



Rep. Jack D. Franks

**Filed: 4/17/2007**

09500HB0474ham004

LRB095 06673 RAS 35096 a

1 AMENDMENT TO HOUSE BILL 474

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 474, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Residential Building General Contractor Act.

7 Section 5. Purpose. It is the purpose of this Act to  
8 provide for the registration of residential building general  
9 contractors.

10 Section 10. Definitions. In this Act:

11 "Board" means the Residential Building General Contractor  
12 Board.

13 "Department" means the Department of Labor.

14 "Director" means the Director of Labor.

15 "Residential building general contractor" means any person

1 who undertakes to, offers to undertake to, purports to have the  
2 capacity to undertake to, submits a bid to, or does himself or  
3 herself or by or through others construct, alter, repair, add  
4 to, subtract from, improve, move, wreck, or demolish any single  
5 family dwelling built, being built, or to be built, for the  
6 support, shelter, and enclosure of persons, animals, chattels,  
7 or movable property of any kind.

8 Section 15. Title. Only a residential building general  
9 contractor registered under this Act may use the title  
10 "residential building general contractor" or "registered  
11 residential building general contractor".

12 Section 20. Unregistered practice; civil penalty.

13 (a) Beginning on January 1, 2008, any person who practices,  
14 offers to practice, attempts to practice, or holds himself or  
15 herself out to practice residential building general  
16 contracting without being registered under this Act shall, in  
17 addition to any other penalty provided by law, pay a civil  
18 penalty to the Department in an amount not to exceed \$10,000  
19 for each offense as determined by the Department. The civil  
20 penalty shall be assessed by the Department after a hearing is  
21 held in accordance with the provisions set forth in this Act  
22 regarding the provision of a hearing for the discipline of a  
23 registrant.

24 (b) The Department has the authority and power to

1 investigate any and all unregistered activities.

2 (c) The civil penalty imposed under this Section must be  
3 paid within 60 days after the effective date of the order  
4 imposing the civil penalty. The order shall constitute a  
5 judgment and may be filed and execution had thereon in the same  
6 manner as any judgment from any court of record.

7 Section 25. Powers and duties of the Department.

8 (a) The Department shall exercise the powers and duties  
9 prescribed by the Civil Administrative Code of Illinois for the  
10 administration of licensing Acts and shall exercise such other  
11 powers and duties vested in it by this Act.

12 (b) The Department shall adopt rules and regulations  
13 necessary for the administration and enforcement of this Act,  
14 including rules and regulations (i) concerning standards and  
15 criteria for registration and for the payment of applicable  
16 fees, (ii) requiring residential building general contractors  
17 to report to the Department the subcontractors it uses and  
18 update the information with each building permit, and (iii)  
19 requiring the sworn testament of a residential building general  
20 contractor that, if he or she employs subcontractors, payment  
21 of such subcontractors shall be made by the residential  
22 building general contractor in cases where payment is made by  
23 the consumer to the residential building general contractor  
24 with the understanding that such subcontracting payments shall  
25 subsequently be made by the residential building general

1 contractor and requiring the filing of a lien waiver signed by  
2 both the residential building general contractor and the  
3 subcontractor indicating that in cases where the residential  
4 building general contractor fails to remit the designated  
5 payment to the subcontractor, through no fault of the consumer,  
6 the subcontractor may not seek a lien against the property of  
7 the consumer. The Department must consult the Board concerning  
8 these rules and regulations. Notice of proposed rulemaking  
9 shall be transmitted to the Board and the Department shall  
10 review the Board's response and any recommendations made  
11 therein. The Department shall notify the Board in writing of  
12 the explanation for any deviations from the Board's  
13 recommendations and response.

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

17 (d) The Department must issue a quarterly report to the  
18 Board setting forth the status of all complaints received by  
19 the Department related to the practice of the profession.

20 (e) The Department must prescribe forms required for the  
21 administration of this Act.

22 (f) The Department must establish and maintain an Internet  
23 website dedicated to the provision of information to the public  
24 concerning registered residential building general  
25 contractors. The content of the website shall include without  
26 limitation each of the following:

1           (1) A description of any criminal conviction of a  
2 registrant. For the purposes of this item (1), a person  
3 shall be deemed to be convicted of a crime if he or she has  
4 been found or adjudged guilty by or entered a plea of  
5 guilty in a court of competent jurisdiction.

6           (2) A description of any civil claim or criminal charge  
7 pending or previously pending against a registrant.

8           (3) A description of any civil settlement or judgment  
9 entered against a registrant.

10          (4) A description of any final disciplinary action  
11 taken against a registrant by the Board.

12          (5) A listing of all previous businesses that a  
13 registrant has owned or was employed with as a residential  
14 building general contractor.

15          Section 30. Residential Building General Contractor Board.

16          (a) The Director shall appoint a Residential Building  
17 General Contractor Board comprised of persons who are residents  
18 of this State and who shall serve in an advisory capacity to  
19 the Director. The Board shall consist of 7 members, 4 of whom  
20 shall be individuals experienced in the practice of residential  
21 building general contracting and who meet the requirements for  
22 residential building general contractor registration set forth  
23 under this Act, 2 of whom shall be representatives of a  
24 statewide association representing residential building  
25 general contractors, and one of whom shall be a knowledgeable

1 public member who is not registered under this Act or any Act  
2 administered by the Department.

3 (b) Members of the Board shall serve 4-year terms and until  
4 their successors are appointed and qualified, except that of  
5 the members of the Board first appointed, 2 shall be appointed  
6 to serve for 2 years, 2 shall be appointed to serve for 3  
7 years, and 3 shall be appointed to serve for 4 years. No member  
8 may serve more than 2 complete 4-year terms.

9 (c) Members of the Board shall be immune from suit in any  
10 action based on any disciplinary proceedings or other acts  
11 performed in good faith as members of the Board, unless the  
12 conduct that gave rise to the suit was willful or wanton  
13 misconduct.

14 (d) If a vacancy on the Board occurs for any reason  
15 resulting in an unexpired term, within 90 days after the  
16 vacancy first occurs, the Director shall fill the vacancy in  
17 like manner for the unexpired balance of the term only. The  
18 Board shall meet annually to elect one member as chairperson  
19 and one member as vice-chairperson from their number. No  
20 officer may be elected more than 2 times in succession to the  
21 same office.

22 (e) Board members shall receive reimbursement for actual,  
23 necessary, and authorized expenses incurred in attending the  
24 meetings of the Board.

25 Section 35. Registration requirements.

1           (a) Every person applying to the Department for  
2 registration must do so in writing on forms prescribed by the  
3 Department and pay the required nonrefundable fee. The  
4 application shall include without limitation all of the  
5 following information:

6           (1) The name, principal place of business, address, and  
7 telephone number of the applicant.

8           (2) Verification satisfactory to the Board that the  
9 applicant is at least 18 years of age.

10           (3) Disclosure of all settlements and judgments  
11 against the applicant.

12           (4) Disclosure of all civil claims and criminal charges  
13 pending against the applicant.

14           (b) Before issuing or renewing a certificate of  
15 registration, the Department shall require each applicant or  
16 registrant to file and maintain in force a surety bond, issued  
17 by an insurance company authorized to transact fidelity and  
18 surety business in Illinois. The Department shall set the  
19 requirements of the bond by rule.

20           (c) The Department may establish further requirements for  
21 registration by rule.

22           Section 40. Issuance of certificate. Whenever an applicant  
23 for registration has complied with the requirements of Section  
24 35 of this Act, the Department shall issue a certificate of  
25 registration to the applicant as a registered residential

1 building general contractor, subject to the provisions of this  
2 Act.

3 Section 45. Current address. Every registrant under this  
4 Act must maintain a current address with the Department. It  
5 shall be the responsibility of the registrant to notify the  
6 Department in writing of any change of address.

7 Section 50. Renewal; restoration; military service.

8 (a) The expiration date and renewal period for each  
9 certificate of registration issued under this Act shall be set  
10 by the Department by rule.

11 (b) Any person who has permitted his or her certificate of  
12 registration to expire may have his or her certificate of  
13 registration restored by applying to the Department, filing  
14 proof acceptable to the Department of his or her fitness to  
15 have the registration restored, which may include sworn  
16 evidence certifying to active practice in another jurisdiction  
17 satisfactory to the Department and paying the required  
18 restoration fee. If the person has not maintained an active  
19 practice in another jurisdiction satisfactory to the  
20 Department, the Board shall determine, by an evaluation program  
21 established by rule, the person's fitness to resume active  
22 status and may require the successful completion of an  
23 examination.

24 (c) Any person whose registration has expired while he or



1 she has been engaged (i) in federal service on active duty with  
2 the Armed Forces of the United States or the State Militia  
3 called into service or training or (ii) in training or  
4 education under the supervision of the United States  
5 preliminary to induction into the military service, may have  
6 his or her certificate of registration renewed or restored  
7 without paying any lapsed renewal fees if, within 2 years after  
8 termination of service, training, or education, other than by  
9 dishonorable discharge, he or she furnishes the Department with  
10 satisfactory evidence to the effect that he or she has been so  
11 engaged and that the service, training, or education has been  
12 so terminated.

13 (d) Each application for renewal must contain the signature  
14 of the residential building general contractor.

15 Section 55. Inactive status.

16 (a) Any residential building general contractor who  
17 notifies the Department in writing on forms prescribed by the  
18 Department may elect to place his or her certificate of  
19 registration on inactive status and shall be excused from  
20 payment of renewal fees until he or she notifies the Department  
21 in writing of his or her desire to resume active status.

22 (b) Any person whose certificate of registration has been  
23 expired for more than 3 years may have his or her certificate  
24 restored by making application to the Department and filing  
25 proof acceptable to the Department of his or her fitness to

1 have his or her certificate restored, including evidence  
2 certifying to active practice in another jurisdiction, and by  
3 paying the required restoration fee.

4 (c) Any residential building general contractor whose  
5 certificate of registration is on inactive status, has been  
6 suspended or revoked, or has expired may not represent himself  
7 or herself to be a residential building general contractor or  
8 use the title "residential building general contractor",  
9 "registered residential building general contractor", or any  
10 other title that includes the words "residential building  
11 general contractor".

12 Section 60. Fees; disposition of funds.

13 (a) The Department shall establish by rule a schedule of  
14 fees for the administration and maintenance of this Act. Such  
15 fees shall be nonrefundable.

16 (b) All fees collected pursuant to this Act shall be  
17 deposited in the Residential Building General Contractor Fund.  
18 All moneys deposited into the Fund may be used for the expenses  
19 of the Department in the administration of this Act.

20 Section 65. Roster. The Department shall maintain a roster  
21 of the names and addresses of all registrants under this Act.  
22 This roster shall be made available upon written request and  
23 payment of the required fee; however, the Attorney General may  
24 obtain the roster without charge for the purpose of creating

1 and maintaining an Internet website of residential building  
2 general contractors.

3 Section 70. Advertising. Any person registered under this  
4 Act may advertise the availability of professional services in  
5 the public media or on the premises where such professional  
6 services are rendered, provided that such advertising is  
7 truthful and not misleading.

8 Section 75. Injunction; criminal penalty; cease and desist  
9 order.

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

24 (b) If any person holds himself or herself out as a

1 "residential building general contractor" or "registered  
2 residential building general contractor" without being  
3 registered under the provisions of this Act, then any  
4 registered residential building general contractor, interested  
5 party, or person injured thereby may, in addition to the  
6 Director, petition for relief as provided in subsection (a) of  
7 this Section.

8 (c) Whoever holds himself or herself out as a "residential  
9 building general contractor" or "registered residential  
10 building general contractor" in this State without being  
11 registered for that purpose is guilty of a Class A misdemeanor,  
12 and for each subsequent conviction, is guilty of a Class 4  
13 felony.

14 (d) Whenever, in the opinion of the Department, a person  
15 violates any provision of this Act, the Department may issue a  
16 rule to show cause why an order to cease and desist should not  
17 be entered against that person. The rule shall clearly set  
18 forth the grounds relied upon by the Department and shall allow  
19 the person at least 7 days after the date of the rule to file an  
20 answer that is satisfactory to the Department. Failure to  
21 answer to the satisfaction of the Department shall cause an  
22 order to cease and desist to be issued.

23 Section 80. Disciplinary grounds.

24 (a) The Department may refuse to issue, renew, or may  
25 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary action as the Department considers appropriate,  
2 including the issuance of fines not to exceed \$10,000 for each  
3 violation, with regard to any certificate of registration for  
4 any one or more of the following causes:

5 (1) Violation of this Act or any rule adopted under  
6 this Act.

7 (2) Conviction of any crime under the laws of an U.S.  
8 jurisdiction that is a felony or a misdemeanor an essential  
9 element of which is dishonesty or that directly relates to  
10 the practice of the profession.

11 (3) Making any misrepresentation for the purpose of  
12 obtaining a certificate of registration.

13 (4) Professional incompetence or gross negligence in  
14 the practice of building contracting.

15 (5) Gross malpractice, prima facie evidence of which  
16 may be a conviction or judgment of malpractice in any court  
17 of competent jurisdiction.

18 (6) Aiding or assisting another person in violating any  
19 provision of this Act or any rule adopted under this Act.

20 (7) Failing, within 60 days, to provide information in  
21 response to a written request made by the Department that  
22 has been sent by certified or registered mail to the  
23 registrant's last known address.

24 (8) Engaging in dishonorable, unethical, or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud, or harm the public.

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

5           (10) Discipline by another U.S. jurisdiction or  
6 foreign nation, if at least one of the grounds for the  
7 discipline is the same or substantially equivalent to those  
8 set forth in this Section.

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

13           (12) A finding by the Department that a registrant,  
14 after having his or her certificate of registration placed  
15 on probationary status, has violated the terms of  
16 probation.

17           (13) Conviction by any court of competent  
18 jurisdiction, either within or without this State, of any  
19 violation of any law governing the practice of building  
20 contracting if the Department determines, after  
21 investigation, that such person has not been sufficiently  
22 rehabilitated to warrant the public trust.

23           (14) A finding that registration has been applied for  
24 or obtained by fraudulent means.

25           (15) Practicing, attempting to practice, or  
26 advertising under a name other than the full name as shown

1 on the certificate of registration or any other legally  
2 authorized name.

3 (16) Gross and willful overcharging for professional  
4 services, including filing false statements for collection  
5 of fees or moneys for which services are not rendered.

6 (17) Failure to file a tax return or to pay any final  
7 assessment of tax, penalty, or interest, as required by any  
8 tax Act administered by the Department of Revenue, until  
9 such time as the requirements of any such tax Act are  
10 satisfied.

11 (18) Failure to continue to meet the requirements of  
12 this Act.

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

18 (20) Material misstatement in furnishing information  
19 to the Department or to any other State agency.

20 (21) Advertising in any manner that is false,  
21 misleading, or deceptive.

22 (22) The determination by a court that a registrant is  
23 subject to involuntary admission or judicial admission as  
24 provided in the Mental Health and Developmental  
25 Disabilities Code. Such determination shall result in an  
26 automatic suspension of a registrant's certificate. The

1 suspension shall end upon a finding by a court that the  
2 registrant is no longer subject to involuntary admission or  
3 judicial admission, the issuance of an order so finding and  
4 discharging the patient, and the recommendation of the  
5 Board to the Secretary that the registrant be allowed to  
6 resume practice within the profession.

7 (b) The Department shall deny the issuance or renewal of  
8 any certificate of registration under this Act to any person  
9 who has defaulted on an educational loan guaranteed by the  
10 Illinois Student Assistance Commission; however, the  
11 Department may issue a certificate or renewal if the person in  
12 default has established a satisfactory repayment record, as  
13 determined by the Illinois Student Assistance Commission.

14 Section 85. Investigation; notice of hearing. The  
15 Department may investigate the actions or qualifications of any  
16 applicant or person holding or claiming to hold a certificate  
17 of registration. The Department shall, before suspending or  
18 revoking, placing on probation, reprimanding, or taking any  
19 other disciplinary action under Section 80 of this Act, at  
20 least 30 days before the date set for the hearing, notify the  
21 applicant or registrant in writing of the nature of the charges  
22 and that a hearing will be held on the date designated. The  
23 written notice may be served by personal delivery or certified  
24 or registered mail to the applicant or registrant at the  
25 address of his or her last notification to the Department. The



1 Department shall direct the applicant or registrant to file a  
2 written answer with the Department, under oath, within 20 days  
3 after the service of the notice, and inform the person that if  
4 he or she fails to file an answer, his or her certificate may  
5 be revoked, suspended, placed on probation, reprimanded, or the  
6 Department may take any other additional disciplinary action,  
7 including the issuance of fines not to exceed \$1,000 for each  
8 violation, as the Department may consider necessary, without a  
9 hearing. At the time and place fixed in the notice, the Board  
10 shall proceed to hear the charges and the parties or their  
11 counsel. All parties shall be afforded an opportunity to  
12 present any statements, testimony, evidence, and arguments as  
13 may be pertinent to the charges or to their defense. The Board  
14 may continue the hearing from time to time.

15 Section 90. Record of proceedings; transcript. The  
16 Department, at its expense, shall preserve a record of all  
17 proceedings at the formal hearing of any case involving the  
18 refusal to issue, renew, or restore a certificate of  
19 registration or the discipline of a registrant. The notice of  
20 hearing, complaint, and all other documents in the nature of  
21 pleadings and written motions filed in the proceedings, the  
22 transcript of testimony, the report of the Board, and the  
23 orders of the Department shall be the record of the  
24 proceedings.

1           Section 95. Subpoenas; depositions; oaths. The Department  
2 may subpoena and bring before it any person and take testimony,  
3 either orally, by deposition, or both, with the same fees and  
4 mileage and in the same manner as prescribed in civil cases in  
5 circuit courts of this State. The Director, the designated  
6 hearing officer, and every member of the Board has the power to  
7 administer oaths to witnesses at any hearing which the  
8 Department is authorized to conduct, and any other oaths  
9 authorized in any Act administered by the Department.

10           Section 100. Compelling testimony. Any court, upon the  
11 application of the Department, designated hearing officer, or  
12 the applicant or registrant against whom proceedings under  
13 Section 80 of this Act are pending, may enter an order  
14 requiring the attendance of witnesses and their testimony and  
15 the production of documents, papers, files, books, and records  
16 in connection with any hearing or investigation. The court may  
17 compel obedience to its order by proceedings for contempt.

18           Section 105. Findings and recommendations. At the  
19 conclusion of a hearing, the Board shall present to the  
20 Director a written report of its findings of fact, conclusions  
21 of law, and recommendations. The report shall contain a finding  
22 as to whether the registrant violated this Act or failed to  
23 comply with the conditions required in this Act. The Board  
24 shall specify the nature of the violation or failure to comply

1 and shall make its recommendations to the Director.

2 The report of findings of fact, conclusions of law, and  
3 recommendations of the Board shall be the basis for the  
4 Department's order for refusal or for the granting of the  
5 certificate of registration. If the Director disagrees with the  
6 recommendations of the Board, the Director may issue an order  
7 in contravention of the Board recommendations. The Director  
8 shall provide a written report to the Board on any disagreement  
9 and shall specify the reasons for the action in the final  
10 order. These findings are not admissible in evidence against  
11 the person in a criminal prosecution for violation of this Act,  
12 but the hearing and findings shall not serve as a bar to  
13 criminal prosecution for violation of this Act.

14 Section 110. Board; rehearing. At the conclusion of a  
15 hearing, a copy of the Board's report shall be served upon the  
16 accused person, either personally or as provided in this Act  
17 for the service of the notice. Within 20 days after such  
18 service, the applicant or registrant may present to the  
19 Department a motion in writing for a rehearing which shall  
20 specify the particular grounds for rehearing. If no motion for  
21 a rehearing is filed, then upon the expiration of the time  
22 specified for filing such a motion or if a motion for rehearing  
23 is denied, then upon the denial, the Director may enter any  
24 order in accordance with recommendations of the Board, except  
25 as otherwise provided in this Act. If the applicant or

1 registrant requests and pays for a transcript of the record  
2 within the time for filing a motion for rehearing, the 20-day  
3 period within which a motion may be filed shall commence upon  
4 the delivery of the transcript to the applicant or registrant.

5 Whenever the Director is not satisfied that substantial  
6 justice has been done, he or she may order a rehearing by the  
7 same or another special board. At the expiration of the time  
8 specified for filing a motion for a rehearing the Director has  
9 the right to take the action recommended by the Board.

10 Section 115. Appointment of a hearing officer. The Director  
11 has the authority to appoint any attorney licensed to practice  
12 law in the State of Illinois to serve as the hearing officer in  
13 any action for refusal to issue or renew a certificate of  
14 registration or to discipline a registrant. The Director shall  
15 notify the Board of any such appointment. The hearing officer  
16 has full authority to conduct the hearing. At least one member  
17 of the Board shall attend each hearing. The hearing officer  
18 shall report his or her findings of fact, conclusions of law,  
19 and recommendations to the Board and the Director. The Board  
20 has 60 days after receipt of the report to review it and  
21 present its findings of fact, conclusions of law, and  
22 recommendations to the Director. If the Board fails to present  
23 its report within the 60-day period, the Director shall issue  
24 an order based on the report of the hearing officer. If the  
25 Director disagrees with the recommendation of the Board or

1 hearing officer, the Director may issue an order in  
2 contravention of the recommendation. The Director shall  
3 promptly provide a written explanation to the Board on any  
4 disagreement.

5 Section 120. Order of certified copy; prima facie proof.  
6 An order or a certified copy thereof, over the seal of the  
7 Department and purporting to be signed by the Director, shall  
8 be prima facie proof that:

9 (1) the signature is the genuine signature of the  
10 Director;

11 (2) the Director is duly appointed and qualified; and

12 (3) the Board and the members thereof are qualified to  
13 act.

14 Section 125. Restoration of suspended or revoked  
15 certificate of registration. At any time after the suspension  
16 or revocation of any certificate of registration, the  
17 Department may restore it to the registrant upon the written  
18 recommendation of the Board, unless after an investigation and  
19 hearing, the Board determines that restoration is not in the  
20 public interest.

21 Section 130. Surrender of certificate of registration.  
22 Upon the revocation or suspension of any certificate of  
23 registration, the registrant shall immediately surrender his

1 or her certificate to the Department. If the registrant fails  
2 to do so, the Department has the right to seize the  
3 certificate.

4 Section 135. Summary suspension of a certificate of  
5 registration. The Director may summarily suspend a certificate  
6 of registration issued under this Act without a hearing,  
7 simultaneously with the institution of proceedings for a  
8 hearing provided for in this Act, if the Director finds that  
9 evidence in the possession of the Director indicates that the  
10 continuation in practice by the registrant would constitute an  
11 imminent danger to the public. In the event that the Director  
12 temporarily suspends the certificate of an individual without a  
13 hearing, a hearing must be held within 30 days after such  
14 suspension has occurred.

15 Section 140. Administrative Review Law; venue.

16 (a) All final administrative decisions of the Department  
17 are subject to judicial review under the Administrative Review  
18 Law and its rules. The term "administrative decision" is  
19 defined as in Section 3-101 of the Code of Civil Procedure.

20 (b) Proceedings for judicial review shall be commenced in  
21 the circuit court of the county in which the party applying for  
22 review resides, but if the party is not a resident of this  
23 State, the venue shall be in Sangamon County.

1           Section 145. Certification of record; costs. The  
2 Department shall not be required to certify any record to the  
3 court or file an answer in court or to otherwise appear in any  
4 court in a judicial review proceeding, unless there is filed in  
5 the court with the complaint a receipt from the Department  
6 acknowledging payment of the costs of furnishing and certifying  
7 the record. Failure on the part of the plaintiff to file such  
8 receipt in court shall be grounds for dismissal of the action.

9           Section 150. Administrative Procedure Act. The Illinois  
10 Administrative Procedure Act is hereby expressly adopted and  
11 incorporated herein as if all of the provisions of that Act  
12 were included in this Act, except that the provision of  
13 subsection (d) of Section 10-65 of the Illinois Administrative  
14 Procedure Act that provides that at hearings the registrant has  
15 the right to show compliance with all lawful requirements for  
16 retention, continuation, or renewal of the certificate is  
17 specifically excluded. For the purposes of this Act, the notice  
18 required under Section 10-25 of the Illinois Administrative  
19 Procedure Act is deemed sufficient when mailed to the last  
20 known address of a party.

21           Section 165. Home rule. This Act shall not be construed to  
22 limit the power of a unit of local government from regulating  
23 or licensing the practice of residential building general  
24 contracting in a stricter manner. This Section is a limitation

1 under subsection (i) of Section 6 of Article VII of the  
2 Illinois Constitution on the concurrent exercise by home rule  
3 units of powers and functions exercised by the State.

4 Section 900. The Regulatory Sunset Act is amended by adding  
5 Section 4.28 as follows:

6 (5 ILCS 80/4.28 new)

7 Sec. 4.28. Act repealed on January 1, 2018. The following  
8 Act is repealed on January 1, 2018:

9 The Residential Building General Contractor Act.

10 Section 905. The State Finance Act is amended by adding  
11 Section 5.675 as follows:

12 (30 ILCS 105/5.675 new)

13 Sec. 5.675. The Residential Building General Contractor  
14 Fund.

15 Section 999. Effective date. This Act takes effect upon  
16 becoming law."