



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4762

by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

See Index

Amends the Professional Geologist Licensing Act. Provides that References in the Act (i) to the Department of Professional Regulation are deemed to be references to the Department of Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed to be references to the Secretary of Financial and Professional Regulation. Makes a technical change in the title of Licensed Professional Geologists. Provides for the enrollment with the Department of Financial and Professional Regulation of Geologist Interns. Adds a provision concerning a quorum of the Board of Licensing for Professional Geologists. Effective immediately.

LRB095 17722 RAS 43797 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Professional Geologist Licensing Act is
5 amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50,
6 60, 65, 70, 75, 80, 85, 90, 105, 110, 115, 120, 125, 135, 140,
7 145, and 160 and by adding Sections 17 and 51 as follows:

8 (225 ILCS 745/15)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 15. Definitions. In this Act:

11 "Board" means the Board of Licensing for Professional
12 Geologists.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 ~~"Director" means the Director of Professional Regulation.~~

16 "Enrollment" means the recording by the Department of those
17 individuals who have met the requirements specified in this Act
18 for a Geologist Intern and the issuance of a certificate of
19 enrollment to such individuals.

20 "Geologist" means an individual who, by reason of his or
21 her knowledge of geology, mathematics, and the physical and
22 life sciences, acquired by education and practical experience
23 as defined by this Act, is capable of practicing the science of

1 geology.

2 "Geologist Intern" means an individual enrolled with the
3 Department who has knowledge of geology, mathematics, and the
4 physical and life sciences, obtained by education, as defined
5 in this Act, and has passed the examination on the fundamentals
6 of geology administered by the Department with the advice and
7 consent of the Board.

8 "Geology" means the science that includes the treatment of
9 the earth and its origin and history including, but not limited
10 to, (i) the investigation of the earth's crust and interior and
11 the solids and fluids, including all surface and underground
12 waters, gases, and other materials that compose the earth as
13 they may relate to geologic processes; (ii) the study of the
14 natural agents, forces, and processes that cause changes in the
15 earth; and (iii) the utilization of this knowledge of the earth
16 and its solids, fluids, and gases, and their collective
17 properties and processes, for the benefit of humankind.

18 "Person" or "individual" means a natural person.

19 "Practice of professional geology" means the performance
20 of, or the offer to perform, the services of a geologist,
21 including consultation, investigation, evaluation, planning,
22 mapping, inspection of geologic work, and other services that
23 require extensive knowledge of geologic laws, formulas,
24 principles, practice, and methods of data interpretation.

25 A person shall be construed to practice or offer to
26 practice professional geology, within the meaning and intent of

1 this Act, if that person (i) by verbal claim, sign,
2 advertisement, letterhead, card, or any other means,
3 represents himself or herself to be a Licensed Professional
4 Geologist ~~professional geologist~~ or through the use of some
5 title implies that he or she is a Licensed Professional
6 Geologist ~~professional geologist~~ or is licensed under this Act
7 or (ii) holds himself or herself out as able to perform or does
8 perform services or work defined in this Act as the practice of
9 professional geology.

10 Examples of the practice of professional geology include,
11 but are not limited to, the conduct of, or responsible charge
12 for, the following types of activities: (i) mapping, sampling,
13 and analysis of earth materials, interpretation of data, and
14 the preparation of oral or written testimony regarding the
15 probable geological causes of events; (ii) planning, review,
16 and supervision of data gathering activities, interpretation
17 of geological data gathered by direct and indirect means,
18 preparation of geological maps, cross-sections, interpretive
19 maps and reports for the purpose of evaluating regional or site
20 specific geological conditions; (iii) the planning, review,
21 and supervision of data gathering activities and
22 interpretation of data on regional or site specific geological
23 characteristics affecting groundwater; (iv) the interpretation
24 of geological conditions on the surface and at depth at a
25 specific site on the Earth's surface for the purpose of
26 determining whether those conditions correspond to a geologic

1 map of the site; and (v) the conducting of environmental
2 property audits.

3 "Licensed Professional Geologist ~~professional geologist~~"
4 means an individual who is licensed under this Act to engage in
5 the practice of professional geology in Illinois.

6 "Responsible charge" means the independent control and
7 direction, by use of initiative, skill, and independent
8 judgment, of geological work or the supervision of that work.

9 "Secretary" means the Secretary of Financial and
10 Professional Regulation.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/17 new)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 17. References to Department or Director of
15 Professional Regulation. References in this Act (i) to the
16 Department of Professional Regulation are deemed, in
17 appropriate contexts, to be references to the Department of
18 Financial and Professional Regulation and (ii) to the Director
19 of Professional Regulation are deemed, in appropriate
20 contexts, to be references to the Secretary of Financial and
21 Professional Regulation.

22 (225 ILCS 745/20)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 20. Exemptions. Nothing in this Act shall be construed

1 to restrict the use of the title "geologist" or similar words
2 by any person engaged in a practice of geology exempted under
3 this Act, provided the person does not hold himself or herself
4 out as being a Licensed Professional Geologist ~~licensed~~
5 ~~professional geologist~~ or does not practice professional
6 geology in a manner requiring licensure under this Act.
7 Performance of the following activities does not require
8 licensure as a Licensed Professional Geologist ~~licensed~~
9 ~~professional geologist~~ under this Act:

10 (a) The practice of professional geology by an employee or
11 a subordinate of a licensee under this Act, provided the work
12 does not include responsible charge of geological work and is
13 performed under the direct supervision of a Licensed
14 Professional Geologist ~~licensed professional geologist~~ who is
15 responsible for the work.

16 (b) The practice of professional geology by officers and
17 employees of the United States government within the scope of
18 their employment.

19 (c) The practice of professional geology as geologic
20 research to advance basic knowledge for the purpose of offering
21 scientific papers, publications, or other presentations (i)
22 before meetings of scientific societies, (ii) internal to a
23 partnership, corporation, proprietorship, or government
24 agency, or (iii) for publication in scientific journals, or in
25 books.

26 (d) The teaching of geology in schools, colleges, or

1 universities, as defined by rule.

2 (e) The practice of professional geology exclusively in the
3 exploration for or development of energy resources or base,
4 precious and nonprecious minerals, including sand, gravel, and
5 aggregate, that does not require, by law, rule, or ordinance,
6 the submission of reports, documents, or oral or written
7 testimony to public agencies. Public agencies may, by law or by
8 rule, allow required oral or written testimony, reports, permit
9 applications, or other documents based on the science of
10 geology to be submitted to them by persons not licensed under
11 this Act. Unless otherwise required by State or federal law,
12 public agencies may not require that the geology-based aspects
13 of testimony, reports, permits, or other documents so exempted
14 be reviewed by, approved, or otherwise certified by any person
15 who is not a Licensed Professional Geologist ~~licensed~~
16 ~~professional geologist~~. Licensure is not required for the
17 submission and review of reports or documents or the provision
18 of oral or written testimony made under the Well Abandonment
19 Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land
20 Conservation and Reclamation Act, or the Surface-Mined Land
21 Conservation and Reclamation Act.

22 (f) The practice of professional engineering as defined in
23 the Professional Engineering Practice Act of 1989.

24 (g) The practice of structural engineering as defined in
25 the Structural Engineering Practice Act of 1989.

26 (h) The practice of architecture as defined in the Illinois

1 Architecture Practice Act of 1989.

2 (i) The practice of land surveying as defined in the
3 Illinois Professional Land Surveyor Act of 1989.

4 (j) The practice of landscape architecture as defined in
5 the Illinois Landscape Architecture Act of 1989.

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

7 (225 ILCS 745/25)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 25. Restrictions and limitations. No person shall,
10 without a valid license issued by the Department (i) in any
11 manner hold himself or herself out to the public as a Licensed
12 Professional Geologist ~~licensed professional geologist~~; (ii)
13 attach the title "Licensed Professional Geologist" to his or
14 her name; or (iii) render or offer to render to individuals,
15 corporations, or public agencies services constituting the
16 practice of professional geology.

17 Individuals practicing geology in Illinois as of the
18 effective date of this amendatory Act of 1997 may continue to
19 practice as provided in this Act until the Department has
20 adopted rules implementing this Act. To continue practicing
21 geology after the adoption of rules, individuals shall apply
22 for licensure within 180 days after the effective date of the
23 rules. If an application is received during the 180-day period,
24 the individual may continue to practice until the Department
25 acts to grant or deny licensure. If an application is not filed

1 within the 180-day period, the individual must cease the
2 practice of geology at the conclusion of the 180-day period and
3 until the Department acts to grant a license to the individual.
4 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

5 (225 ILCS 745/30)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 30. Powers and duties of the Department. Subject to
8 the provisions of this Act, the Department may:

9 (a) Authorize examinations to ascertain the qualifications
10 and fitness of applicants for licensing or enrollment as
11 Licensed Professional Geologists, Licensed Specialty
12 Geologists, or Geologist Interns ~~licensed professional~~
13 ~~geologists or as licensed specialty geologists~~, as defined by
14 the Board, and pass upon the qualifications of applicants for
15 licensure by endorsement.

16 (b) Conduct hearings on proceedings to refuse to issue or
17 renew or to revoke licenses or certificates of enrollment or
18 suspend, place on probation, or reprimand persons licensed or
19 enrolled under this Act, and to refuse to issue or renew or to
20 revoke licenses or certificates of enrollment, or suspend,
21 place on probation, or reprimand persons licensed or enrolled
22 under this Act.

23 (c) Formulate rules required for the administration of this
24 Act.

25 (d) Obtain written recommendations from the Board

1 regarding (i) definitions of curriculum content and approval of
2 geological curricula, standards of professional conduct, and
3 formal disciplinary actions and the formulation of rules
4 affecting these matters and (ii) when petitioned by the
5 applicant, opinions regarding the qualifications of applicants
6 for licensing or enrolling.

7 (e) Maintain rosters of the names and addresses of all
8 licensees, enrollees, and all persons whose licenses or
9 certificates of enrollment have been suspended, revoked, or
10 denied renewal for cause within the previous calendar year.
11 These rosters shall be available upon written request and
12 payment of the required fee.

13 (Source: P.A. 89-366, eff. 7-1-96.)

14 (225 ILCS 745/35)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 35. Board of Licensing for Professional Geologists;
17 members; qualifications; duties.

18 (a) The Director shall appoint a Board of Licensing for
19 Professional Geologists which shall serve in an advisory
20 capacity to the Director. The Board shall be composed of 8
21 persons, 7 of whom shall be voting members appointed by the
22 Director, who shall give due consideration to recommendations
23 by members of the profession of geology and of geology
24 organizations within the State. In addition, the State
25 Geologist or his or her designated representative, shall be an

1 advisory, non-voting member of the Board.

2 (b) Insofar as possible, the geologists appointed to serve
3 on the Board shall be generally representative of the
4 occupational and geographical distribution of geologists
5 within this State.

6 (c) Of the 7 appointed voting members of the Board, 6 shall
7 be geologists and one shall be a member of the general public
8 with no family or business connection with the practice of
9 geology.

10 (d) Each of the first appointed geologist members of the
11 Board shall have at least 10 years of active geological
12 experience and shall possess the education and experience
13 required for licensure. Each subsequently appointed geologist
14 member of the Board shall be a Licensed Professional Geologist
15 ~~professional geologist~~ licensed under this Act.

16 (e) Of the initial appointments, the Director shall appoint
17 3 voting members for a term of 4 years, 2 voting members for a
18 term of 3 years, and 2 voting members for a term of 2 years.
19 Thereafter, voting members shall be appointed for 4-year terms.
20 Terms shall commence on the 3rd Monday in January.

21 (f) Members shall hold office until the expiration of their
22 terms or until their successors have been appointed and have
23 qualified.

24 (g) No voting member of the Board shall serve more than 2
25 consecutive full terms.

26 (h) Vacancies in the membership of the Board shall be

1 filled by appointment for the unexpired term.

2 (i) The Director may remove or suspend any member of the
3 Board for cause at any time before the expiration of his or her
4 term.

5 (j) The Board shall annually elect one of its members as
6 chairperson.

7 (k) The members of the Board shall be reimbursed for all
8 legitimate and necessary expenses authorized by the Department
9 incurred in attending the meetings of the Board.

10 (l) The Board may make recommendations to the Director to
11 establish the examinations and their method of grading.

12 (m) The Board may submit written recommendations to the
13 Director concerning formulation of rules and a Code of
14 Professional Conduct and Ethics. The Board may recommend or
15 endorse revisions and amendments to the Code and to the rules
16 from time to time.

17 (n) The Board may make recommendations on matters relating
18 to continuing education of Licensed Professional Geologist
19 ~~licensed professional geologists~~, including the number of
20 hours necessary for license renewal, waivers for those unable
21 to meet that requirement, and acceptable course content. These
22 recommendations shall not impose an undue burden on the
23 Department or an unreasonable restriction on those seeking a
24 license renewal.

25 (o) A majority of Board members currently appointed
26 constitutes a quorum. A quorum is required for all Board

1 decisions.

2 (Source: P.A. 89-366, eff. 7-1-96.)

3 (225 ILCS 745/40)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 40. Application for ~~original~~ license or enrollment.

6 (a) Applications for original licensure as a Licensed
7 Professional Geologist licenses shall be made to the Department
8 on forms prescribed by the Department and accompanied by the
9 required fee. All applications shall contain the information
10 that, in the judgment of the Department, will enable the
11 Department to pass on the qualifications of the applicant for a
12 license to practice as a Licensed Professional Geologist
13 ~~licensed professional geologist.~~

14 (b) Applications for enrollment as a Geologist Intern shall
15 be made to the Department on forms prescribed by the Department
16 and accompanied by the required fee. All applications shall
17 contain the information that, in the judgment of the
18 Department, will enable the Department to pass on the
19 qualifications of the applicant to take the examination on the
20 theory and fundamentals of the science of geology and be
21 enrolled as a Geologist Intern.

22 (Source: P.A. 89-366, eff. 7-1-96.)

23 (225 ILCS 745/45)

24 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 45. Examination; failure or refusal to take the
2 examination.

3 (a) The Department shall authorize examinations of
4 applicants for original Professional Geologist licensure and
5 Geologist Intern enrollment at such times and places as it may
6 determine. The examination for Professional Geologist
7 licensure examinations shall be be a 2-part exam, with one part
8 of a character to fairly testing test an applicant's
9 qualifications to practice professional geology and knowledge
10 of the theory and practice of the science of geology, including
11 subjects that are generally taught in curricula of accredited
12 colleges and universities, and the other part fairly testing
13 the applicant's knowledge of the practical application and
14 practice of the theory and science of geology. Applicants for
15 Geologist Intern enrollment must take only that part of the
16 examination that fairly tests the knowledge of the theory and
17 fundamentals of the science of geology.

18 (b) Applicants who are required to take an examination for
19 examinations shall pay, either to the Department or to the
20 designated testing service, a fee covering the cost of
21 providing the examination. Failure to appear for the required
22 examination on the scheduled date at the time and place
23 specified after the application for examination has been
24 received and acknowledged by the Department or the designated
25 testing service shall result in forfeiture of the examination
26 fee.

1 (c) If the applicant neglects, fails, or refuses to take a
2 required ~~an~~ examination or fails to pass a required ~~an~~
3 examination for a license under this Act within 3 years after
4 filing an application, the application shall be denied.
5 However, the applicant may thereafter submit a new application
6 accompanied by the required fee. The applicant shall meet the
7 requirements in force at the time of making the new
8 application.

9 (d) The Department may employ consultants for the purpose
10 of preparing and conducting examinations.

11 (e) The Department shall have the authority to adopt or
12 recognize, in part or in whole, examinations prepared,
13 administered, or graded by other organizations that are
14 determined appropriate to measure the qualifications of an
15 applicant for licensure as a Licensed Professional Geologist or
16 enrollment as a Geologist Intern ~~professional geologist~~.

17 (Source: P.A. 89-366, eff. 7-1-96.)

18 (225 ILCS 745/50)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 50. Qualifications for licensure.

21 (a) The Department may issue a license to practice as a
22 Licensed Professional Geologist ~~licensed professional~~
23 ~~geologist~~ to any applicant who meets the following
24 qualifications:

25 (1) The applicant has completed an application form and

1 ~~paid submitted~~ the required fees.

2 (2) The applicant is of good ethical character,
3 including compliance with the Code of Professional Conduct
4 and Ethics under this Act, and has not committed any act or
5 offense in any jurisdiction that would constitute the basis
6 for disciplining a Licensed Professional Geologist
7 ~~professional geologist~~ licensed under this Act.

8 (3) The applicant has earned a degree in geology from
9 an accredited college or university, as established by
10 rule, with a minimum of 30 semester or 45 quarter hours of
11 course credits in geology, of which 24 semester or 36
12 quarter hours are in upper level courses. The Department
13 may, upon the recommendation of the Board, allow the
14 substitution of appropriate experience as a geologist for
15 prescribed educational requirements as established by
16 rule.

17 (4) The applicant has a documented record of a minimum
18 of 4 years of professional experience, obtained after
19 completion of the education requirements specified in this
20 Section, in geologic or directly related work,
21 demonstrating that the applicant is qualified to assume
22 responsible charge of such work upon licensure as a
23 Licensed Professional Geologist ~~professional geologist~~ or
24 such specialty of professional geology that the Board may
25 recommend and the Department may recognize. The Department
26 may require evidence acceptable to it that up to 2 years of

1 professional experience have been gained under the
2 supervision of a person licensed under this Act or similar
3 Acts in any other state, or under the supervision of others
4 who, in the opinion of the Department, are qualified to
5 have responsible charge of geological work under this Act.

6 (5) The applicant has passed an examination authorized
7 by the Department for ~~the~~ practice as a Licensed
8 Professional Geologist ~~of professional geology~~.

9 (6) The applicant has complied with all other
10 requirements of this Act and rules established for the
11 implementation of this Act.

12 (b) Professional Geologist licensure ~~A license to practice~~
13 ~~professional geology~~ shall not be denied any applicant because
14 of the applicant's race, religion, creed, national origin,
15 political beliefs or activities, age, sex, sexual orientation,
16 or physical impairment.

17 (Source: P.A. 89-366, eff. 7-1-96.)

18 (225 ILCS 745/51 new)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 51. Qualifications for Geologist Intern enrollment;
21 final expiration of enrollment; Department powers and duties.

22 (a) The Department may enroll as a Geologist Intern any
23 applicant who meets the following qualifications:

24 (1) The applicant has completed an application form and
25 paid the required fees.

1 (2) The applicant has (i) earned a degree in geology
2 from an accredited college or university, as established by
3 rule, with a minimum of 30 semester or 45 quarter hours of
4 course credits in geology, of which 24 semester or 36
5 quarter hours are in upper level courses or (ii) is in the
6 final semester of a program leading to a degree as set
7 forth in item (i) of this subparagraph (2). The Department
8 may not issue a certificate of enrollment under this
9 Section unless and until an applicant provides proof
10 acceptable to the Department of having obtained the
11 required degree within 12 months after having passed the
12 required enrollment examination.

13 (3) The applicant has passed the required examination
14 on the theory and fundamentals of the science of geology,
15 as required under Section 45 of this Act.

16 (b) A Geologist Intern in good standing may renew his or
17 her certificate of enrollment upon payment to the Department of
18 the required fee; however, the life of a certificate of
19 enrollment issued under this Section may not extend past a
20 period of 10 years and shall automatically and permanently
21 expire upon the end of the 10-year period if the enrollee fails
22 to apply for and successfully meet the requirements for
23 licensure as a Licensed Professional Geologist, including the
24 successful passage of the that part of the Licensed
25 Professional Geologist examination that fairly tests the
26 practical application and practice of the science of geology,

1 as set forth in Section 45 of this Act.

2 (c) Geologist Intern enrollment shall not be denied any
3 applicant because of the applicant's race, religion, creed,
4 national origin, political beliefs or activities, age, sex,
5 sexual orientation, or physical impairment.

6 (225 ILCS 745/60)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 60. Seals.

9 (a) Upon licensure, each licensee shall obtain a seal of a
10 design as required by rule bearing the licensee's name, license
11 number, and the legend "Licensed Professional Geologist".

12 (b) All preliminary, draft, and final geologic reports,
13 documents, permits, affidavits, maps, boring logs, sections or
14 other records offered to the public and prepared or issued by
15 or under the supervision of a Licensed Professional Geologist
16 ~~licensed professional geologist~~ shall include the full name,
17 signature, and license number of the licensee, and the date of
18 license expiration of the person who prepared the document or
19 under whose supervision it was prepared, and an impression of
20 the licensee's seal, in accordance with rules issued by the
21 Department.

22 (c) The Licensed Professional Geologist ~~licensed~~
23 ~~professional geologist~~ who has contract responsibility shall
24 seal a cover sheet of the professional work products and those
25 individual portions of the professional work products for which

1 the Licensed Professional Geologist ~~licensed professional~~
2 ~~geologist~~ is legally and professionally responsible. A
3 Licensed Professional Geologist ~~licensed professional~~
4 ~~geologist~~ practicing as the support professional shall seal
5 those individual portions of professional work products for
6 which that Licensed Professional Geologist ~~licensed~~
7 ~~professional geologist~~ is legally and professionally
8 responsible.

9 (d) The use of a Licensed Professional Geologist's ~~licensed~~
10 ~~professional geologist's~~ seal on professional work products
11 constitutes a representation that the work prepared by or under
12 the personal supervision of that Licensed Professional
13 Geologist ~~licensed professional geologist~~ has been prepared
14 and administered in accordance with the standards of reasonable
15 professional skill and diligence.

16 (e) It is unlawful to affix one's seal to professional work
17 products if it masks the true identity of the person who
18 actually exercised direction, supervision, and responsible
19 charge of the preparation of that work. A Licensed Professional
20 Geologist ~~licensed professional geologist~~ who signs and seals
21 professional work products is not responsible for damage caused
22 by subsequent changes to or uses of those professional work
23 products, if the subsequent changes or uses, including changes
24 or uses made by State or local government agencies, are not
25 authorized or approved by the Licensed Professional Geologist
26 ~~licensed professional geologist~~ who originally signed and

1 sealed the professional work products.

2 (Source: P.A. 89-366, eff. 7-1-96.)

3 (225 ILCS 745/65)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 65. Expiration and renewal of license and certificate
6 of enrollment. The expiration date and renewal period for each
7 license and certificate of enrollment shall be set by rule. A
8 Professional Geologist ~~professional geologist~~ whose license
9 has expired may reinstate his or her license at any time within
10 5 years after the expiration thereof, by making a renewal
11 application and by paying the required fee. The Department
12 shall establish by rule the conditions for the reinstatement of
13 a certificate of enrollment of a Geologist Intern whose
14 enrollment has lapsed through non-payment of the required fees.
15 However, any Professional Geologist or Geologist Intern
16 ~~professional geologist~~ whose license expired while he or she
17 was (i) on active duty with the Armed Forces of the United
18 States or called into service or training by the State militia
19 or (ii) in training or education under the supervision of the
20 United States preliminary to induction into the military
21 service, may have his or her ~~professional geologist~~ license or
22 certificate renewed, reinstated, or restored without paying
23 any lapsed renewal fees if within 2 years after termination of
24 the service, training, or education the Professional Geologist
25 or Geologist Intern ~~professional geologist~~ furnishes the

1 Department with satisfactory evidence of service, training, or
2 education and it has been terminated under honorable
3 conditions.

4 Any Professional Geologist ~~professional geologist~~ whose
5 license has expired for more than 5 years may have it restored
6 by making application to the Department, paying the required
7 fee, and filing acceptable proof of fitness to have the license
8 restored. The proof may include sworn evidence certifying
9 active practice in another jurisdiction. If the geologist has
10 not practiced for 5 years or more, the Board shall determine by
11 an evaluation program established by rule, whether that
12 individual is fit to resume active status. The Board ~~and~~ may
13 require the Professional Geologist ~~professional geologist~~ to
14 complete a period of evaluated professional experience and may
15 require successful completion of an examination.

16 The Department may refuse to issue or may suspend the
17 license or certificate of enrollment of any person who fails to
18 file a return, or to pay the tax, penalty or interest shown in
19 a filed return, or to pay any final assessment of tax, penalty,
20 or interest, as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied.

23 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

24 (225 ILCS 745/70)

25 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 70. Fees.

2 (a) Except as provided in subsection (b), the fees for the
3 administration and enforcement of this Act, including but not
4 limited to original licensure or enrollment, renewal, and
5 restoration fees, shall be set by the Department by rule. The
6 fees shall not be refundable.

7 (b) Applicants for examination shall be required to pay,
8 either to the Department or the designated testing service, a
9 fee covering the cost of initial screening to determine
10 eligibility and the cost of providing the examination. Failure
11 to appear for the examination on the scheduled date at the time
12 and place specified after the applicant's application for
13 examination has been received and acknowledged by the
14 Department or the designated testing service shall result in
15 the forfeiture of the examination fee.

16 (c) All fees and other monies collected under this Act
17 shall be deposited in the General Professions Dedicated Fund.

18 (Source: P.A. 89-366, eff. 7-1-96.)

19 (225 ILCS 745/75)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 75. Returned checks; fines. Any person who delivers a
22 check or other payment to the Department that is returned to
23 the Department unpaid by the financial institution upon which
24 it is drawn shall pay to the Department, in addition to the
25 amount already owed to the Department, a fine of \$50. The fines

1 imposed by this Section are in addition to any other discipline
2 provided under this Act for unlicensed or unenrolled practice
3 or practice on a nonrenewed license or certificate of
4 enrollment. The Department shall notify the person that payment
5 of fees and fines shall be paid to the Department by certified
6 check or money order within 30 calendar days of the
7 notification. If, after the expiration of 30 days from the date
8 of the notification, the person has failed to submit the
9 necessary remittance, the Department shall automatically
10 terminate the license or certificate of enrollment or deny the
11 application, without hearing. If, after termination or denial,
12 the person seeks a license or certificate of enrollment, he or
13 she shall apply to the Department for restoration or issuance
14 of the license or certificate of enrollment and pay all fees
15 and fines due to the Department. The Department may establish a
16 fee for the processing of an application for restoration of a
17 license or certificate of enrollment to pay all expenses of
18 processing this application. The Director may waive the fines
19 due under this Section in individual cases where the Director
20 finds that the fines would be unreasonable or unnecessarily
21 burdensome.

22 (Source: P.A. 92-146, eff. 1-1-02.)

23 (225 ILCS 745/80)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 80. Disciplinary actions.

1 (a) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary action as the Department may deem appropriate,
4 including fines not to exceed \$5,000 for each violation, with
5 regard to any license or certificate of enrollment for any one
6 or combination of the following:

7 (1) Material misstatement in furnishing information to
8 the Department.

9 (2) Violations of this Act, or of the rules promulgated
10 under this Act.

11 (3) Conviction of any crime under the laws of the
12 United States or any state or territory of the United
13 States that is a felony or that is a misdemeanor, an
14 essential element of which is dishonesty, or of any crime
15 that is directly related to the practice of the profession.

16 (4) Making any misrepresentation for the purpose of
17 obtaining licensure or enrollment or violating any
18 provision of this Act or the rules promulgated under this
19 Act pertaining to advertising.

20 (5) Professional incompetence.

21 (6) Gross malpractice.

22 (7) Aiding or assisting another person in violating any
23 provision of this Act or rules promulgated under this Act.

24 (8) Failing, within 60 days, to provide information in
25 response to a written request made by the Department.

26 (9) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public.

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

7 (11) Discipline by another state, District of
8 Columbia, territory, or foreign nation, if at least one of
9 the grounds for the discipline is the same or substantially
10 equivalent to those set forth in this Section.

11 (12) Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate or other form of compensation
14 for professional services not actually or personally
15 rendered.

16 (13) A finding by the Department that the licensee or
17 enrollee, after having his or her license or certificate of
18 enrollment placed on probationary status, has violated the
19 terms of probation.

20 (14) Willfully making or filing false records or
21 reports in his or her practice, including but not limited
22 to, false records filed with State agencies or departments.

23 (15) Physical illness, including but not limited to,
24 deterioration through the aging process, or loss of motor
25 skill that results in the inability to practice the
26 profession with reasonable judgment, skill, or safety.

1 (16) Solicitation of professional services other than
2 permitted advertising.

3 (17) Conviction of or cash compromise of a charge or
4 violation of the Illinois Controlled Substances Act
5 regulating narcotics.

6 (18) Failure to (i) file a return, (ii) pay the tax,
7 penalty, or interest shown in a filed return, or (iii) pay
8 any final assessment of tax, penalty, or interest, as
9 required by any tax Act administered by the Illinois
10 Department of Revenue, until the requirements of that tax
11 Act are satisfied.

12 (19) Conviction by any court of competent
13 jurisdiction, either within or outside this State, of any
14 violation of any law governing the practice of professional
15 geology, if the Department determines, after
16 investigation, that the person has not been sufficiently
17 rehabilitated to warrant the public trust.

18 (20) Gross, willful, or continued overcharging for
19 professional services, including filing false statements
20 for collection of fees for which services are not rendered.

21 (21) Practicing under a false or, except as provided by
22 law, an assumed name.

23 (22) Fraud or misrepresentation in applying for, or
24 procuring, a license or certificate of enrollment under
25 this Act or in connection with applying for renewal of a
26 license or certificate of enrollment under this Act.

1 (23) Cheating on or attempting to subvert the licensing
2 or enrollment examination administered under this Act.

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

13 (Source: P.A. 89-366, eff. 7-1-96.)

14 (225 ILCS 745/85)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 85. Injunctive action; cease and desist order.

17 (a) If any person violates the provisions of this Act, the
18 Director, in the name of the People of the State of Illinois,
19 through the Attorney General or the State's Attorney of the
20 county in which the violation is alleged to have occurred, may
21 petition for an order enjoining the violation or for an order
22 enforcing compliance with this Act. Upon the filing of a
23 verified petition, the court with appropriate jurisdiction may
24 issue a temporary restraining order, without notice or bond,
25 and may preliminarily and permanently enjoin the violation. If

1 it is established that the person has violated or is violating
2 the injunction, the court may punish the offender for contempt
3 of court. Proceedings under this Section are in addition to,
4 and not in lieu of, all other remedies and penalties provided
5 by this Act.

6 (b) If a person practices as a Licensed Professional
7 Geologist ~~licensed professional geologist~~ or holds himself or
8 herself out as a Licensed Professional Geologist ~~licensed~~
9 ~~professional geologist~~ in Illinois, without being licensed to
10 do so under this Act, then any Licensed Professional Geologist
11 ~~licensed professional geologist~~, interested party, or any
12 person injured thereby may petition for relief as provided in
13 subsection (a) of this Section.

14 (c) 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 at least 7 days from the date of the rule to file an answer
20 satisfactory to the Department. Failure to answer to the
21 satisfaction of the Department shall cause an order to cease
22 and desist to be issued.

23 (Source: P.A. 89-366, eff. 7-1-96.)

24 (225 ILCS 745/90)

25 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 90. Investigations; notice and hearing. The
2 Department may investigate the actions of any applicant or of
3 any person or persons rendering or offering to render
4 geological services or any person holding or claiming to hold a
5 license as a Licensed Professional Geologist ~~licensed~~
6 ~~professional geologist~~. The Department shall, before revoking,
7 suspending, placing on probation, reprimanding, or taking any
8 other disciplinary action under Section 80 of this Act, at
9 least 30 days before the date set for the hearing, (i) notify
10 the accused in writing of the charges made and the time and
11 place for the hearing on the charges, (ii) direct him or her to
12 file a written answer to the charges with the Board under oath
13 within 20 days after the service on him or her of the notice,
14 and (iii) inform the accused that, if he or she fails to
15 answer, default will be taken against him or her or that his or
16 her license may be suspended, revoked, placed on probationary
17 status, or other disciplinary action taken with regard to the
18 license, including limiting the scope, nature, or extent of his
19 or her practice, as the Department may consider proper. At the
20 time and place fixed in the notice, the Board shall proceed to
21 hear the charges and the parties or their counsel shall be
22 accorded ample opportunity to present any pertinent
23 statements, testimony, evidence, and arguments. The Board may
24 continue the hearing from time to time. In case the person,
25 after receiving the notice, fails to file an answer, his or her
26 license may, in the discretion of the Department, be suspended,

1 revoked, placed on probationary status, or the Department may
2 take whatever disciplinary action considered proper, including
3 limiting the scope, nature, or extent of the person's practice
4 or the imposition of a fine, without a hearing, if the act or
5 acts charged constitute sufficient grounds for that action
6 under this Act. The written notice may be served by personal
7 delivery or by certified mail to the address specified by the
8 accused in his or her last notification with the Department.

9 (Source: P.A. 89-366, eff. 7-1-96.)

10 (225 ILCS 745/105)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 105. Compelling testimony. Any circuit court, upon
13 application of the Department, designated hearing officer, or
14 the applicant, ~~or~~ licensee, or enrollee against whom
15 proceedings under Section 80 of this Act are pending, may enter
16 an order requiring the attendance of witnesses and their
17 testimony, and the production of documents, papers, files,
18 books, and records in connection with any hearing or
19 investigation. The court may compel obedience to its order by
20 proceedings for contempt.

21 (Source: P.A. 89-366, eff. 7-1-96.)

22 (225 ILCS 745/110)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 110. Findings and recommendations. At the conclusion

1 of the hearing, the Board shall present to the Director a
2 written report of its findings of fact, conclusions of law, and
3 recommendations. The report shall contain a finding whether or
4 not the accused person violated this Act or its rules or failed
5 to comply with the conditions required in this Act or its
6 rules. The Board shall specify the nature of any violations or
7 failure to comply and shall make its recommendations to the
8 Director. In making recommendations for any disciplinary
9 actions, the Board may take into consideration all facts and
10 circumstances bearing upon the reasonableness of the conduct of
11 the accused and the potential for future harm to the public,
12 including but not limited to previous discipline of the accused
13 by the Department, intent, degree of harm to the public and
14 likelihood of harm in the future, any restitution made by the
15 accused, and whether the incident or incidents contained in the
16 complaint appear to be isolated or represent a continuing
17 pattern of conduct. In making its recommendations for
18 discipline, the Board shall endeavor to ensure that the
19 severity of the discipline recommended is reasonably related to
20 the severity of the violation.

21 The report of findings of fact, conclusions of law, and
22 recommendation of the Board shall be the basis for the
23 Department's order refusing to issue, restore, or renew a
24 license or certificate of enrollment, or otherwise
25 disciplining a licensee or enrollee. If the Director disagrees
26 with the recommendations of the Board, the Director may issue

1 an order in contravention of the Board recommendations. The
2 Director shall provide a written report to the Board on any
3 disagreement and shall specify the reasons for the action in
4 the final order. The finding is not admissible in evidence
5 against the person in a criminal prosecution brought for a
6 violation of this Act, but the hearing and finding are not a
7 bar to a criminal prosecution brought for a violation of this
8 Act.

9 (Source: P.A. 89-366, eff. 7-1-96.)

10 (225 ILCS 745/115)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 115. Board; rehearing. At the conclusion of the
13 hearing, a copy of the Board's report shall be served upon the
14 applicant, ~~or~~ licensee, or enrollee by the Department, either
15 personally or as provided in this Act for the service of a
16 notice of hearing. Within 20 days after service, the applicant, ~~or~~
17 licensee, or enrollee may present to the Department a motion
18 in writing for a rehearing, which shall specify the particular
19 grounds for rehearing. The Department may respond to the motion
20 for rehearing within 20 days after its service on the
21 Department. If no motion for rehearing is filed, then upon the
22 expiration of the time specified for filing such a motion, or
23 if a motion for rehearing is denied, then upon denial, the
24 Director may enter an order in accordance with recommendations
25 of the Board except as provided in Section 120 of this Act. If

1 the applicant, ~~or~~ licensee, or enrollee orders from the
2 reporting service and pays for a transcript of the record
3 within the time for filing a motion for rehearing, the 20-day
4 period within which a motion may be filed shall commence upon
5 the delivery of the transcript to the applicant, ~~or~~ licensee, ~~or~~
6 enrollee.

7 (Source: P.A. 89-366, eff. 7-1-96.)

8 (225 ILCS 745/120)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 120. Director; rehearing. Whenever the Director
11 believes that justice has not been done in the revocation,
12 suspension, or refusal to issue, restore, or renew a license or
13 certificate of enrollment, or other discipline of an applicant, ~~or~~
14 ~~or~~ licensee, or enrollee he or she may order a rehearing by the
15 same or other examiners.

16 (Source: P.A. 89-366, eff. 7-1-96.)

17 (225 ILCS 745/125)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 125. Appointment of a hearing officer. The Director
20 has the authority to appoint any attorney licensed to practice
21 law in the State of Illinois to serve as the hearing officer in
22 any action for refusal to issue, restore, or renew a license or
23 certificate of enrollment or to discipline a licensee or
24 enrollee. The hearing officer has full authority to conduct the

1 hearing. At least one member of the Board shall attend each
2 hearing. The hearing officer shall report his or her findings
3 of fact, conclusions of law, and recommendations to the Board
4 and the Director. The Board shall have 60 calendar days from
5 receipt of the report to review the report of the hearing
6 officer and present its findings of fact, conclusions of law,
7 and recommendations to the Director. If the Board does not
8 present its report within the 60-day period, the Director may
9 issue an order based on the report of the hearing officer. If
10 the Director disagrees with the recommendation of the Board or
11 of the hearing officer, the Director may issue an order in
12 contravention of the recommendation. The Director shall
13 promptly provide a written report to the Board on any
14 deviation, and shall specify the reasons for the action in the
15 final order.

16 (Source: P.A. 89-366, eff. 7-1-96.)

17 (225 ILCS 745/135)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 135. Restoration of suspended or revoked license. At
20 any time after the suspension or revocation of a license or
21 certificate of enrollment, the Department may restore it to the
22 licensee or enrollee, upon the written recommendation of the
23 Board, unless after an investigation and a hearing the Board
24 determines that restoration is not in the public interest.

25 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/140)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 140. Surrender of license. Upon the revocation or
4 suspension of a license or certificate of enrollment, the
5 licensee or enrollee shall immediately surrender his or her
6 license or certificate of enrollment to the Department. If the
7 licensee or enrollee fails to do so, the Department has the
8 right to seize the license or certificate of enrollment.

9 (Source: P.A. 89-366, eff. 7-1-96.)

10 (225 ILCS 745/145)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 145. Summary suspension of a license. The Director may
13 summarily suspend the license of a Licensed Professional
14 Geologist ~~licensed professional geologist~~ without a hearing,
15 simultaneously with the institution of proceedings for a
16 hearing provided for in Section 90 of this Act, if the Director
17 finds that evidence in the Director's possession indicates that
18 the continuation of practice by a Licensed Professional
19 Geologist ~~licensed professional geologist~~ would constitute an
20 imminent danger to the public. In the event that the Director
21 summarily suspends the license of a Licensed Professional
22 Geologist ~~licensed professional geologist~~ without a hearing, a
23 hearing must be commenced within 30 days after the suspension
24 has occurred and concluded as expeditiously as practical.

1 (Source: P.A. 89-366, eff. 7-1-96.)

2 (225 ILCS 745/160)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 160. Violations.

5 (a) Using or attempting to use an expired license is a
6 Class A misdemeanor.

7 (b) Each of the following acts is a Class A misdemeanor for
8 the first offense and a Class 4 felony for a second or
9 subsequent offense:

10 (1) A violation of any provision of this Act or its
11 rules, except as noted in subsection (a) of this Section.

12 (2) The making of any wilfully false oath or
13 affirmation in any matter or proceeding where an oath or
14 affirmation is required by this Act.

15 (3) Using or attempting to use an inactive, suspended,
16 or revoked license or the license or seal of another, or
17 impersonating another licensee, or practicing geology as a
18 Licensed Professional Geologist ~~licensed professional~~
19 ~~geologist~~ in Illinois while one's license is inactive,
20 suspended, or revoked.

21 (4) The practice, attempt to practice, or offer to
22 practice professional geology in Illinois without a
23 license as a Licensed Professional Geologist ~~licensed~~
24 ~~professional geologist~~. Each day of practicing
25 professional geology or attempting to practice

1 professional geology, and each instance of offering to
2 practice professional geology, without a license as a
3 Licensed Professional Geologist ~~licensed professional~~
4 ~~geologist~~ constitutes a separate offense.

5 (5) Advertising or displaying any sign or card or other
6 device that might indicate to the public that the person or
7 entity is entitled to practice as a Licensed Professional
8 Geologist ~~licensed professional geologist~~, unless that
9 person holds an active license as a Licensed Professional
10 Geologist ~~licensed professional geologist~~ in the State of
11 Illinois.

12 (6) Obtaining or attempting to obtain a license by
13 fraud.

14 (Source: P.A. 89-366, eff. 7-1-96.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 225 ILCS 745/15
- 4 225 ILCS 745/17 new
- 5 225 ILCS 745/20
- 6 225 ILCS 745/25
- 7 225 ILCS 745/30
- 8 225 ILCS 745/35
- 9 225 ILCS 745/40
- 10 225 ILCS 745/45
- 11 225 ILCS 745/50
- 12 225 ILCS 745/51 new
- 13 225 ILCS 745/60
- 14 225 ILCS 745/65
- 15 225 ILCS 745/70
- 16 225 ILCS 745/75
- 17 225 ILCS 745/80
- 18 225 ILCS 745/85
- 19 225 ILCS 745/90
- 20 225 ILCS 745/105
- 21 225 ILCS 745/110
- 22 225 ILCS 745/115
- 23 225 ILCS 745/120
- 24 225 ILCS 745/125
- 25 225 ILCS 745/135

HB4762

- 39 -

LRB095 17722 RAS 43797 b

- 1 225 ILCS 745/140
- 2 225 ILCS 745/145
- 3 225 ILCS 745/160