that employer and who does not hold oneself
24 ~~himself or herself~~ out to be a private detective.

25 (7) A person appointed by the circuit court pursuant
26 to the Code of Civil Procedure to make service of process

1 in a specific case, provided that such person is not
2 otherwise engaged in the business of serving process.

3 (8) A person appointed by the circuit court pursuant
4 to the Code of Civil Procedure who is an honorably
5 discharged veteran of the armed forces of the United
6 States and is self-employed as a process server.

7 (Source: P.A. 98-253, eff. 8-9-13.)

8 (225 ILCS 447/15-10)

9 (Section scheduled to be repealed January 1, 2024)

10 Sec. 15-10. Qualifications for licensure as a private
11 detective.

12 (a) A person is qualified for licensure as a private
13 detective if the person ~~he or she~~ meets all of the following
14 requirements:

15 (1) Is at least 21 years of age.

16 (2) Has not been convicted of any felony in any
17 jurisdiction or at least 10 years have elapsed since the
18 time of full discharge from a sentence imposed for a
19 felony conviction.

20 (3) Is of good moral character. Good character is a
21 continuing requirement of licensure. Conviction of crimes
22 other than felonies may be used in determining moral
23 character, but shall not constitute an absolute bar to
24 licensure, except where the applicant is a registered sex
25 offender.

1 (4) Has not been declared by any court of competent
2 jurisdiction to be incompetent by reason of mental or
3 physical defect or disease, unless a court has
4 subsequently declared him or her to be competent.

5 (5) Is not suffering from dependence on alcohol or
6 from narcotic addiction or dependence.

7 (6) Has a minimum of 3 years experience of the 5 years
8 immediately preceding application working full-time for a
9 licensed private detective agency as a registered private
10 detective agency employee or with 3 years experience of
11 the 5 years immediately preceding ~~his or her~~ application
12 employed as a full-time investigator for a licensed
13 attorney, for an in-house investigative unit for a
14 corporation having 100 or more employees, for any of the
15 armed forces of the United States, or in a law enforcement
16 agency of the federal government, a state, or a state
17 political subdivision, which shall include a state's
18 attorney's office or a public defender's office. The Board
19 and the Department shall approve such full-time
20 investigator experience and may accept, in lieu of the
21 experience requirement in this item (6), alternative
22 experience working full-time for a private detective
23 agency licensed in another state or for a private
24 detective agency in a state that does not license such
25 agencies if the experience is substantially equivalent to
26 that gained working for an Illinois licensed private

1 detective agency. An applicant who has a baccalaureate
2 degree, or higher, in law enforcement or a related field
3 or a business degree from an accredited college or
4 university shall be given credit for 2 of the 3 years of
5 the required experience. An applicant who has an associate
6 degree in law enforcement or in a related field or in
7 business from an accredited college or university shall be
8 given credit for one of the 3 years of the required
9 experience. An applicant who has completed a non-degree
10 military training program in law enforcement or a related
11 field shall be given credit for one of the 3 years of the
12 required experience if the Board and the Department
13 determine that such training is substantially equivalent
14 to that received in an associate degree program.

15 (7) Has not been dishonorably discharged from the
16 armed forces of the United States or has not been
17 discharged from a law enforcement agency of the United
18 States or of any state or of any political subdivision
19 thereof, which shall include a state's attorney's office,
20 for reasons relating to ~~his or her~~ conduct as an employee
21 of that law enforcement agency.

22 (8) Has passed an examination authorized by the
23 Department.

24 (9) Submits the applicant's ~~his or her~~ fingerprints,
25 proof of having general liability insurance required under
26 subsection (b), and the required license fee.

1 (10) Has not violated Section 10-5 of this Act.

2 (b) It is the responsibility of the applicant to obtain
3 general liability insurance in an amount and coverage
4 appropriate for the applicant's circumstances as determined by
5 rule. The applicant shall provide evidence of insurance to the
6 Department before being issued a license. Failure to maintain
7 general liability insurance and to provide the Department with
8 written proof of the insurance shall result in cancellation of
9 the license without hearing.

10 (c) (Blank). ~~Any person who has been providing canine odor~~
11 ~~detection services for hire prior to January 1, 2005 is exempt~~
12 ~~from the requirements of item (6) of subsection (a) of this~~
13 ~~Section and may be granted a private detective license if (i)~~
14 ~~he or she meets the requirements of items (1) through (5) and~~
15 ~~items (7) through (10) of subsection (a) of this Section, (ii)~~
16 ~~pays all applicable fees, and (iii) presents satisfactory~~
17 ~~evidence to the Department of the provision of canine odor~~
18 ~~detection services for hire since January 1, 2005.~~

19 (Source: P.A. 98-253, eff. 8-9-13.)

20 (225 ILCS 447/15-15)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 15-15. Qualifications for licensure as a private
23 detective agency.

24 (a) Upon receipt of the required fee and proof that the
25 applicant has a full-time Illinois licensed private detective

1 licensee-in-charge, which is a continuing requirement for
2 agency licensure, the Department shall issue a license as a
3 private detective agency to any of the following:

4 (1) An individual who submits an application and is a
5 licensed private detective under this Act.

6 (2) A firm that submits an application and all of the
7 members of the firm are licensed private detectives under
8 this Act.

9 (3) A corporation or limited liability company doing
10 business in Illinois that is authorized to engage in the
11 business of conducting a private detective agency,
12 provided at least one full-time executive employee is
13 licensed as a private detective under this Act and all
14 unlicensed officers and directors of the corporation or
15 limited liability company are determined by the Department
16 to be persons of good moral character.

17 (b) No private detective may be the licensee-in-charge for
18 more than one private detective agency. Upon written request
19 by a representative of an agency, within 10 days after the loss
20 of a licensee-in-charge of an agency because of the death of
21 that individual or because of the termination of the
22 employment of that individual, the Department shall issue a
23 temporary certificate of authority allowing the continuing
24 operation of the licensed agency. No temporary certificate of
25 authority shall be valid for more than 90 days. An extension of
26 an additional 90 days may be granted upon written request by

1 the representative of the agency. Not more than 2 extensions
2 may be granted to any agency. No temporary permit shall be
3 issued for a loss of the licensee-in-charge because of
4 disciplinary action by the Department related to the
5 licensee-in-charge's ~~his or her~~ conduct on behalf of the
6 agency.

7 (c) Upon issuance of the temporary certificate of
8 authority as provided for in subsection (b) of this Section,
9 and at any time thereafter while the temporary certificate of
10 authority is in effect, the Department may request in writing
11 additional information from the agency regarding the loss of
12 its licensee-in-charge, the selection of a new
13 licensee-in-charge, and the management of the agency. Failure
14 of the agency to respond or respond to the satisfaction of the
15 Department shall cause the Department to deny any extension of
16 the temporary certificate of authority. While the temporary
17 certificate of authority is in effect, the Department may
18 disapprove the selection of a new licensee-in-charge by the
19 agency if the person's license is not operative or the
20 Department has good cause to believe that the person selected
21 will not fully exercise the responsibilities of a
22 licensee-in-charge. If the Department has disapproved the
23 selection of a new licensee-in-charge and the temporary
24 certificate of authority expires or is about to expire without
25 the agency selecting another new licensee-in-charge, the
26 Department shall grant an extension of the temporary

1 certificate of authority for an additional 90 days, except as
2 otherwise prohibited in subsection (b) or this subsection (c).

3 (Source: P.A. 98-253, eff. 8-9-13.)

4 (225 ILCS 447/15-25)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 15-25. Training; private detective and employees.

7 (a) Registered employees of a private detective agency
8 shall complete, within 30 days of their employment, a minimum
9 of 20 hours of basic training provided by a qualified
10 instructor. The substance of the training shall be related to
11 the work performed by the registered employee. The training
12 may be classroom-based or online Internet-based but shall not
13 be conducted as on-the-job training.

14 (a-5) In addition to the basic training required in
15 subsection (a), registered employees of a private detective
16 agency shall complete an additional minimum of 8 hours of
17 annual training for every calendar year, commencing with the
18 calendar year beginning after the employee's hire date.

19 (a-10) Annual training for registered employees shall be
20 based on subjects related to the work performed as determined
21 by the employer and may be conducted in a classroom or seminar
22 setting or via Internet-based online learning programs. Annual
23 training may not be conducted as on-the-job training.

24 (b) It is the responsibility of the employer to certify,
25 on a form provided by the Department, that the employee has

1 successfully completed the basic and annual training. The
2 original form or a copy shall be a permanent record of training
3 completed by the employee and shall be placed in the
4 employee's file with the employer for the period the employee
5 remains with the employer. The original form or a copy shall be
6 given to the employee when the employee's ~~his or her~~
7 employment is terminated. Failure to return the original form
8 or a copy to the employee is grounds for disciplinary action.
9 The employee shall not be required to repeat the required
10 training once the employee has been issued the form. An
11 employer may provide or require additional training.

12 (c) (Blank).

13 (d) All private detectives shall complete a minimum of 8
14 hours of annual training on a topic of their choosing,
15 provided that the subject matter is reasonably related to
16 their private detective practice. The annual training for
17 private detectives may be completed utilizing any combination
18 of hours obtained in a classroom or seminar setting or via
19 Internet-based online learning programs. The Department shall
20 adopt rules to administer this subsection.

21 (e) The annual training requirements for private
22 detectives shall not apply until the calendar year following
23 the issuance of the private detective license.

24 (f) It shall be the responsibility of the private
25 detective to keep and maintain a personal log of all training
26 hours earned along with sufficient documentation for the

1 Department to verify the annual training completed for at
2 least 5 years. The personal training log and documentation
3 shall be provided to the Department in the same manner as other
4 documentation and records required under this Act.

5 (g) If the private detective owns or is employed by a
6 private detective agency, the private detective agency shall
7 maintain a record of the annual training. The private
8 detective agency must make the record of annual training
9 available to the Department upon request.

10 (h) Recognizing the diverse professional practices of
11 private detectives licensed under this Act, it is the intent
12 of the training requirements in this Section to allow for a
13 broad interpretation of the coursework, seminar subjects, or
14 class topics to be considered reasonably related to the
15 practice of any profession licensed under this Act.

16 (i) Notwithstanding any other professional license a
17 private detective holds under this Act, no more than 8 hours of
18 annual training shall be required for any one year.

19 (Source: P.A. 102-152, eff. 1-1-22.)

20 (225 ILCS 447/20-10)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 20-10. Qualifications for licensure as a private
23 alarm contractor.

24 (a) A person is qualified for licensure as a private alarm
25 contractor if the person ~~he or she~~ meets all of the following

1 requirements:

2 (1) Is at least 21 years of age.

3 (2) Has not been convicted of any felony in any
4 jurisdiction or at least 10 years have elapsed since the
5 time of full discharge from a sentence imposed for a
6 felony conviction.

7 (3) Is of good moral character. Good moral character
8 is a continuing requirement of licensure. Conviction of
9 crimes other than felonies may be used in determining
10 moral character, but shall not constitute an absolute bar
11 to licensure, except where the applicant is a registered
12 sex offender.

13 (4) Has not been declared by any court of competent
14 jurisdiction to be incompetent by reason of mental or
15 physical defect or disease, unless a court has
16 subsequently declared him or her to be competent.

17 (5) Is not suffering from dependence on alcohol or
18 from narcotic addiction or dependence.

19 (6) Has a minimum of 3 years experience during the 5
20 years immediately preceding the application (i) working as
21 a full-time manager for a licensed private alarm
22 contractor agency or (ii) working for a government, one of
23 the armed forces of the United States, or private entity
24 that inspects, reviews, designs, sells, installs,
25 operates, services, or monitors alarm systems that, in the
26 judgment of the Board, satisfies the standards of alarm

1 industry competence. The Board and the Department may
2 accept, in lieu of the experience requirement in this item
3 (6), alternative experience working as a full-time manager
4 for a private alarm contractor agency licensed in another
5 state or for a private alarm contractor agency in a state
6 that does not license such agencies, if the experience is
7 substantially equivalent to that gained working for an
8 Illinois licensed private alarm contractor agency. An
9 applicant who has received a 4-year degree or higher in
10 electrical engineering or a related field from a program
11 approved by the Board or a business degree from an
12 accredited college or university shall be given credit for
13 2 years of the required experience. An applicant who has
14 successfully completed a national certification program
15 approved by the Board shall be given credit for one year of
16 the required experience.

17 (7) Has not been dishonorably discharged from the
18 armed forces of the United States.

19 (8) Has passed an examination authorized by the
20 Department.

21 (9) Submits the applicant's ~~his or her~~ fingerprints,
22 proof of having general liability insurance required under
23 subsection (c), and the required license fee.

24 (10) Has not violated Section 10-5 of this Act.

25 (b) (Blank).

26 (c) It is the responsibility of the applicant to obtain

1 general liability insurance in an amount and coverage
2 appropriate for the applicant's circumstances as determined by
3 rule. The applicant shall provide evidence of insurance to the
4 Department before being issued a license. Failure to maintain
5 general liability insurance and to provide the Department with
6 written proof of the insurance shall result in cancellation of
7 the license without hearing.

8 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

9 (225 ILCS 447/20-15)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 20-15. Qualifications for licensure as a private
12 alarm contractor agency.

13 (a) Upon receipt of the required fee and proof that the
14 applicant has a full-time Illinois licensed private alarm
15 contractor licensee-in-charge, which is a continuing
16 requirement for agency licensure, the Department shall issue a
17 license as a private alarm contractor agency to any of the
18 following:

19 (1) An individual who submits an application and is a
20 licensed private alarm contractor under this Act.

21 (2) A firm that submits an application and all of the
22 members of the firm are licensed private alarm contractors
23 under this Act.

24 (3) A corporation or limited liability company doing
25 business in Illinois that is authorized by its articles of

1 incorporation or organization to engage in the business of
2 conducting a private alarm contractor agency if at least
3 one executive employee is licensed as a private alarm
4 contractor under this Act and all unlicensed officers and
5 directors of the corporation or limited liability company
6 are determined by the Department to be persons of good
7 moral character.

8 (b) No private alarm contractor may be the
9 licensee-in-charge for more than one private alarm contractor
10 agency. Upon written request by a representative of an agency,
11 within 10 days after the loss of a licensee-in-charge of an
12 agency because of the death of that individual or because of
13 the termination of the employment of that individual, the
14 Department shall issue a temporary certificate of authority
15 allowing the continuing operation of the licensed agency. No
16 temporary certificate of authority shall be valid for more
17 than 90 days. An extension of an additional 90 days may be
18 granted upon written request by the representative of the
19 agency. Not more than 2 extensions may be granted to any
20 agency. No temporary permit shall be issued for loss of the
21 licensee-in-charge because of disciplinary action by the
22 Department related to the licensee-in-charge's ~~his or her~~
23 conduct on behalf of the agency.

24 (c) No private alarm contractor, private alarm contractor
25 agency, or person may install or connect an alarm system or
26 fire alarm system that connects automatically and directly to

1 a governmentally operated police or fire dispatch system in a
2 manner that violates subsection (a) of Section 15.2 of the
3 Emergency Telephone System Act. In addition to the penalties
4 provided by the Emergency Telephone System Act, a private
5 alarm contractor agency that violates this Section shall pay
6 the Department an additional penalty of \$250 per occurrence.

7 (d) Upon issuance of the temporary certificate of
8 authority as provided for in subsection (b) of this Section
9 and at any time thereafter while the temporary certificate of
10 authority is in effect, the Department may request in writing
11 additional information from the agency regarding the loss of
12 its licensee-in-charge, the selection of a new
13 licensee-in-charge, and the management of the agency. Failure
14 of the agency to respond or respond to the satisfaction of the
15 Department shall cause the Department to deny any extension of
16 the temporary certificate of authority. While the temporary
17 certificate of authority is in effect, the Department may
18 disapprove the selection of a new licensee-in-charge by the
19 agency if the person's license is not operative or the
20 Department has good cause to believe that the person selected
21 will not fully exercise the responsibilities of a
22 licensee-in-charge. If the Department has disapproved the
23 selection of another new licensee-in-charge and the temporary
24 certificate of authority expires or is about to expire without
25 the agency selecting a new licensee-in-charge, the Department
26 shall grant an extension of the temporary certificate of

1 authority for an additional 90 days, except as otherwise
2 prohibited in subsection (b) or this subsection (d).

3 (Source: P.A. 98-253, eff. 8-9-13.)

4 (225 ILCS 447/20-20)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 20-20. Training; private alarm contractor and
7 employees.

8 (a) Registered employees of the private alarm contractor
9 agency who carry a firearm and respond to alarm systems shall
10 complete, within 30 days of their employment, a minimum of 20
11 hours of classroom training provided by a qualified instructor
12 and shall include all of the following subjects:

13 (1) The law regarding arrest and search and seizure as
14 it applies to the private alarm industry.

15 (2) Civil and criminal liability for acts related to
16 the private alarm industry.

17 (3) The use of force, including but not limited to the
18 use of nonlethal force (i.e., disabling spray, baton,
19 stungun, or similar weapon).

20 (4) Arrest and control techniques.

21 (5) The offenses under the Criminal Code of 2012 that
22 are directly related to the protection of persons and
23 property.

24 (6) The law on private alarm forces and on reporting
25 to law enforcement agencies.

1 (7) Fire prevention, fire equipment, and fire safety.

2 (8) Civil rights and public relations.

3 (9) The identification of terrorists, acts of
4 terrorism, and terrorist organizations, as defined by
5 federal and State statutes.

6 Pursuant to directives set forth by the U.S. Department of
7 Homeland Security and the provisions set forth by the National
8 Fire Protection Association in the National Fire Alarm Code
9 and the Life Safety Code, training may include the
10 installation, repair, and maintenance of emergency
11 communication systems and mass notification systems.

12 (b) All other employees of a private alarm contractor
13 agency shall complete a minimum of 20 hours of basic training
14 provided by a qualified instructor within 30 days of their
15 employment. The training may be provided in a classroom or
16 seminar setting or via Internet-based online learning
17 programs. The substance of the training shall be related to
18 the work performed by the registered employee.

19 (c) It is the responsibility of the employer to certify,
20 on forms provided by the Department, that the employee has
21 successfully completed the training. The original form or a
22 copy shall be a permanent record of training completed by the
23 employee and shall be placed in the employee's file with the
24 employer for the term the employee is retained by the
25 employer. A private alarm contractor agency may place a copy
26 of the Department form in lieu of the original into the

1 permanent employee registration card file. The original form
2 or a copy shall be returned to the employee when the employee's
3 ~~his or her~~ employment is terminated. Failure to return the
4 original form or a copy to the employee is grounds for
5 discipline. The employee shall not be required to complete the
6 training required under this Act once the employee has been
7 issued a form.

8 (d) Nothing in this Act prevents any employer from
9 providing or requiring additional training beyond the required
10 20 hours that the employer feels is necessary and appropriate
11 for competent job performance.

12 (e) Any certification of completion of the 20-hour basic
13 training issued under the Private Detective, Private Alarm,
14 Private Security, and Locksmith Act of 1993 or any prior Act
15 shall be accepted as proof of training under this Act.

16 (Source: P.A. 102-152, eff. 1-1-22.)

17 (225 ILCS 447/25-5)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 25-5. Exemptions; private security contractor. The
20 provisions of this Act related to licensure of a private
21 security contractor do not apply to any of the following:

22 (1) An employee of the United States, Illinois, or a
23 political subdivision of either while the employee is
24 engaged in the performance of the employee's ~~his or her~~
25 official duties within the scope of the employee's ~~his or~~

1 ~~her~~ employment. However, any such person who offers the
2 person's ~~his or her~~ services as a private security
3 contractor or uses a similar title when these services are
4 performed for compensation or other consideration, whether
5 received directly or indirectly, is subject to this Act.

6 (2) A person employed as either an armed or unarmed
7 security officer at a nuclear energy, storage, weapons, or
8 development site or facility regulated by the United
9 States Nuclear Regulatory Commission who has completed the
10 background screening and training mandated by the
11 regulations of the United States Nuclear Regulatory
12 Commission.

13 (3) A person, watchman, or proprietary security
14 officer employed exclusively by only one employer in
15 connection with the exclusive activities of that employer.

16 (Source: P.A. 93-438, eff. 8-5-03.)

17 (225 ILCS 447/25-10)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 25-10. Qualifications for licensure as a private
20 security contractor.

21 (a) A person is qualified for licensure as a private
22 security contractor if the person ~~he or she~~ meets all of the
23 following requirements:

24 (1) Is at least 21 years of age.

25 (2) Has not been convicted of any felony in any

1 jurisdiction or at least 10 years have elapsed since the
2 time of full discharge from a sentence imposed for a
3 felony conviction.

4 (3) Is of good moral character. Good character is a
5 continuing requirement of licensure. Conviction of crimes
6 other than felonies may be used in determining moral
7 character, but shall not constitute an absolute bar to
8 licensure, except where the applicant is a registered sex
9 offender.

10 (4) Has not been declared by any court of competent
11 jurisdiction to be incompetent by reason of mental or
12 physical defect or disease, unless a court has
13 subsequently declared him or her to be competent.

14 (5) Is not suffering from dependence on alcohol or
15 from narcotic addiction or dependence.

16 (6) Has a minimum of 3 years experience of the 5 years
17 immediately preceding application working as a full-time
18 manager for a licensed private security contractor agency
19 or a manager of a proprietary security force of 30 or more
20 persons registered with the Department or with 3 years
21 experience of the 5 years immediately preceding ~~his or her~~
22 application employed as a full-time supervisor for an
23 in-house security unit for a corporation having 100 or
24 more employees, for a military police or related security
25 unit in any of the armed forces of the United States, or in
26 a law enforcement agency of the federal government, a

1 state, or a state political subdivision, which shall
2 include a state's attorney's office, a public defender's
3 office, or the Department of Corrections. The Board and
4 the Department shall approve such full-time supervisory
5 experience and may accept, in lieu of the experience
6 requirement in this subsection, alternative experience
7 working as a full-time manager for a private security
8 contractor agency licensed in another state or for a
9 private security contractor agency in a state that does
10 not license such agencies if the experience is
11 substantially equivalent to that gained working for an
12 Illinois licensed private security contractor agency. An
13 applicant who has a baccalaureate degree or higher in
14 police science or a related field or a business degree
15 from an accredited college or university shall be given
16 credit for 2 of the 3 years of the required experience. An
17 applicant who has completed a non-degree military training
18 program in police science or a related field shall be
19 given credit for one of the 3 years of the required
20 experience if the Board and the Department determine that
21 such training is substantially equivalent to that received
22 in an associate degree program. An applicant who has an
23 associate degree in police science or in a related field
24 or in business from an accredited college or university
25 shall be given credit for one of the 3 years of the
26 required experience.

1 (7) Has not been dishonorably discharged from the
2 armed forces of the United States.

3 (8) Has passed an examination authorized by the
4 Department.

5 (9) Submits the applicant's ~~his or her~~ fingerprints,
6 proof of having general liability insurance required under
7 subsection (b), and the required license fee.

8 (10) Has not violated Section 10-5 of this Act.

9 (b) It is the responsibility of the applicant to obtain
10 general liability insurance in an amount and coverage
11 appropriate for the applicant's circumstances as determined by
12 rule. The applicant shall provide evidence of insurance to the
13 Department before being issued a license. Failure to maintain
14 general liability insurance and to provide the Department with
15 written proof of the insurance shall result in cancellation of
16 the license without hearing.

17 (c) (Blank). ~~Any person who has been providing canine odor~~
18 ~~detection services for hire prior to January 1, 2005 is exempt~~
19 ~~from the requirements of item (6) of subsection (a) of this~~
20 ~~Section and may be granted a private security contractor~~
21 ~~license if (i) he or she meets the requirements of items (1)~~
22 ~~through (5) and items (7) through (10) of subsections (a) of~~
23 ~~this Section, (ii) pays all applicable fees, and (iii)~~
24 ~~presents satisfactory evidence to the Department of the~~
25 ~~provision of canine odor detection services for hire since~~
26 ~~January 1, 2005.~~

1 (Source: P.A. 100-181, eff. 8-18-17.)

2 (225 ILCS 447/25-15)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 25-15. Qualifications for licensure as a private
5 security contractor agency.

6 (a) Upon receipt of the required fee and proof that the
7 applicant has a full-time Illinois licensed private security
8 licensee-in-charge, which is a continuing requirement for
9 agency licensure, the Department shall issue a license as a
10 private security contractor agency to any of the following:

11 (1) An individual who submits an application and is a
12 licensed private security contractor under this Act.

13 (2) A firm that submits an application and all of the
14 members of the firm are licensed private security
15 contractors under this Act.

16 (3) A corporation or limited liability company doing
17 business in Illinois that is authorized to engage in the
18 business of conducting a private security contractor
19 agency if at least one officer or executive employee is
20 licensed as a private security contractor under this Act
21 and all unlicensed officers and directors of the
22 corporation or limited liability company are determined by
23 the Department to be persons of good moral character.

24 (b) No private security contractor may be the
25 licensee-in-charge for more than one private security

1 contractor agency. Upon written request by a representative of
2 the agency, within 10 days after the loss of a
3 licensee-in-charge of an agency because of the death of that
4 individual or because of the termination of the employment of
5 that individual, the Department shall issue a temporary
6 certificate of authority allowing the continuing operation of
7 the licensed agency. No temporary certificate of authority
8 shall be valid for more than 90 days. An extension of an
9 additional 90 days may be granted upon written request by the
10 representative of the agency. Not more than 2 extensions may
11 be granted to any agency. No temporary permit shall be issued
12 for loss of the licensee-in-charge because of disciplinary
13 action by the Department related to the licensee-in-charge's
14 ~~his or her~~ conduct on behalf of the agency.

15 (c) Upon issuance of the temporary certificate of
16 authority as provided for in subsection (b) of this Section
17 and at any time thereafter while the temporary certificate of
18 authority is in effect, the Department may request in writing
19 additional information from the agency regarding the loss of
20 its licensee-in-charge, the selection of a new
21 licensee-in-charge, and the management of the agency. Failure
22 of the agency to respond or respond to the satisfaction of the
23 Department shall cause the Department to deny any extension of
24 the temporary certificate of authority. While the temporary
25 certificate of authority is in effect, the Department may
26 disapprove the selection of a new licensee-in-charge by the

1 agency if the person's license is not operative or the
2 Department has good cause to believe that the person selected
3 will not fully exercise the responsibilities of a
4 licensee-in-charge. If the Department has disapproved the
5 selection of a new licensee-in-charge and the temporary
6 certificate of authority expires or is about to expire without
7 the agency selecting another new licensee-in-charge, the
8 Department shall grant an extension of the temporary
9 certificate of authority for an additional 90 days, except as
10 otherwise prohibited in subsection (b) or this subsection (c).
11 (Source: P.A. 98-253, eff. 8-9-13.)

12 (225 ILCS 447/25-20)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 25-20. Training; private security contractor and
15 employees.

16 (a) Registered employees of the private security
17 contractor agency who provide traditional guarding or other
18 private security related functions or who respond to alarm
19 systems shall complete, within 30 days of their employment, a
20 minimum of 20 hours of basic training, which may be provided in
21 a classroom or seminar setting or via Internet-based online
22 learning programs, and shall be provided by a qualified
23 instructor, which shall include the following subjects:

24 (1) The law regarding arrest and search and seizure as
25 it applies to private security.

1 (2) Civil and criminal liability for acts related to
2 private security.

3 (3) The use of force, including but not limited to the
4 use of nonlethal force (i.e., disabling spray, baton,
5 stungun, taser, or similar weapon).

6 (4) Verbal communication skills.

7 (5) The offenses under the Criminal Code of 2012 that
8 are directly related to the protection of persons and
9 property.

10 (6) Private security officers and the criminal justice
11 system.

12 (7) Fire prevention, fire equipment, and fire safety.

13 (8) Report writing and observation techniques.

14 (9) Customer service, civil rights, and public
15 relations.

16 (10) The identification of terrorists, acts of
17 terrorism, and terrorist organizations, as defined by
18 federal and State statutes.

19 (b) All other employees of a private security contractor
20 agency shall complete a minimum of 20 hours of basic training
21 provided by the qualified instructor within 30 days of their
22 employment. The training may be provided in a classroom or
23 seminar setting or via Internet-based online learning
24 programs. The substance of the training shall be related to
25 the work performed by the registered employee.

26 (c) Registered employees of the private security

1 contractor agency who provide guarding or other private
2 security related functions, in addition to the basic training
3 required under subsection (a), within 6 months of their
4 employment, shall complete an additional 8 hours of training
5 on subjects to be determined by the employer, which training
6 may be site-specific and may be conducted on the job. The
7 training may be provided in a classroom or seminar setting or
8 via Internet-based online learning programs.

9 (d) In addition to the basic training provided for in
10 subsections (a) and (c), registered employees of the private
11 security contractor agency who provide guarding or other
12 private security related functions shall complete an
13 additional 8 hours of refresher training on subjects to be
14 determined by the employer each calendar year commencing with
15 the calendar year following the employee's first employment
16 anniversary date, which refresher training may be
17 site-specific and may be conducted on the job.

18 (e) It is the responsibility of the employer to certify,
19 on a form provided by the Department, that the employee has
20 successfully completed the basic and refresher training. The
21 original form or a copy shall be a permanent record of training
22 completed by the employee and shall be placed in the
23 employee's file with the employer for the period the employee
24 remains with the employer. The original form or a copy shall be
25 given to the employee when the employee's ~~his or her~~
26 employment is terminated. Failure to return the original form

1 or a copy to the employee is grounds for disciplinary action.
2 The employee shall not be required to repeat the required
3 training once the employee has been issued the form. An
4 employer may provide or require additional training.

5 (f) (Blank).

6 (g) All private security contractors shall complete a
7 minimum of 4 hours of annual training on a topic of their
8 choosing, provided that the subject matter of the training is
9 reasonably related to their private security contractor
10 practice. The training may be provided in a classroom setting
11 or seminar setting or via Internet-based online learning
12 programs. The Department shall adopt rules to administer this
13 subsection.

14 (h) It shall be the responsibility of the private security
15 contractor to keep and maintain a personal log of all training
16 hours earned along with sufficient documentation necessary for
17 the Department to verify the annual training completed for at
18 least 5 years. The personal training log and documentation
19 shall be provided to the Department in the same manner as other
20 documentation and records required under this Act.

21 (i) If the private security contractor owns or is employed
22 by a private security contractor agency, the private security
23 contractor agency shall maintain a record of the annual
24 training. The private security contractor agency must make the
25 record of annual training available to the Department upon
26 request.

1 (j) Recognizing the diverse professional practices of
2 private security contractors licensed under this Act, it is
3 the intent of the training requirements in this Section to
4 allow for a broad interpretation of the coursework, seminar
5 subjects, or class topics to be considered reasonably related
6 to the practice of any profession licensed under this Act.

7 (k) Notwithstanding any other professional license a
8 private security contractor holds under this Act, no more than
9 4 hours of annual training shall be required for any one year.

10 (l) The annual training requirements for private security
11 contractors shall not apply until the calendar year following
12 the issuance of the private security contractor license.

13 (Source: P.A. 102-152, eff. 1-1-22.)

14 (225 ILCS 447/25-30)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 25-30. Uniforms.

17 (a) No licensee under this Act or any employee of a
18 licensed agency shall wear or display a badge, shoulder patch
19 or other identification that contains the words "law" or
20 "enforcement". No license holder or employee of a licensed
21 agency shall imply in any manner that the person is an employee
22 or agent of a governmental entity, display a badge or
23 identification card, emblem, or uniform using the words
24 "police", "sheriff", "highway patrol", "trooper", "law
25 enforcement" or any similar term.

1 (b) All military-style uniforms, if worn by employees of a
2 licensed private security contractor agency, must bear the
3 name of the private security contractor agency, which shall be
4 plainly visible on a patch, badge, or other insignia.

5 (c) All uniforms, if worn by employees of a licensed
6 private security contractor agency, may only be worn in the
7 performance of their duties or while commuting directly to or
8 from the employee's place or places of employment.

9 (d) Employees shall return any uniform, ~~badge,~~
10 ~~identification card,~~ or equipment issued, but not sold, to the
11 employee by the agency and any badge or identification card
12 issued to the employee by the agency within 72 hours of
13 termination of employment.

14 (e) Licensees under this Act of any employee of a licensed
15 agency are prohibited from using the Illinois State Seal on
16 badges, company logos, identification cards, patches, or other
17 insignia.

18 (Source: P.A. 98-253, eff. 8-9-13.)

19 (225 ILCS 447/30-5)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 30-5. Exemptions; locksmith. The provisions of this
22 Act do not apply to any of the following if the person
23 performing the service does not hold himself or herself out as
24 a locksmith:

25 (1) Automobile service dealers who service, install,

1 repair, or rebuild automobile locks.

2 (2) Police officers, firefighters, or municipal
3 employees who open a lock in an emergency situation.

4 (3) A retail merchant selling locks or similar
5 security accessories, duplicating keys, or installing,
6 programming, repairing, maintaining, reprogramming,
7 rebuilding, or servicing electronic garage door devices.

8 (4) A member of the building trades who installs or
9 removes complete locks or locking devices in the course of
10 residential or commercial new construction or remodeling.

11 (5) An employee of a towing service, reposessor,
12 roadside assistance service, or automobile club opening
13 automotive locks in the normal course of the employee's
14 ~~his or her~~ duties. Additionally, this Act shall not
15 prohibit an employee of a towing service or roadside
16 assistance service from opening motor vehicles to enable a
17 vehicle to be moved without towing, provided the towing
18 service or roadside assistance service does not hold
19 itself out to the public, by directory advertisement,
20 through a sign at the facilities of the towing service or
21 roadside assistance service, or by any other form of
22 advertisement, as a locksmith.

23 (6) A student in the course of study in locksmith
24 programs approved by the Department.

25 (7) Warranty service by a lock manufacturer or its
26 employees on the manufacturer's own products.

1 (8) A maintenance employee of a property management
2 company at a multi-family residential building who
3 services, installs, repairs, or opens locks for tenants.

4 (9) A person employed exclusively by only one employer
5 in connection with the exclusive activities of that
6 employer, providing that person does not hold oneself
7 ~~himself or herself~~ out to the public as a locksmith.

8 (10) Persons who have no access to confidential or
9 security information and who otherwise do not provide
10 traditional locksmith services, as defined in this Act,
11 are exempt from employee registration. Examples of exempt
12 employees include, but are not limited to, employees
13 working in the capacity of key cutters, cashiers, drivers,
14 and reception personnel. Confidential or security
15 information is that which pertains to employee files,
16 scheduling, client contracts, master key charts, access
17 codes, or technical security and alarm data.

18 (Source: P.A. 98-253, eff. 8-9-13.)

19 (225 ILCS 447/30-10)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 30-10. Qualifications for licensure as a locksmith.

22 (a) A person is qualified for licensure as a locksmith if
23 the person ~~he or she~~ meets all of the following requirements:

24 (1) Is at least 18 years of age.

25 (2) Has not been convicted of any felony in any

1 jurisdiction or at least 10 years have elapsed since the
2 time of full discharge from a sentence imposed for a
3 felony conviction.

4 (3) Is of good moral character. Good moral character
5 is a continuing requirement of licensure. Conviction of
6 crimes other than felonies may be used in determining
7 moral character, but shall not constitute an absolute bar
8 to licensure, except where the applicant is a registered
9 sex offender.

10 (4) Has not been declared by any court of competent
11 jurisdiction to be incompetent by reason of mental or
12 physical defect or disease, unless a court has
13 subsequently declared him or her to be competent.

14 (5) Is not suffering from dependence on alcohol or
15 from narcotic addiction or dependence.

16 (6) Has not been dishonorably discharged from the
17 armed forces of the United States.

18 (7) Has passed an examination authorized by the
19 Department.

20 (8) Submits the applicant's ~~his or her~~ fingerprints,
21 proof of having general liability insurance required under
22 subsection (b), and the required license fee.

23 (9) Has not violated Section 10-5 of this Act.

24 (b) It is the responsibility of the applicant to obtain
25 general liability insurance in an amount and coverage
26 appropriate for the applicant's circumstances as determined by

1 rule. The applicant shall provide evidence of insurance to the
2 Department before being issued a license. Failure to maintain
3 general liability insurance and to provide the Department with
4 written proof of the insurance shall result in cancellation of
5 the license without hearing. A locksmith employed by a
6 licensed locksmith agency or employed by a private concern may
7 provide proof that the locksmith's ~~his or her~~ actions as a
8 locksmith are covered by the liability insurance of the
9 locksmith's ~~his or her~~ employer.

10 (Source: P.A. 98-253, eff. 8-9-13.)

11 (225 ILCS 447/30-15)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 30-15. Qualifications for licensure as a locksmith
14 agency.

15 (a) Upon receipt of the required fee and proof that the
16 applicant has a full-time Illinois licensed locksmith
17 licensee-in-charge, which is a continuing requirement for
18 agency licensure, the Department shall issue a license as a
19 locksmith agency to any of the following:

20 (1) An individual who submits an application and is a
21 licensed locksmith under this Act.

22 (2) A firm that submits an application and all of the
23 members of the firm are licensed locksmiths under this
24 Act.

25 (3) A corporation or limited liability company doing

1 business in Illinois that is authorized to engage in the
2 business of conducting a locksmith agency if at least one
3 officer or executive employee is a licensed locksmith
4 under this Act and all unlicensed officers and directors
5 of the corporation or limited liability company are
6 determined by the Department to be persons of good moral
7 character.

8 (b) An individual licensed as a locksmith operating under
9 a business name other than the licensed locksmith's own name
10 shall not be required to obtain a locksmith agency license if
11 that licensed locksmith does not employ any persons to engage
12 in the practice of locksmithing and registers under the
13 Assumed Business Name Act.

14 (c) No locksmith may be the licensee in-charge for more
15 than one locksmith agency. Upon written request by a
16 representative of the agency, within 10 days after the loss of
17 a licensee-in-charge of an agency because of the death of that
18 individual or because of the termination of the employment of
19 that individual, the Department shall issue a temporary
20 certificate of authority allowing the continuing operation of
21 the licensed agency. No temporary certificate of authority
22 shall be valid for more than 90 days. An extension of an
23 additional 90 days may be granted upon written request by the
24 representative of the agency. Not more than 2 extensions may
25 be granted to any agency. No temporary permit shall be issued
26 for loss of the licensee-in-charge because of disciplinary

1 action by the Department related to the licensee-in-charge's
2 ~~his or her~~ conduct on behalf of the agency.

3 (c-1) Upon issuance of the temporary certificate of
4 authority as provided for in subsection (c) of this Section
5 and at any time thereafter while the temporary certificate of
6 authority is in effect, the Department may request in writing
7 additional information from the agency regarding the loss of
8 its licensee-in-charge, the selection of a new
9 licensee-in-charge, and the management of the agency. Failure
10 of the agency to respond to the satisfaction of the Department
11 shall cause the Department to deny any extension of the
12 temporary certificate of authority. While the temporary
13 certificate of authority is in effect, the Department may
14 disapprove the selection of a new licensee-in-charge by the
15 agency if the person's license is not operative or the
16 Department has good cause to believe that the person selected
17 will not fully exercise the responsibilities of a
18 licensee-in-charge. If the Department has disapproved the
19 selection of a new licensee-in-charge and the temporary
20 certificate of authority expires or is about to expire without
21 the agency selecting another new licensee-in-charge, the
22 Department shall grant an extension of the temporary
23 certificate of authority for an additional 90 days, except as
24 otherwise prohibited in subsection (c) or this subsection
25 (c-1).

26 (d) The Department shall require without limitation all of

1 the following information from each applicant for licensure as
2 a locksmith agency under this Act:

3 (1) The name, full business address, and telephone
4 number of the locksmith agency. The business address for
5 the locksmith agency shall be a complete street address
6 from which business is actually conducted, shall be
7 located within the State, and may not be a P.O. Box. The
8 applicant shall submit proof that the business location is
9 or will be used to conduct the locksmith agency's
10 business. The Department may approve of an out-of-state
11 business location if it is not over 50 miles in distance
12 from the borders of this State.

13 (2) All trade or business names used by the licensee.

14 (3) The type of ownership or operation, such as a
15 partnership, corporation, or sole proprietorship.

16 (4) The name of the owner or operator of the locksmith
17 agency, including:

18 (A) if a person, then the name and address of
19 record of the person;

20 (B) if a partnership, then the name and address of
21 record of each partner and the name of the
22 partnership;

23 (C) if a corporation, then the name, address of
24 record, and title of each corporate officer and
25 director, the corporate names, and the name of the
26 state of incorporation; and

1 (D) if a sole proprietorship, then the full name
2 and address of record of the sole proprietor and the
3 name of the business entity.

4 (5) The name and license number of the
5 licensee-in-charge for the locksmith agency.

6 (6) Any additional information required by the
7 Department by rule.

8 (e) A licensed locksmith agency may operate under a "doing
9 business as" or assumed name certification without having to
10 obtain a separate locksmith agency license if the "doing
11 business as" or assumed name is first registered with the
12 Department. A licensed locksmith agency may register no more
13 than one assumed name.

14 (Source: P.A. 98-253, eff. 8-9-13.)

15 (225 ILCS 447/30-20)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 30-20. Training; locksmith and employees.

18 (a) Registered employees of a licensed locksmith agency
19 shall complete a minimum of 20 hours of training provided by a
20 qualified instructor within 30 days of their employment. The
21 substance of the training shall be prescribed by rule.

22 (b) It is the responsibility of the employer to certify,
23 on a form provided by the Department, that the employee has
24 successfully completed the training. The form shall be a
25 permanent record of training completed by the employee and

1 shall be placed in the employee's file with the employer for
2 the period the employee remains with the employer. An agency
3 may place a ~~notarized~~ copy of the Department form in lieu of
4 the original into the permanent employee registration card
5 file. The original form or a copy shall be given to the
6 employee when the employee's ~~his or her~~ employment is
7 terminated. Failure to return the original form or a copy to
8 the employee is grounds for disciplinary action. The employee
9 shall not be required to repeat the required training once the
10 employee has been issued the form. An employer may provide or
11 require additional training.

12 (c) Any certification of completion of the 20-hour basic
13 training issued under the Private Detective, Private Alarm,
14 Private Security and Locksmith Act of 1993 or any prior Act
15 shall be accepted as proof of training under this Act.

16 (Source: P.A. 93-438, eff. 8-5-03.)

17 (225 ILCS 447/30-30)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 30-30. Consumer protection; required information for
20 consumers.

21 (a) A licensee providing any locksmith services shall
22 document on a work order, invoice, or receipt the name,
23 address, and telephone number of the person requesting the
24 work to be done.

25 (b) The locksmith who performs the services shall include

1 on the work order, invoice, or receipt the locksmith's ~~his or~~
2 ~~her~~ name and license number.

3 (c) If the locksmith who performs the services is employed
4 by a locksmith agency, then the name, address, and license
5 number of the locksmith agency and the name and license or
6 registration number of the locksmith who performed the
7 services shall be included on the work order, invoice, or
8 receipt.

9 (d) A copy of the work order, invoice, or receipt shall be
10 provided to the customer at the time of service and the
11 original copy of the work order, invoice, or receipt shall be
12 kept by the licensed locksmith or locksmith agency for a
13 period of 2 years.

14 (e) The name, address, and license number of the locksmith
15 or locksmith agency, if applicable, shall be pre-printed on
16 the work order, invoice, or receipt required under this
17 Section.

18 (f) A locksmith may be disciplined by the Department
19 pursuant to this Act for gross or willful overcharging for
20 professional locksmith services, including filing false
21 statements for the collection of fees for services not
22 rendered.

23 (Source: P.A. 98-253, eff. 8-9-13.)

24 (225 ILCS 447/31-5)

25 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 31-5. Exemptions.

2 (a) The provisions of this Act regarding fingerprint
3 vendors do not apply to any of the following, if the person
4 performing the service does not hold oneself ~~himself or~~
5 ~~herself~~ out as a fingerprint vendor or fingerprint vendor
6 agency:

7 (1) An employee of the United States, Illinois, or a
8 political subdivision, including public school districts,
9 ~~of either~~ while the employee is engaged in the performance
10 of the employee's ~~his or her~~ official duties within the
11 scope of the employee's ~~his or her~~ employment. However,
12 any such person who offers the person's ~~his or her~~
13 services as a fingerprint vendor or uses a similar title
14 when these services are performed for compensation or
15 other consideration, whether received directly or
16 indirectly, is subject to this Act.

17 (2) A person employed exclusively by only one employer
18 in connection with the exclusive activities of that
19 employer, provided that person does not hold oneself
20 ~~himself or herself~~ out to the public as a fingerprint
21 vendor.

22 (3) Any member of local law enforcement in the
23 performance of ~~his or her~~ duties for criminal justice
24 purposes, notwithstanding whether the local law
25 enforcement agency charges a reasonable fee related to the
26 cost of offering fingerprinting services.

1 (b) The provisions of this Act regarding fingerprint
2 vendors do not apply to any member of a local law enforcement
3 agency, acting on behalf of the local law enforcement agency
4 that is registered with the Illinois State Police to provide
5 fingerprinting services for non-criminal justice purposes,
6 notwithstanding whether the local law enforcement agency
7 charges a reasonable fee related to the cost of offering
8 fingerprinting services.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 (225 ILCS 447/31-10)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 31-10. Qualifications for licensure as a fingerprint
13 vendor.

14 (a) A person is qualified for licensure as a fingerprint
15 vendor if the person ~~he or she~~ meets all of the following
16 requirements:

17 (1) Is at least 18 years of age.

18 (2) Has not been convicted of any felony in any
19 jurisdiction or at least 10 years have elapsed since the
20 time of full discharge from a sentence imposed for a
21 felony conviction.

22 (3) Is of good moral character. Good moral character
23 is a continuing requirement of licensure. Conviction of
24 crimes other than felonies may be used in determining
25 moral character, but shall not constitute an absolute bar

1 to licensure, except where the applicant is a registered
2 sex offender.

3 (4) Has not been declared by any court of competent
4 jurisdiction to be incompetent by reason of mental or
5 physical defect or disease, unless a court has
6 subsequently declared him or her to be competent.

7 (5) Is not suffering from dependence on alcohol or
8 from narcotic addiction or dependence.

9 (6) Has not been dishonorably discharged from the
10 armed forces of the United States.

11 (7) Submits certification issued by the Illinois State
12 Police that the applicant has successfully completed a
13 fingerprint vendor training course conducted or authorized
14 by the Illinois State Police.

15 (8) Submits the applicant's ~~his or her~~ fingerprints,
16 in accordance with subsection (b) of this Section.

17 (9) Has not violated any provision of this Act or any
18 rule adopted under this Act.

19 (10) Provides evidence satisfactory to the Department
20 that the applicant has obtained general liability
21 insurance in an amount and with coverage as determined by
22 rule. Failure to maintain general liability insurance and
23 failure to provide the Department with written proof of
24 the insurance, upon request, shall result in cancellation
25 of the license without hearing. A fingerprint vendor
26 employed by a licensed fingerprint vendor agency may

1 provide proof that the employee's ~~his or her~~ actions as a
2 fingerprint vendor are covered by the liability insurance
3 of the employee's ~~his or her~~ employer.

4 (11) Pays the required licensure fee.

5 (12) (Blank).

6 (13) Submits proof that the applicant maintains a
7 business office located in the State of Illinois.

8 (14) Provides proof of compliance with subsection (e)
9 of Section 31-15 of this Act if the applicant is not
10 required to obtain a fingerprint vendor agency license
11 pursuant to subsection (b) of Section 31-15 of this Act.

12 (b) Each applicant for a fingerprint vendor license shall
13 have the applicant's ~~his or her~~ fingerprints submitted to the
14 Illinois State Police in an electronic format that complies
15 with the form and manner for requesting and furnishing
16 criminal history record information as prescribed by the
17 Illinois State Police. These fingerprints shall be checked
18 against the Illinois State Police and Federal Bureau of
19 Investigation criminal history record databases now and
20 hereafter filed. The Illinois State Police shall charge
21 applicants a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The Illinois State Police shall furnish, pursuant to positive
25 identification, records of Illinois convictions to the
26 Department. The Department may require applicants to pay a

1 separate fingerprinting fee, either to the Department or
2 directly to the vendor. The Department, in its discretion, may
3 allow an applicant who does not have reasonable access to a
4 designated vendor to provide the applicant's ~~his or her~~
5 fingerprints in an alternative manner. The Department, in its
6 discretion, may also use other procedures in performing or
7 obtaining criminal background checks of applicants. Instead of
8 submitting the applicant's ~~his or her~~ fingerprints, an
9 individual may submit proof that is satisfactory to the
10 Department that an equivalent security clearance has been
11 conducted. Also, an individual who has retired as a peace
12 officer within 12 months of application may submit
13 verification, on forms provided by the Department and signed
14 by the applicant's ~~his or her~~ employer, of the applicant's ~~his~~
15 ~~or her~~ previous full-time employment as a peace officer.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (225 ILCS 447/31-15)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 31-15. Qualifications for licensure as a fingerprint
20 vendor agency.

21 (a) Upon receipt of the required fee, compliance with
22 subsection (e) of this Section, and proof that the applicant
23 has a full-time Illinois licensed fingerprint vendor
24 licensee-in-charge, which is a continuing requirement for
25 agency licensure, the Department may issue a license as a

1 fingerprint vendor agency to any of the following:

2 (1) An individual who submits an application and is a
3 licensed fingerprint vendor under this Act.

4 (2) A firm that submits an application and all of the
5 members of the firm are licensed fingerprint vendors under
6 this Act.

7 (3) A corporation or limited liability company doing
8 business in Illinois that is authorized to engage in the
9 business of conducting a fingerprint vendor agency if at
10 least one officer or executive employee is a licensed
11 fingerprint vendor under this Act and all unlicensed
12 officers and directors of the corporation or limited
13 liability company are determined by the Department to be
14 persons of good moral character.

15 (b) An individual licensed as a fingerprint vendor
16 operating under a business name other than the licensed
17 fingerprint vendor's own name shall not be required to obtain
18 a fingerprint vendor agency license if that licensed
19 fingerprint vendor does not employ any persons to provide
20 fingerprinting services. However, in either circumstance, the
21 individual shall comply with the requirements of subsection
22 (e) of this Section as a requirement for licensure.

23 (c) No fingerprint vendor may be the licensee-in-charge
24 for more than one fingerprint vendor agency. Upon written
25 request by a representative of the agency, within 10 days
26 after the loss of a licensee-in-charge of an agency because of

1 the death of that individual or because of the termination of
2 the employment of that individual, the Department shall issue
3 a temporary certificate of authority allowing the continuing
4 operation of the licensed agency. No temporary certificate of
5 authority shall be valid for more than 90 days. An extension of
6 an additional 90 days may be granted upon written request by
7 the representative of the agency. Not more than 2 extensions
8 may be granted to any agency. No temporary permit shall be
9 issued for loss of the licensee-in-charge because of
10 disciplinary action by the Department related to the
11 licensee-in-charge's ~~his or her~~ conduct on behalf of the
12 agency.

13 (d) Upon issuance of the temporary certificate of
14 authority as provided for in subsection (c) of this Section
15 and at any time thereafter while the temporary certificate of
16 authority is in effect, the Department may request in writing
17 additional information from the agency regarding the loss of
18 its licensee-in-charge, the selection of a new
19 licensee-in-charge, and the management of the agency. Failure
20 of the agency to respond or respond to the satisfaction of the
21 Department shall cause the Department to deny any extension of
22 the temporary certificate of authority. While the temporary
23 certificate of authority is in effect, the Department may
24 disapprove the selection of a new licensee-in-charge by the
25 agency if the person's license is not operative or the
26 Department has good cause to believe that the person selected

1 will not fully exercise the responsibilities of a
2 licensee-in-charge. If the Department has disapproved the
3 selection of a new licensee-in-charge and the temporary
4 certificate of authority expires or is about to expire without
5 the agency selecting another new licensee-in-charge, the
6 Department shall grant an extension of the temporary
7 certificate of authority for an additional 90 days, except as
8 otherwise prohibited in subsection (c) or this subsection (d).

9 (e) An applicant shall submit certification issued by the
10 Illinois State Police that the applicant's fingerprinting
11 equipment and software meets all specifications required by
12 the Illinois State Police. Compliance with Illinois State
13 Police fingerprinting equipment and software specifications is
14 a continuing requirement for licensure.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (225 ILCS 447/31-20)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 31-20. Training; fingerprint vendor and employees.

19 (a) Registered employees of a licensed fingerprint vendor
20 agency shall complete a minimum of 20 hours of training
21 provided by a qualified instructor within 30 days of their
22 employment. The substance of the training shall be prescribed
23 by rule.

24 (b) It is the responsibility of the employer to certify,
25 on a form provided by the Department, that the employee has

1 successfully completed the training. The form shall be a
2 permanent record of training completed by the employee and
3 shall be placed in the employee's file with the employer for
4 the period the employee remains with the employer. An agency
5 may place a ~~notarized~~ copy of the Department form, in lieu of
6 the original, into the permanent employee registration card
7 file. The original form or a copy shall be given to the
8 employee when the employee's ~~his or her~~ employment is
9 terminated. Failure to return the original form or a copy to
10 the employee is grounds for disciplinary action. The employee
11 shall not be required to repeat the required training once the
12 employee has been issued the form. An employer may provide or
13 require additional training.

14 (c) Any certification of completion of the 20-hour basic
15 training issued under this Act ~~the Private Detective, Private~~
16 ~~Alarm, Private Security, and Locksmith Act of 2004 or any~~
17 ~~prior Act~~ shall be accepted as proof of training ~~under this~~
18 ~~Act~~.

19 (d) No registered employee of a licensed fingerprint
20 vendor agency may operate live scan fingerprint equipment or
21 other equipment designed to obtain fingerprint images for the
22 purpose of providing fingerprint images and associated
23 demographic data to the Illinois State Police.

24 (Source: P.A. 102-538, eff. 8-20-21.)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 35-5. Display of license. Each licensee shall
3 prominently display the licensee's ~~his or her~~ individual,
4 agency, or branch office license at each place where business
5 is being conducted, as required under this Act. A
6 licensee-in-charge is required to post the licensee's ~~his or~~
7 ~~her~~ license only at the agency office.

8 (Source: P.A. 93-438, eff. 8-5-03.)

9 (225 ILCS 447/35-10)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 35-10. Inspection of facilities. Each licensee or
12 registrant shall permit the licensee's or registrant's ~~his or~~
13 ~~her~~ office facilities, business premises, canine training
14 facilities, firearm training facilities, and registered
15 employee files to be audited or inspected at reasonable times
16 and in a reasonable manner by the Department.

17 (Source: P.A. 98-253, eff. 8-9-13.)

18 (225 ILCS 447/35-15)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 35-15. Advertisements; penalties.

21 (a) No licensee providing services regulated by this Act
22 may knowingly advertise those services without including the
23 licensee's ~~his or her~~ license number in the advertisement. The
24 publisher of the advertising, however, is not required to

1 verify the accuracy of the advertisement or the license
2 number.

3 (b) A licensee who advertises services regulated by this
4 Act who knowingly (i) fails to display the licensee's ~~his or~~
5 ~~her~~ license at the licensee's ~~his or her~~ place of business,
6 (ii) fails to provide the publisher with the current license
7 number, or (iii) provides the publisher with a false license
8 number or a license number other than that of the person or
9 agency doing the advertising or a licensee who knowingly
10 allows the licensee's ~~his or her~~ license number to be
11 displayed or used by another person or agency to circumvent
12 any provision of this subsection, is guilty of a Class A
13 misdemeanor. Each day an advertisement is published or a
14 licensee allows the licensee's ~~his or her~~ license to be used in
15 violation of this Section constitutes a separate offense. In
16 addition to the penalties and remedies provided in this
17 Section, a licensee who violates any provision of this Section
18 shall be subject to the disciplinary action, fines, and civil
19 penalty provisions of this Act.

20 (Source: P.A. 93-438, eff. 8-5-03.)

21 (225 ILCS 447/35-25)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 35-25. Duplicate licenses. If a license, permanent
24 employee registration card, or firearm control card is lost, a
25 duplicate shall be issued upon proof of such loss together

1 with the payment of the required fee. If a licensee decides to
2 change the licensee's ~~his or her~~ name, the Department shall
3 issue a license in the new name upon proof that the change was
4 done pursuant to law and payment of the required fee.
5 Notification of a name change shall be made to the Department
6 within 30 days after the change.

7 (Source: P.A. 95-613, eff. 9-11-07.)

8 (225 ILCS 447/35-30)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 35-30. Employee requirements. All employees of a
11 licensed agency, other than those exempted, shall apply for a
12 permanent employee registration card. The holder of an agency
13 license issued under this Act, known in this Section as
14 "employer", may employ in the conduct of the employer's ~~his or~~
15 ~~her~~ business employees under the following provisions:

16 (a) No person shall be issued a permanent employee
17 registration card who:

18 (1) Is younger than 18 years of age.

19 (2) Is younger than 21 years of age if the services
20 will include being armed.

21 (3) Has been determined by the Department to be unfit
22 by reason of conviction of an offense in this or another
23 state, including registration as a sex offender, but not
24 including a traffic offense. Persons convicted of felonies
25 involving bodily harm, weapons, violence, or theft within

1 the previous 10 years shall be presumed to be unfit for
2 registration. The Department shall adopt rules for making
3 those determinations that shall afford the applicant due
4 process of law.

5 (4) Has had a license or permanent employee
6 registration card denied, suspended, or revoked under this
7 Act (i) within one year before the date the person's
8 application for permanent employee registration card is
9 received by the Department; and (ii) that refusal, denial,
10 suspension, or revocation was based on any provision of
11 this Act other than Section 40-50, item (6) or (8) of
12 subsection (a) of Section 15-10, subsection (b) of Section
13 15-10, item (6) or (8) of subsection (a) of Section 20-10,
14 subsection (b) of Section 20-10, item (6) or (8) of
15 subsection (a) of Section 25-10, subsection (b) of Section
16 25-10, item (7) of subsection (a) of Section 30-10,
17 subsection (b) of Section 30-10, or Section 10-40.

18 (5) Has been declared incompetent by any court of
19 competent jurisdiction by reason of mental disease or
20 defect and has not been restored.

21 (6) Has been dishonorably discharged from the armed
22 services of the United States.

23 (b) No person may be employed by a private detective
24 agency, private security contractor agency, private alarm
25 contractor agency, fingerprint vendor agency, or locksmith
26 agency under this Section until the person ~~he or she~~ has

1 executed and furnished to the employer, on forms furnished by
2 the Department, a verified statement to be known as
3 "Employee's Statement" setting forth:

4 (1) The person's full name, age, and residence
5 address.

6 (2) The business or occupation engaged in for the 5
7 years immediately before the date of the execution of the
8 statement, the place where the business or occupation was
9 engaged in, and the names of employers, if any.

10 (3) That the person has not had a license or employee
11 registration denied, revoked, or suspended under this Act
12 (i) within one year before the date the person's
13 application for permanent employee registration card is
14 received by the Department; and (ii) that refusal, denial,
15 suspension, or revocation was based on any provision of
16 this Act other than Section 40-50, item (6) or (8) of
17 subsection (a) of Section 15-10, subsection (b) of Section
18 15-10, item (6) or (8) of subsection (a) of Section 20-10,
19 subsection (b) of Section 20-10, item (6) or (8) of
20 subsection (a) of Section 25-10, subsection (b) of Section
21 25-10, item (7) of subsection (a) of Section 30-10,
22 subsection (b) of Section 30-10, or Section 10-40.

23 (4) Any conviction of a felony or misdemeanor.

24 (5) Any declaration of incompetence by a court of
25 competent jurisdiction that has not been restored.

26 (6) Any dishonorable discharge from the armed services

1 of the United States.

2 (7) Any other information as may be required by any
3 rule of the Department to show the good character,
4 competency, and integrity of the person executing the
5 statement.

6 (c) Each applicant for a permanent employee registration
7 card shall have the applicant's ~~his or her~~ fingerprints
8 submitted to the Illinois State Police in an electronic format
9 that complies with the form and manner for requesting and
10 furnishing criminal history record information as prescribed
11 by the Illinois State Police. These fingerprints shall be
12 checked against the Illinois State Police and Federal Bureau
13 of Investigation criminal history record databases now and
14 hereafter filed. The Illinois State Police shall charge
15 applicants a fee for conducting the criminal history records
16 check, which shall be deposited in the State Police Services
17 Fund and shall not exceed the actual cost of the records check.
18 The Illinois State Police shall furnish, pursuant to positive
19 identification, records of Illinois convictions to the
20 Department. The Department may require applicants to pay a
21 separate fingerprinting fee, either to the Department or
22 directly to the vendor. The Department, in its discretion, may
23 allow an applicant who does not have reasonable access to a
24 designated vendor to provide the applicant's ~~his or her~~
25 fingerprints in an alternative manner. The Department, in its
26 discretion, may also use other procedures in performing or

1 obtaining criminal background checks of applicants. Instead of
2 submitting the applicant's ~~his or her~~ fingerprints, an
3 individual may submit proof that is satisfactory to the
4 Department that an equivalent security clearance has been
5 conducted. Also, an individual who has retired as a peace
6 officer within 12 months of application may submit
7 verification, on forms provided by the Department and signed
8 by the applicant's ~~his or her~~ employer, of the applicant's ~~his~~
9 ~~or her~~ previous full-time employment as a peace officer.

10 (d) The Department shall issue a permanent employee
11 registration card, in a form the Department prescribes, to all
12 qualified applicants. The holder of a permanent employee
13 registration card shall carry the card at all times while
14 actually engaged in the performance of the duties of the
15 employee's ~~his or her~~ employment. Expiration and requirements
16 for renewal of permanent employee registration cards shall be
17 established by rule of the Department. Possession of a
18 permanent employee registration card does not in any way imply
19 that the holder of the card is employed by an agency unless the
20 permanent employee registration card is accompanied by the
21 employee identification card required by subsection (f) of
22 this Section.

23 (e) Each employer shall maintain a record of each employee
24 that is accessible to the duly authorized representatives of
25 the Department. The record shall contain the following
26 information:

1 (1) A photograph taken within 10 days of the date that
2 the employee begins employment with the employer. The
3 photograph shall be replaced with a current photograph
4 every 3 calendar years.

5 (2) The Employee's Statement specified in subsection
6 (b) of this Section.

7 (3) All correspondence or documents relating to the
8 character and integrity of the employee received by the
9 employer from any official source or law enforcement
10 agency.

11 (4) In the case of former employees, the employee
12 identification card of that person issued under subsection
13 (f) of this Section. Each employee record shall duly note
14 if the employee is employed in an armed capacity. Armed
15 employee files shall contain a copy of an active firearm
16 owner's identification card and a copy of an active
17 firearm control card. Each employer shall maintain a
18 record for each armed employee of each instance in which
19 the employee's weapon was discharged during the course of
20 the employee's ~~his or her~~ professional duties or
21 activities. The record shall be maintained on forms
22 provided by the Department, a copy of which must be filed
23 with the Department within 15 days of an instance. The
24 record shall include the date and time of the occurrence,
25 the circumstances involved in the occurrence, and any
26 other information as the Department may require. Failure

1 to provide this information to the Department or failure
2 to maintain the record as a part of each armed employee's
3 permanent file is grounds for disciplinary action. The
4 Department, upon receipt of a report, shall have the
5 authority to make any investigation it considers
6 appropriate into any occurrence in which an employee's
7 weapon was discharged and to take disciplinary action as
8 may be appropriate.

9 (5) A copy of the employee's permanent employee
10 registration card or a copy of the Department's "License
11 Lookup" Webpage showing that the employee has been issued
12 a valid permanent employee registration card by the
13 Department.

14 The Department may, by rule, prescribe further record
15 requirements.

16 (f) Every employer shall furnish an employee
17 identification card to each of the employer's ~~his or her~~
18 employees. This employee identification card shall contain a
19 recent photograph of the employee, the employee's name, the
20 name and agency license number of the employer, the employee's
21 personal description, the signature of the employer, the
22 signature of that employee, the date of issuance, and an
23 employee identification card number.

24 (g) No employer may issue an employee identification card
25 to any person who is not employed by the employer in accordance
26 with this Section or falsely state or represent that a person

1 is or has been in the employer's ~~his or her~~ employ. It is
2 unlawful for an applicant for registered employment to file
3 with the Department the fingerprints of a person other than
4 himself or herself.

5 (h) Every employer shall obtain the identification card of
6 every employee who terminates employment with the employer ~~him~~
7 ~~or her~~.

8 (i) Every employer shall maintain a separate roster of the
9 names of all employees currently working in an armed capacity
10 and submit the roster to the Department on request.

11 (j) No agency may employ any person to perform a licensed
12 activity under this Act unless the person possesses a valid
13 permanent employee registration card or a valid license under
14 this Act, or is exempt pursuant to subsection (n).

15 (k) Notwithstanding the provisions of subsection (j), an
16 agency may employ a person in a temporary capacity if all of
17 the following conditions are met:

18 (1) The agency completes in its entirety and submits
19 to the Department an application for a permanent employee
20 registration card, including the required fingerprint
21 receipt and fees.

22 (2) The agency has verification from the Department
23 that the applicant has no record of any criminal
24 conviction pursuant to the criminal history check
25 conducted by the Illinois State Police. The agency shall
26 maintain the verification of the results of the Illinois

1 State Police criminal history check as part of the
2 employee record as required under subsection (e) of this
3 Section.

4 (3) The agency exercises due diligence to ensure that
5 the person is qualified under the requirements of this ~~the~~
6 Act to be issued a permanent employee registration card.

7 (4) The agency maintains a separate roster of the
8 names of all employees whose applications are currently
9 pending with the Department and submits the roster to the
10 Department on a monthly basis. Rosters are to be
11 maintained by the agency for a period of at least 24
12 months.

13 An agency may employ only a permanent employee applicant
14 for which it either submitted a permanent employee application
15 and all required forms and fees or it confirms with the
16 Department that a permanent employee application and all
17 required forms and fees have been submitted by another agency,
18 licensee or the permanent employee and all other requirements
19 of this Section are met.

20 The Department shall have the authority to revoke, without
21 a hearing, the temporary authority of an individual to work
22 upon receipt of Federal Bureau of Investigation fingerprint
23 data or a report of another official authority indicating a
24 criminal conviction. If the Department has not received a
25 temporary employee's Federal Bureau of Investigation
26 fingerprint data within 120 days of the date the Department

1 received the Illinois State Police fingerprint data, the
2 Department may, at its discretion, revoke the employee's
3 temporary authority to work with 15 days written notice to the
4 individual and the employing agency.

5 An agency may not employ a person in a temporary capacity
6 if it knows or reasonably should have known that the person has
7 been convicted of a crime under the laws of this State, has
8 been convicted in another state of any crime that is a crime
9 under the laws of this State, has been convicted of any crime
10 in a federal court, or has been posted as an unapproved
11 applicant by the Department. Notice by the Department to the
12 agency, via certified mail, personal delivery, electronic
13 mail, or posting on the Department's Internet site accessible
14 to the agency that the person has been convicted of a crime
15 shall be deemed constructive knowledge of the conviction on
16 the part of the agency. The Department may adopt rules to
17 implement this subsection (k).

18 (1) No person may be employed under this Section in any
19 capacity if:

20 (1) the person, while so employed, is being paid by
21 the United States or any political subdivision for the
22 time so employed in addition to any payments the person ~~he~~
23 ~~or she~~ may receive from the employer; or

24 (2) the person wears any portion of the person's ~~his~~
25 ~~or her~~ official uniform, emblem of authority, or equipment
26 while so employed.

1 (m) If information is discovered affecting the
2 registration of a person whose fingerprints were submitted
3 under this Section, the Department shall so notify the agency
4 that submitted the fingerprints on behalf of that person.

5 (n) Peace officers shall be exempt from the requirements
6 of this Section relating to permanent employee registration
7 cards. The agency shall remain responsible for any peace
8 officer employed under this exemption, regardless of whether
9 the peace officer is compensated as an employee or as an
10 independent contractor and as further defined by rule.

11 (o) Persons who have no access to confidential or security
12 information, who do not go to a client's or prospective
13 client's residence or place of business, and who otherwise do
14 not provide traditional security services are exempt from
15 employee registration. Examples of exempt employees include,
16 but are not limited to, employees working in the capacity of
17 ushers, directors, ticket takers, cashiers, drivers, and
18 reception personnel. Confidential or security information is
19 that which pertains to employee files, scheduling, client
20 contracts, or technical security and alarm data.

21 (p) An applicant who is 21 years of age or older seeking a
22 religious exemption to the photograph requirement of this
23 Section shall furnish with the application an approved copy of
24 United States Department of the Treasury Internal Revenue
25 Service Form 4029. Regardless of age, an applicant seeking a
26 religious exemption to this photograph requirement shall

1 submit fingerprints in a form and manner prescribed by the
2 Department with the applicant's ~~his or her~~ application in lieu
3 of a photograph.

4 (Source: P.A. 102-538, eff. 8-20-21.)

5 (225 ILCS 447/35-35)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 35-35. Requirement of a firearm control card.

8 (a) No person shall perform duties that include the use,
9 carrying, or possession of a firearm in the performance of
10 those duties without complying with the provisions of this
11 Section and having been issued a valid firearm control card by
12 the Department.

13 (b) No employer shall employ any person to perform the
14 duties for which licensure or employee registration is
15 required and allow that person to carry a firearm unless that
16 person has complied with all the firearm training requirements
17 of this Section and has been issued a firearm control card.
18 This Act permits only the following to carry firearms while
19 actually engaged in the performance of their duties or while
20 commuting directly to or from their places of employment:
21 persons licensed as private detectives and their registered
22 employees; persons licensed as private security contractors
23 and their registered employees; persons licensed as private
24 alarm contractors and their registered employees; and
25 employees of a registered armed proprietary security force.

1 (c) Possession of a valid firearm control card allows a
2 licensee or employee to carry a firearm not otherwise
3 prohibited by law while the licensee or employee is engaged in
4 the performance of the licensee's or employee's ~~his or her~~
5 duties or while the licensee or employee is commuting directly
6 to or from the licensee's or employee's place or places of
7 employment.

8 (d) The Department shall issue a firearm control card to a
9 person who has passed an approved firearm training course, who
10 is currently licensed or employed by an agency licensed by
11 this Act and has met all the requirements of this Act, and who
12 possesses a valid firearm owner identification card.
13 Application for the firearm control card shall be made by the
14 employer to the Department on forms provided by the
15 Department. The Department shall forward the card to the
16 employer who shall be responsible for its issuance to the
17 licensee or employee. The firearm control card shall be issued
18 by the Department and shall identify the person holding it and
19 the name of the course where the licensee or employee received
20 firearm instruction and shall specify the type of weapon or
21 weapons the person is authorized by the Department to carry
22 and for which the person has been trained.

23 (e) Expiration and requirements for renewal of firearm
24 control cards shall be determined by rule.

25 (f) The Department may, in addition to any other
26 disciplinary action permitted by this Act, refuse to issue,

1 suspend, or revoke a firearm control card if the applicant or
2 holder has been convicted of any felony or crime involving the
3 illegal use, carrying, or possession of a deadly weapon or for
4 a violation of this Act or rules promulgated under this Act.
5 The Department shall refuse to issue or shall revoke a firearm
6 control card if the applicant or holder fails to possess a
7 valid firearm owners identification card without hearing. The
8 Secretary shall summarily suspend a firearm control card if
9 the Secretary finds that its continued use would constitute an
10 imminent danger to the public. A hearing shall be held before
11 the Board within 30 days if the Secretary summarily suspends a
12 firearm control card.

13 (g) Notwithstanding any other provision of this Act to the
14 contrary, all requirements relating to firearms control cards
15 do not apply to a peace officer. If an individual ceases to be
16 employed as a peace officer and continues to perform services
17 in an armed capacity under this Act that are licensed
18 activities, then the individual is required to obtain a
19 permanent employee registration card pursuant to Section 35-30
20 of this Act and must possess a valid Firearm Owner's
21 Identification Card, but is not required to obtain a firearm
22 control card if the individual is otherwise in continuing
23 compliance with the federal Law Enforcement Officers Safety
24 Act of 2004. If an individual elects to carry a firearm
25 pursuant to the federal Law Enforcement Officers Safety Act of
26 2004, then the agency employing the officer shall ~~is required~~

1 ~~to~~ submit an application ~~a notice of that election~~ to the
2 Department for issuance of a waiver card along with a fee
3 specified by rule.

4 (h) The Department may issue a temporary firearm control
5 card pending issuance of a new firearm control card upon an
6 agency's acquiring of an established armed account. An agency
7 that has acquired armed employees as a result of acquiring an
8 established armed account may, on forms supplied by the
9 Department, request the issuance of a temporary firearm
10 control card for each acquired employee who held a valid
11 firearm control card under the employer's ~~his or her~~
12 employment with the newly acquired established armed account
13 immediately preceding the acquiring of the account and who
14 continues to meet all of the qualifications for issuance of a
15 firearm control card set forth in this Act and any rules
16 adopted under this Act. The Department shall, by rule, set the
17 fee for issuance of a temporary firearm control card.

18 (i) The Department shall not issue a firearm control card
19 to a licensed fingerprint vendor or a licensed locksmith or
20 employees of a licensed fingerprint vendor agency or a
21 licensed locksmith agency.

22 (Source: P.A. 100-712, eff. 8-3-18.)

23 (225 ILCS 447/35-43)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 35-43. Requirement of a canine trainer authorization

1 card; qualifications.

2 (a) No person may perform duties that include the training
3 of canine handlers and canines to protect persons or property
4 or to conduct investigations without having been issued a
5 valid canine trainer authorization card by the Department.

6 (b) No employer shall employ any person to perform the
7 duties for which employee registration is required under this
8 Act and allow that person to train canine handlers and canines
9 unless that person has been issued a canine trainer
10 authorization card.

11 (c) The Department shall issue a canine trainer
12 authorization card to a person who (i) has passed an approved
13 canine trainer training course, (ii) is currently employed by
14 an agency licensed under this Act, and (iii) has met all of the
15 applicable requirements of this Act. Application for the
16 canine trainer authorization card shall be made by the
17 employer to the Department on forms provided by the
18 Department. The Department shall forward the card to the
19 employer who shall be responsible for its issuance to the
20 employee.

21 (d) The Department may, in addition to any other
22 disciplinary action permitted by this Act, refuse to issue,
23 suspend, or revoke a canine trainer authorization card if the
24 applicant or holder has been convicted of any felony or
25 misdemeanor involving cruelty to animals or for a violation of
26 this Act or rules promulgated under this Act.

1 (e) Qualifications for canine trainers shall be set by the
2 Department by rule. ~~Any person who has been engaged in the~~
3 ~~provision of canine trainer services prior to January 1, 2005,~~
4 ~~shall be granted a canine trainer authorization card upon the~~
5 ~~submission of a completed application, the payment of~~
6 ~~applicable fees, and the demonstration satisfactory to the~~
7 ~~Department of the provision of such services.~~

8 (Source: P.A. 95-613, eff. 9-11-07.)

9 (225 ILCS 447/35-45)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 35-45. Armed proprietary security force.

12 (a) All financial institutions or commercial or industrial
13 operations that employ one or more armed employees shall
14 register their security forces with the Department on forms
15 provided by the Department. Registration subjects the security
16 force to all of the requirements of Section 35-40. For the
17 purposes of this Section, "financial institution" includes a
18 bank, savings and loan association, credit union, currency
19 exchange, or company providing armored car services.

20 (b) All armed employees of the registered proprietary
21 security force must complete a 20-hour basic training course
22 and all the firearm training requirements of Section 35-40.

23 (c) Every proprietary security force is required to apply
24 to the Department, on forms supplied by the Department, for a
25 firearm control card for each armed employee. Each armed

1 employee shall have the employee's ~~his or her~~ fingerprints
2 submitted to the Department of State Police in an electronic
3 format that complies with the form and manner for requesting
4 and furnishing criminal history record information as
5 prescribed by the Department of State Police. These
6 fingerprints shall be checked against the Department of State
7 Police and Federal Bureau of Investigation criminal history
8 record databases. The Department of State Police shall charge
9 the armed employee a fee for conducting the criminal history
10 records check, which shall be deposited in the State Police
11 Services Fund and shall not exceed the actual cost of the
12 records check. The Department of State Police shall furnish,
13 pursuant to positive identification, records of Illinois
14 convictions to the Department. The Department may require
15 armed employees to pay a separate fingerprinting fee, either
16 to the Department or directly to the vendor. The Department,
17 in its discretion, may allow an armed employee who does not
18 have reasonable access to a designated vendor to provide the
19 employee's ~~his or her~~ fingerprints in an alternative manner.
20 The Department, in its discretion, may also use other
21 procedures in performing or obtaining criminal background
22 checks of armed employees. Instead of submitting the
23 employee's ~~his or her~~ fingerprints, an individual may submit
24 proof that is satisfactory to the Department that an
25 equivalent security clearance has been conducted. Also, an
26 individual who has retired as a peace officer within 12 months

1 before application may submit verification, on forms provided
2 by the Department and signed by the employee's ~~his or her~~
3 employer, of the employee's ~~his or her~~ previous full-time
4 employment as a peace officer.

5 (d) The Department may provide rules for the
6 administration of this Section.

7 (Source: P.A. 102-152, eff. 1-1-22.)

8 (225 ILCS 447/40-5)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 40-5. Injunctive relief.

11 (a) The practice of a private detective, private security
12 contractor, private alarm contractor, fingerprint vendor,
13 locksmith, private detective agency, private security
14 contractor agency, private alarm contractor agency,
15 fingerprint vendor agency, or locksmith agency by any person,
16 firm, corporation, or other legal entity that has not been
17 issued a license by the Department or whose license has been
18 suspended, revoked, or not renewed is hereby declared to be
19 inimical to the public safety and welfare and to constitute a
20 public nuisance. The Secretary may, in the name of the People
21 of the State of Illinois through the Attorney General of the
22 State of Illinois or the State's Attorney of any county in
23 which the violation is alleged to have occurred in the State of
24 Illinois, petition for an order enjoining the violation or for
25 an order enforcing compliance with this Act. Upon the filing

1 of a verified petition in court, if satisfied by affidavit or
2 otherwise that the person, firm, corporation, or other legal
3 entity is or has been conducting activities in violation of
4 this Act, the court may enter a temporary restraining order or
5 preliminary injunction, without bond, enjoining the defendant
6 from further activity. A copy of the verified complaint shall
7 be served upon the defendant and the proceedings shall be
8 conducted as in civil cases. If it is established the
9 defendant has been or is conducting activities in violation of
10 this Act, the court may enter a judgment enjoining the
11 defendant from that activity. In case of violation of any
12 injunctive order or judgment entered under this Section, the
13 court may punish the offender for contempt of court.
14 Injunctive proceedings shall be in addition to all other
15 penalties under this Act.

16 (b) If any person practices as a private detective,
17 private security contractor, private alarm contractor,
18 fingerprint vendor, locksmith, private detective agency,
19 private security contractor agency, private alarm contractor
20 agency, fingerprint vendor agency, or locksmith agency or
21 holds himself or herself out as such without having a valid
22 license under this Act, then any licensee, any interested
23 party, or any person injured thereby may, in addition to the
24 Secretary, petition for relief as provided in subsection (a)
25 of this Section. Reasonable attorney's fees and costs may be
26 awarded to the licensee, interested party, or person injured

1 if the licensee, interested party, or person injured ~~he or she~~
2 successfully obtains injunctive relief, whether by consent or
3 otherwise.

4 (Source: P.A. 102-418, eff. 8-20-21.)

5 (225 ILCS 447/40-10)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 40-10. Disciplinary sanctions.

8 (a) The Department may deny issuance, refuse to renew, or
9 restore or may reprimand, place on probation, suspend, revoke,
10 or take other disciplinary or non-disciplinary action against
11 any license, registration, permanent employee registration
12 card, canine handler authorization card, canine trainer
13 authorization card, or firearm control card, may impose a fine
14 not to exceed \$10,000 for each violation, and may assess costs
15 as provided for under Section 45-60, for any of the following:

16 (1) Fraud, deception, or misrepresentation in
17 obtaining or renewing of a license or registration.

18 (2) Professional incompetence as manifested by poor
19 standards of service.

20 (3) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (4) Conviction of or plea of guilty or plea of nolo
24 contendere to a felony or misdemeanor in this State or any
25 other jurisdiction or the entry of an administrative

1 sanction by a government agency in this State or any other
2 jurisdiction; action taken under this paragraph (4) for a
3 misdemeanor or an administrative sanction is limited to a
4 misdemeanor or administrative sanction that has as an
5 essential element of dishonesty or fraud or involves
6 larceny, embezzlement, or obtaining money, property, or
7 credit by false pretenses or by means of a confidence
8 game.

9 (5) Performing any services in a grossly negligent
10 manner or permitting any of a licensee's employees to
11 perform services in a grossly negligent manner, regardless
12 of whether actual damage to the public is established.

13 (6) Continued practice, although the person has become
14 unfit to practice due to any of the following:

15 (A) Physical illness, mental illness, or other
16 impairment, including, but not limited to,
17 deterioration through the aging process or loss of
18 motor skills that results in the inability to serve
19 the public with reasonable judgment, skill, or safety.

20 (B) (Blank).

21 (C) Habitual or excessive use or abuse of drugs
22 defined in law as controlled substances, alcohol, or
23 any other substance that results in the inability to
24 practice with reasonable judgment, skill, or safety.

25 (7) Receiving, directly or indirectly, compensation
26 for any services not rendered.

1 (8) Willfully deceiving or defrauding the public on a
2 material matter.

3 (9) Failing to account for or remit any moneys or
4 documents coming into the licensee's possession that
5 belong to another person or entity.

6 (10) Discipline by another United States jurisdiction,
7 foreign nation, or governmental agency, if at least one of
8 the grounds for the discipline is the same or
9 substantially equivalent to those set forth in this Act.

10 (11) Giving differential treatment to a person that is
11 to that person's detriment because of race, color, creed,
12 sex, religion, or national origin.

13 (12) Engaging in false or misleading advertising.

14 (13) Aiding, assisting, or willingly permitting
15 another person to violate this Act or rules promulgated
16 under it.

17 (14) Performing and charging for services without
18 authorization to do so from the person or entity serviced.

19 (15) Directly or indirectly offering or accepting any
20 benefit to or from any employee, agent, or fiduciary
21 without the consent of the latter's employer or principal
22 with intent to or the understanding that this action will
23 influence the person's ~~his or her~~ conduct in relation to
24 the person's ~~his or her~~ employer's or principal's affairs.

25 (16) Violation of any disciplinary order imposed on a
26 licensee by the Department.

1 (17) Performing any act or practice that is a
2 violation of this Act or the rules for the administration
3 of this Act, or having a conviction or administrative
4 finding of guilty as a result of violating any federal or
5 State laws, rules, or regulations that apply exclusively
6 to the practices of private detectives, private alarm
7 contractors, private security contractors, fingerprint
8 vendors, or locksmiths.

9 (18) Owning, operating, or managing ~~Conducting~~ an
10 agency without a valid license.

11 (19) Revealing confidential information, except as
12 required by law, including but not limited to information
13 available under Section 2-123 of the Illinois Vehicle
14 Code.

15 (20) Failing to make available to the Department, upon
16 request, any books, records, or forms required by this
17 Act.

18 (21) Failing, within 30 days, to respond to a written
19 request for information from the Department.

20 (22) Failing to provide employment information or
21 experience information required by the Department
22 regarding an applicant for licensure.

23 (23) Failing to make available to the Department at
24 the time of the request any indicia of licensure or
25 registration issued under this Act.

26 (24) Purporting to be a licensee-in-charge of an

1 agency without active participation in the agency.

2 (25) A finding by the Department that the licensee,
3 after having the licensee's ~~his or her~~ license placed on
4 probationary status, has violated the terms of probation.

5 (26) Violating subsection (f) of Section 30-30.

6 (27) A firearm control card holder having more
7 firearms in the holder's ~~his or her~~ immediate possession
8 than the holder ~~he or she~~ can reasonably exercise control
9 over.

10 (28) Failure to report in writing to the Department,
11 within 60 days of an entry of a settlement or a verdict in
12 excess of \$10,000, any legal action in which the quality
13 of the licensee's or registrant's professional services
14 was the subject of the legal action.

15 (b) All fines imposed under this Section shall be paid
16 within 60 days after the effective date of the order imposing
17 the fine.

18 (c) The Department shall adopt rules that set forth
19 standards of service for the following: (i) acceptable error
20 rate in the transmission of fingerprint images and other data
21 to the Illinois State Police; (ii) acceptable error rate in
22 the collection and documentation of information used to
23 generate fingerprint work orders; and (iii) any other standard
24 of service that affects fingerprinting services as determined
25 by the Department.

26 The determination by a circuit court that a licensee is

1 subject to involuntary admission or judicial admission, as
2 provided in the Mental Health and Developmental Disabilities
3 Code, operates as an automatic suspension. The suspension will
4 end only upon a finding by a court that the patient is no
5 longer subject to involuntary admission or judicial admission
6 and the issuance of an order so finding and discharging the
7 patient.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (225 ILCS 447/40-20)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 40-20. Confidential information; violation. Any
12 person who is or has been an employee of a licensee shall not
13 divulge to anyone, other than to the person's ~~his or her~~
14 employer, except as required by law or at the ~~his~~ employer's
15 direction, any confidential or proprietary information
16 acquired during the person's ~~his or her~~ employment. Any
17 individual who violates this Section or who files false papers
18 or reports to the person's ~~his or her~~ employer may be
19 disciplined under Section 40-10 of this Act.

20 (Source: P.A. 93-438, eff. 8-5-03.)

21 (225 ILCS 447/40-25)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 40-25. Submission to physical or mental examination.

24 (a) The Department or Board upon a showing of a possible

1 violation may compel an individual licensed to practice under
2 this Act, or who has applied for licensure under this Act, to
3 submit to a mental or physical examination, or both, which may
4 include a substance abuse or sexual offender evaluation, as
5 required by and at the expense of the Department. The
6 Department or Board shall specifically designate the examining
7 physician licensed to practice medicine in all of its branches
8 or, if applicable, the multidisciplinary team involved in
9 providing the mental or physical examination, evaluation, or
10 both. The multidisciplinary team shall be led by a physician
11 licensed to practice medicine in all of its branches and may
12 consist of one or more or a combination of physicians licensed
13 to practice medicine in all of its branches, licensed
14 chiropractic physicians, licensed clinical psychologists,
15 licensed clinical social workers, licensed clinical
16 professional counselors, and other professional and
17 administrative staff. Any examining physician or member of the
18 multidisciplinary team may require any person ordered to
19 submit to an examination and evaluation pursuant to this
20 Section to submit to any additional supplemental testing
21 deemed necessary to complete any examination or evaluation
22 process, including, but not limited to, blood testing,
23 urinalysis, psychological testing, or neuropsychological
24 testing. The Department or the Board may order the examining
25 physician or any member of the multidisciplinary team to
26 provide to the Department any and all records, including

1 business records, that relate to the examination and
2 evaluation, including any supplemental testing performed. The
3 Department or the Board may order the examining physician or
4 any member of the multidisciplinary team to present testimony
5 concerning this examination and evaluation of the licensee or
6 applicant, including testimony concerning any supplemental
7 testing or documents relating to the examination and
8 evaluation. No information, report, record, or other documents
9 in any way related to the examination and evaluation shall be
10 excluded by reason of any common law or statutory privilege
11 relating to communication between the licensee or applicant
12 and the examining physician or any member of the
13 multidisciplinary team. No authorization is necessary from the
14 licensee or applicant ordered to undergo an evaluation and
15 examination for the examining physician or any member of the
16 multidisciplinary team to provide information, reports,
17 records, or other documents or to provide any testimony
18 regarding the examination and evaluation. The individual to be
19 examined may have, at the individual's ~~his or her~~ own expense,
20 another physician of the individual's ~~his or her~~ choice
21 present during all aspects of this examination. Failure of an
22 individual to submit to a mental or physical examination, or
23 both, when directed, shall result in automatic suspension
24 without hearing, until such time as the individual submits to
25 the examination.

26 (b) In instances in which the Secretary immediately

1 suspends a person's license for the person's ~~his or her~~
2 failure to submit to a mental or physical examination when
3 directed, a hearing on that person's license must be convened
4 by the Department within 15 days after the suspension and
5 completed without appreciable delay.

6 (c) In instances in which the Secretary otherwise suspends
7 a person's license pursuant to the results of a compelled
8 mental or physical examination, a hearing on that person's
9 license must be convened by the Department within 15 days
10 after the suspension and completed without appreciable delay.
11 The Department and Board shall have the authority to review
12 the subject individual's record of treatment and counseling
13 regarding the impairment to the extent permitted by applicable
14 federal statutes and regulations safeguarding the
15 confidentiality of medical records.

16 (d) An individual licensed under this Act and affected
17 under this Section shall be afforded an opportunity to
18 demonstrate to the Department or Board that the individual ~~he~~
19 ~~or she~~ can resume practice in compliance with acceptable and
20 prevailing standards under the provisions of the individual's
21 ~~his or her~~ license.

22 (Source: P.A. 98-253, eff. 8-9-13.)

23 (225 ILCS 447/40-30)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 40-30. Insufficient funds; checks. A person who

1 delivers a check or other payment to the Department that is
2 returned to the Department unpaid by the financial institution
3 upon which it was drawn shall pay to the Department, in
4 addition to the amount already owed, a penalty of \$50. The
5 Department shall notify the person by first class mail that
6 the person's ~~his or her~~ check or payment was returned and that
7 the person shall pay to the Department by certified check or
8 money order the amount of the returned check plus a \$50 penalty
9 within 30 calendar days after the date of the notification.
10 If, after the expiration of 30 calendar days of the
11 notification, the person has failed to remit the necessary
12 funds and penalty, the Department shall automatically
13 terminate the license or deny the application without a
14 hearing. If the returned check or other payment was for
15 issuance of a license under this Act and that person practices
16 as a licensee, that person may be subject to discipline for
17 unlicensed practice as provided in this Act. If, after
18 termination or denial, the person seeks a license, the person
19 ~~he or she~~ shall petition the Department for restoration and
20 the person ~~he or she~~ may be subject to additional discipline or
21 fines. The Secretary may waive the penalties or fines due
22 under this Section in individual cases where the Secretary
23 finds that the penalties or fines would be unreasonable or
24 unnecessarily burdensome.

25 (Source: P.A. 98-253, eff. 8-9-13.)

1 (225 ILCS 447/45-10)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 45-10. Complaints; investigations; hearings.

4 (a) The Department may investigate the actions of any
5 applicant or of any person or persons holding or claiming to
6 hold a license or registration under this Act.

7 (b) The Department shall, before disciplining a licensee
8 under Section 40-10 or refusing to issue or license, at least
9 30 days before the date set for the hearing, (i) notify the
10 accused in writing of the charges made and the time and place
11 for the hearing on the charges, (ii) direct the accused ~~him or~~
12 ~~her~~ to file a written answer to the charges under oath within
13 20 days after service, and (iii) inform the applicant or
14 licensee that failure to answer will result in a default being
15 entered against the applicant or licensee.

16 (c) At the time and place fixed in the notice, the Board or
17 the hearing officer appointed by the Secretary shall proceed
18 to hear the charges, and the parties or their counsel shall be
19 accorded ample opportunity to present any pertinent
20 statements, testimony, evidence, and arguments. The Board or
21 hearing officer may continue the hearing from time to time. In
22 case the person, after receiving the notice, fails to file an
23 answer, the person's ~~his or her~~ license may, in the discretion
24 of the Secretary, having first received the recommendation of
25 the Board, be suspended, revoked, or placed on probationary
26 status, or be subject to whatever disciplinary action the

1 Secretary considers proper, including limiting the scope,
2 nature, or extent of the person's practice or the imposition
3 of a fine, without hearing, if the act or acts charged
4 constitute sufficient grounds for that action under this Act.

5 (d) The written notice and any notice in the subsequent
6 proceeding may be served by regular or certified mail to the
7 licensee's address of record or electronically to the
8 licensee's email address of record, or, if in the course of the
9 administrative proceeding the party has previously designated
10 a specific email address at which to accept electronic service
11 for that specific proceeding, by sending a copy by email to the
12 party's email address on record.

13 (e) The Secretary has the authority to appoint any
14 attorney licensed to practice law in the State of Illinois to
15 serve as the hearing officer in any action for refusal to
16 issue, restore, or renew a license or to discipline a
17 licensee. The hearing officer has full authority to conduct
18 the hearing.

19 (Source: P.A. 98-253, eff. 8-9-13.)

20 (225 ILCS 447/45-15)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 45-15. Hearing; rehearing.

23 (a) The Board or the hearing officer authorized by the
24 Department shall hear evidence in support of the formal
25 charges and evidence produced by the licensee. At the

1 conclusion of the hearing, the Board shall present to the
2 Secretary a written report of its findings of fact,
3 conclusions of law, and recommendations. The report shall
4 contain a finding of whether the accused person violated this
5 Act or failed to comply with the conditions required in this
6 Act. The Board shall specify the nature of the violation or
7 failure to comply and shall make its recommendation to the
8 Secretary.

9 (b) At the conclusion of the hearing, a copy of the Board
10 or hearing officer's report shall be served upon the applicant
11 or licensee by the Department, either personally or as
12 provided in this Act for the service of a notice of hearing.
13 Within 20 calendar days after service, the applicant or
14 licensee may present to the Secretary ~~Department~~ a motion in
15 writing for a rehearing, which shall specify the particular
16 grounds for rehearing. The Department may respond to the
17 motion for rehearing within 20 calendar days after its service
18 on the Department. If no motion for rehearing is filed, then
19 upon the expiration of the time specified for filing such a
20 motion, or upon denial of a motion for rehearing, the
21 Secretary may enter an order in accordance with the
22 recommendations of the Board or hearing officer. If the
23 applicant or licensee orders from the reporting service and
24 pays for a transcript of the record within the time for filing
25 a motion for rehearing, the 20-day period within which a
26 motion may be filed shall commence upon the delivery of the

1 transcript to the applicant or licensee.

2 (c) If the Secretary disagrees in any regard with the
3 report of the Board or the hearing officer, the Secretary may
4 issue an order contrary to the report. The finding is not
5 admissible in evidence against the person in a criminal
6 prosecution brought for the violation of this Act, but the
7 hearing and findings are not a bar to a criminal prosecution
8 for the violation of this Act.

9 (d) Whenever the Secretary is not satisfied that
10 substantial justice has been done, the Secretary may order a
11 rehearing by the same or another hearing officer.

12 (e) All proceedings under this Section are matters of
13 public record and shall be preserved.

14 (f) Upon the suspension or revocation of a license, the
15 licensee shall surrender the license to the Department and,
16 upon failure to do so, the Department shall seize the same.

17 (Source: P.A. 98-253, eff. 8-9-13.)

18 (225 ILCS 447/45-40)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 45-40. Administrative review. All final
21 administrative decisions of the Department are subject to
22 judicial review under Article III of the Code of Civil
23 Procedure. The term "administrative decision" is defined as in
24 Section 3-101 of the Code of Civil Procedure. The proceedings
25 for judicial review shall be commenced in the circuit court of

1 the county in which the party applying for review resides; but
2 if the party is not a resident of Illinois, the venue shall be
3 in Sangamon County. The Department shall not be required to
4 certify any record to the court or file any answer in court or
5 otherwise appear in any court in a judicial review proceeding,
6 unless and until the Department has received from the
7 plaintiff payment of the costs of furnishing and certifying
8 the record, which costs shall be determined by the Department.
9 ~~Exhibits shall be certified without cost.~~ Failure on the part
10 of the applicant or licensee to file a receipt in court is
11 grounds for dismissal of the action. During all judicial
12 proceedings incident to a disciplinary action, the sanctions
13 imposed upon a licensee by the Department shall remain in
14 effect, unless the court determines justice requires a stay of
15 the order.

16 (Source: P.A. 96-1445, eff. 8-20-10.)

17 (225 ILCS 447/45-55)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 45-55. Subpoenas.

20 (a) The Department may subpoena and bring before it any
21 person to take the oral or written testimony or compel the
22 production of any books, papers, records, or any other
23 documents that the Secretary or the Secretary's ~~his or her~~
24 designee deems relevant or material to any such investigation
25 or hearing conducted by the Department with the same fees and

1 in the same manner as prescribed in civil cases in the courts
2 of this State.

3 (b) Any circuit court, upon the application of the
4 applicant, licensee, or Department, may order the attendance
5 and testimony of witnesses and the production of relevant
6 documents, files, records, books and papers in connection with
7 any hearing or investigation. The circuit court may compel
8 obedience to its order by proceedings for contempt.

9 (c) The Secretary, the hearing officer, any member of the
10 Board, or a certified shorthand court reporter may administer
11 oaths at any hearing the Department conducts. Notwithstanding
12 any other statute or Department rule to the contrary, all
13 requests for testimony, production of documents or records
14 shall be in accordance with this Act.

15 (Source: P.A. 98-253, eff. 8-9-13.)

16 (225 ILCS 447/50-5)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 50-5. Personnel; investigators. The Secretary shall
19 employ, pursuant to the Personnel Code, personnel, on a
20 full-time or part-time basis, for the enforcement of this Act.
21 Each investigator shall have a minimum of 2 years
22 investigative experience out of the immediately preceding 5
23 years. No investigator may hold an active license issued
24 pursuant to this Act, nor may an investigator have a financial
25 interest in a business licensed under this Act. This

1 prohibition, however, does not apply to an investigator
2 holding stock in a business licensed under this Act, provided
3 the investigator does not hold more than 5% of the stock in the
4 business. Any person licensed under this Act who is employed
5 by the Department shall surrender the person's ~~his or her~~
6 license to the Department for the duration of that employment.
7 The licensee shall be exempt from all renewal fees while
8 employed. While employed by the Department, the licensee is
9 not required to maintain the general liability insurance
10 coverage required by this Act.

11 (Source: P.A. 98-253, eff. 8-9-13.)

12 (225 ILCS 447/50-10)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 50-10. The Private Detective, Private Alarm, Private
15 Security, Fingerprint Vendor, and Locksmith Board.

16 (a) The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Board shall
18 consist of 13 members appointed by the Secretary and comprised
19 of 2 licensed private detectives, 3 licensed private security
20 contractors, one licensed private detective or licensed
21 private security contractor who provides canine odor detection
22 services, 2 licensed private alarm contractors, one licensed
23 fingerprint vendor ~~except for the initial appointment who~~
24 ~~shall be required to have experience in the fingerprint vendor~~
25 ~~industry that is acceptable to the Department,~~ 2 licensed

1 locksmiths, one public member who is not licensed or
2 registered under this Act and who has no connection with a
3 business licensed under this Act, and one member representing
4 the employees registered under this Act. Each member shall be
5 a resident of Illinois. Each ~~Except for the initial~~
6 ~~appointment of a licensed fingerprint vendor after the~~
7 ~~effective date of this amendatory Act of the 95th General~~
8 ~~Assembly, each~~ licensed member shall have at least 5 years
9 experience as a licensee in the professional area in which the
10 person is licensed and be in good standing and actively
11 engaged in that profession. In making appointments, the
12 Secretary shall consider the recommendations of the
13 professionals and the professional organizations representing
14 the licensees. The membership shall reasonably reflect the
15 different geographic areas in Illinois.

16 (b) Members shall serve 4-year ~~4-year~~ terms and may serve
17 until their successors are appointed. No member shall serve
18 for more than 2 successive terms. Appointments to fill
19 vacancies shall be made in the same manner as the original
20 appointments for the unexpired portion of the vacated term.

21 (c) A member of the Board may be removed for cause. A
22 member subject to formal disciplinary proceedings shall
23 disqualify oneself ~~himself or herself~~ from all Board business
24 until the charge is resolved. A member also shall disqualify
25 oneself ~~himself or herself~~ from any matter on which the member
26 cannot act objectively.

1 (d) Members shall receive compensation as set by law. Each
2 member shall receive reimbursement as set by the Governor's
3 Travel Control Board for expenses incurred in carrying out the
4 duties as a Board member.

5 (e) A majority of Board members constitutes a quorum. A
6 majority vote of the quorum is required for a decision.

7 (f) The Board shall elect a chairperson and vice
8 chairperson annually.

9 (g) Board members are not liable for their acts,
10 omissions, decisions, or other conduct in connection with
11 their duties on the Board, except those determined to be
12 willful, wanton, or intentional misconduct.

13 (h) The Board may recommend policies, procedures, and
14 rules relevant to the administration and enforcement of this
15 Act.

16 (Source: P.A. 98-253, eff. 8-9-13.)

17 (225 ILCS 447/50-15)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 50-15. Powers and duties of the Department. Subject
20 to the provisions of this Act, the Department may exercise the
21 following powers and duties:

22 (1) Prescribe forms to be issued for the
23 administration and enforcement of this Act.

24 (2) Authorize examinations to ascertain the
25 qualifications and fitness of applicants for licensing as

1 a locksmith, private alarm contractor, private detective,
2 or private security contractor and pass upon the
3 qualifications of applicants for licensure.

4 (3) Examine the records of licensees or investigate
5 any other aspect of fingerprint vending, locksmithing,
6 private alarm contracting, private security contracting,
7 or practicing as a private detective that is relevant to
8 the Department's investigation or hearing.

9 (4) Conduct hearings on proceedings to refuse to issue
10 or renew licenses or to revoke, suspend, place on
11 probation, reprimand, or otherwise discipline a license
12 under this Act or take other non-disciplinary action.

13 (5) Adopt rules required for the administration of
14 this Act.

15 (6) (Blank). ~~Maintain rosters of the names and~~
16 ~~addresses of all licensees and all persons whose licenses~~
17 ~~have been suspended, revoked, denied renewal, or otherwise~~
18 ~~disciplined within the previous calendar year. These~~
19 ~~rosters shall be available upon written request and~~
20 ~~payment of the required fee as established by rule.~~

21 (Source: P.A. 98-253, eff. 8-9-13.)

22 (225 ILCS 447/50-20)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 50-20. Rules. The Department may promulgate rules for
25 the administration and enforcement of this Act. The rules

1 shall include standards for registration, licensure,
2 professional conduct, and discipline. The Department shall
3 consult with the Board prior to promulgating any rule.
4 Proposed rules shall be transmitted, prior to publication in
5 the Illinois Register, to the Board and the Department shall
6 review the Board's recommendations ~~and shall notify the Board~~
7 ~~with an explanation of any deviations from the Board's~~
8 ~~recommendations.~~

9 (Source: P.A. 93-438, eff. 8-5-03.)

10 (225 ILCS 447/50-45)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 50-45. Illinois Administrative Procedure Act;
13 application. The Illinois Administrative Procedure Act is
14 expressly adopted and incorporated in this Act as if all of the
15 provisions of that Act were included in this Act, except that
16 the provision of paragraph (d) of Section 10-65 of the
17 Illinois Administrative Procedure Act, which provides that at
18 hearings the registrant or licensee has the right to show
19 compliance with all lawful requirements for retention or
20 continuation or renewal of the license, is specifically
21 excluded. For the purpose of this Act, the notice required
22 under Section 10-25 of the Illinois Administrative Procedure
23 Act is considered sufficient when mailed to the address of
24 record or sent electronically to the email address of record
25 or, if in the course of the administrative proceeding the

1 party has previously designated a specific email address at
2 which to accept electronic service for that specific
3 proceeding, by sending a copy by email to the party's email
4 address on record ~~last known address of a party.~~

5 (Source: P.A. 96-1445, eff. 8-20-10.)

6 (225 ILCS 447/50-35 rep.)

7 Section 35. The Private Detective, Private Alarm, Private
8 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
9 amended by repealing Section 50-35.

10 Section 40. The Illinois Public Accounting Act is amended
11 by changing Sections 0.02, 0.03, 1, 2, 2.05, 2.1, 3, 4, 5.2,
12 6.1, 8, 9.3, 13, 13.5, 14.2, 14.5, 16, 17, 17.1, 17.2, 20.01,
13 20.1, 20.2, 20.6, 20.7, 21, 27, and 30 and by adding Section
14 0.04 as follows:

15 (225 ILCS 450/0.02) (from Ch. 111, par. 5500.02)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 0.02. Declaration of public policy. It is the policy
18 of this State and the purpose of this Act:

19 (a) to promote the dependability of information which
20 is used for guidance in financial transactions or for
21 accounting for or assessing the status or performance of
22 commercial and noncommercial enterprises, whether public,
23 private, or governmental; and

1 (b) to protect the public interest by requiring that
2 persons engaged in the practice of public accounting be
3 qualified; that a public authority competent to prescribe
4 and assess the qualifications of public accountants be
5 established; and

6 (c) that preparing, auditing, or examining financial
7 statements and issuing a report expressing or disclaiming
8 an opinion on such statements or expressing assurance on
9 such statements be reserved to persons who demonstrate the
10 ~~their~~ ability and fitness to observe and apply the
11 standards of the accounting profession; and that the use
12 of accounting titles likely to confuse the public be
13 prohibited.

14 (Source: P.A. 98-254, eff. 8-9-13; 99-78, eff. 7-20-15.)

15 (225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 0.03. Definitions. As used in this Act, unless the
18 context otherwise requires:

19 "Accountancy activities" means the services as set forth
20 in Section 8.05 of this ~~the~~ Act.

21 "Address of record" means the designated address recorded
22 by the Department in the applicant's, licensee's, or
23 registrant's application file or license file maintained by
24 the Department's licensure maintenance unit. It is the duty of
25 the applicant, licensee, or registrant to inform the

1 Department of any change of address, and those changes must be
2 made either through the Department's website or by directly
3 contacting the Department.

4 "Certification" means certification by the Board or
5 University or similar jurisdictions specifying an individual
6 has successfully passed all sections and requirements of the
7 Uniform Certified Public Accountant Examination and
8 verification of completion of 150 credit hours. Certification
9 by the Board or University or similar jurisdiction does not
10 confer the ability to use the CPA title and is not equivalent
11 to a registration or license under this Act.

12 "Compilation" means providing a service to be performed in
13 accordance with Statements on Standards for Accounting and
14 Review Services that is presented in the form of financial
15 statements or information that is the representation of
16 management or owners without undertaking to express any
17 assurance on the statements.

18 "Coordinator" means the CPA Coordinator.

19 "CPA" or "C.P.A." means a certified public accountant who
20 holds a license or registration issued by the Department or an
21 individual authorized to use the CPA title under Section 5.2
22 of this Act.

23 "CPA firm" means a sole proprietorship, a corporation,
24 registered limited liability partnership, limited liability
25 company, partnership, professional service corporation, or any
26 other form of organization issued a license in accordance with

1 this Act or a CPA firm authorized to use the CPA firm title
2 under Section 5.2 of this Act.

3 "CPA (inactive)" means a licensed certified public
4 accountant who elects to have the Department place the
5 licensee's ~~his or her~~ license on inactive status pursuant to
6 Section 17.2 of this Act.

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

11 "Exam certificate" means an exam certificate issued by the
12 Board, the University, or a similar jurisdiction specifying
13 that an individual has successfully passed all sections and
14 requirements of the Uniform Certified Public Accountant
15 Examination. An exam certificate issued by the Board, the
16 University, or a similar jurisdiction does not confer the
17 ability to use the CPA title and is not equivalent to a
18 registration or license under this Act.

19 "Financial statement" means a structured presentation of
20 historical financial information, including, but not limited
21 to, related notes intended to communicate an entity's economic
22 resources and obligations at a point in time or the changes
23 therein for a period of time in accordance with generally
24 accepted accounting principles (GAAP) or other comprehensive
25 basis of accounting (OCBOA).

26 "Other attestation engagements" means an engagement

1 performed in accordance with the Statements on Standards for
2 Attestation Engagements.

3 "Registered Certified Public Accountant" or "registered
4 CPA" means any person who has been issued a registration under
5 this Act as a Registered Certified Public Accountant.

6 "Report", when used with reference to financial
7 statements, means an opinion, report, or other form of
8 language that states or implies assurance as to the
9 reliability of any financial statements and that also includes
10 or is accompanied by any statement or implication that the
11 person or firm issuing it has special knowledge or competence
12 in accounting or auditing. Such a statement or implication of
13 special knowledge or competence may arise from use by the
14 issuer of the report of names or titles indicating that the
15 person or firm is an accountant or auditor, or from the
16 language of the report itself. "Report" includes any form of
17 language that disclaims an opinion when the form of language
18 is conventionally understood to imply any positive assurance
19 as to the reliability of the financial statements referred to
20 or special competence on the part of the person or firm issuing
21 such language; it includes any other form of language that is
22 conventionally understood to imply such assurance or such
23 special knowledge or competence.

24 "Licensed Certified Public Accountant" or "licensed CPA"
25 means any person licensed under this Act as a Licensed
26 Certified Public Accountant.

1 "Committee" means the Public Accountant Registration and
2 Licensure Committee appointed by the Secretary.

3 "Department" means the Department of Financial and
4 Professional Regulation.

5 "License", "licensee", and "licensure" refer to the
6 authorization to practice under the provisions of this Act.

7 "Peer review" means a study, appraisal, or review of one
8 or more aspects of a CPA firm's or sole practitioner's
9 compliance with applicable accounting, auditing, and other
10 attestation standards adopted by generally recognized
11 standard-setting bodies.

12 "Principal place of business" means the office location
13 designated by the licensee from which the person directs,
14 controls, and coordinates one's ~~his or her~~ professional
15 services.

16 "Review committee" means any person or persons conducting,
17 reviewing, administering, or supervising a peer review
18 program.

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

21 "University" means the University of Illinois.

22 "Board" means the Board of Examiners established under
23 Section 2.

24 "Registration", "registrant", and "registered" refer to
25 the authorization to hold oneself out as or use the title
26 "Registered Certified Public Accountant" or "Certified Public

1 Accountant", unless the context otherwise requires.

2 "Peer Review Administrator" means an organization
3 designated by the Department that meets the requirements of
4 subsection (f) of Section 16 of this Act and other rules that
5 the Department may adopt.

6 (Source: P.A. 102-222, eff. 1-1-22.)

7 (225 ILCS 450/0.04 new)

8 Sec. 0.04. Address of record; email address of record.

9 All applicants and registrants shall:

10 (1) provide a valid address and email address to the
11 Department, which shall serve as the address of record and
12 email address of record, respectively, at the time of
13 application for registration or renewal of a registration;
14 and

15 (2) inform the Department of any change of address of
16 record or email address of record within 14 days after
17 such change either through the Department's website or by
18 contacting the Department's licensure maintenance unit.

19 (225 ILCS 450/1) (from Ch. 111, par. 5501)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 1. No person shall hold oneself ~~himself or herself~~
22 out to the public in this State in any manner by using the
23 title "Certified Public Accountant", "Licensed Certified
24 Public Accountant", "Registered Certified Public Accountant",

1 "Public Accountant", or use the abbreviation "C.P.A.", "CPA",
2 "LCPA", "RCPA", "PA", or any words or letters to indicate that
3 the person using the same is a licensed CPA or registered CPA,
4 unless the person ~~he or she~~ has been issued a license or
5 registration by the Department under this Act or is exercising
6 the practice privilege afforded under Section 5.2 of this Act.
7 (Source: P.A. 98-254, eff. 8-9-13.)

8 (225 ILCS 450/2) (from Ch. 111, par. 5502)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 2. Board of Examiners. The Governor shall appoint a
11 Board of Examiners that shall determine the qualifications of
12 persons applying for certification and shall make rules for
13 and conduct examinations for determining the qualifications.

14 The Board shall consist of 11 examiners, including 2
15 public members. The remainder shall be certified public
16 accountants in this State who have been residents of this
17 State for at least 5 years immediately preceding ~~their~~
18 appointment to the Board, except that one shall be either a
19 certified public accountant of the grade herein described or
20 an attorney licensed and residing in this State and one shall
21 be a certified public accountant who is an active or retired
22 educator residing in this State. The term of office of each
23 examiner shall be 3 years. As the term of each examiner
24 expires, the appointment shall be filled for a term of 3 years
25 from the date of expiration. Any Board member who has served as

1 a member for 6 consecutive years shall not be eligible for
2 reappointment until 2 years after the end of the term in which
3 the sixth consecutive year of service occurred, except that
4 members of the Board serving on the effective date of this
5 Section shall be eligible for appointment to one additional
6 3-year term. Where the expiration of any member's term shall
7 result in less than 11 members then serving on the Board, the
8 member shall continue to serve until a ~~his or her~~ successor is
9 appointed and has qualified. Except as otherwise provided in
10 this Section, no Board member shall serve more than 2 full
11 consecutive terms. Anyone appointed to the Board shall be
12 ineligible to be appointed to the Illinois Public Accountants
13 Registration and Licensure Committee appointed by the
14 Secretary. Appointments to fill vacancies shall be made in the
15 same manner as original appointments for the unexpired portion
16 of the vacated term. The membership of the Board shall
17 reasonably reflect representation from the geographic areas in
18 this State. The members of the Board appointed by the Governor
19 shall receive reasonable compensation for the member's ~~their~~
20 necessary, legitimate, and authorized expenses in accordance
21 with the Governor's Travel Control Board rules and the Travel
22 Regulation Rules. The Governor may terminate the term of any
23 member of the Board at any time for cause.

24 Information regarding educational requirements, the
25 application process, the examination, and fees shall be
26 available on the Board's Internet web site as well as in

1 printed documents available from the Board's office.

2 The Board shall adopt all necessary and reasonable rules
3 and regulations for the effective administration of this Act.
4 Without limiting the foregoing, the Board shall adopt and
5 prescribe rules and regulations for a fair and impartial
6 method of determining the qualifications of applicants for
7 examination and for a fair and impartial method of examination
8 of persons under Section 2 and may establish rules for
9 subjects conditioned and for the transfer of credits from
10 other jurisdictions with respect to subjects passed. The Board
11 shall verify completion of educational requirements for
12 certification as required under this Act.

13 The Board shall make an annual report of its activities to
14 the Governor and the Secretary. This report shall include a
15 complete operating and financial statement covering its
16 operations during the year, the number of examinations given,
17 the pass/fail ratio for examinations, and any other
18 information deemed appropriate. The Board shall have an audit
19 of its books and accounts every 2 years by the Auditor General.
20 (Source: P.A. 102-222, eff. 1-1-22.)

21 (225 ILCS 450/2.05)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 2.05. Public Accountant Registration and Licensure
24 Committee. The Secretary shall appoint a Public Accountant
25 Registration and Licensure Committee consisting of 7 persons,

1 who shall be appointed by and shall serve in an advisory
2 capacity to the Secretary. A majority of the members must be
3 licensed CPAs in good standing and must be actively engaged in
4 the practice of public accounting in this State. The remaining
5 members must include registered CPAs in good standing in this
6 State and one member of the public who is not licensed or
7 registered under this Act or a similar Act of another
8 jurisdiction and who has no connection with the accounting or
9 public accounting profession. Four members of the Committee
10 shall constitute a quorum. A quorum is required for all
11 Committee decisions. Members shall serve 4-year terms and
12 until the member's ~~their~~ successors are appointed and
13 qualified. No member shall be reappointed to the Committee for
14 more than 2 full consecutive terms. Appointments to fill
15 vacancies shall be made in the same manner as original
16 appointments for the unexpired portion of the vacated term.
17 The members of the Committee appointed by the Secretary shall
18 receive reasonable compensation, as determined by the
19 Department, for the necessary, legitimate, and authorized
20 expenses approved by the Department. All expenses shall be
21 paid from the Registered Certified Public Accountants'
22 Administration and Disciplinary Fund. The Secretary may
23 terminate the appointment of any member for cause. The
24 Secretary shall consider the advice and recommendations of the
25 Committee on questions involving standards of professional
26 conduct, discipline, and qualifications of applicants and

1 licensees under this Act.

2 (Source: P.A. 98-254, eff. 8-9-13.)

3 (225 ILCS 450/2.1) (from Ch. 111, par. 5503)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 2.1. Illinois Administrative Procedure Act. The
6 Illinois Administrative Procedure Act is hereby expressly
7 adopted and incorporated herein as if all of the provisions of
8 that Act were included in this Act, except that the provision
9 of subsection (d) of Section 10-65 of the Illinois
10 Administrative Procedure Act that provides that at hearings
11 the licensee has the right to show compliance with all lawful
12 requirements for retention, continuation or renewal of the
13 license is specifically excluded. For the purposes of this Act
14 the notice required under Section 10-25 of the Illinois
15 Administrative Procedure Act is deemed sufficient when mailed
16 to the licensee's address of record or email address of
17 record.

18 (Source: P.A. 98-254, eff. 8-9-13; 98-756, eff. 7-16-14.)

19 (225 ILCS 450/3) (from Ch. 111, par. 5504)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 3. Qualifications of applicants. The Board shall
22 certify applicants who successfully complete all portions of
23 the examination and verify completion of 150 semester credit
24 hours.

1 (a) To be admitted to take the examination after the year
2 2000 and before January 1, 2023, for the purpose of
3 determining the qualifications of applicants for certificates
4 as certified public accountants under this Act, the applicants
5 shall be required to present proof of the successful
6 completion of 150 college or university semester hours of
7 study or the applicant's ~~their~~ quarter-hour or other academic
8 credit unit equivalent, to include a baccalaureate or higher
9 degree conferred by a college or university acceptable to the
10 Board, the total educational program to include an accounting
11 concentration or equivalent as determined by Board rule. In
12 adopting those rules, the Board shall consider, among other
13 things, any impediments to the interstate practice of public
14 accounting that may result from differences in the
15 requirements in other states.

16 (b) Beginning January 1, 2023, an applicant for the
17 examination shall be required to present proof of 120 college
18 or university semester hours of study or the applicant's ~~their~~
19 quarter-hour or other academic credit unit equivalent, to
20 include a baccalaureate or higher degree conferred by a
21 college or university acceptable to the Board, the total
22 education program to include an accounting concentration or
23 equivalent as determined by Board rule. Applicants shall
24 receive certification by the Board upon successful passage of
25 all sections and requirements of the Uniform Certified Public
26 Accountant Examination and verification of completion of

1 educational requirements as determined by rule.

2 (c) In adopting rules, the Board shall consider, among
3 other things, any impediments to the interstate practice of
4 public accounting that may result from differences in the
5 requirements in other states.

6 (Source: P.A. 102-222, eff. 1-1-22.)

7 (225 ILCS 450/4) (from Ch. 111, par. 5505)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 4. Transitional language.

10 (a) The provisions of this Act shall not be construed to
11 invalidate any certificates as certified public accountants
12 issued by the University under "An Act to regulate the
13 profession of public accountants", approved May 15, 1903, as
14 amended, or any certificates as Certified Public Accountants
15 issued by the University or the Board under Section 4 of "An
16 Act to regulate the practice of public accounting and to
17 repeal certain acts therein named", approved July 22, 1943, as
18 amended, which certificates shall be valid and in force as
19 though issued under the provisions of this Act.

20 (b) Before July 1, 2012, persons who have received a
21 Certified Public Accountant (CPA) Certificate issued by the
22 Board or University or holding similar certifications from
23 other jurisdictions with equivalent educational requirements
24 and examination standards may apply to the Department on forms
25 supplied by the Department for and may be granted a

1 registration as a registered CPA from the Department upon
2 payment of the required fee.

3 (c) Beginning with the 2006 renewal, the Department shall
4 cease to issue a license as a Public Accountant. Any person
5 holding a valid license as a Public Accountant prior to
6 September 30, 2006 who meets the conditions for renewal of a
7 license under this Act, shall be issued a license as a licensed
8 CPA under this Act and shall be subject to continued
9 regulation by the Department under this Act. The Department
10 may adopt rules to implement this Section.

11 (d) The Department shall not issue any new registrations
12 as a registered CPA on or after July 1, 2012. After that date,
13 any applicant for licensure under this Act shall apply for a
14 license as a licensed CPA and shall meet the requirements set
15 forth in this Act. Any person who has been issued a
16 registration as a registered CPA may renew the registration
17 under the provisions of this Act and that person may continue
18 to renew or restore the registration during the registrant's
19 ~~his or her~~ lifetime, subject only to the renewal or
20 restoration requirements for the registration under this Act.
21 Such registration shall be subject to the disciplinary
22 provisions of this Act.

23 (e) (Blank).

24 (f) The changes made by this amendatory Act of the 102nd
25 General Assembly do not invalidate any certificate issued
26 before the effective date of this amendatory Act of the 102nd

1 General Assembly.

2 (Source: P.A. 102-222, eff. 1-1-22.)

3 (225 ILCS 450/5.2)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 5.2. Substantial equivalency.

6 (a) An individual whose principal place of business is not
7 in this State shall have all the privileges of a person
8 licensed under this Act as a licensed CPA without the need to
9 obtain a license from the Department or to file notice with the
10 Department, if the individual:

11 (1) holds a valid license as a certified public
12 accountant issued by another state that the National
13 Qualification Appraisal Service of the National
14 Association of State Boards of Accountancy has verified to
15 be in substantial equivalence with the CPA licensure
16 requirements of the Uniform Accountancy Act of the
17 American Institute of Certified Public Accountants and the
18 National Association of State Boards of Accountancy; or

19 (2) holds a valid license as a certified public
20 accountant issued by another state and obtains from the
21 National Qualification Appraisal Service of the National
22 Association of State Boards of Accountancy verification
23 that the individual's CPA qualifications are substantially
24 equivalent to the CPA licensure requirements of the
25 Uniform Accountancy Act of the American Institute of

1 Certified Public Accountants and the National Association
2 of State Boards of Accountancy; however, any individual
3 who has passed the Uniform CPA Examination and holds a
4 valid license issued by any other state prior to January
5 1, 2012 shall be exempt from the education requirements of
6 Section 3 of this Act for the purposes of this item (2).

7 (a-5) A CPA firm whose principal place of business is not
8 in this State shall have all the privileges of a CPA firm
9 licensed under this Act without the need to obtain a license
10 from the Department or to file notice with the Department if
11 the CPA firm complies with the requirements outlined in
12 Sections 14.4 and 16 through substantial equivalency of the
13 firm's ~~their~~ licensed state.

14 (b) Notwithstanding any other provision of law, an
15 individual or CPA firm who offers or renders professional
16 services under this Section, whether in person or by mail,
17 telephone, or electronic means, shall be granted practice
18 privileges in this State and no notice or other submission
19 must be provided by any such individual or CPA firm.

20 (c) An individual licensee or CPA firm of another state
21 exercising the privilege afforded under this Section and the
22 CPA firm that employs such individual licensee, if any, as a
23 condition of the grant of this privilege, hereby
24 simultaneously consents:

25 (1) to the personal and subject matter jurisdiction
26 and disciplinary authority of the Department;

1 (2) to comply with this Act and the Department's rules
2 adopted under this Act;

3 (3) that in the event that the license from the state
4 of the individual's or CPA firm's principal place of
5 business is no longer valid, the individual or CPA firm
6 shall cease offering or rendering accountancy activities
7 as outlined in paragraphs (1) and (2) of Section 8.05 in
8 this State individually or on behalf of a CPA firm; and

9 (4) to the appointment of the state board that issued
10 the individual's or the CPA firm's license as the agent
11 upon which process may be served in any action or
12 proceeding by the Department against the individual or CPA
13 firm.

14 (d) An individual licensee who qualifies for practice
15 privileges under this Section who, for any entity
16 headquartered in this State, performs (i) a financial
17 statement audit or other engagement in accordance with
18 Statements on Auditing Standards; (ii) an examination of
19 prospective financial information in accordance with
20 Statements on Standards for Attestation Engagements; or (iii)
21 an engagement in accordance with Public Company Accounting
22 Oversight Board Auditing Standards may only do so through a
23 CPA firm licensed under this Act or a CPA firm with practice
24 privileges under this Section.

25 (e) A CPA firm that qualifies for practice privileges
26 under this Section and, for any entity headquartered in this

1 State, performs the following may only do so through an
2 individual or individuals licensed under this Act or an
3 individual or individuals with practice privileges under this
4 Section:

5 (1) a financial statement audit or other engagement in
6 accordance with Statements on Auditing Standards;

7 (2) an examination of prospective financial
8 information in accordance with Statements on Standards for
9 Attestation Engagements; or

10 (3) an engagement in accordance with Public Company
11 Accounting Oversight Board auditing standards.

12 (Source: P.A. 100-419, eff. 8-25-17.)

13 (225 ILCS 450/6.1)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 6.1. Examinations.

16 (a) The examination shall test the applicant's knowledge
17 of accounting, auditing, and other related subjects, if any,
18 as the Board may deem advisable. A candidate shall be required
19 to pass all sections of the examination in order to qualify for
20 certification. A candidate may take the required test sections
21 individually and in any order, as long as the examination is
22 taken within a timeframe established by Board rule.

23 (b) On and after January 1, 2005, applicants shall also be
24 required to pass an examination on the rules of professional
25 conduct for certification by the Board.

1 (c) Pursuant to compliance with the Americans with
2 Disabilities Act, the Board may provide alternative test
3 administration arrangements that are reasonable in the context
4 of the Certified Public Accountant examination for applicants
5 who are unable to take the examination under standard
6 conditions upon an applicant's submission of evidence as the
7 Board may require, which may include a signed statement from a
8 medical or other licensed medical professional, identifying
9 the applicant's disabilities and the specific alternative
10 accommodations the applicant may need. Any alteration in test
11 administration arrangements does not waive the requirement of
12 sitting for and passing the examination.

13 (d) Any application, document, or other information filed
14 by or concerning an applicant and any examination grades of an
15 applicant shall be deemed confidential and shall not be
16 disclosed to anyone without the prior written permission of
17 the applicant, except ~~that~~ the names ~~and addresses~~ only of all
18 applicants shall be a public record and be released as public
19 information. Nothing in this subsection shall prevent the
20 Board from making public announcement of the names of persons
21 receiving certificates under this Act.

22 (Source: P.A. 102-222, eff. 1-1-22.)

23 (225 ILCS 450/8) (from Ch. 111, par. 5509)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 8. Practicing as a licensed CPA. Persons, either

1 individually, as members of a partnership or limited liability
2 company, or as officers of a corporation, who sign, affix, or
3 associate ~~their~~ names or any trade or assumed names used by the
4 persons ~~them~~ in a profession or business to any report
5 expressing or disclaiming an opinion on a financial statement
6 based on an audit or examination of that statement, or
7 expressing assurance on a financial statement, shall be deemed
8 to be in practice as licensed CPAs and are performing
9 accountancy activities as outlined in paragraph (1) of
10 subsection (a) of Section 8.05.

11 (Source: P.A. 98-254, eff. 8-9-13.)

12 (225 ILCS 450/9.3)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 9.3. Sharing of information. Notwithstanding any
15 other provision of this Act, for the purpose of carrying out
16 the ~~their respective~~ duties and responsibilities of the Board
17 and the Department under this Act and to effectuate the
18 purpose of this Act, both the Board and the Department are
19 authorized and directed to share information with each other
20 regarding those individuals and entities licensed or certified
21 or applying for licensure or certification under this Act.

22 (Source: P.A. 98-254, eff. 8-9-13.)

23 (225 ILCS 450/13) (from Ch. 111, par. 5514)

24 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 13. Application for licensure.

2 (a) A person or CPA firm that wishes to perform
3 accountancy activities in this State, as defined in paragraph
4 (1) of subsection (a) of Section 8.05 of this Act, or use the
5 CPA title shall make application to the Department and shall
6 pay the fee required by rule.

7 Applicants have 3 years from the date of application to
8 complete the application process. If the process has not been
9 completed in 3 years, the application shall be denied, the fee
10 forfeited and the applicant must reapply and meet the
11 requirements in effect at the time of reapplication.

12 (b) Any CPA firm that (i) has an office in this State that
13 uses the title "CPA" or "CPA firm"; (ii) has an office in this
14 State that performs accountancy activities, as defined in
15 paragraph (1) of subsection (a) of Section 8.05 of this Act; or
16 (iii) does not have an office in this State and does not meet
17 the practice privilege requirements as defined in Section 5.2
18 of this Act, but offers or renders services, as set forth in
19 subsection (e) of Section 5.2 of this Act, for a client that is
20 headquartered in this State must hold a license as a CPA firm
21 issued under this Act.

22 (c) (Blank).

23 (d) A CPA firm that is not subject to the requirements of
24 subsection (b) of this Section may perform professional
25 services that are not regulated under subsection (b) of this
26 Section while using the title "CPA" or "CPA firm" in this State

1 without obtaining a license as a CPA firm under this Act if the
2 firm (i) performs such services through individuals with
3 practice privileges under Section 5.2 of this Act and (ii) may
4 lawfully perform such services in the state where those
5 individuals with practice privileges under Section 5.2 of this
6 Act have a ~~their~~ principal place of business.

7 (Source: P.A. 100-419, eff. 8-25-17.)

8 (225 ILCS 450/13.5)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 13.5. Social Security Number or individual taxpayer
11 identification number on license application. In addition to
12 any other information required to be contained in the
13 application, every application for an original license under
14 this Act shall include the applicant's Social Security Number
15 or individual taxpayer identification number, which shall be
16 retained in the agency's records pertaining to the license. As
17 soon as practical, the Department shall assign a customer's
18 identification number to each applicant for a license.

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

21 (Source: P.A. 97-400, eff. 1-1-12.)

22 (225 ILCS 450/14.2)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 14.2. Licensure by endorsement.

1 (a) The Department shall issue a license as a licensed CPA
2 to any applicant who holds a current, valid, and unrevoked
3 license as a certified public accountant issued from another
4 state with equivalent educational requirements and examination
5 standards, applies to the Department on forms supplied by the
6 Department, and pays the required fee, provided:

7 (1) the individual applicant is determined by the
8 Department to possess qualifications substantially
9 equivalent to this State's current licensing requirements;

10 (2) at the time the applicant became licensed ~~received~~
11 ~~his or her license~~, the applicant possessed qualifications
12 substantially equivalent to the qualifications for
13 licensure then in effect in this State; or

14 (3) the applicant has, after passing the examination
15 upon which licensure ~~his or her license~~ to practice was
16 based, not less than 4 years of experience as outlined in
17 Section 14 of this Act within the 10 years immediately
18 before the application.

19 (b) In determining the substantial equivalency of any
20 state's requirements to Illinois' requirements, the Department
21 may rely on the determinations of the National Qualification
22 Appraisal Service of the National Association of State Boards
23 of Accountancy or such other qualification appraisal service
24 as it deems appropriate.

25 (c) Applicants have 3 years from the date of application
26 to complete the application process. If the process has not

1 been completed in 3 years, the application shall be denied,
2 the fee shall be forfeited, and the applicant must reapply and
3 meet the requirements in effect at the time of reapplication.

4 (d) Any individual who is the holder of a current, valid,
5 and not previously disciplined license as a certified public
6 accountant of any state and has applied in writing to the
7 Department in form and substance satisfactory to the
8 Department for a license as a licensed CPA may perform
9 accountancy activities as set forth in Section 8.05 until the
10 earlier of the following dates:

11 (1) the expiration of 6 months after filing the
12 written application; or

13 (2) the denial of the application by the Department.

14 Any individual performing accountancy activities under
15 this subsection (d) shall be subject to discipline in the same
16 manner as an individual licensed under this Act.

17 (Source: P.A. 98-254, eff. 8-9-13; 98-730, eff. 1-1-15.)

18 (225 ILCS 450/14.5)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 14.5. CPA Coordinator; duties. The Secretary shall
21 appoint a full-time CPA Coordinator, who shall hold a
22 currently valid CPA license or registration. The Coordinator
23 shall not practice during the term of the Coordinator's ~~his or~~
24 ~~her~~ appointment. The Coordinator shall be exempt from all fees
25 related to the ~~his or her~~ CPA license or registration that come

1 due during the Coordinator's ~~his or her~~ employment. In
2 appointing the Coordinator, the Secretary shall give due
3 consideration to recommendations made by members,
4 organizations, and associations of the CPA and accounting
5 profession, if possible. The Coordinator shall:

6 (1) act as Chairperson of the Committee, ex officio,
7 without a vote;

8 (2) be the direct liaison between the Department, the
9 profession, and CPA and accounting organizations and
10 associations;

11 (3) prepare and circulate to licensees any educational
12 and informational material that the Department deems
13 necessary for providing guidance or assistance to
14 licensees;

15 (4) appoint any necessary committees to assist in the
16 performance of the functions and duties of the Department
17 under this Act; and

18 (5) subject to the administrative approval of the
19 Secretary, supervise all activities relating to the
20 regulation of the CPA profession.

21 (Source: P.A. 100-419, eff. 8-25-17.)

22 (225 ILCS 450/16) (from Ch. 111, par. 5517)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 16. Expiration and renewal of licenses; renewal of
25 registration; continuing education; peer review.

1 (a) The expiration date and renewal period for each
2 license or registration issued under this Act shall be set by
3 rule.

4 (b) Every holder of a license or registration under this
5 Act may renew such license or registration before the
6 expiration date upon payment of the required renewal fee as
7 set by rule.

8 (c) Every application for renewal of a license by a
9 licensed CPA who has been licensed under this Act for 3 years
10 or more shall be accompanied or supported by any evidence the
11 Department shall prescribe, in satisfaction of completing
12 continuing professional education as prescribed by Department
13 rules. All continuing education sponsors applying to the
14 Department for registration shall be required to submit an
15 initial nonrefundable application fee set by Department rule.
16 Each registered continuing education sponsor shall be required
17 to pay an annual renewal fee set by Department rule. Publicly
18 supported colleges, universities, and governmental agencies
19 located in Illinois are exempt from payment of any fees
20 required for continuing education sponsor registration.
21 Failure by a continuing education sponsor to be licensed or
22 pay the fees prescribed in this Act, or to comply with the
23 rules and regulations established by the Department under this
24 Section regarding requirements for continuing education
25 courses or sponsors, shall constitute grounds for revocation
26 or denial of renewal of the sponsor's registration.

1 (d) Licensed CPAs are exempt from the continuing
2 professional education requirement for the first renewal
3 period following the original issuance of the license.

4 Failure by an applicant for renewal of a license as a
5 licensed CPA to furnish the evidence shall constitute grounds
6 for disciplinary action, unless the Department in its
7 discretion shall determine the failure to have been due to
8 reasonable cause. The Department, in its discretion, may renew
9 a license despite failure to furnish evidence of satisfaction
10 of requirements of continuing education upon condition that
11 the applicant follow a particular program or schedule of
12 continuing education. In issuing rules and individual orders
13 in respect of requirements of continuing education, the
14 Department in its discretion may, among other things, use and
15 rely upon guidelines and pronouncements of recognized
16 educational and professional associations; may prescribe rules
17 for the content, duration, and organization of courses; shall
18 take into account the accessibility to applicants of such
19 continuing education as it may require, and any impediments to
20 interstate practice of public accounting that may result from
21 differences in requirements in other states; and may provide
22 for relaxation or suspension of requirements in regard to
23 applicants who certify that they do not intend to engage in the
24 performance of accountancy activities, and for instances of
25 individual hardship.

26 The Department shall establish by rule a means for the

1 verification of completion of the continuing education
2 required by this Section. This verification may be
3 accomplished through audits of records maintained by
4 licensees; by requiring the filing of continuing education
5 certificates with the Department; or by other means
6 established by the Department.

7 The Department may establish, by rule, guidelines for
8 acceptance of continuing education on behalf of licensed CPAs
9 taking continuing education courses in other jurisdictions.

10 (e) For renewals on and after July 1, 2012, as a condition
11 for granting a renewal license to CPA firms and sole
12 practitioners who perform accountancy activities outlined in
13 paragraph (1) of subsection (a) of Section 8.05 under this
14 Act, the Department shall require that the CPA firm or sole
15 practitioner satisfactorily complete a peer review during the
16 immediately preceding 3-year period, accepted by a Peer Review
17 Administrator in accordance with established standards for
18 performing and reporting on peer reviews, unless the CPA firm
19 or sole practitioner is exempted under the provisions of
20 subsection (i) of this Section. All CPA firms or sole
21 practitioners required to undergo a peer review under this
22 Section shall submit to the Department peer review reports;
23 letters of response, if applicable; acceptance letters;
24 letters signed by the reviewed CPA firm accepting the peer
25 review documents with the understanding that the CPA firm
26 agrees to take certain actions, if applicable; and letters

1 notifying the reviewed CPA firm that certain required actions
2 have been completed, if applicable. CPA firms and sole
3 practitioners shall satisfy this document submission
4 requirement by allowing the Peer Review Administrator to
5 provide the Department access to the documents through the
6 Association of International Certified Public Accountants'
7 Facilitated State Board Access within 45 days after the peer
8 review has been conducted. Nothing in this subsection shall
9 prevent the Department from requesting this documentation or
10 any other documentation from the licensee. A CPA firm or sole
11 practitioner shall, at the request of the Department, submit
12 to the Department a letter from the Peer Review Administrator
13 stating the date on which the peer review was satisfactorily
14 completed.

15 A new CPA firm or sole practitioner shall not be required
16 to comply with the peer review requirements for the first
17 license renewal. A CPA firm or sole practitioner shall comply
18 with the Department's rules adopted under this Act and agree
19 to notify the Peer Review Administrator by the report date of
20 the initial ~~within 30 days after accepting an~~ engagement for
21 services requiring a license under this Act and to undergo a
22 peer review within 18 months of the report date for the initial
23 ~~after the end of the period covered by the~~ engagement.

24 The requirements of this subsection (e) shall not apply to
25 any person providing services requiring a license under this
26 Act to the extent that such services are provided in the

1 capacity of an employee of the Office of the Auditor General or
2 to a nonprofit cooperative association engaged in the
3 rendering of licensed service to its members only under
4 paragraph (3) of Section 14.4 of this Act or any of its
5 employees to the extent that such services are provided in the
6 capacity of an employee of the association.

7 (f) The Department shall approve only Peer Review
8 Administrators that the Department finds comply with
9 established standards for performing and reporting on peer
10 reviews. The Department may adopt rules establishing
11 guidelines for peer reviews, which shall do all of the
12 following:

13 (1) Require that a peer review be conducted by a
14 reviewer that is independent of the CPA firm or sole
15 practitioner reviewed and approved by the Peer Review
16 Administrator under established standards.

17 (2) Other than in the peer review process, prohibit
18 the use or public disclosure of information obtained by
19 the reviewer, the Peer Review Administrator, or the
20 Department during or in connection with the peer review
21 process. The requirement that information not be publicly
22 disclosed shall not apply to a hearing before the
23 Department that the CPA firm or sole practitioner requests
24 be public or to the information described in paragraph (3)
25 of subsection (i) of this Section.

26 (g) If a CPA firm or sole practitioner fails to

1 satisfactorily complete a peer review as required by
2 subsection (e) of this Section or does not comply with any
3 remedial actions determined necessary by the Peer Review
4 Administrator, the Peer Review Administrator shall notify the
5 Department of the failure and shall submit a record with
6 specific references to the rule, statutory provision,
7 professional standards, or other applicable authority upon
8 which the Peer Review Administrator made its determination and
9 the specific actions taken or failed to be taken by the
10 licensee that in the opinion of the Peer Review Administrator
11 constitutes a failure to comply. The Department may at its
12 discretion or shall upon submission of a written application
13 by the CPA firm or sole practitioner hold a hearing under
14 Section 20.1 of this Act to determine whether the CPA firm or
15 sole practitioner has complied with subsection (e) of this
16 Section. The hearing shall be confidential and shall not be
17 open to the public unless requested by the CPA firm or sole
18 practitioner.

19 (h) The CPA firm or sole practitioner reviewed shall pay
20 for any peer review performed. The Peer Review Administrator
21 may charge a fee to each firm and sole practitioner sufficient
22 to cover costs of administering the peer review program.

23 (i) A CPA firm or sole practitioner shall not be required
24 to comply with the peer review requirements if any one or more
25 of the following conditions are met:

26 (1) Within 3 years before the date of application for

1 renewal licensure, the sole practitioner or CPA firm has
2 undergone a peer review conducted in another state or
3 foreign jurisdiction that meets the requirements of
4 paragraphs (1) and (2) of subsection (f) of this Section.
5 The sole practitioner or CPA firm shall submit to the
6 Department peer review reports; letters of response, if
7 applicable; acceptance letters; letters signed by the
8 reviewed CPA firm accepting the peer review documents with
9 the understanding that the CPA firm agrees to take certain
10 actions, if applicable; and letters notifying the reviewed
11 CPA firm that certain required actions have been
12 completed, if applicable. CPA firms and sole practitioners
13 shall satisfy this document submission requirement by
14 allowing the Peer Review Administrator to provide the
15 Department access to the documents through the Association
16 of International Certified Public Accountants' Facilitated
17 State Board Access within 45 days after the peer review
18 has been conducted. Nothing in this subsection shall
19 prevent the Department from requesting this documentation
20 or any other documentation from the licensee., ~~at the~~
21 ~~request of the Department, submit to the Department a~~
22 ~~letter from the organization administering the most recent~~
23 ~~peer review stating the date on which the peer review was~~
24 ~~completed; or~~

25 (2) Within 2 years before the date of application for
26 renewal licensure, the sole practitioner or CPA firm

1 satisfies all of the following conditions:

2 (A) has not accepted or performed any accountancy
3 activities outlined in paragraph (1) of subsection (a)
4 of Section 8.05 of this Act; and

5 (B) the firm or sole practitioner agrees to notify
6 the Peer Review Administrator by the date of the
7 initial ~~within 30 days of accepting an~~ engagement for
8 services requiring a license under this Act and to
9 undergo a peer review within 18 months of the report
10 date for the initial ~~after the end of the period~~
11 ~~covered by the engagement.~~ ~~;~~ ~~or~~

12 (3) For reasons of personal health, military service,
13 or other good cause, the Department determines that the
14 sole practitioner or firm is entitled to an exemption,
15 which may be granted for a period of time not to exceed 12
16 months.

17 (j) If a peer review report indicates that a CPA firm or
18 sole practitioner complies with the appropriate professional
19 standards and practices set forth in the rules of the
20 Department and no further remedial action is required, the
21 Peer Review Administrator shall, after issuance of the final
22 letter of acceptance, destroy all working papers and documents
23 related to the peer review, other than report-related
24 documents and documents evidencing completion of remedial
25 actions, if any, in accordance with rules established by the
26 Department.

1 (k) (Blank).

2 (Source: P.A. 100-419, eff. 8-25-17.)

3 (225 ILCS 450/17) (from Ch. 111, par. 5518)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 17. Fees; returned checks; fines. The fees for the
6 administration and enforcement of this Act, including, but not
7 limited to, original licensure, registration, renewal, and
8 restoration fees, shall be set by the Department by rule. The
9 fees shall be nonrefundable.

10 Any person who delivers a check or other payment to the
11 Department that is returned to the Department unpaid by the
12 financial institution upon which it is drawn shall pay to the
13 Department, in addition to the amount already owed to the
14 Department, a fine of \$50. The fines imposed by this Section
15 are in addition to any other discipline provided under this
16 Act for unlicensed practice or practice on a nonrenewed
17 license or registration. The Department shall notify the
18 person that payment of fees and fines shall be paid to the
19 Department by certified check or money order within 30
20 calendar days of the notification. If, after the expiration of
21 30 days from the date of the notification, the person has
22 failed to submit the necessary remittance, the Department
23 shall automatically terminate the license or registration or
24 deny the application, without a hearing. If, after termination
25 or denial, the person seeks a license or registration, the

1 person ~~he or she~~ shall apply to the Department for restoration
2 or issuance of the license or registration and pay all fees and
3 fines due to the Department. The Department may establish a
4 fee for the processing of an application for restoration of a
5 license or registration to pay all expenses of processing this
6 application. The Department may waive the fines due under this
7 Section in individual cases where the Department finds that
8 the fines would be unreasonable or unnecessarily burdensome.

9 (Source: P.A. 98-254, eff. 8-9-13.)

10 (225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 17.1. Restoration.

13 (a) Any registered CPA who has permitted the registrant's
14 ~~his or her~~ registration to expire or who has had the
15 registrant's ~~his or her~~ registration on inactive status may
16 have the ~~his or her~~ registration restored by making
17 application to the Department and filing proof acceptable to
18 the Department as defined by rule of the registrant's ~~his or~~
19 ~~her~~ fitness to have the ~~his or her~~ registration restored,
20 which may include sworn evidence certifying to active practice
21 in another jurisdiction satisfactory to the Department and by
22 paying the required restoration fee.

23 (b) Any licensed CPA who has permitted the licensee's ~~his~~
24 ~~or her~~ license to expire or who has had the licensee's ~~his or~~
25 ~~her~~ license on inactive status may have the ~~his or her~~ license

1 restored by (1) making application to the Department and
2 filing proof acceptable to the Department as defined by rule
3 of the licensee's ~~his or her~~ fitness to have the ~~his or her~~
4 license restored, including sworn evidence certifying to
5 active practice in another jurisdiction satisfactory to the
6 Department, (2) paying the required restoration fee, (3)
7 submitting proof of the required continuing education and (4)
8 in the case of a sole practitioner, satisfactory completion of
9 peer review outlined in subsection (e) of Section 16, unless
10 exempt from peer review under subsection (i) of Section 16.

11 (c) Any firm that has permitted its license to expire may
12 have its license restored by (1) making application to the
13 Department and filing proof acceptable to the Department as
14 defined by rule of its fitness to have its license restored,
15 including sworn evidence certifying to active practice in
16 another jurisdiction satisfactory to the Department, (2)
17 paying the required restoration fee, and (3) satisfactory
18 completion of peer review outlined in subsection (e) of
19 Section 16, unless exempt from peer review under subsection
20 (i) of Section 16.

21 (d) If the licensed CPA or registered CPA has not
22 maintained an active practice in another jurisdiction
23 satisfactory to the Department, the Department shall
24 determine, by an evaluation program established by rule, the
25 licensee or registrant's fitness to resume active status and
26 may require the applicant to complete a period of supervised

1 experience.

2 Any licensed CPA or registered CPA whose license or
3 registration expired while ~~he or she was~~ (1) in Federal
4 Service on active duty with the Armed Forces of the United
5 States, or the State Militia called into service or training,
6 or (2) in training or education under the supervision of the
7 United States preliminary to induction into the military
8 service, may have the ~~his or her~~ license or registration
9 renewed reinstated or restored without paying any lapsed
10 renewal and restoration fees if within 2 years after honorable
11 termination of such service, training or education except
12 under conditions other than honorable, the Department is
13 furnished with satisfactory evidence to the effect that the
14 licensee or registrant has been so engaged and that the
15 service, training, or education has been terminated ~~he or she~~
16 ~~furnished the Department with satisfactory evidence to the~~
17 ~~effect that he or she has been so engaged and that his or her~~
18 ~~service, training, or education has been so terminated.~~

19 (Source: P.A. 98-254, eff. 8-9-13; 98-730, eff. 1-1-15.)

20 (225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 17.2. Inactive status.

23 (a) Any licensed or registered CPA with an active,
24 unencumbered license or registration who notifies the
25 Department in writing on forms prescribed by the Department,

1 may elect to place the ~~his or her~~ license or registration on an
2 inactive status and shall, subject to rules of the Department,
3 be excused from payment of renewal fees and completion of
4 continuing education hours until ~~he or she notifies~~ the
5 Department is notified in writing of the licensee or
6 registrant's ~~his or her~~ desire to resume active status.

7 (b) Any licensed CPA requesting restoration from inactive
8 status shall be required to pay the current renewal fee, shall
9 be required to submit proof of the required continuing
10 education, and shall be required to comply with any
11 requirements established by rule.

12 (c) Any registered CPA requesting restoration from
13 inactive status shall be required to pay the current renewal
14 fee and shall be required to comply with any requirements
15 established by rule.

16 (d) Any licensed CPA or registered CPA whose license is in
17 an inactive status shall not perform accountancy activities
18 outlined in Section 8.05 of this Act.

19 (e) Any licensed CPA or registered CPA whose license or
20 registration is in an inactive status shall not in any manner
21 hold oneself ~~himself or herself~~ out to the public as a CPA,
22 except in accordance with subsection (f) of this Section.

23 (f) Any licensed CPA whose license is in inactive status
24 may use the title "CPA (inactive)" if:

25 (1) the licensee ~~he or she~~ is not performing
26 accountancy activities outlined in Section 8.05; or

1 (2) the licensee ~~he or she~~ is performing governance
2 functions on a non-profit volunteer board using the
3 licensee's ~~his or her~~ accountancy skills and competencies
4 and complies with the following requirements:

5 (A) the licensee ~~he or she~~ discloses to the
6 non-profit volunteer board and respective committees
7 that the ~~his or her~~ license is on inactive status; and

8 (B) the licensee ~~he or she~~ is not serving as an
9 audit committee financial expert as defined in Section
10 407 of the federal Sarbanes-Oxley Act of 2002.

11 (Source: P.A. 98-254, eff. 8-9-13.)

12 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 20.01. Grounds for discipline; license or
15 registration.

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, or reprimand any registration or registrant,
18 any license or licensee, place a licensee or registrant on
19 probation for a period of time subject to any conditions the
20 Department may specify including requiring the licensee or
21 registrant to attend continuing education courses or to work
22 under the supervision of another licensee or registrant,
23 impose a fine not to exceed \$10,000 for each violation,
24 restrict the authorized scope of practice, require a licensee
25 or registrant to undergo a peer review program, assess costs

1 as provided for under Section 20.4, or take other disciplinary
2 or non-disciplinary action for any one or more of the
3 following:

4 (1) Violation of any provision of this Act or rule
5 adopted by the Department under this Act or violation of
6 professional standards.

7 (2) Dishonesty, fraud, or deceit in obtaining,
8 reinstating, or restoring a license or registration.

9 (3) Cancellation, revocation, suspension, denial of
10 licensure or registration, or refusal to renew a license
11 or privileges under Section 5.2 for disciplinary reasons
12 in any other U.S. jurisdiction, unit of government, or
13 government agency for any cause.

14 (4) Failure, on the part of a licensee under Section
15 13 or registrant under Section 16, to maintain compliance
16 with the requirements for issuance or renewal of a license
17 or registration or to report changes to the Department.

18 (5) Revocation or suspension of the right to practice
19 by or before any state or federal regulatory authority or
20 by the Public Company Accounting Oversight Board.

21 (6) Dishonesty, fraud, deceit, or gross negligence in
22 the performance of services as a licensee or registrant or
23 individual granted privileges under Section 5.2.

24 (7) Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or
26 sentencing, including, but not limited to, convictions,

1 preceding sentences of supervision, conditional discharge,
2 or first offender probation, under the laws of any
3 jurisdiction of the United States that is (i) a felony or
4 (ii) a misdemeanor, an essential element of which is
5 dishonesty, or that is directly related to the practice of
6 public accounting.

7 (8) Performance of any fraudulent act while holding a
8 license or privilege issued under this Act or prior law.

9 (9) Practicing on a revoked, suspended, or inactive
10 license or registration.

11 (10) Making or filing a report or record that the
12 registrant or licensee knows to be false, willfully
13 failing to file a report or record required by State or
14 federal law, willfully impeding or obstructing the filing
15 or inducing another person to impede or obstruct only
16 those that are signed in the capacity of a licensed CPA or
17 a registered CPA.

18 (11) Aiding or assisting another person in violating
19 any provision of this Act or rules promulgated hereunder.

20 (12) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (13) Habitual or excessive use or abuse of drugs,
24 alcohol, narcotics, stimulants, or any other substance
25 that results in the inability to practice with reasonable
26 skill, judgment, or safety.

1 (14) Directly or indirectly giving to or receiving
2 from any person, firm, corporation, partnership, or
3 association any fee, commission, rebate, or other form of
4 compensation for any professional service not actually
5 rendered.

6 (15) Physical illness, including, but not limited to,
7 deterioration through the aging process or loss of motor
8 skill that results in the licensee or registrant's
9 inability to practice under this Act with reasonable
10 judgment, skill, or safety.

11 (16) Solicitation of professional services by using
12 false or misleading advertising.

13 (17) Any conduct reflecting adversely upon the
14 licensee's fitness to perform services while a licensee or
15 individual granted privileges under Section 5.2.

16 (18) Practicing or attempting to practice under a name
17 other than the full name as shown on the license or
18 registration or any other legally authorized name.

19 (19) A finding by the Department that a licensee or
20 registrant has not complied with a provision of any lawful
21 order issued by the Department.

22 (20) Making a false statement to the Department
23 regarding compliance with continuing professional
24 education or peer review requirements.

25 (21) Failing to make a substantive response to a
26 request for information by the Department within 30 days

1 of the request.

2 (b) (Blank).

3 (b-5) All fines or costs imposed under this Section shall
4 be paid within 60 days after the effective date of the order
5 imposing the fine or costs or in accordance with the terms set
6 forth in the order imposing the fine or cost.

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

19 (d) The Department may refuse to issue or may suspend
20 without hearing, as provided for in the Code of Civil
21 Procedure, the license or registration of any person who fails
22 to file a return, to pay a tax, penalty, or interest shown in a
23 filed return, or to pay any final assessment of tax, penalty,
24 or interest, as required by any tax Act administered by the
25 Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied in accordance

1 with subsection (g) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code
3 of Illinois.

4 (e) (Blank).

5 (f) The determination by a court that a licensee or
6 registrant is subject to involuntary admission or judicial
7 admission as provided in the Mental Health and Developmental
8 Disabilities Code will result in the automatic suspension of
9 the ~~his or her~~ license or registration. The licensee or
10 registrant shall be responsible for notifying the Department
11 of the determination by the court that the licensee or
12 registrant is subject to involuntary admission or judicial
13 admission as provided in the Mental Health and Developmental
14 Disabilities Code. The suspension shall end only upon a
15 finding by a court that the patient is no longer subject to
16 involuntary admission or judicial admission, the issuance of
17 an order so finding and discharging the patient, and the
18 filing of a petition for restoration demonstrating fitness to
19 practice.

20 (g) In enforcing this Section, the Department, upon a
21 showing of a possible violation, may compel, any licensee or
22 registrant or any individual who has applied for licensure
23 under this Act, to submit to a mental or physical examination
24 and evaluation, or both, which may include a substance abuse
25 or sexual offender evaluation, at the expense of the
26 Department. The Department shall specifically designate the

1 examining physician licensed to practice medicine in all of
2 its branches or, if applicable, the multidisciplinary team
3 involved in providing the mental or physical examination and
4 evaluation, or both. The multidisciplinary team shall be led
5 by a physician licensed to practice medicine in all of its
6 branches and may consist of one or more or a combination of
7 physicians licensed to practice medicine in all of its
8 branches, licensed chiropractic physicians, licensed clinical
9 psychologists, licensed clinical social workers, licensed
10 clinical professional counselors, and other professional and
11 administrative staff. Any examining physician or member of the
12 multidisciplinary team may require any person ordered to
13 submit to an examination and evaluation under this Section to
14 submit to any additional supplemental testing deemed necessary
15 to complete any examination or evaluation process, including,
16 but not limited to, blood testing, urinalysis, psychological
17 testing, or neuropsychological testing. The Department may
18 order the examining physician or any member of the
19 multidisciplinary team to provide to the Department any and
20 all records, including business records, that relate to the
21 examination and evaluation, including any supplemental testing
22 performed. The Department may order the examining physician or
23 any member of the multidisciplinary team to present testimony
24 concerning this examination and evaluation of the licensee,
25 registrant, or applicant, including testimony concerning any
26 supplemental testing or documents relating to the examination

1 and evaluation. No information, report, record, or other
2 documents in any way related to the examination and evaluation
3 shall be excluded by reason of any common law or statutory
4 privilege relating to communication between the licensee,
5 registrant, or applicant and the examining physician or any
6 member of the multidisciplinary team. No authorization is
7 necessary from the individual ordered to undergo an evaluation
8 and examination for the examining physician or any member of
9 the multidisciplinary team to provide information, reports,
10 records, or other documents or to provide any testimony
11 regarding the examination and evaluation.

12 The individual to be examined may have, at the
13 individual's ~~his or her~~ own expense, another physician of the
14 individual's ~~his or her~~ choice present during all aspects of
15 the examination. Failure of any individual to submit to mental
16 or physical examination and evaluation, or both, when
17 directed, shall result in an automatic suspension, without
18 hearing, until such time as the individual submits to the
19 examination. If the Department finds a licensee, registrant,
20 or applicant unable to practice because of the reasons set
21 forth in this Section, the Department shall require such
22 licensee, registrant, or applicant to submit to care,
23 counseling, or treatment by physicians approved or designated
24 by the Department, as a condition for continued, reinstated,
25 or renewed licensure to practice.

26 When the Secretary immediately suspends a license or

1 registration under this Section, a hearing upon such person's
2 license or registration must be convened by the Department
3 within 15 days after such suspension and completed without
4 appreciable delay. The Department shall have the authority to
5 review the subject's record of treatment and counseling
6 regarding the impairment, to the extent permitted by
7 applicable federal statutes and regulations safeguarding the
8 confidentiality of medical records.

9 Individuals licensed or registered under this Act,
10 affected under this Section, shall be afforded an opportunity
11 to demonstrate to the Department that they can resume practice
12 in compliance with acceptable and prevailing standards under
13 the provisions of the individual's ~~their~~ license or
14 registration.

15 (Source: P.A. 100-872, eff. 8-14-18.)

16 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 20.1. Investigations; notice; hearing.

19 (a) The Department may investigate the actions of an
20 applicant, person, or entity holding or claiming to hold a
21 license.

22 (b) The Department shall, before revoking, suspending,
23 placing on probation, reprimanding, or taking any other
24 disciplinary or non-disciplinary action under Section 20.01 of
25 this Act, at least 30 days before the date set for the hearing,

1 (i) notify the accused in writing of the charges made and the
2 time and place for the hearing on the charges, (ii) direct the
3 accused ~~him or her~~ to file a written answer to the charges with
4 the Department under oath within 20 days after the service ~~on~~
5 ~~him or her~~ of the notice is made, and (iii) inform the accused
6 that, if the Department ~~he or she~~ fails to receive an answer,
7 default shall be taken against the accused ~~him or her~~ or the
8 accused's ~~that his or her~~ license or registration may be
9 suspended, revoked, placed on probationary status, or other
10 disciplinary action taken with regard to the licensee,
11 including limiting the scope, nature, or extent of the
12 accused's ~~his or her~~ practice, as the Department may consider
13 proper.

14 (c) With respect to determinations by a Peer Review
15 Administrator duly appointed by the Department under
16 subsection (f) of Section 16 of this Act that a licensee has
17 failed to satisfactorily complete a peer review as required
18 under subsection (e) of Section 16, the Department may
19 consider the Peer Review Administrator's findings of fact as
20 prima facie evidence, and upon request by a licensee for a
21 hearing the Department shall review the record presented and
22 hear arguments by the licensee or the licensee's counsel but
23 need not conduct a trial or hearing de novo or accept
24 additional evidence.

25 (d) At the time and place fixed in the notice, the
26 Department shall proceed to hear the charges and the parties

1 or the parties' ~~their~~ counsel shall be accorded ample
2 opportunity to present any pertinent statements, testimony,
3 evidence, and arguments. The Department may continue the
4 hearing from time to time.

5 (e) In case the person, after receiving the notice, fails
6 to file an answer, the ~~his or her~~ license or registration may,
7 in the discretion of the Department, be suspended, revoked,
8 placed on probationary status, or the Department may take
9 whatever disciplinary action considered proper, including
10 limiting the scope, nature, or extent of the person's practice
11 or the imposition of a fine, without a hearing, if the act or
12 acts charged constitute sufficient grounds for that action
13 under this Act. The written notice may be served by registered
14 or certified mail to the licensee or registrant's address of
15 record or, if in the course of the administrative proceeding
16 the party has previously designated a specific email address
17 at which to accept electronic service for that specific
18 proceeding, by sending a copy by email to an email address on
19 record.

20 (Source: P.A. 98-254, eff. 8-9-13.)

21 (225 ILCS 450/20.2) (from Ch. 111, par. 5523)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 20.2. Subpoenas; depositions; oaths.

24 (a) The Department may subpoena and bring before it any
25 person to take the oral or written testimony or compel the

1 production of any books, papers, records, or any other
2 documents that the Secretary or the Secretary's ~~his or her~~
3 designee deems relevant or material to any investigation or
4 hearing conducted by the Department with the same fees and
5 mileage as prescribed in civil cases in circuit courts of this
6 State and in the same manner as prescribed by this Act and its
7 rules.

8 (b) The Secretary, any member of the Committee designated
9 by the Secretary, a certified shorthand reporter, or any
10 hearing officer appointed may administer oaths at any hearing
11 which the Department conducts. Notwithstanding any statute or
12 Department rule to the contrary, all requests for testimony,
13 production of documents, or records shall be in accordance
14 with this Act.

15 (Source: P.A. 98-254, eff. 8-9-13.)

16 (225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 20.6. Hearing officer. Notwithstanding the provisions
19 of Section 20.2 of this Act, the Secretary shall have the
20 authority to appoint any attorney duly licensed to practice
21 law in the State of Illinois to serve as the hearing officer in
22 any disciplinary action.

23 The hearing officer shall have full authority to conduct
24 the hearing. The hearing officer shall report the hearing
25 officer's ~~his~~ findings of fact, conclusions of law, and

1 recommendations to the Committee ~~and the Secretary~~.

2 (Source: P.A. 98-254, eff. 8-9-13.)

3 (225 ILCS 450/20.7)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 20.7. Findings and recommendations.

6 (a) The Committee shall review the report of the hearing
7 officer and present its findings of fact, conclusions of law,
8 and recommendations to the Secretary. The report of the
9 findings and recommendations of the Committee shall be the
10 basis for the Secretary's order for refusing to issue,
11 restore, or renew a license or registration, or otherwise
12 discipline a licensee or registrant.

13 (b) If the Secretary disagrees in any regard with the
14 report of the Committee or hearing officer, the Secretary ~~he~~
15 ~~or she~~ may issue an order contrary to the report.

16 (c) The findings are not admissible in evidence against
17 the person in a criminal prosecution brought for the violation
18 of this Act, but the hearing and findings are not a bar to a
19 criminal prosecution brought for the violation of this Act.

20 (Source: P.A. 98-254, eff. 8-9-13.)

21 (225 ILCS 450/21) (from Ch. 111, par. 5527)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 21. Administrative review; certification of record;
24 order as prima facie proof.

1 (a) All final administrative decisions of the Department
2 hereunder shall be subject to judicial review pursuant to the
3 provisions of the Administrative Review Law, and all
4 amendments and modifications thereof, and the rules adopted
5 pursuant thereto. The term "administrative decision" is
6 defined as in Section 3-101 of the Code of Civil Procedure.

7 Proceedings for judicial review shall be commenced in the
8 Circuit Court of the county in which the party applying for
9 review resides; provided, that if such party is not a resident
10 of this State, the venue shall be in Sangamon, Champaign, or
11 Cook County.

12 (b) The Department shall not be required to certify any
13 record to the court or file any answer in court or otherwise
14 appear in any court in a judicial review proceeding, unless
15 and until the Department has received from the plaintiff
16 payment of the costs of furnishing and certifying the record,
17 which costs shall be established by the Department. ~~Exhibits~~
18 ~~shall be certified without cost.~~ Failure on the part of the
19 plaintiff to file such receipt in court shall be grounds for
20 dismissal of the action.

21 (c) An order of disciplinary action or a certified copy
22 thereof, over the seal of the Department and purporting to be
23 signed by the Secretary or authorized agent of the Secretary,
24 shall be prima facie proof, subject to being rebutted, that:

25 (1) the signature is the genuine signature of the
26 Secretary or authorized agent of the Secretary;

1 (2) the Secretary or authorized agent of the Secretary
2 is duly appointed and qualified; and

3 (3) the Committee and the members thereof are
4 qualified to act.

5 (Source: P.A. 98-254, eff. 8-9-13.)

6 (225 ILCS 450/27) (from Ch. 111, par. 5533)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 27. Confidentiality of licensee's and registrant's
9 records. A licensed or registered CPA shall not be required by
10 any court to divulge information or evidence which has been
11 obtained ~~by him~~ in the licensee or registrant's ~~his~~
12 confidential capacity as a licensed or registered CPA. This
13 Section shall not apply to any investigation or hearing
14 undertaken pursuant to this Act.

15 (Source: P.A. 98-254, eff. 8-9-13.)

16 (225 ILCS 450/30) (from Ch. 111, par. 5535)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 30. Injunctions; cease and desist.

19 (a) If any person or entity violates any provision of this
20 Act, the Secretary may, in the name of the people of the State
21 of Illinois by the Attorney General of the State of Illinois or
22 the State's Attorney of any county in which the violation is
23 alleged to have occurred, petition for an order enjoining the
24 violation or for an order enforcing compliance with this Act.

1 Upon the filing of a verified petition in court, the court may
2 issue a temporary restraining order, without notice or bond,
3 and may preliminarily and permanently enjoin the violation. If
4 it is established that the person has violated or is violating
5 the injunction, the court may punish the offender for contempt
6 of court. The injunction proceeding shall be in addition to
7 and not in lieu of any penalties or other remedies provided by
8 this Act. No injunction shall issue under this section against
9 any person for any act exempted under Section 11 of this Act.

10 (b) If any person shall practice as a licensed CPA or a
11 registered CPA or hold oneself ~~himself or herself~~ out as a
12 licensed CPA or registered CPA without being licensed or
13 registered under the provisions ~~provision~~ of this Act then any
14 licensed CPA or registered CPA, any interested party, or any
15 person injured thereby may, in addition to the Department,
16 petition for relief as provided in subsection (a) ~~of this~~
17 ~~Section~~.

18 (c) Whenever in the opinion of the Department any person
19 violates any provision of this Act, the Department may issue a
20 rule to show cause why an order to cease and desist should not
21 be entered against the person ~~him~~. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall
23 provide a period of 7 days from the date of the rule to file an
24 answer to the satisfaction of the Department. Failure to
25 answer to the satisfaction of the Department shall cause an
26 order to cease and desist to be issued forthwith.

1 (Source: P.A. 98-254, eff. 8-9-13.)

2 Section 99. Effective date. This Section and Section 5
3 take effect upon becoming law.".