



Filed: 2/14/2006

09400SB2574sam001

LRB094 18855 RAS 55947 a

1 AMENDMENT TO SENATE BILL 2574

2 AMENDMENT NO. _____. Amend Senate Bill 2574 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Landscape Architecture Act of 1989
5 is amended by changing Sections 1, 3, 4, 4.5, 6, 7, 8, 9, 10,
6 11, 12, 13, 15, 16, 17, 18, 18.1, 19, 21, 22.1, 23, 24, 25, and
7 28 and by adding Sections 2.5, 3.5, 6.5, 11.5, and 12.5 as
8 follows:

9 (225 ILCS 315/1) (from Ch. 111, par. 8101)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 1. Purpose; public policy. The practice of landscape
12 architecture in the State of Illinois is hereby declared to
13 affect the public health, safety, and welfare and to be subject
14 to regulation and control in the public interest. It is further
15 declared to be a matter of public interest and concern that the
16 practice of landscape architecture, as defined in this Act,
17 merit and receive the confidence of the public and that only
18 qualified persons be authorized to practice landscape
19 architecture in the State of Illinois. This Act shall be
20 liberally construed to best carry out these subjects and
21 purposes. It is the purpose of this Act to provide for the
22 registration of landscape architects.

23 (Source: P.A. 86-932.)

1 (225 ILCS 315/2.5 new)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 2.5. Application of Act. Nothing in this Act shall be
4 deemed or construed to prevent the practice of architecture, as
5 defined in the Architecture Practice Act of 1989, or the
6 practice of professional engineering, as defined in the
7 Professional Engineering Practice Act of 1989, by persons other
8 than those licensed in accordance with this Act, the
9 Architectural Practice Act of 1989, or the Professional
10 Engineering Practice Act of 1989. Nothing contained in this Act
11 shall prevent students, project representatives, or other
12 employees of those lawfully practicing as licensed landscape
13 architects under the provisions of this Act from acting under
14 the direct supervision and control of their supervisors or
15 employers or prevent such project representatives from acting
16 under the direct supervision and control of the licensed
17 landscape architect by whom the construction documents,
18 including drawings and specifications, were prepared. Nothing
19 in this Act shall be deemed or construed to prevent work
20 performed for a site plan for a one to 4 family residence.
21 Nothing in this Act shall be construed to prevent the practice
22 of a nurseryman, landscape designer, or landscape contractor
23 who provides horticultural consultations or prepares planting
24 plans for plant installations.

25 (225 ILCS 315/3) (from Ch. 111, par. 8103)

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

27 Sec. 3. Definitions. As used in this Act:

28 (a) "Board" means the Illinois Landscape Architect
29 Licensing Registration Board.

30 (b) "Department" means the Illinois Department of
31 Financial and Professional Regulation.

32 (c) "Secretary Director" means the Secretary Director of
33 Financial and Professional Regulation.

1 (d) "Landscape Architect" means a person who, based on
2 education, experience, and examination ~~or both~~ in the field of
3 landscape architecture, is licensed ~~eligible to register~~ under
4 this Act.

5 (e) "Landscape Architecture" means the art and science of
6 arranging land, together with the spaces and objects upon it,
7 for the purpose of creating a safe, efficient, healthful, and
8 aesthetically pleasing physical environment for human use and
9 enjoyment.

10 (f) "Landscape Architectural Practice" means the offering
11 or furnishing of professional services in connection with a
12 landscape architecture project including, but not limited to,
13 providing preliminary studies; developing design concepts;
14 planning for the relationships of physical improvements and
15 intended uses of the site; establishing form and aesthetic
16 elements; analyzing and providing for life safety
17 requirements; developing those construction details on the
18 site which are exclusive of any building or structure and do
19 not require the seal of an engineer, architect, or structural
20 engineer; administering construction projects, managing
21 projects, and managing construction, as these activities
22 relate to landscaping features; preparing and coordinating
23 technical submissions; and conducting site observation of a
24 landscape architecture project, including those services set
25 forth in Section 3.5 of this Act.

26 (g) "Person" means any person, sole proprietorship, or
27 entity such as a partnership, professional service
28 corporation, or corporation.

29 (Source: P.A. 86-932.)

30 (225 ILCS 315/3.5 new)

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

32 Sec. 3.5. Scope of practice. The practice of landscape
33 architecture applies the principles of mathematics and the

1 physical and social sciences in consultation, evaluation,
2 planning, and design, including, but not limited to, the
3 preparation and filing of plans, drawings, specifications, and
4 other contract documents and the administration of contracts
5 relative to projects principally directed at the functional and
6 aesthetic use and preservation of land. These practices
7 include, but are not limited to, landscaping activities that
8 involve the following:

9 (1) The investigation, selection, and allocation of
10 land and water resources for appropriate uses.

11 (2) The formulation of feasibility studies and graphic
12 and written criteria to govern the planning, design, and
13 management of land and water resources.

14 (3) The preparation, review, and analysis of land use
15 master plans, subdivision plans, and preliminary plats.

16 (4) The determination of the location and site of
17 improvements, including buildings and other features, as
18 well as the access and environs for those improvements.

19 (5) The design of land forms, grading of landscape
20 features, drainage in relation to landscape features and
21 plantings, landscape features that mitigate storm water
22 impacts, subsurface drainage for plantings and landscape
23 architectural features, soil conservation and erosion
24 control methods, site lighting, amphitheaters, plazas,
25 decks, retaining walls under 54 inches in height,
26 monuments, flagpoles, site signage, benches, seat walls,
27 pedestrian bridges, railings, pedestrian ramps, paving,
28 water features, irrigation systems, plantings, pedestrian
29 and vehicular circulation systems, and related
30 construction details.

31 (225 ILCS 315/4) (from Ch. 111, par. 8104)

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

33 Sec. 4. After the effective date of this Act, no person may

1 represent himself to be a landscape architect, ~~or~~ use the title
2 "landscape architect", ~~"registered landscape architect"~~, or
3 any other title which includes the words "landscape architect"
4 or "landscape architecture", or engage in landscape
5 architectural practice, unless licensed ~~registered~~ under this
6 Act.

7 (Source: P.A. 86-932.)

8 (225 ILCS 315/4.5)

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

10 Sec. 4.5. Unlicensed ~~Unregistered~~ practice; violation;
11 civil penalty.

12 (a) Any person who practices, offers to practice, attempts
13 to practice, or holds oneself out to practice landscape
14 architecture without being licensed ~~registered~~ under this Act
15 shall, in addition to any other penalty provided by law, pay a
16 civil penalty to the Department in an amount not to exceed
17 \$5,000 for each offense as determined by the Department. The
18 civil penalty shall be assessed by the Department after a
19 hearing is held in accordance with the provisions set forth in
20 this Act regarding the provision of a hearing for the
21 discipline of a licensee.

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

24 (c) The civil penalty shall be paid within 60 days after
25 the effective date of the order imposing the civil penalty. The
26 order shall constitute a judgment and may be filed and
27 execution had thereon in the same manner as any judgment from
28 any court of record.

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

30 (225 ILCS 315/6) (from Ch. 111, par. 8106)

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

32 Sec. 6. Issuance of license ~~Certificate~~. Whenever an

1 applicant for licensure ~~registration~~ has complied with the
2 provisions of Section 11 of this Act, the Department shall
3 issue a license ~~certificate of registration~~ to the applicant as
4 a licensed ~~registered~~ landscape architect subject to the
5 provisions of this Act.

6 (Source: P.A. 86-932.)

7 (225 ILCS 315/6.5 new)

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

9 Sec. 6.5. Display of license; seal.

10 (a) Every holder of a landscape architect license shall
11 display it in a conspicuous place in his or her principal
12 office.

13 (b) Every licensed landscape architect shall have a
14 reproducible seal or facsimile the print of which shall contain
15 the name of the landscape architect, the license number, and
16 the words "Licensed Landscape Architect, State of Illinois".
17 The licensed landscape architect shall affix the signature,
18 current date, date of license expiration, and seal to the first
19 sheet of any bound set or loose sheets of technical submissions
20 utilized as contract documents between the parties to the
21 contract or prepared for the review and approval of any
22 governmental or public authority having jurisdiction by that
23 landscape architect or under that landscape architect's
24 responsible control. The sheet of technical submissions in
25 which the seal is affixed shall indicate those documents or
26 parts thereof for which the seal shall apply. The seal and
27 dates may be electronically affixed. The signature must be in
28 the original handwriting of the licensee. Signatures generated
29 by computer shall not be permitted. All technical submissions
30 issued by any corporation, partnership, professional service
31 corporation, or professional design firm as licensed under this
32 Act shall contain the corporate or assumed business name and
33 design firm license number, in addition to any other seal

1 requirements set forth in this Section.

2 (c) In this Section, "responsible control" means that
3 amount of control over, and detailed professional knowledge of,
4 the content of technical submissions during their preparation
5 as is ordinarily exercised by landscape architects applying the
6 required professional standard of care. Merely reviewing, or
7 reviewing and correcting, the technical submissions or any
8 portion thereof prepared by those not in the regular employment
9 of the office where the landscape architect is resident without
10 control over the content of such work throughout its
11 preparation does not constitute "responsible control".

12 (d) A landscape architect licensed under this Act shall not
13 sign and seal technical submissions that have not been prepared
14 by or under the responsible control of the landscape architect,
15 except that:

16 (1) the landscape architect may sign and seal those
17 portions of the technical submissions that were prepared by
18 or under the responsible control of persons who hold a
19 license under this Act, and who have signed and sealed the
20 documents, if the architect has reviewed, in whole or in
21 part, such portions and has either coordinated their
22 preparation or integrated them into his or her work;

23 (2) the landscape architect may sign and seal portions
24 of the professional work that are not required by this Act
25 to be prepared by or under the responsible control of a
26 landscape architect, if the landscape architect has
27 reviewed and adopted, in whole or in part, such portions
28 and has integrated them into his or her work; and

29 (3) a partner or corporate officer of a professional
30 design firm registered in Illinois and licensed under this
31 Act, who has professional knowledge of the content of the
32 technical submissions and intends to be responsible for the
33 adequacy of the technical submissions, may sign and seal
34 technical submissions that are prepared by or under the

1 responsible control of architects who are licensed in this
2 State and who are in the regular employment of the
3 professional design firm.

4 (e) The landscape architect exercising responsible control
5 over the preparation of documents or portions of documents
6 shall be identified on the documents or portions of documents
7 by name and Illinois license number.

8 (f) Any licensed landscape architect who signs and seals
9 technical submissions not prepared by that landscape architect
10 but prepared under his or her responsible control by persons
11 not regularly employed in the office where the landscape
12 architect is resident shall maintain and make available to the
13 Board upon request for at least 5 years following such signing
14 and sealing, adequate and complete records demonstrating the
15 nature and extent of the landscape architect's control over and
16 detailed professional knowledge of such technical submissions
17 throughout their preparation.

18 (225 ILCS 315/7) (from Ch. 111, par. 8107)

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

20 Sec. 7. Current Address. Every landscape architect shall
21 maintain a current address with the Department. It shall be the
22 responsibility of the licensee ~~registrant~~ to notify the
23 Department in writing of any change of address.

24 (Source: P.A. 91-255, eff. 12-30-99.)

25 (225 ILCS 315/8) (from Ch. 111, par. 8108)

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

27 Sec. 8. Powers and Duties of the Department.

28 (a) The Department shall exercise the powers and duties
29 prescribed by the Civil Administrative Code of Illinois for the
30 administration of licensing acts and shall exercise such other
31 powers and duties vested by this Act.

32 (b) The Department shall promulgate rules and regulations

1 consistent with the provisions of this Act for the
2 administration and enforcement thereof which shall include
3 standards and criteria for licensure ~~registration~~ and for the
4 payment of fees connected therewith. The Department shall
5 prescribe forms required for the administration of this Act.

6 (c) The Department shall consult the ~~Landscape~~
7 ~~Architecture~~ Board in promulgating rules and regulations.
8 Notice of proposed rulemaking shall be transmitted to the Board
9 and the Department shall review the Board's response and any
10 recommendations made therein. The Department shall notify the
11 Board in writing of the explanation for any deviations from the
12 Board's recommendations and response.

13 (d) The Department may at any time seek the advice and the
14 expert knowledge of the Board on any matter relating to the
15 administration of this Act.

16 (e) The Department shall issue a quarterly report to the
17 Board setting forth the status of all complaints received by
18 the Department related to the landscape architecture practice.

19 (f) The Department shall maintain membership and
20 representation in the national body composed of state licensing
21 and testing boards for landscape architects.

22 (Source: P.A. 86-932.)

23 (225 ILCS 315/9) (from Ch. 111, par. 8109)

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

25 Sec. 9. Composition, qualification, and terms of Board.

26 (a) The Secretary ~~Director~~ shall appoint the Illinois
27 Landscape Architecture Licensing a Board consisting of 5
28 persons who are residents of the State of Illinois and who
29 shall be appointed by and shall serve in an advisory capacity
30 to the Secretary ~~Director~~. Four persons shall be individuals
31 experienced in landscape architectural work who would qualify
32 upon application to the Department under the provisions of this
33 Act to be a licensed ~~registered~~ landscape architects, one of

1 whom shall be a tenured member of the landscape architecture
2 faculty of a university located within this State that
3 maintains an accredited school of landscape architecture ~~the~~
4 ~~University of Illinois~~ and 3 of whom shall have engaged in
5 landscape architectural work for at least 5 years. The fifth
6 person shall be a public member, not an employee of the State
7 of Illinois, who is not licensed ~~registered~~ under this Act or a
8 similar Act of another jurisdiction. The public member may not
9 be elected or appointed as chairman of the Board or serve in
10 such capacity in any other manner.

11 (b) Members of the Board shall serve 5 year terms and until
12 their successors are appointed and qualified. No member shall
13 be reappointed to the Board for a term which would cause that
14 member's cumulative service on the Board to be longer than 10
15 years. No member who is an initial appointment to the Board
16 shall be reappointed to the Board for a term which would cause
17 that member's cumulative service on the Board to be longer than
18 13 years. Appointments to fill vacancies shall be made in the
19 same manner as original appointments for the unexpired portion
20 of the vacated term. Initial terms shall begin upon the
21 effective date of this Act.

22 (c) The Secretary ~~Director~~ may remove any member of the
23 Board for cause, which may include without limitation a member
24 who does not attend 2 consecutive meetings.

25 (d) The Secretary ~~Director~~ shall consider the
26 recommendations of the Board on questions involving standards
27 of professional conduct, discipline, and qualifications of
28 candidates and registrants under this Act.

29 (e) A quorum of the Board shall consist of a majority of
30 members currently appointed. A majority vote of the quorum is
31 required for Board ~~board~~ decisions.

32 (f) The Board shall annually elect a chairperson and vice
33 chairperson, both of whom shall be licensed landscape
34 architects.

1 (Source: P.A. 91-255, eff. 12-30-99.)

2 (225 ILCS 315/10) (from Ch. 111, par. 8110)

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

4 Sec. 10. Application for licensure ~~Registration~~. An
5 application for licensure ~~registration~~ shall be made to the
6 Department in writing on forms prescribed by the Department and
7 shall be accompanied by the required fee, which shall not be
8 returnable. The application shall require such information as,
9 in the judgment of the Department, will enable the Department
10 to pass on the qualifications of the applicant for licensure
11 ~~registration~~.

12 (Source: P.A. 86-932.)

13 (225 ILCS 315/11) (from Ch. 111, par. 8111)

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

15 Sec. 11. Licensure ~~Registration~~ Qualifications.

16 (a) Every person applying to the Department for licensure
17 ~~registration~~ shall do so on forms approved by the Department
18 and shall pay the required fee. Every person applying to the
19 Department for licensure ~~registration~~ shall submit, with his
20 application, satisfactory evidence that the person holds an
21 approved professional degree in landscape architecture from an
22 approved and accredited program, as such terms are defined by
23 the rules and regulations of the Department, and that he has
24 had such practical experience in landscape architectural work
25 as shall be required by the rules and regulations of the
26 Department. ~~Every In lieu of evidence of any approved~~
27 ~~professional degree in landscape architecture, the applicant~~
28 ~~may submit satisfactory evidence of such other education or~~
29 ~~experience as shall be required by the rules and regulations of~~
30 ~~the Department; provided, however, that after January 1, 1993~~
31 ~~every~~ applicant for initial licensure ~~registration~~ must have an
32 approved professional degree. If an applicant is qualified the

1 Department shall, by means of a written examination, examine
2 the applicant on such technical and professional subjects as
3 shall be required by the rules and regulations of the
4 Department.

5 (b) The Department may exempt from such written examination
6 an applicant who holds a certificate of qualification issued by
7 the National Council of Landscape Architecture Registration
8 Boards, or who holds a license ~~registration~~ in another state
9 which has equivalent or substantially equivalent requirements
10 as the State of Illinois.

11 (c) The Department shall adopt rules determining
12 requirements for practical training and education. The
13 Department may also adopt the examinations and recommended
14 grading procedures of the National Council of Landscape
15 Architectural Registration Boards and the accreditation
16 procedures of the Landscape Architectural Accrediting Board.
17 The Department shall issue a license ~~certificate of~~
18 ~~registration~~ to each applicant who satisfies the requirements
19 set forth in this Section. Such licensure ~~registration~~ shall be
20 effective upon issuance.

21 (d) If an applicant neglects, fails without an approved
22 excuse, or refuses to take an examination or fails to pass an
23 examination to obtain a license ~~certificate of registration~~
24 under this Act within 3 years after filing the application, the
25 application shall be denied. However, such applicant may
26 thereafter submit a new application accompanied by the required
27 fee.

28 (e) (Blank). ~~Any person who has been engaged in the~~
29 ~~practice of landscape architecture prior to the effective date~~
30 ~~of this Act, shall, upon application within 2 years from the~~
31 ~~effective date of this Act and upon payment of the required~~
32 ~~current registration fee and application fee, be issued~~
33 ~~registration without examination upon furnishing to the~~
34 ~~Department satisfactory proof that he was so engaged prior to~~

1 ~~such date. The Director, through the Board, shall accept as~~
2 ~~satisfactory evidence of the competency and qualifications of~~
3 ~~the applicant for registration the following:~~

4 ~~(1) A diploma of graduation or satisfactory completion~~
5 ~~certificate from a college, school, or university offering~~
6 ~~an accredited program in landscape architecture, together~~
7 ~~with evidence of at least 2 years of actual, practical~~
8 ~~experience in landscape architectural work of a grade and~~
9 ~~character acceptable to the Board; or~~

10 ~~(2) Evidence that the applicant has a total of at least~~
11 ~~7 years of actual, practical experience in landscape~~
12 ~~architectural work of a grade and character acceptable to~~
13 ~~the Board and has been actually engaged in the active~~
14 ~~practice of landscape architecture for not less than 4~~
15 ~~years immediately prior to the effective date of this Act.~~

16 (Source: P.A. 91-255, eff. 12-30-99.)

17 (225 ILCS 315/11.5 new)

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

19 Sec. 11.5. Registrants deemed licensed. Any landscape
20 architect registered under this Act on the effective date of
21 this amendatory Act of the 94th General Assembly shall be
22 deemed licensed under this Act until such time as his or her
23 registration is revoked. Upon the revocation of the valid
24 registration, the requirements for license renewal, license
25 restoration, or administrative proceedings shall apply.

26 (225 ILCS 315/12) (from Ch. 111, par. 8112)

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

28 Sec. 12. Licensure; renewal; restoration ~~Registration,~~
29 ~~Renewal, Restoration.~~

30 (a) The expiration date and renewal period for each license
31 ~~registration~~ issued under this Act shall be prescribed by the
32 rules and regulations of the Department.

1 (b) Any person who has permitted his license ~~registration~~
2 to expire or who has had his license ~~registration~~ on inactive
3 status may have his license ~~registration~~ restored by applying
4 to the Department, filing proof acceptable to the Department of
5 his fitness to have the license ~~registration~~ restored, which
6 may include sworn evidence certifying to active practice in
7 another jurisdiction satisfactory to the Department and paying
8 the required restoration fee.

9 (c) If the person has not maintained an active practice in
10 another jurisdiction satisfactory to the Department, the Board
11 shall determine, by an evaluation program established by rule,
12 the person's fitness to resume active status and may require
13 the successful completion of an examination.

14 (d) However, any person whose license ~~registration~~ has
15 expired while he has been engaged: (1) in Federal Service on
16 active duty with the Armed Forces of the United States or the
17 State Militia called into service or training; or (2) in
18 training or education under the supervision of the United
19 States preliminary to induction into the military service, may
20 have his license ~~registration~~ renewed or restored without
21 paying any lapsed renewal fees if, within 2 years after
22 termination of such service, training or education other than
23 by dishonorable discharge, he furnishes the Department with
24 satisfactory evidence to the effect that he has been so engaged
25 and that the service, training or education has been so
26 terminated.

27 (e) Each application for renewal shall contain the
28 signature of the landscape architect.

29 (Source: P.A. 86-932.)

30 (225 ILCS 315/12.5 new)

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

32 Sec. 12.5. Continuing education. The Department may adopt
33 rules of continuing education for persons licensed under this

1 Act. The Department shall consider the recommendations of the
2 Board in establishing the guidelines for the continuing
3 education requirements. Rules adopted under this Section apply
4 to any person seeking renewal or restoration of licensure under
5 this Act. The continuing education shall consist of at least 6
6 hours per year and may include relevant courses offered in
7 various formats or mediums.

8 (225 ILCS 315/13) (from Ch. 111, par. 8113)

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

10 Sec. 13. Inactive Status.

11 (a) Any landscape architect who notifies the Department in
12 writing on forms prescribed by the Department may elect to
13 place his license ~~registration~~ on an inactive status and shall
14 be excused from payment of renewal fees until he notifies the
15 Department in writing of his desire to resume active status.

16 (b) Any person whose license has been expired for more than
17 3 years may have his license restored by making application to
18 the Department and filing proof acceptable to the Department of
19 his fitness to have his license restored, including evidence
20 certifying to active practice in another jurisdiction, and by
21 paying the required restoration fee.

22 (c) Any landscape architect whose license ~~registration~~ is
23 in an inactive status, has been suspended or revoked, or has
24 expired shall not practice landscape architecture nor
25 represent himself to be a landscape architect or use the title
26 "landscape architect", "licensed~~registered~~ landscape
27 architect", or any other title which includes the words
28 "landscape architect".

29 (Source: P.A. 86-932.)

30 (225 ILCS 315/15) (from Ch. 111, par. 8115)

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

32 Sec. 15. Disposition of funds. All of the fees collected

1 pursuant to this Act shall be deposited in the General
2 Professions Dedicated Fund.

3 On January 1, 2000 the State Comptroller shall transfer the
4 balance of the monies in the Landscape Architects'
5 Administration and Investigation Fund into the General
6 Professions Dedicated Fund. Amounts appropriated for fiscal
7 year 2000 out of the Landscape Architects' Administration and
8 Investigation Fund may be paid out of the General Professions
9 Dedicated Fund.

10 The monies deposited in the General Professions Dedicated
11 Fund may be used for the expenses of the Department in the
12 administration of this Act.

13 Moneys from the Fund may also be used for direct and
14 allocable indirect costs related to the public purposes of the
15 Department of Financial and Professional Regulation. Moneys in
16 the Fund may be transferred to the Professions Indirect Cost
17 Fund as authorized by Section 2105-300 of the Department of
18 Professional Regulation Law (20 ILCS 2105/2105-300).

19 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;
20 92-16, eff. 6-28-01.)

21 (225 ILCS 315/16) (from Ch. 111, par. 8116)

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

23 Sec. 16. Roster. The Department shall maintain a roster of
24 the names and addresses of all licensed ~~registered~~ landscape
25 architects. This roster shall be available upon written request
26 and payment of the required fee.

27 (Source: P.A. 86-932.)

28 (225 ILCS 315/17) (from Ch. 111, par. 8117)

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

30 Sec. 17. Advertising. Any person licensed ~~registered~~ under
31 this Act may advertise the availability of professional
32 services in the public media or on the premises where such

1 professional services are rendered provided that such
2 advertising is truthful and not misleading.

3 (Source: P.A. 86-932.)

4 (225 ILCS 315/18) (from Ch. 111, par. 8118)

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

6 Sec. 18. Violation; injunction; cease and desist order.

7 (a) If any person violates the provisions of this Act, the
8 Secretary ~~Director~~ may, in the name of the People of the State
9 of Illinois, through the Attorney General of the State of
10 Illinois or the State's Attorney of any county in which the
11 action is brought, petition for an order enjoining such
12 violation and for an order enforcing compliance with this Act.
13 Upon the filing of a verified petition in court, the court may
14 issue a temporary restraining order, without notice or bond,
15 and may preliminarily and permanently enjoin such violation. If
16 it is established that such person has violated or is violating
17 the injunction, the Court may punish the offender for contempt
18 of court. Proceedings under this Section shall be in addition
19 to, and not in lieu of, all other remedies and penalties
20 provided by this Act.

21 (b) If any person shall practice landscape architecture or
22 hold himself out as a "landscape architect" ~~or "registered~~
23 ~~landscape architect"~~ without being licensed ~~registered~~
24 the provisions of this Act, then any licensed ~~registered~~
25 landscape architect, any interested party, or any person
26 injured thereby may, in addition to the Secretary ~~Director~~,
27 petition for relief as provided in subsection (a) of this
28 Section.

29 (c) Whoever holds himself out as a "landscape architect" or
30 a "licensed ~~registered~~ landscape architect" or engages in
31 landscape architectural practice in this State without being
32 licensed ~~registered~~ for that purpose shall be guilty of a Class
33 A misdemeanor, and for each subsequent conviction shall be

1 guilty of a Class 4 felony.

2 (d) Whenever, in the opinion of the Department, a person
3 violates any provision of this Act, the Department may issue a
4 rule to show cause why an order to cease and desist should not
5 be entered against that person. The rule shall clearly set
6 forth the grounds relied upon by the Department and shall allow
7 the person at least 7 days from the date of the rule to file an
8 answer that is satisfactory to the Department. Failure to
9 answer to the satisfaction of the Department shall cause an
10 order to cease and desist to be issued.

11 (Source: P.A. 88-363.)

12 (225 ILCS 315/18.1)

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

14 Sec. 18.1. Grounds for Discipline.

15 (a) The Department may refuse to issue, renew, or may
16 revoke, suspend, place on probation, reprimand, or take other
17 disciplinary action as the Department considers appropriate,
18 including the issuance of fines not to exceed \$1,000 for each
19 violation, with regard to any license for any one or more of
20 the following:

21 (1) Material misstatement in furnishing information to
22 the Department or to any other State agency.

23 (2) Negligent or intentional disregard of this Act, or
24 violation of any rules under this Act.

25 (3) Conviction of or plea of guilty or nolo contendere
26 to any crime under the laws of the United States or any
27 state or territory thereof that is a felony, or that is a
28 misdemeanor, an essential element of which is dishonesty,
29 or ~~of~~ any crime that is directly related to the practice of
30 the profession.

31 (4) Making any misrepresentation for the purpose of
32 obtaining a license, or violating any provision of this Act
33 or its rules.

1 (5) Professional incompetence or gross negligence in
2 the rendering of landscape architectural services.

3 (6) Aiding or assisting another person in violating any
4 provision of this Act or any rules.

5 (7) Failing to provide information within 60 days in
6 response to a written request made by the Department.

7 (8) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public and violating the rules of
10 professional conduct adopted by the Department.

11 (9) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in an inability to practice with reasonable
14 skill, judgment, or safety.

15 (10) Discipline by another jurisdiction, if at least
16 one of the grounds for the discipline is the same or
17 substantially equivalent to those set forth in this
18 Section.

19 (11) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate, or other form of compensation
22 for any professional service not actually rendered.

23 (12) A finding by the Board that the licensee, after
24 having the license placed on probationary status, has
25 violated the terms of probation.

26 (12.5) A finding by the Board that the licensee has
27 failed to pay a fine imposed by the Department.

28 (13) Abandonment of a client.

29 (14) Willfully filing false reports relating to a
30 licensee's practice, including but not limited to, false
31 records filed with federal or State agencies or
32 departments.

33 (15) Being named as a perpetrator in an indicated
34 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (16) Physical or mental disability, including
7 deterioration through the aging process or loss of
8 abilities and skills that results in the inability to
9 practice the profession with reasonable judgment, skill,
10 or safety.

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

13 (18) Failure to file a return, or to pay the tax,
14 penalty, or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty, or interest, as required
16 by any tax Act administered by the Illinois Department of
17 Revenue or any successor agency or the Internal Revenue
18 Service or any successor agency.

19 (b) Any fines imposed under this Section shall not exceed
20 \$10,000 ~~\$1,000~~ for each violation.

21 (c) The determination by a court that a licensee is subject
22 to involuntary admission or judicial admission as provided in
23 the Mental Health and Developmental Disabilities Code will
24 result in an automatic suspension of his or her license. The
25 suspension will end upon a finding by a court that the licensee
26 is no longer subject to involuntary admission or judicial
27 admission, the issuance of an order so finding and discharging
28 the patient, and the recommendation of the Board to the
29 Secretary ~~Director~~ that the licensee be allowed to resume
30 professional practice.

31 (d) In enforcing this Section, the Board, upon a showing of
32 a possible violation, may compel a person licensed ~~registered~~
33 under this Act or who has applied for licensure ~~registration~~
34 pursuant to this Act to submit to a mental or physical

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

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

34 (Source: P.A. 91-255, eff. 12-30-99.)

1 (225 ILCS 315/19) (from Ch. 111, par. 8119)

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

3 Sec. 19. Investigation; notice and hearing. The Department
4 may investigate the actions or qualifications of any applicant
5 or person holding or claiming to hold a certificate of license
6 ~~registration~~. The Department shall, before suspending or
7 revoking, placing on probation, reprimanding, or taking any
8 other disciplinary action under Section 18.1 of this Act, at
9 least 30 days before the date set for the hearing, notify the
10 applicant or holder of a certificate of license ~~registration~~ in
11 writing of the nature of the charges and that a hearing will be
12 held on the date designated. The written notice may be served
13 by personal delivery or certified or registered mail to the
14 applicant or licensee at the address of his last notification
15 to the Department. The Department shall direct the applicant or
16 licensee to file a written answer with the Department, under
17 oath, within 20 days after the service of the notice, and
18 inform the person that if he or she fails to file an answer,
19 his or her license may be revoked, suspended, placed on
20 probation, reprimanded, or the Department may take any other
21 additional disciplinary action including the issuance of
22 fines, not to exceed \$1,000 for each violation, as the
23 Department may consider necessary, without a hearing. At the
24 time and place fixed in the notice, the Board shall proceed to
25 hear the charges and the parties or their counsel. All parties
26 shall be accorded an opportunity to present any statements,
27 testimony, evidence, and arguments as may be pertinent to the
28 charges or to their defense. The Board may continue the hearing
29 from time to time.

30 (Source: P.A. 87-1031; 88-363.)

31 (225 ILCS 315/21) (from Ch. 111, par. 8121)

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

1 Sec. 21. Subpoenas; depositions; oaths. The Department has
2 power to subpoena and bring before it any person and to take
3 testimony either orally or by deposition, or both, with the
4 same fees and mileage and in the same manner as prescribed in
5 civil cases in circuit courts of this State.

6 The Secretary ~~Director~~, the designated hearing officer,
7 and every member of the Board has the power to administer oaths
8 to witnesses at any hearing which the Department is authorized
9 to conduct, and any other oaths authorized in any Act
10 administered by the Department.

11 (Source: P.A. 88-363.)

12 (225 ILCS 315/22.1)

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

14 Sec. 22.1. Findings and recommendations. At the conclusion
15 of the hearing, the Board shall present to the Secretary
16 ~~Director~~ a written report of its findings of fact, conclusions
17 of law, and recommendations. The report shall contain a finding
18 whether the licensee violated this Act or failed to comply with
19 the conditions required in this Act. The Board shall specify
20 the nature of the violation or failure to comply, and shall
21 make its recommendations to the Secretary ~~Director~~.

22 The report of findings of fact, conclusions of law, and
23 recommendation of the Board shall be the basis for the
24 Department's order for refusal or for the granting of the
25 license. If the Secretary ~~Director~~ disagrees with the
26 recommendations of the Board, the Secretary ~~Director~~ may issue
27 an order in contravention of the Board recommendations. The
28 Secretary ~~Director~~ shall provide a written report to the Board
29 on any disagreement and shall specify the reasons for the
30 action in the final order. The findings are not admissible in
31 evidence against the person in a criminal prosecution for
32 violation of this Act, but the hearing and findings are not a
33 bar to a criminal prosecution for violation of this Act.

1 (Source: P.A. 88-363.)

2 (225 ILCS 315/23) (from Ch. 111, par. 8123)

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

4 Sec. 23. Board; Rehearing. At the conclusion of the
5 hearing, a copy of the Board's report shall be served upon the
6 accused person, either personally or as provided in this Act
7 for the service of the notice. Within 20 days after such
8 service, the applicant or licensee may present to the
9 Department a motion in writing for a rehearing which shall
10 specify the particular grounds for rehearing. If no motion for
11 a rehearing is filed, then upon the expiration of the time
12 specified for filing such a motion, or if a motion for
13 rehearing is denied, then upon the denial, the Secretary
14 ~~Director~~ may enter any order in accordance with recommendations
15 of the Board, except as provided in Section 120 of this Act. If
16 the applicant or licensee requests and pays for a transcript of
17 the record within the time for filing a motion for rehearing,
18 the 20-day period within which a motion may be filed shall
19 commence upon the delivery of the transcript to the applicant
20 or licensee.

21 Whenever the Secretary ~~Director~~ is not satisfied that
22 substantial justice has been done, he may order a rehearing by
23 the same or another special board. At the expiration of the
24 time specified for filing a motion for a rehearing the
25 Secretary ~~Director~~ has the right to take the action recommended
26 by the Board.

27 (Source: P.A. 88-363.)

28 (225 ILCS 315/24) (from Ch. 111, par. 8124)

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

30 Sec. 24. Appointment of a hearing officer. The Secretary
31 ~~Director~~ has the authority to appoint any attorney licensed to
32 practice law in the State of Illinois to serve as the hearing

1 officer in any action for refusal to issue or renew a license
2 or permit or to discipline a licensee. The Secretary ~~Director~~
3 shall notify the Board of any such appointment. The hearing
4 officer has full authority to conduct the hearing. At least one
5 member of the Board shall attend each hearing. The hearing
6 officer shall report his findings of fact, conclusions of law
7 and recommendations to the Board and the Secretary ~~Director~~.
8 The Board has 60 days from receipt of the report to review it
9 and present its findings of fact, conclusions of law and
10 recommendations to the Secretary ~~Director~~. If the Board fails
11 to present its report within the 60 day period, the Secretary
12 ~~Director~~ shall issue an order based on the report of the
13 hearing officer. If the Secretary ~~Director~~ disagrees with the
14 recommendation of the Board or hearing officer, the Secretary
15 ~~Director~~ may issue an order in contravention of the
16 recommendation. The Secretary ~~Director~~ shall promptly provide
17 a written explanation to the Board on any disagreement.

18 (Source: P.A. 88-363.)

19 (225 ILCS 315/25) (from Ch. 111, par. 8125)

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

21 Sec. 25. Order or certified copy; prima facie proof. An
22 order or a certified copy thereof, over the seal of the
23 Department and purporting to be signed by the Secretary
24 ~~Director~~, shall be prima facie proof that:

25 (a) the signature is the genuine signature of the
26 Secretary ~~Director~~;

27 (b) the Secretary ~~Director~~ is duly appointed and
28 qualified; and

29 (c) the Board and the members thereof are qualified to
30 act.

31 (Source: P.A. 91-357, eff. 7-29-99.)

32 (225 ILCS 315/28) (from Ch. 111, par. 8128)

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

2 Sec. 28. Summary suspension of a license. The Secretary
3 ~~Director~~ may summarily suspend the license of a landscape
4 architect without a hearing, simultaneously with the
5 institution of proceedings for a hearing provided for in
6 Section 24 of this Act, if the Secretary ~~Director~~ finds that
7 evidence in the possession of the Secretary ~~Director~~ indicates
8 that the continuation in practice by the landscape architect
9 would constitute an imminent danger to the public. In the event
10 that the Secretary ~~Director~~ temporarily suspends the license of
11 an individual without a hearing, a hearing must be held within
12 30 days after such suspension has occurred.

13 (Source: P.A. 88-363.)

14 Section 10. The Professional Engineering Practice Act of
15 1989 is amended by changing Section 4 as follows:

16 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

18 Sec. 4. Definitions. As used in this Act:

19 (a) "Approved engineering curriculum" means an engineering
20 curriculum or program of 4 academic years or more which meets
21 the standards established by the rules of the Department.

22 (b) "Board" means the State Board of Professional Engineers
23 of the Department of Professional Regulation, previously known
24 as the Examining Committee.

25 (c) "Department" means the Department of Professional
26 Regulation.

27 (d) "Design professional" means an architect, structural
28 engineer ~~or~~ professional engineer, or landscape architect
29 practicing in conformance with the Illinois Architecture
30 Practice Act of 1989, the Structural Engineering Practice Act
31 of 1989, ~~or~~ the Professional Engineering Practice Act of 1989, or
32 the Illinois Landscape Architecture Act of 1989.

1 (e) "Director" means the Director of Professional
2 Regulation.

3 (f) "Direct supervision/responsible charge" means work
4 prepared under the control of a licensed professional engineer
5 or that work as to which that professional engineer has
6 detailed professional knowledge.

7 (g) "Engineering college" means a school, college,
8 university, department of a university or other educational
9 institution, reputable and in good standing in accordance with
10 rules prescribed by the Department, and which grants
11 baccalaureate degrees in engineering.

12 (h) "Engineering system or facility" means a system or
13 facility whose design is based upon the application of the
14 principles of science for the purpose of modification of
15 natural states of being.

16 (i) "Engineer intern" means a person who is a candidate for
17 licensure as a professional engineer and who has been enrolled
18 as an engineer intern.

19 (j) "Enrollment" means an action by the Department to
20 record those individuals who have met the Board's requirements
21 for an engineer intern.

22 (k) "License" means an official document issued by the
23 Department to an individual, a corporation, a partnership, a
24 professional service corporation, a limited liability company,
25 or a sole proprietorship, signifying authority to practice.

26 (l) "Negligence in the practice of professional
27 engineering" means the failure to exercise that degree of
28 reasonable professional skill, judgment and diligence normally
29 rendered by professional engineers in the practice of
30 professional engineering.

31 (m) "Professional engineer" means a person licensed under
32 the laws of the State of Illinois to practice professional
33 engineering.

34 (n) "Professional engineering" means the application of

1 science to the design of engineering systems and facilities
2 using the knowledge, skills, ability and professional judgment
3 developed through professional engineering education, training
4 and experience.

5 (o) "Professional engineering practice" means the
6 consultation on, conception, investigation, evaluation,
7 planning, and design of, and selection of materials to be used
8 in, administration of construction contracts for, or site
9 observation of, an engineering system or facility, where such
10 consultation, conception, investigation, evaluation, planning,
11 design, selection, administration, or observation requires
12 extensive knowledge of engineering laws, formulae, materials,
13 practice, and construction methods. A person shall be construed
14 to practice or offer to practice professional engineering,
15 within the meaning and intent of this Act, who practices, or
16 who, by verbal claim, sign, advertisement, letterhead, card, or
17 any other way, is represented to be a professional engineer, or
18 through the use of the initials "P.E." or the title "engineer"
19 or any of its derivations or some other title implies licensure
20 as a professional engineer, or holds himself out as able to
21 perform any service which is recognized as professional
22 engineering practice.

23 Examples of the practice of professional engineering
24 include, but need not be limited to, transportation facilities
25 and publicly owned utilities for a region or community,
26 railroads, railways, highways, subways, canals, harbors, river
27 improvements; irrigation works; aircraft, airports and landing
28 fields; waterworks, piping systems and appurtenances, sewers,
29 sewage disposal works; plants for the generation of power;
30 devices for the utilization of power; boilers; refrigeration
31 plants, air conditioning systems and plants; heating systems
32 and plants; plants for the transmission or distribution of
33 power; electrical plants which produce, transmit, distribute,
34 or utilize electrical energy; works for the extraction of

1 minerals from the earth; plants for the refining, alloying or
2 treating of metals; chemical works and industrial plants
3 involving the use of chemicals and chemical processes; plants
4 for the production, conversion, or utilization of nuclear,
5 chemical, or radiant energy; forensic engineering,
6 geotechnical engineering including, subsurface investigations;
7 soil classification, geology and geohydrology, incidental to
8 the practice of professional engineering; energy analysis,
9 environmental design, hazardous waste mitigation and control;
10 recognition, measurement, evaluation and control of
11 environmental systems and emissions; automated building
12 management systems; or the provision of professional
13 engineering site observation of the construction of works and
14 engineering systems. Nothing contained in this Section imposes
15 upon a person licensed under this Act the responsibility for
16 the performance of any of the foregoing functions unless such
17 person specifically contracts to provide it.

18 (p) "Project representative" means the professional
19 engineer's representative at the project site who assists in
20 the administration of the construction contract.

21 (q) "Registered" means the same as "licensed" for purposes
22 of this Act.

23 (r) "Related science curriculum" means a 4 year program of
24 study, the satisfactory completion of which results in a
25 Bachelor of Science degree, and which contains courses from
26 such areas as life, earth, engineering and computer sciences,
27 including but not limited to, physics and chemistry. In the
28 study of these sciences, the objective is to acquire
29 fundamental knowledge about the nature of its phenomena,
30 including quantitative expression, appropriate to particular
31 fields of engineering.

32 (s) "Rules" means those rules promulgated pursuant to this
33 Act.

34 (t) "Seal" means the seal in compliance with Section 14 of

1 this Act.

2 (u) "Site observation" is visitation of the construction
3 site for the purpose of reviewing, as available, the quality
4 and conformance of the work to the technical submissions as
5 they relate to design.

6 (v) "Support design professional" means a professional
7 engineer practicing in conformance with the Professional
8 Engineering Practice Act of 1989, who provides services to the
9 design professional who has contract responsibility.

10 (w) "Technical submissions" means designs, drawings, and
11 specifications which establish the standard of quality for
12 materials, workmanship, equipment, and the construction
13 systems, studies, and other technical reports prepared in the
14 course of a design professional's practice.

15 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,
16 eff. 6-28-01; 92-145, eff. 1-1-02.)

17 (225 ILCS 315/5 rep.)

18 Section 15. The Illinois Landscape Architecture Act of 1989
19 is amended by repealing Section 5.

20 Section 99. Effective date. This Act takes effect January
21 1, 2007."