



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB2577

Introduced 02/18/05, by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15

was 20 ILCS 2105/60

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Requires the Department to assess the costs incurred in the prosecution of authorized disciplinary actions, including any disciplinary action against any license or authority authorized in any licensing Act administered by the Department. Provides that the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to pay the tax, penalty, or interest shown in a field return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of any such tax Act are satisfied, or until the person establishes a satisfactory repayment record as determined by the Department of Revenue. Sets forth that a complaint filed with the Department of Revenue meeting certain requirements and attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facia evidence of the licensee's failure to comply with the tax laws administered by the Department of Revenue. Provides for the enforcement of the suspensions of licenses for non-compliance with tax laws. Makes other changes. Effective immediately.

LRB094 10381 RSP 40651 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of  
5 the Civil Administrative Code of Illinois is amended by  
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the  
10 Civil Administrative Code of Illinois, the following powers and  
11 duties:

12 (1) To authorize examinations in English to ascertain  
13 the qualifications and fitness of applicants to exercise  
14 the profession, trade, or occupation for which the  
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and  
17 wholly impartial method of examination of candidates to  
18 exercise the respective professions, trades, or  
19 occupations.

20 (3) To pass upon the qualifications of applicants for  
21 licenses, certificates, and authorities, whether by  
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for  
24 the respective professions, trades, and occupations, what  
25 shall constitute a school, college, or university, or  
26 department of a university, or other institution,  
27 reputable and in good standing, and to determine the  
28 reputability and good standing of a school, college, or  
29 university, or department of a university, or other  
30 institution, reputable and in good standing, by reference  
31 to a compliance with those rules and regulations; provided,  
32 that no school, college, or university, or department of a

1 university, or other institution that refuses admittance  
2 to applicants solely on account of race, color, creed, sex,  
3 or national origin shall be considered reputable and in  
4 good standing.

5 (5) To conduct hearings on proceedings to revoke,  
6 suspend, refuse to renew, place on probationary status, or  
7 take other disciplinary action as authorized in any  
8 licensing Act administered by the Department with regard to  
9 licenses, certificates, or authorities of persons  
10 exercising the respective professions, trades, or  
11 occupations and to revoke, suspend, refuse to renew, place  
12 on probationary status, or take other disciplinary action  
13 as authorized in any licensing Act administered by the  
14 Department with regard to those licenses, certificates, or  
15 authorities. The Department shall issue a monthly  
16 disciplinary report. The Department shall deny any license  
17 or renewal authorized by the Civil Administrative Code of  
18 Illinois to any person who has defaulted on an educational  
19 loan or scholarship provided by or guaranteed by the  
20 Illinois Student Assistance Commission or any governmental  
21 agency of this State; however, the Department may issue a  
22 license or renewal if the aforementioned persons have  
23 established a satisfactory repayment record as determined  
24 by the Illinois Student Assistance Commission or other  
25 appropriate governmental agency of this State.  
26 Additionally, beginning June 1, 1996, any license issued by  
27 the Department may be suspended or revoked if the  
28 Department, after the opportunity for a hearing under the  
29 appropriate licensing Act, finds that the licensee has  
30 failed to make satisfactory repayment to the Illinois  
31 Student Assistance Commission for a delinquent or  
32 defaulted loan. For the purposes of this Section,  
33 "satisfactory repayment record" shall be defined by rule.  
34 The Department shall refuse to issue or renew a license to,  
35 or shall suspend or revoke a license of, any person who,  
36 after receiving notice, fails to comply with a subpoena or

1 warrant relating to a paternity or child support  
2 proceeding. However, the Department may issue a license or  
3 renewal upon compliance with the subpoena or warrant.

4 The Department, without further process or hearings,  
5 shall revoke, suspend, or deny any license or renewal  
6 authorized by the Civil Administrative Code of Illinois to  
7 a person who is certified by the Illinois Department of  
8 Public Aid as being more than 30 days delinquent in  
9 complying with a child support order or who is certified by  
10 a court as being in violation of the Non-Support Punishment  
11 Act for more than 60 days. The Department may, however,  
12 issue a license or renewal if the person has established a  
13 satisfactory repayment record as determined by the  
14 Illinois Department of Public Aid or if the person is  
15 determined by the court to be in compliance with the  
16 Non-Support Punishment Act. The Department may implement  
17 this paragraph as added by Public Act 89-6 through the use  
18 of emergency rules in accordance with Section 5-45 of the  
19 Illinois Administrative Procedure Act. For purposes of the  
20 Illinois Administrative Procedure Act, the adoption of  
21 rules to implement this paragraph shall be considered an  
22 emergency and necessary for the public interest, safety,  
23 and welfare.

24 (5.1) To assess costs related to the investigation and  
25 prosecution of the case, including costs associated with  
26 time expended by investigators, attorneys, and other  
27 employees of the Department, as part of any order revoking,  
28 suspending, refusing to renew, placing on probationary  
29 status, or taking other disciplinary action against any  
30 license, certificate, or authority authorized in any  
31 licensing Act administered by the Department and as part of  
32 any order concerning unlicensed practice authorized in any  
33 licensing Act administered by the Department. The  
34 Department shall promulgate rules for the administration  
35 of the assessment required under this item.

36 (6) To transfer jurisdiction of any realty under the

1 control of the Department to any other department of the  
2 State Government or to acquire or accept federal lands when  
3 the transfer, acquisition, or acceptance is advantageous  
4 to the State and is approved in writing by the Governor.

5 (7) To formulate rules and regulations necessary for  
6 the enforcement of any Act administered by the Department.

7 (8) To exchange with the Illinois Department of Public  
8 Aid information that may be necessary for the enforcement  
9 of child support orders entered pursuant to the Illinois  
10 Public Aid Code, the Illinois Marriage and Dissolution of  
11 Marriage Act, the Non-Support of Spouse and Children Act,  
12 the Non-Support Punishment Act, the Revised Uniform  
13 Reciprocal Enforcement of Support Act, the Uniform  
14 Interstate Family Support Act, or the Illinois Parentage  
15 Act of 1984. Notwithstanding any provisions in this Code to  
16 the contrary, the Department of Professional Regulation  
17 shall not be liable under any federal or State law to any  
18 person for any disclosure of information to the Illinois  
19 Department of Public Aid under this paragraph (8) or for  
20 any other action taken in good faith to comply with the  
21 requirements of this paragraph (8).

22 (9) To perform other duties prescribed by law.

23 (b) The Department may, when a fee is payable to the  
24 Department for a wall certificate of registration provided by  
25 the Department of Central Management Services, require that  
26 portion of the payment for printing and distribution costs be  
27 made directly or through the Department to the Department of  
28 Central Management Services for deposit into the Paper and  
29 Printing Revolving Fund. The remainder shall be deposited into  
30 the General Revenue Fund.

31 (c) For the purpose of securing and preparing evidence, and  
32 for the purchase of controlled substances, professional  
33 services, and equipment necessary for enforcement activities,  
34 recoupment of investigative costs, and other activities  
35 directed at suppressing the misuse and abuse of controlled  
36 substances, including those activities set forth in Sections

1 504 and 508 of the Illinois Controlled Substances Act, the  
2 Director and agents appointed and authorized by the Director  
3 may expend sums from the Professional Regulation Evidence Fund  
4 that the Director deems necessary from the amounts appropriated  
5 for that purpose. Those sums may be advanced to the agent when  
6 the Director deems that procedure to be in the public interest.  
7 Sums for the purchase of controlled substances, professional  
8 services, and equipment necessary for enforcement activities  
9 and other activities as set forth in this Section shall be  
10 advanced to the agent who is to make the purchase from the  
11 Professional Regulation Evidence Fund on vouchers signed by the  
12 Director. The Director and those agents are authorized to  
13 maintain one or more commercial checking accounts with any  
14 State banking corporation or corporations organized under or  
15 subject to the Illinois Banking Act for the deposit and  
16 withdrawal of moneys to be used for the purposes set forth in  
17 this Section; provided, that no check may be written nor any  
18 withdrawal made from any such account except upon the written  
19 signatures of 2 persons designated by the Director to write  
20 those checks and make those withdrawals. Vouchers for those  
21 expenditures must be signed by the Director. All such  
22 expenditures shall be audited by the Director, and the audit  
23 shall be submitted to the Department of Central Management  
24 Services for approval.

25 (d) Whenever the Department is authorized or required by  
26 law to consider some aspect of criminal history record  
27 information for the purpose of carrying out its statutory  
28 powers and responsibilities, then, upon request and payment of  
29 fees in conformance with the requirements of Section 2605-400  
30 of the Department of State Police Law (20 ILCS 2605/2605-400),  
31 the Department of State Police is authorized to furnish,  
32 pursuant to positive identification, the information contained  
33 in State files that is necessary to fulfill the request.

34 (e) The provisions of this Section do not apply to private  
35 business and vocational schools as defined by Section 1 of the  
36 Private Business and Vocational Schools Act.

1 (f) Beginning July 1, 1995, this Section does not apply to  
2 those professions, trades, and occupations licensed under the  
3 Real Estate License Act of 2000, nor does it apply to any  
4 permits, certificates, or other authorizations to do business  
5 provided for in the Land Sales Registration Act of 1989 or the  
6 Illinois Real Estate Time-Share Act.

7 (g) Notwithstanding anything that may appear in any  
8 individual licensing statute or administrative rule, the  
9 Department shall deny any license application or renewal  
10 authorized under any licensing Act administered by the  
11 Department to any person who has failed to file a return, or to  
12 pay the tax, penalty, or interest shown in a filed return, or  
13 to pay any final assessment of tax, penalty, or interest, as  
14 required by any tax Act administered by the Illinois Department  
15 of Revenue, until such time as the requirement of any such tax  
16 Act are satisfied; however, the Department may issue a license  
17 or renewal if the person has established a satisfactory  
18 repayment record as determined by the Illinois Department of  
19 Revenue. For the purpose of this Section, "satisfactory  
20 repayment record" shall be defined by rule.

21 In addition, a complaint filed with the Department by the  
22 Illinois Department of Revenue that includes a certification,  
23 signed by its Director or designee, attesting to the amount of  
24 the unpaid tax liability or the years for which a return was  
25 not filed, or both, is prima facia evidence of the licensee's  
26 failure to comply with the tax laws administered by the  
27 Illinois Department of Revenue. Upon receipt of that  
28 certification, the Department shall, without a hearing,  
29 immediately suspend all licenses held by the licensee.  
30 Enforcement of the Department's order shall be stayed for 60  
31 days. The Department shall provide notice of the suspension to  
32 the licensee by mailing a copy of the Department's order by  
33 certified and regular mail to the licensee's last known address  
34 as registered with the Department. The notice shall advise the  
35 licensee that the suspension shall be effective 60 days after  
36 the issuance of the Department's order unless the Department

1 receives, from the licensee, a request for a hearing before the  
2 Department to dispute the matters contained in the order.

3 Any suspension imposed under this subsection (g) shall be  
4 terminated by the Department upon notification from the  
5 Illinois Department of Revenue that the licensee is in  
6 compliance with all tax laws administered by the Illinois  
7 Department of Revenue.

8 The Department shall promulgate rules for the  
9 administration of this subsection (g).

10 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;  
11 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.