

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 Illinois Roofing Industry Licensing Act is
5 amended by changing Sections 4.5 and 5 as follows:

6 (225 ILCS 335/4.5)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4.5. Duties of qualifying party; replacement. While
9 engaged as or named as a qualifying party for a licensee, no
10 person may be the named qualifying party for any other
11 licensee. However, the person may act in the capacity of the
12 qualifying party for one additional licensee of the same type
13 of licensure if one of the following conditions exists:

14 (1) There is a common ownership of at least 25% of each
15 licensed entity for which the person acts as a qualifying
16 party.

17 (2) The same person acts as a qualifying party for one
18 licensed entity and its licensed subsidiary.

19 "Subsidiary" as used in this Section means a corporation of
20 which at least 25% is owned by another licensee.

21 In the event that a qualifying party is terminated or
22 terminating his or her status as qualifying party of a
23 licensee, the qualifying party and the licensee shall notify

1 the Department of that fact in writing. Thereafter, the
2 licensee shall notify the Department of the name and address of
3 the newly designated qualifying party. The newly designated
4 qualifying party must take the examination prescribed in
5 Section 3.5 of this Act; however, a newly designated qualifying
6 party is exempt from the examination requirement if he or she
7 has acted in the capacity of a roofing contractor for a period
8 of at least 15 years for the licensee for which he or she seeks
9 to be the qualifying party. These requirements shall be met in
10 a timely manner as established by rule of the Department.

11 Notwithstanding any other rulemaking authority that may
12 exist, neither the Governor nor any agency or agency head under
13 the jurisdiction of the Governor has any authority to make or
14 promulgate rules to implement or enforce the provisions of this
15 amendatory Act of the 95th General Assembly. If, however, the
16 Governor believes that rules are necessary to implement or
17 enforce the provisions of this amendatory Act of the 95th
18 General Assembly, the Governor may suggest rules to the General
19 Assembly by filing them with the Clerk of the House and the
20 Secretary of the Senate and by requesting that the General
21 Assembly authorize such rulemaking by law, enact those
22 suggested rules into law, or take any other appropriate action
23 in the General Assembly's discretion. Nothing contained in this
24 amendatory Act of the 95th General Assembly shall be
25 interpreted to grant rulemaking authority under any other
26 Illinois statute where such authority is not otherwise

1 explicitly given. For the purposes of this amendatory Act of
2 the 95th General Assembly, "rules" is given the meaning
3 contained in Section 1-70 of the Illinois Administrative
4 Procedure Act, and "agency" and "agency head" are given the
5 meanings contained in Sections 1-20 and 1-25 of the Illinois
6 Administrative Procedure Act to the extent that such
7 definitions apply to agencies or agency heads under the
8 jurisdiction of the Governor.

9 (Source: P.A. 91-950, eff. 2-9-01.)

10 (225 ILCS 335/5) (from Ch. 111, par. 7505)

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

12 Sec. 5. Display of license number; advertising.

13 (a) Each State licensed roofing contractor shall affix the
14 license number of his or her license to all of his or her
15 contracts and bids. In addition, the official issuing building
16 permits shall affix the roofing contractor license number to
17 each application for a building permit and on each building
18 permit issued and recorded.

19 (a-5) If a general contractor applies for a building permit
20 with a unit of local government and knowingly submits a roofing
21 license number that is not that of the roofing contractor who
22 will be the subcontractor for the project for which the general
23 contractor has requested the permit, the general contractor
24 shall be fined \$5,000, if the application was for a residential
25 building permit, and \$10,000, if the application was for a

1 commercial building permit. Those units of local government
2 responsible for the issuance of building permits shall be
3 responsible for the enforcement of this subsection (a-5).
4 Notwithstanding any other rulemaking authority that may exist,
5 neither the Governor nor any agency or agency head under the
6 jurisdiction of the Governor has any authority to make or
7 promulgate rules to implement or enforce the provisions of this
8 amendatory Act of the 95th General Assembly. If, however, the
9 Governor believes that rules are necessary to implement or
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16 in the General Assembly's discretion. Nothing contained in this
17 amendatory Act of the 95th General Assembly shall be
18 interpreted to grant rulemaking authority under any other
19 Illinois statute where such authority is not otherwise
20 explicitly given. For the purposes of this amendatory Act of
21 the 95th General Assembly, "rules" is given the meaning
22 contained in Section 1-70 of the Illinois Administrative
23 Procedure Act, and "agency" and "agency head" are given the
24 meanings contained in Sections 1-20 and 1-25 of the Illinois
25 Administrative Procedure Act to the extent that such
26 definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

2 (b) In addition, every roofing contractor shall affix the
3 roofing contractor license number and the licensee's name, as
4 it appears on the license, on all commercial vehicles used as
5 part of his or her business as a roofing contractor.

6 (c) Every holder of a license shall display it in a
7 conspicuous place in his or her principal office, place of
8 business, or place of employment.

9 (d) No person licensed under this Act may advertise
10 services regulated by this Act unless that person includes in
11 the advertisement his or her license number. Nothing contained
12 in this subsection requires the publisher of advertising for
13 roofing contractor services to investigate or verify the
14 accuracy of the license number provided by the licensee.

15 (e) A person who advertises services regulated by this Act
16 who knowingly (i) fails to display the license number in any
17 manner required by this Section, (ii) fails to provide a
18 publisher with the correct license number as required by
19 subsection (d), or (iii) provides a publisher with a false
20 license number or a license number of another person, or a
21 person who knowingly allows his or her license number to be
22 displayed or used by another person to circumvent any
23 provisions of this Section, is guilty of a Class A misdemeanor
24 with a fine of \$1,000, and, in addition, is subject to the
25 administrative enforcement provisions of this Act. Each day
26 that an advertisement runs or each day that a person knowingly

1 allows his or her license to be displayed or used in violation
2 of this Section constitutes a separate offense.

3 (Source: P.A. 94-254, eff. 7-19-05.)