

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-75 as follows:

7 (20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

8 Sec. 2105-75. Design professionals designated employees.
9 There are established within the Department certain design
10 professionals designated employees. These employees shall be
11 devoted primarily to the administration and enforcement of the
12 Illinois Architecture Practice Act, the Illinois Professional
13 Land Surveyor Act of 1989, the Professional Engineering
14 Practice Act of 1989, and the Structural Engineering Practice
15 Act of 1989. The design professionals designated employees that
16 the Director shall employ, in conformity with the Personnel
17 Code, shall include but not be limited to one full-time Design
18 Licensing Manager, one full-time Assistant Licensing Manager,
19 3 ~~4~~ full-time licensing clerks, one full-time attorney, and 3 ~~2~~
20 full-time investigators. These employees shall work primarily
21 in the licensing and enforcement of the design profession Acts
22 set forth in this Section and may be used, when available, for
23 other duties in the Department subject to the authorization of
24 the Department.

25 (Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

26 Section 10. The Illinois Architecture Practice Act of 1989
27 is amended by changing Sections 13, 20, 22, and 23.5 as
28 follows:

29 (225 ILCS 305/13) (from Ch. 111, par. 1313)

30 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 13. Qualifications of applicants. Any person who is of
2 good moral character may take an examination for licensure if
3 he or she is a graduate with a first professional degree in
4 architecture from a program accredited by the National
5 Architectural Accrediting Board and has completed such
6 diversified professional training, including academic
7 training, as is required by rules of the Department. Until
8 January 1, ~~2010~~ 2014, in lieu of the requirement of graduation
9 with a first professional degree in architecture from a program
10 accredited by the National Architectural Accrediting Board,
11 the Department may admit an applicant who is a graduate with a
12 pre-professional 4 year baccalaureate degree accepted for
13 direct entry into a first professional master of architecture
14 degree program, and who has completed such additional
15 diversified professional training, including academic
16 training, as is required by rules of the Department. The
17 Department may adopt, as its own rules relating to diversified
18 professional training, those guidelines published from time to
19 time by the National Council of Architectural Registration
20 Boards.

21 Good moral character means such character as will enable a
22 person to discharge the fiduciary duties of an architect to
23 that person's client and to the public in a manner which
24 protects health, safety and welfare. Evidence of inability to
25 discharge such duties may include the commission of an offense
26 justifying discipline under Section 19. In addition, the
27 Department may take into consideration whether the applicant
28 has engaged in conduct or actions that would constitute grounds
29 for discipline under this Act.

30 (Source: P.A. 93-1009, eff. 1-1-05.)

31 (225 ILCS 305/20) (from Ch. 111, par. 1320)

32 (Section scheduled to be repealed on January 1, 2010)

33 Sec. 20. Roster of licensees and registrants. A roster
34 showing the names and addresses of all architects,
35 architectural corporations and partnerships and professional

1 design firms licensed or registered under this Act shall be
2 prepared by the Department each year. This roster shall be
3 organized by discipline and available by discipline upon
4 written request and payment of the required fee.

5 (Source: P.A. 88-428.)

6 (225 ILCS 305/22) (from Ch. 111, par. 1322)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 22. Refusal, suspension and revocation of licenses;
9 Causes.

10 (a) The Department may, singularly or in combination,
11 refuse to issue, renew or restore, or may suspend or revoke any
12 license or registration, or may place on probation, reprimand,
13 or fine, with a civil penalty not to exceed \$10,000 for each
14 violation, any person, corporation, or partnership, or
15 professional design firm licensed or registered under this Act
16 for any of the following reasons:

17 (1) material misstatement in furnishing information to
18 the Department;

19 (2) negligence, incompetence or misconduct in the
20 practice of architecture;

21 (3) failure to comply with any of the provisions of
22 this Act or any of the rules;

23 (4) making any misrepresentation for the purpose of
24 obtaining licensure;

25 (5) purposefully making false statements or signing
26 false statements, certificates or affidavits to induce
27 payment;

28 (6) conviction of any crime under the laws of the
29 United States, or any state or territory thereof, which is
30 a felony, whether related to the practice of architecture
31 or not; or conviction of any crime, whether a felony,
32 misdemeanor, or otherwise, an essential element of which is
33 dishonesty, wanton disregard for the rights of others, or
34 which is directly related to the practice of architecture;

35 (7) aiding or assisting another person in violating any

1 provision of this Act or its rules;

2 (8) signing, affixing the licensed architect's seal or
3 permitting the architect's seal to be affixed to any
4 construction documents not prepared by the architect or
5 under that architect's direct supervision and control;

6 (9) engaging in dishonorable, unethical or
7 unprofessional conduct of a character likely to deceive,
8 defraud or harm the public;

9 (10) habitual intoxication or addiction to the use of
10 drugs;

11 (11) making a statement of compliance pursuant to the
12 Environmental Barriers Act that construction documents
13 prepared by the Licensed Architect or prepared under the
14 licensed architect's direct supervision and control for
15 construction or alteration of an occupancy required to be
16 in compliance with the Environmental Barriers Act are in
17 compliance with the Environmental Barriers Act when such
18 construction documents are not in compliance;

19 (12) a finding by the Board that an applicant or
20 registrant has failed to pay a fine imposed by the
21 Department or a registrant, whose license has been placed
22 on probationary status, has violated the terms of
23 probation;

24 (13) discipline by another state, territory, foreign
25 country, the District of Columbia, the United States
26 government, or any other governmental agency, if at least
27 one of the grounds for discipline is the same or
28 substantially equivalent to those set forth herein;

29 (14) failure to provide information in response to a
30 written request made by the Department within 30 days after
31 the receipt of such written request;

32 (15) physical illness, including, but not limited to,
33 deterioration through the aging process or loss of motor
34 skill which results in the inability to practice the
35 profession with reasonable judgment, skill or safety.

36 (a-5) In enforcing this Section, the Board upon a showing

1 of a possible violation may request that the Department compel
2 a person licensed to practice under this Act, or who has
3 applied for licensure or certification pursuant to this Act, to
4 submit to a mental or physical examination, or both, as
5 required by and at the expense of the Department. The examining
6 physicians shall be those specifically designated by the
7 Department Board. The ~~Board or the~~ Department may order the
8 examining physician to present testimony concerning this
9 mental or physical examination of the licensee or applicant. No
10 information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The person
13 to be examined may have, at his or her own expense, another
14 physician of his or her choice present during all aspects of
15 the examination. Failure of any person to submit to a mental or
16 physical examination, when directed, shall be grounds for
17 suspension of a license until the person submits to the
18 examination if the Department Board finds, after notice and
19 hearing, that the refusal to submit to the examination was
20 without reasonable cause.

21 If the Board finds a person unable to practice because of
22 the reasons set forth in this Section, the Board may recommend
23 that the Department require that person to submit to care,
24 counseling, or treatment by physicians approved or designated
25 by the Department Board as a condition, term, or restriction
26 for continued, reinstated, or renewed licensure to practice;
27 or, in lieu of care, counseling, or treatment, the Board may
28 recommend to the Department to file a complaint to immediately
29 suspend, revoke or otherwise discipline the license of the
30 person. Any person whose license was granted, continued,
31 reinstated, renewed, disciplined, or supervised subject to
32 such terms, conditions, or restrictions and who fails to comply
33 with such terms, conditions, or restrictions shall be referred
34 to the Director for a determination as to whether the person
35 shall have his or her license suspended immediately, pending a
36 hearing by the Board.

1 (b) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission, as
3 provided in the Mental Health and Developmental Disabilities
4 Code, operates as an automatic suspension. Such suspension will
5 end only upon a finding by a court that the patient is no
6 longer subject to involuntary admission or judicial admission,
7 the issuance of an order so finding and discharging the
8 patient, and the recommendation of the Board to the Director
9 that the licensee be allowed to resume practice.

10 The Department may refuse to issue or may suspend the
11 license of any person who fails to file a return, or to pay the
12 tax, penalty or interest shown in a filed return, or to pay any
13 final assessment of tax, penalty or interest, as required by
14 any tax Act administered by the Illinois Department of Revenue,
15 until such time as the requirements of any such tax Act are
16 satisfied.

17 Persons who assist the Department as consultants or expert
18 witnesses in the investigation or prosecution of alleged
19 violations of the Act, licensure matters, restoration
20 proceedings, or criminal prosecutions, shall not be liable for
21 damages in any civil action or proceeding as a result of such
22 assistance, except upon proof of actual malice. The attorney
23 general shall defend such persons in any such action or
24 proceeding.

25 (Source: P.A. 91-133, eff. 1-1-00.)

26 (225 ILCS 305/23.5)

27 (Section scheduled to be repealed on January 1, 2010)

28 Sec. 23.5. Unlicensed practice; violation; civil penalty.

29 (a) Any person who practices, offers to practice, attempts
30 to practice, or holds oneself out to practice as an architect
31 without being licensed under this Act shall, in addition to any
32 other penalty provided by law, pay a civil penalty to the
33 Department in an amount not to exceed \$5,000 for each offense
34 as determined by the Department. The civil penalty shall be
35 assessed by the Department after a hearing is held in

1 accordance with the provisions set forth in this Act regarding
2 the provision of a hearing for the discipline of a licensee.

3 (a-5) Any entity that advertises architecture services in a
4 telecommunications directory must include its architecture
5 firm registration number or, in the case of a sole proprietor,
6 his or her individual license number. Nothing in this
7 subsection (a-5) requires the publisher of a
8 telecommunications directory to investigate or verify the
9 accuracy of the registration or license number provided by the
10 advertiser of architecture services.

11 (b) The Department has the authority and power to
12 investigate any and all unlicensed activity.

13 (c) The civil penalty shall be paid within 60 days after
14 the effective date of the order imposing the civil penalty. The
15 order shall constitute a judgment and may be filed and
16 execution had thereon in the same manner as any judgment from
17 any court of record.

18 (Source: P.A. 89-474, eff. 6-18-96.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2005.