

1 AN ACT concerning accounting.

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

4 Section 5. The Illinois Public Accounting Act is amended
5 by changing Sections 2 and 20.01 as follows:

6 (225 ILCS 450/2) (from Ch. 111, par. 5502)

7 (Section scheduled to be repealed on January 1, 2014)

8 (Text of Section before amendment by P.A. 92-457)

9 Sec. 2. Examinations. The University shall appoint a
10 Board of Examiners that shall determine the qualifications of
11 persons applying for certificates and shall make rules for
12 and conduct examinations for determining the qualifications.

13 The Board shall consist of 9 examiners, at least 7 of
14 whom shall be certified public accountants in this State who
15 have been residents of this State for at least 5 years
16 immediately preceding their appointment. One shall be either
17 an accountant of the grade herein described or an attorney
18 licensed and residing in this State and one shall be a
19 certified public accountant who is an active or retired
20 educator residing in this State. The term of office of each
21 examiner shall be 3 years, except that upon the enactment of
22 this amendatory Act of 1993, those members currently serving
23 on the Board shall continue to serve the duration of their
24 terms, one additional examiner shall be appointed for a term
25 of one year, one additional examiner for a term of 2 years,
26 and 2 additional examiners for a term of 3 years. As the
27 term of each examiner expires, the appointment shall be
28 filled for a term of 3 years from the date of expiration.
29 Any Board member who has served as a member for 6 consecutive
30 years shall not be eligible for reappointment until 2 years
31 after the end of the term in which the sixth consecutive year

1 of service occurred.

2 Information regarding educational requirements, the
3 application process, the examination, and fees shall be
4 available on the the Board's Internet web site as well as in
5 printed documents available from the Board's office. The
6 time--and--place--of--holding--the--examinations---shall---be
7 determined--by--the-Board-and-shall-be-duly-advertised-by-the
8 Board-

9 The examination shall test the applicant's knowledge of
10 accounting, auditing, and other related subjects, if any, as
11 the Board may deem advisable. Prior to implementation of a
12 computer-based examination, a candidate must be examined in
13 all subjects except that a candidate who has passed in 2 or
14 more subjects and who attained a minimum grade in each
15 subject failed as may be established by Board regulations
16 shall have the right to be re-examined in the remaining
17 subjects at one or more of the next 6 succeeding
18 examinations. Upon implementation of a computer-based
19 examination, a candidate shall be required to pass all
20 sections of the examination in order to qualify for a
21 certificate. A candidate may take the required test sections
22 individually and in any order, as long as the examination is
23 taken within a timeframe established by Board rule.

24 The Board may in certain cases waive or defer any of the
25 requirements of this Section regarding the circumstances in
26 which the various Sections of the examination must be passed
27 upon a showing that, by reasons of circumstances beyond the
28 applicant's control, the applicant was unable to meet the
29 requirement.

30 Applicants may also be required to pass an examination on
31 the rules of professional conduct, as determined by Board
32 rule to be appropriate.

33 The examinations shall be given at least twice a year.

34 Any application, document or other information filed by

1 or concerning an applicant and any examination grades of an
2 applicant shall be deemed confidential and shall not be
3 disclosed to anyone without the prior written permission of
4 the applicant, except that it is hereby deemed in the public
5 interest that the names and addresses only of all applicants
6 shall be a public record and be released as public
7 information. Nothing herein shall prevent the Board from
8 making public announcement of the names of persons receiving
9 certificates under this Act.

10 The Board shall adopt all necessary and reasonable rules
11 and regulations for the effective administration of the
12 Sections of this Act for which it is charged with
13 administering. Without limiting the foregoing, the Board
14 shall adopt and prescribe rules and regulations for a fair
15 and wholly and impartial method of determining the
16 qualifications of applicants for examination and for a fair
17 and wholly and impartial method of examination of persons
18 under Section 2 and may establish rules for subjects
19 conditioned and for the transfer of credits from other
20 jurisdictions with respect to subjects passed.

21 (Source: P.A. 88-36.)

22 (Text of Section after amendment by P.A. 92-457)

23 Sec. 2. Examinations. The Governor shall appoint a Board
24 of Examiners that shall determine the qualifications of
25 persons applying for certificates and shall make rules for
26 and conduct examinations for determining the qualifications.
27 The Board shall consist of not less than 9 nor more than 11
28 examiners, as determined by Board rule, including 2 public
29 members. The remainder shall be certified public accountants
30 in this State who have been residents of this State for at
31 least 5 years immediately preceding their appointment, except
32 that one shall be either a certified public accountant of the
33 grade herein described or an attorney licensed and residing
34 in this State and one shall be a certified public accountant

1 who is an active or retired educator residing in this State.
2 The term of office of each examiner shall be 3 years, except
3 that upon the enactment of this amendatory Act of the 92nd
4 General Assembly, those members currently serving on the
5 Board shall continue to serve the duration of their terms,
6 one additional examiner shall be appointed for a term of one
7 year, one additional examiner for a term of 2 years, and any
8 additional examiners for terms of 3 years. As the term of
9 each examiner expires, the appointment shall be filled for a
10 term of 3 years from the date of expiration. Any Board
11 member who has served as a member for 6 consecutive years
12 shall not be eligible for reappointment until 2 years after
13 the end of the term in which the sixth consecutive year of
14 service occurred, except that members of the Board serving on
15 the effective date of this Section shall be eligible for
16 appointment to one additional 3-year term. Where the
17 expiration of any member's term shall result in less than 11
18 members then serving on the Board, the member shall continue
19 to serve until his or her successor is appointed and has
20 qualified. The Governor may terminate the term of any member
21 of the Board at any time for cause.

22 Information regarding educational requirements, the
23 application process, the examination, and fees shall be
24 available on the Board's Internet web site as well as in
25 printed documents available from the Board's office. ~~The time~~
26 ~~and place of holding the examinations shall be determined by~~
27 ~~the Board and shall be duly advertised by the Board.~~

28 The examination shall test the applicant's knowledge of
29 accounting, auditing, and other related subjects, if any, as
30 the Board may deem advisable. Prior to implementation of a
31 computer-based examination, a candidate must be examined in
32 all subjects except that a candidate who has passed in 2 or
33 more subjects and who attained a minimum grade in each
34 subject failed as may be established by Board regulations

1 shall have the right to be re-examined in the remaining
2 subjects at one or more of the next 6 succeeding
3 examinations. Upon implementation of a computer-based
4 examination, a candidate shall be required to pass all
5 sections of the examination in order to qualify for a
6 certificate. A candidate may take the required test sections
7 individually and in any order, as long as the examination is
8 taken within a timeframe established by Board rule.

9 The Board may in certain cases waive or defer any of the
10 requirements of this Section regarding the circumstances in
11 which the various Sections of the examination must be passed
12 upon a showing that, by reasons of circumstances beyond the
13 applicant's control, the applicant was unable to meet the
14 requirement.

15 Applicants may also be required to pass an examination on
16 the rules of professional conduct, as determined by Board
17 rule to be appropriate.

18 The examinations shall be given at least twice a year.

19 Any application, document or other information filed by
20 or concerning an applicant and any examination grades of an
21 applicant shall be deemed confidential and shall not be
22 disclosed to anyone without the prior written permission of
23 the applicant, except that it is hereby deemed in the public
24 interest that the names and addresses only of all applicants
25 shall be a public record and be released as public
26 information. Nothing herein shall prevent the Board from
27 making public announcement of the names of persons receiving
28 certificates under this Act.

29 The Board shall adopt all necessary and reasonable rules
30 and regulations for the effective administration of this Act.
31 Without limiting the foregoing, the Board shall adopt and
32 prescribe rules and regulations for a fair and wholly and
33 impartial method of determining the qualifications of
34 applicants for examination and for a fair and wholly and

1 impartial method of examination of persons under Section 2
2 and may establish rules for subjects conditioned and for the
3 transfer of credits from other jurisdictions with respect to
4 subjects passed.

5 (Source: P.A. 92-457, eff. 7-1-04.)

6 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

7 (Section scheduled to be repealed on January 1, 2014)

8 (Text of Section before amendment by P.A. 92-457)

9 Sec. 20.01. Grounds for discipline.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, or reprimand any license or licensee, place
12 a licensee on probation for a period of time subject to any
13 conditions the Committee may specify including requiring the
14 licensee to attend continuing education courses or to work
15 under the supervision of another licensee, impose a fine not
16 to exceed \$5,000 for each violation, restrict the authorized
17 scope of practice, or require a licensee to undergo a peer
18 review program, for any one or more of the following:

19 (1) Violation of any provision of this Act.

20 (2) Attempting to procure a license to practice
21 public accounting by bribery or fraudulent
22 misrepresentations.

23 (3) Having a license to practice public accounting
24 revoked, suspended, or otherwise acted against, including
25 the denial of licensure, by the licensing authority of
26 another state, territory, or country. No disciplinary
27 action shall be taken in Illinois if the action taken in
28 another jurisdiction was based upon failure to meet the
29 continuing professional education requirements of that
30 jurisdiction and the applicable Illinois continuing
31 professional education requirements are met.

32 (4) Being convicted or found guilty, regardless of
33 adjudication, of a crime in any jurisdiction which

1 directly relates to the practice of public accounting or
2 the ability to practice public accounting.

3 (5) Making or filing a report or record which the
4 registrant knows to be false, willfully failing to file a
5 report or record required by state or federal law,
6 willfully impeding or obstructing the filing, or inducing
7 another person to impede or obstruct the filing. The
8 reports or records shall include only those that are
9 signed in the capacity of a public accountant.

10 (6) Conviction in this or another State or the
11 District of Columbia, or any United States Territory, of
12 any crime that is punishable by one year or more in
13 prison or conviction of a crime in a federal court that
14 is punishable by one year or more in prison.

15 (7) Proof that the licensee is guilty of fraud or
16 deceit, or of gross negligence, incompetency, or
17 misconduct, in the practice of public accounting.

18 (8) Violation of any rule adopted under this Act.

19 (9) Practicing on a revoked, suspended, or inactive
20 license.

21 (10) Suspension or revocation of the right to
22 practice before any state or federal agency.

23 (11) Conviction of any crime under the laws of the
24 United States or any state or territory of the United
25 States that is a felony or misdemeanor and has dishonesty
26 as essential element, or of any crime that is directly
27 related to the practice of the profession.

28 (12) Making any misrepresentation for the purpose
29 of obtaining a license, or material misstatement in
30 furnishing information to the Department.

31 (13) Aiding or assisting another person in
32 violating any provision of this Act or rules promulgated
33 hereunder.

34 (14) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public and violating the rules of
3 professional conduct adopted by the Department.

4 (15) Habitual or excessive use or addiction to
5 alcohol, narcotics, stimulants, or any other chemical
6 agent or drug that results in the inability to practice
7 with reasonable skill, judgment, or safety.

8 (16) Directly or indirectly giving to or receiving
9 from any person, firm, corporation, partnership, or
10 association any fee, commission, rebate, or other form of
11 compensation for any professional service not actually
12 rendered.

13 (17) Physical or mental disability, including
14 deterioration through the aging process or loss of
15 abilities and skills that results in the inability to
16 practice the profession with reasonable judgment, skill
17 or safety.

18 (18) Solicitation of professional services by using
19 false or misleading advertising.

20 (19) Failure to file a return, or pay the tax,
21 penalty or interest shown in a filed return, or to pay
22 any final assessment of tax, penalty or interest, as
23 required by any tax Act administered by the Illinois
24 Department of Revenue or any successor agency or the
25 Internal Revenue Service or any successor agency.

26 (20) Practicing or attempting to practice under a
27 name other than the full name as shown on the license or
28 any other legally authorized name.

29 (21) A finding by the Department that a licensee
30 has not complied with a provision of any lawful order
31 issued by the Department.

32 (22) Making a false statement to the Department
33 regarding compliance with continuing professional
34 education requirements.

1 (23) Failing to make a substantive response to a
2 request for information by the Department within 30 days
3 of the request.

4 (b) (Blank).

5 (c) In rendering an order, the Director shall take into
6 consideration the facts and circumstances involving the type
7 of acts or omissions in subsection (a) including, but not
8 limited to:

9 (1) the extent to which public confidence in the
10 public accounting profession was, might have been, or may
11 be injured;

12 (2) the degree of trust and dependence among the
13 involved parties;

14 (3) the character and degree of financial or
15 economic harm which did or might have resulted; and

16 (4) the intent or mental state of the person
17 charged at the time of the acts or omissions.

18 (d) The Department shall reissue the license upon
19 certification by the Committee that the disciplined licensee
20 has complied with all of the terms and conditions set forth
21 in the final order.

22 (e) The Department shall deny any application for a
23 license or renewal, without hearing, to any person who has
24 defaulted on an educational loan guaranteed by the Illinois
25 Student Assistance Commission; however, the Department may
26 issue a license or renewal if the person in default has
27 established a satisfactory repayment record as determined by
28 the Illinois Student Assistance Commission.

29 (f) The determination by a court that a licensee is
30 subject to involuntary admission or judicial admission as
31 provided in the Mental Health and Developmental Disabilities
32 Code will result in the automatic suspension of his or her
33 license. The suspension will end upon a finding by a court
34 that the licensee is no longer subject to involuntary

1 admission or judicial admission, the issuance of an order so
2 finding and discharging the patient, and the recommendation
3 of the Committee to the Director that the licensee be allowed
4 to resume professional practice.

5 (Source: P.A. 90-655, eff. 7-30-98; revised 3-7-02.)

6 (Text of Section after amendment by P.A. 92-457)

7 Sec. 20.01. Grounds for discipline; license.

8 (a) The Board may refuse to issue or renew, or may
9 revoke, suspend, or reprimand any license or licensee, place
10 a licensee on probation for a period of time subject to any
11 conditions the Board may specify including requiring the
12 licensee to attend continuing education courses or to work
13 under the supervision of another licensee, impose a fine not
14 to exceed \$5,000 for each violation, restrict the authorized
15 scope of practice, or require a licensee to undergo a peer
16 review program, for any one or more of the following:

17 (1) Violation of any provision of this Act.

18 (2) Attempting to procure a license to practice
19 public accounting by bribery or fraudulent
20 misrepresentations.

21 (3) Having a license to practice public accounting
22 revoked, suspended, or otherwise acted against, including
23 the denial of licensure, by the licensing authority of
24 another state, the District of Columbia, or any United
25 States territory. No disciplinary action shall be taken
26 in Illinois if the action taken in another jurisdiction
27 was based upon failure to meet the continuing
28 professional education requirements of that jurisdiction
29 and the applicable Illinois continuing professional
30 education requirements are met.

31 (4) Being convicted or found guilty, regardless of
32 adjudication, of a crime in any jurisdiction which
33 directly relates to the practice of public accounting or
34 the ability to practice public accounting.

1 (5) Making or filing a report or record which the
2 registrant knows to be false, willfully failing to file a
3 report or record required by state or federal law,
4 willfully impeding or obstructing the filing, or inducing
5 another person to impede or obstruct the filing. The
6 reports or records shall include only those that are
7 signed in the capacity of a licensed certified public
8 accountant.

9 (6) Conviction in this or another State or the
10 District of Columbia, or any United States Territory, of
11 any crime that is punishable by one year or more in
12 prison or conviction of a crime in a federal court that
13 is punishable by one year or more in prison.

14 (7) Proof that the licensee is guilty of fraud or
15 deceit, or of gross negligence, incompetency, or
16 misconduct, in the practice of public accounting.

17 (8) Violation of any rule adopted under this Act.

18 (9) Practicing on a revoked, suspended, or inactive
19 license.

20 (10) Suspension or revocation of the right to
21 practice before any state or federal agency.

22 (11) Conviction of any crime under the laws of the
23 United States or any state or territory of the United
24 States that is a felony or misdemeanor and has dishonesty
25 as an essential element, or of any crime that is directly
26 related to the practice of the profession.

27 (12) Making any misrepresentation for the purpose
28 of obtaining a license, or material misstatement in
29 furnishing information to the Board.

30 (13) Aiding or assisting another person in
31 violating any provision of this Act or rules promulgated
32 hereunder.

33 (14) Engaging in dishonorable, unethical, or
34 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public and violating the rules of
2 professional conduct adopted by the Board.

3 (15) Habitual or excessive use or addiction to
4 alcohol, narcotics, stimulants, or any other chemical
5 agent or drug that results in the inability to practice
6 with reasonable skill, judgment, or safety.

7 (16) Directly or indirectly giving to or receiving
8 from any person, firm, corporation, partnership, or
9 association any fee, commission, rebate, or other form of
10 compensation for any professional service not actually
11 rendered.

12 (17) Physical or mental disability, including
13 deterioration through the aging process or loss of
14 abilities and skills that results in the inability to
15 practice the profession with reasonable judgment, skill
16 or safety.

17 (18) Solicitation of professional services by using
18 false or misleading advertising.

19 (19) Failure to file a return, or pay the tax,
20 penalty or interest shown in a filed return, or to pay
21 any final assessment of tax, penalty or interest, as
22 required by any tax Act administered by the Illinois
23 Department of Revenue or any successor agency or the
24 Internal Revenue Service or any successor agency.

25 (20) Practicing or attempting to practice under a
26 name other than the full name as shown on the license or
27 any other legally authorized name.

28 (21) A finding by the Board that a licensee has not
29 complied with a provision of any lawful order issued by
30 the Board.

31 (22) Making a false statement to the Board
32 regarding compliance with continuing professional
33 education requirements.

34 (23) Failing to make a substantive response to a

1 request for information by the Board within 30 days of
2 the request.

3 (b) (Blank).

4 (c) In rendering an order, the Board shall take into
5 consideration the facts and circumstances involving the type
6 of acts or omissions in subsection (a) including, but not
7 limited to:

8 (1) the extent to which public confidence in the
9 public accounting profession was, might have been, or may
10 be injured;

11 (2) the degree of trust and dependence among the
12 involved parties;

13 (3) the character and degree of financial or
14 economic harm which did or might have resulted; and

15 (4) the intent or mental state of the person
16 charged at the time of the acts or omissions.

17 (d) The Board shall reissue the license upon a showing
18 that the disciplined licensee has complied with all of the
19 terms and conditions set forth in the final order.

20 (e) The Board shall deny any application for a license
21 or renewal, without hearing, to any person who has defaulted
22 on an educational loan guaranteed by the Illinois Student
23 Assistance Commission; however, the Board may issue a license
24 or renewal if the person in default has established a
25 satisfactory repayment record as determined by the Illinois
26 Student Assistance Commission.

27 (f) The determination by a court that a licensee is
28 subject to involuntary admission or judicial admission as
29 provided in the Mental Health and Developmental Disabilities
30 Code will result in the automatic suspension of his or her
31 license. The suspension will end upon a finding by a court
32 that the licensee is no longer subject to involuntary
33 admission or judicial admission and the issuance of an order
34 so finding and discharging the patient.

1 (Source: P.A. 92-457, eff. 7-1-04; revised 3-7-02.)

2 Section 95. No acceleration or delay. Where this Act
3 makes changes in a statute that is represented in this Act by
4 text that is not yet or no longer in effect (for example, a
5 Section represented by multiple versions), the use of that
6 text does not accelerate or delay the taking effect of (i)
7 the changes made by this Act or (ii) provisions derived from
8 any other Public Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.