



Sen. William R. Haine

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09500SB2760sam002

LRB095 19945 RAS 49468 a

1 AMENDMENT TO SENATE BILL 2760

2 AMENDMENT NO. _____. Amend Senate Bill 2760 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010. The following
8 Acts are repealed on January 1, 2010:

9 The Auction License Act.

10 ~~The Illinois Architecture Practice Act of 1989.~~

11 The Illinois Landscape Architecture Act of 1989.

12 The Illinois Professional Land Surveyor Act of 1989.

13 The Land Sales Registration Act of 1999.

14 The Orthotics, Prosthetics, and Pedorthics Practice Act.

15 The Perfusionist Practice Act.

16 ~~The Professional Engineering Practice Act of 1989.~~

1 The Real Estate License Act of 2000.

2 The Structural Engineering Practice Act of 1989.

3 (Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132,
4 eff. 7-16-99; 91-133, eff. 7-16-99; 91-245, eff. 12-31-99;
5 91-255, eff. 12-30-99; 91-338, eff. 12-30-99; 91-580, eff.
6 1-1-00; 91-590, eff. 1-1-00; 91-603, eff. 1-1-00; 92-16, eff.
7 6-28-01.)

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Act repealed on January 1, 2020. The following
10 Act is repealed on January 1, 2020:

11 The Illinois Architecture Practice Act of 1989.

12 The Professional Engineering Practice Act of 1989.

13 Section 10. The Illinois Architecture Practice Act of 1989
14 is amended by changing Sections 3, 4, 5, 6, 8, 9, 10, 12, 13,
15 21, 22, 23.5, 36, and 38 and by adding Sections 4.5, 10.5, and
16 17.5 as follows:

17 (225 ILCS 305/3) (from Ch. 111, par. 1303)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 3. Application of Act. Nothing in this Act shall be
20 deemed or construed to prevent the practice of structural
21 engineering as defined in the Structural Engineering Practice
22 Act of 1989, the practice of professional engineering as
23 defined in the Professional Engineering Practice Act of 1989,

1 or the preparation of documents used to prescribe work to be
2 done inside buildings for non-loadbearing interior
3 construction, furnishings, fixtures and equipment, or the
4 offering or preparation of environmental analysis, feasibility
5 studies, programming or construction management services by
6 persons other than those licensed in accordance with this Act,
7 the Structural Engineering Practice Act of 1989 or the
8 Professional Engineering Practice Act of 1989.

9 Nothing contained in this Act shall prevent the draftsmen,
10 students, project representatives and other employees of those
11 lawfully practicing as licensed architects under the
12 provisions of this Act, from acting under the responsible
13 control ~~direct supervision and control~~ of their employers, or
14 to prevent the employment of project representatives for
15 enlargement or alteration of buildings or any parts thereof, or
16 prevent such project representatives from acting under the
17 direct supervision and control of the licensed architect by
18 whom the construction documents including drawings and
19 specifications of any such building, enlargement or alteration
20 were prepared.

21 Nothing in this Act or any other Act shall prevent a
22 licensed architect from practicing interior design services.
23 Nothing in this Act shall be construed as requiring the
24 services of an interior designer for the interior designing of
25 a single family residence.

26 No officer, board, commission, or other public entity

1 charged with the enforcement of codes and ordinances requiring
2 the involvement of an architect shall accept for filing or
3 approval any technical submissions that do not bear the seal
4 and signature of an architect licensed under this Act. A
5 building permit issued with respect to technical submissions
6 that does not conform to the requirements of this Act shall be
7 invalid.

8 The involvement of a licensed architect is not required for
9 the following:

10 (A) The building, remodeling or repairing of any
11 building or other structure outside of the corporate limits
12 of any city or village, where such building or structure is
13 to be, or is used for farm purposes, or for the purposes of
14 outbuildings or auxiliary buildings in connection with
15 such farm premises.

16 (B) The construction, remodeling or repairing of a
17 detached single family residence on a single lot.

18 (C) The construction, remodeling or repairing of a
19 two-family residence of wood frame construction on a single
20 lot, not more than two stories and basement in height.

21 (D) Interior design services for buildings which do not
22 involve life safety or structural changes.

23 However, when an ordinance of a unit of local government
24 requires the involvement of a licensed architect for any
25 buildings included in the preceding paragraphs (A) through (D),
26 the requirements of this Act shall apply. All buildings not

1 included in the preceding paragraphs (A) through (D), including
2 multi-family buildings and buildings previously exempt from
3 the involvement of a licensed architect under those paragraphs
4 but subsequently non-exempt due to a change in occupancy or
5 use, are subject to the requirements of this Act. Interior
6 alterations which result in life safety or structural changes
7 of the building are subject to the requirements of this Act.

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

9 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

11 Sec. 4. Definitions. In this Act:

12 "Architect, Retired" means a person who has been duly
13 licensed as an architect by the Department and has chosen to
14 relinquish or not renew his or her license pursuant to Section
15 17.5 of this Act.

16 "Architectural intern" means an unlicensed person who has
17 completed the education requirements, is actively
18 participating in the diversified professional training, and
19 maintains in good standing a training record as required for
20 licensure by this Act and may use the title "architectural
21 intern", but may not independently engage in the practice of
22 architecture.

23 ~~(a)~~ "Department" means the Department of Financial and
24 Professional Regulation.

25 "Design build" and "design build entity" means the project

1 delivery process defined in Title 68, Section 1150.85 of the
2 Illinois Administrative Code.

3 ~~(b) "Director" means the Director of Professional~~
4 ~~Regulation.~~

5 (c) "Board" means the Illinois Architecture Licensing
6 Board appointed by the Director.

7 (d) "Public health" as related to the practice of
8 architecture means the state of the well-being of the body or
9 mind of the building user.

10 (e) "Public safety" as related to the practice of
11 architecture means the state of being reasonably free from risk
12 of danger, damage, or injury.

13 (f) "Public welfare" as related to the practice of
14 architecture means the well-being of the building user
15 resulting from the state of a physical environment that
16 accommodates human activity.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

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

20 (225 ILCS 305/4.5 new)

21 Sec. 4.5. References to Department or Director of
22 Professional Regulation. References in this Act (i) to the
23 Department of Professional Regulation are deemed, in
24 appropriate contexts, to be references to the Department of
25 Financial and Professional Regulation and (ii) to the Director

1 of Professional Regulation are deemed, in appropriate
2 contexts, to be references to the Secretary of Financial and
3 Professional Regulation.

4 (225 ILCS 305/5) (from Ch. 111, par. 1305)

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

6 Sec. 5. Architect defined; Acts constituting practice.

7 (a) An architect is a person who is qualified by education,
8 training, experience, and examination, and who is licensed
9 under the laws of this State, to practice architecture.

10 (b) The practice of architecture within the meaning and
11 intent of this Act includes the offering or furnishing of
12 professional services, such as consultation, environmental
13 analysis, feasibility studies, programming, planning,
14 aesthetic and structural design, technical submissions
15 consisting of drawings and specifications and other documents
16 required in the construction process, administration of
17 construction contracts, project representation, and
18 construction management, in connection with the construction
19 of any private or public building, building structure, building
20 project, or addition to or alteration or restoration thereof.

21 (c) Nothing contained in this Section imposes upon a person
22 licensed under this Act the responsibility for the performance
23 of any of the activities set forth in subsection (b), unless
24 such person specifically contracts to provide the function.

25 (Source: P.A. 92-360, eff. 1-1-02.)

1 (225 ILCS 305/6) (from Ch. 111, par. 1306)

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

3 Sec. 6. Technical submissions. All technical submissions
4 intended for use in construction in the State of Illinois shall
5 be prepared and administered in accordance with standards of
6 reasonable professional skill and diligence. Care shall be
7 taken to reflect the requirements of State statutes and, where
8 applicable, county and municipal building ordinances in such
9 submissions. In recognition that architects are licensed for
10 the protection of the public health, safety and welfare,
11 submissions shall be of such quality and scope, and be so
12 administered, as to conform to professional standards.

13 Technical submissions are the designs, drawings and
14 specifications which establish the scope of the architecture to
15 be constructed, the standard of quality for materials,
16 workmanship, equipment, and construction systems, and the
17 studies and other technical reports and calculations prepared
18 in the course of the practice of architecture.

19 No person involved in an architectural project requiring
20 the involvement of an architect during the design,
21 construction, addition to, or alteration of a project, or any
22 parts thereof, shall have the authority to deviate from the
23 technical submissions without the prior approval of the
24 licensed architect for the project.

25 (Source: P.A. 92-360, eff. 1-1-02.)

1 (225 ILCS 305/8) (from Ch. 111, par. 1308)

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

3 Sec. 8. Powers and duties of the Department.

4 (1) Subject to the provisions of this Act, the Department
5 shall exercise the following functions, powers, and duties:

6 (a) conduct examinations to ascertain the
7 qualifications and fitness of applicants for licensure as
8 licensed architects, and pass upon the qualifications and
9 fitness of applicants for licensure by endorsement;

10 (b) prescribe rules for a method of examination of
11 candidates;

12 (c) prescribe rules defining what constitutes a
13 school, college or university, or department of a
14 university, or other institution, reputable and in good
15 standing, to determine whether or not a school, college or
16 university, or department of a university, or other
17 institution is reputable and in good standing by reference
18 to compliance with such rules, and to terminate the
19 approval of such school, college or university or
20 department of a university or other institution that
21 refuses admittance to applicants solely on the basis of
22 race, color, creed, sex or national origin. The Department
23 may adopt, as its own rules relating to education
24 requirements, those guidelines published from time to time
25 by the National Architectural Accrediting Board;

1 (d) prescribe rules for diversified professional
2 training;

3 (e) conduct oral interviews, disciplinary conferences
4 and formal evidentiary hearings on proceedings to impose
5 fines or to suspend, revoke, place on probationary status,
6 reprimand, and refuse to issue or restore any license
7 issued under the provisions of this Act for the reasons set
8 forth in Section 22 of this Act;

9 (f) issue licenses to those who meet the requirements
10 of this Act;

11 (g) formulate and publish rules necessary or
12 appropriate to carrying out the provisions of this Act; and

13 (h) maintain membership in the National Council of
14 Architectural Registration Boards and participate in
15 activities of the Council by designation of individuals for
16 the various classifications of membership and the
17 appointment of delegates for attendance at regional and
18 national meetings of the Council. All costs associated with
19 membership and attendance of such delegates to any national
20 meetings may be funded from the Design Professionals
21 Administration and Investigation Fund.

22 (i) retain the ability to employ or utilize the legal
23 services of outside counsel and the investigative services
24 of outside personnel; however, no attorney employed or used
25 by the Department shall prosecute a matter and provide
26 legal services to the Department or Board with respect to

1 the same matter.

2 (2) Prior to issuance of any final decision or order that
3 deviates from any report or recommendation of the Board
4 relating to the qualification of applicants, discipline of
5 licensees or registrants, or promulgation of rules, the
6 Director shall notify the Board in writing with an explanation
7 of the deviation and provide a reasonable time for the Board to
8 submit written comments to the Director regarding the proposed
9 action. In the event that the Board fails or declines to submit
10 written comments within 30 days of the notification, the
11 Director may issue a final decision or order consistent with
12 the Director's original decision. The Department may at any
13 time seek the expert advice and knowledge of the Board on any
14 matter relating to the enforcement of this Act.

15 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

16 (225 ILCS 305/9) (from Ch. 111, par. 1309)

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

18 Sec. 9. Creation of the Board. The Director shall appoint
19 an Architecture Licensing Board which will consist of 6
20 members. Five members shall be licensed architects, one of whom
21 shall be a tenured member of the architectural faculty of an
22 Illinois public university accredited by the National
23 Architectural Accrediting Board ~~the University of Illinois.~~
24 The other 4 shall be licensed architects, residing in this
25 State, who have been engaged in the practice of architecture at

1 least 10 years. In addition to the 5 licensed architects, there
2 shall be one public member. The public member shall be a voting
3 member and shall not hold a license as an architect,
4 professional engineer, structural engineer or land surveyor.

5 Board members shall serve 5 year terms and until their
6 successors are appointed and qualified. In making the
7 designation of persons to the Board, the Director shall give
8 due consideration to recommendations by members and
9 organizations of the profession.

10 The membership of the Board should reasonably reflect
11 representation from the geographic areas in this State.

12 No member shall be reappointed to the Board for a term
13 which would cause his or her continuous service on the Board to
14 be longer than 10 successive years. ~~Service prior to the~~
15 ~~effective date of this Act shall not be considered.~~

16 Appointments to fill vacancies shall be made in the same
17 manner as original appointments, for the unexpired portion of
18 the vacated term. Initial terms shall begin upon the effective
19 date of this Act and Board members in office on that date under
20 the predecessor Act may be appointed to specific terms as
21 indicated in this Section.

22 Persons holding office as members of the Board under the
23 Illinois Architecture Act immediately prior to the effective
24 date of this Act shall continue as members of the Board under
25 this Act until the expiration of the term for which they were
26 appointed and until their successors are appointed and

1 qualified.

2 A quorum of the Board shall consist of a majority of Board
3 members currently appointed. A majority vote of the quorum is
4 required for Board decisions.

5 The Director may remove any member of the Board for
6 misconduct, incompetence, neglect of duty, or for reasons
7 prescribed by law for removal of State officials.

8 The Director may remove a member of the Board who does not
9 attend 2 consecutive meetings.

10 Notice of proposed rulemaking shall be transmitted to the
11 Board and the Department shall review the response of the Board
12 and any recommendations made therein. The Department may, at
13 any time, seek the expert advice and knowledge of the Board on
14 any matter relating to the administration or enforcement of
15 this Act.

16 Members of the Board are immune from suit in any action
17 based upon any disciplinary proceedings or other activities
18 performed in good faith as members of the Board.

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

20 (225 ILCS 305/10) (from Ch. 111, par. 1310)

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

22 Sec. 10. Powers and duties of the Board.

23 (a) The Board shall hold at least 3 regular meetings each
24 year.

25 (b) The Board shall annually elect a Chairperson and a Vice

1 Chairperson who shall be licensed architects.

2 (c) The Board, upon request by the Department, may make a
3 curriculum evaluation to determine if courses conform to the
4 requirements of approved architectural programs.

5 (d) The Board shall assist the Department in conducting
6 oral interviews, disciplinary conferences and formal
7 evidentiary hearings.

8 (e) The Department may, at any time, seek the expert advice
9 and knowledge of the Board on any matter relating to the
10 enforcement of this Act.

11 (f) The Board may appoint a subcommittee to serve as a
12 Complaint Committee to recommend the disposition of case files
13 according to procedures established in Section 10.5 of this Act
14 or by rule.

15 (g) The Board shall review applicant qualifications to sit
16 for the examination or for licensure and shall make
17 recommendations to the Department. The Department shall review
18 the Board's recommendations on applicant qualifications. The
19 Director shall notify the Board in writing with an explanation
20 of any deviation from the Board's recommendation on applicant
21 qualifications. After review of the Director's written
22 explanation of his or her reasons for deviation, the Board
23 shall have the opportunity to comment upon the Director's
24 decision.

25 (h) The Board shall submit written comments to the Director
26 within 30 days from notification of any final decision or order

1 from the Director that deviates from any report or
2 recommendation of the Board relating to the qualifications of
3 applicants, discipline of licensees or registrants, unlicensed
4 practice, or promulgation of rules.

5 (i) The Board may recommend that the Department contract
6 with a corporation or other business entity to provide
7 investigative, legal, prosecutorial, and other services
8 necessary to perform its duties.

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

10 (225 ILCS 305/10.5 new)

11 Sec. 10.5. Complaint Committee.

12 (a) There is created the Architecture Complaint Committee
13 of the Board composed of at least one voting member of the
14 Board, a Supervisor over Design Investigations, and a Chief of
15 Prosecutions over Design Prosecutions. The Director of
16 Enforcement shall designate the Supervisor and Chief assigned
17 to the Complaint Committee.

18 (b) The Complaint Committee shall meet at least once every
19 2 months to exercise its functions and duties as set forth in
20 subsection (c). The Complaint Committee shall make every effort
21 to consider expeditiously and take prompt action on each item
22 on its agenda.

23 (c) The Complaint Committee shall have the following duties
24 and functions:

25 (1) To recommend to the Board that a complaint file be

1 closed.

2 (2) To refer a complaint file to Prosecutions for
3 review and action.

4 (3) To make a decision in conjunction with the
5 Supervisor over Design Investigations regarding actions to
6 be taken on a complaint file.

7 (225 ILCS 305/12) (from Ch. 111, par. 1312)

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

9 Sec. 12. Examinations; subjects; failure or refusal to take
10 examination. The Department shall authorize examination of
11 applicants as architects at such times and places as it may
12 determine. The examination shall be in English and shall be
13 written or written and graphic. It shall include at a minimum
14 the following subjects:

15 (a) pre-design (environmental analysis, architectural
16 programming, and application of principles of project
17 management and coordination);

18 (b) site planning (site analysis, design and
19 development, parking, and application of zoning
20 requirements);

21 (c) building planning (conceptual planning of
22 functional and space relationships, building design,
23 interior space layout, barrier-free design, and the
24 application of the life safety code requirements and
25 principles of energy efficient design);

1 (d) building technology (application of structural
2 systems, building components, and mechanical and
3 electrical systems);

4 (e) general structures (identification, resolution,
5 and incorporation of structural systems and the long span
6 design on the technical aspects of the design of buildings
7 and the process and construction);

8 (f) lateral forces (identification and resolution of
9 the effects of lateral forces on the technical aspects of
10 the design of buildings and the process of construction);

11 (g) mechanical and electrical systems (as applied to
12 the design of buildings, including plumbing and acoustical
13 systems);

14 (h) materials and methods (as related to the design of
15 buildings and the technical aspects of construction); and

16 (i) construction documents and services (conduct of
17 architectural practice as it relates to construction
18 documents, bidding, and construction administration and
19 contractual documents from beginning to end of a building
20 project).

21 It shall be the responsibility of the applicant to be
22 familiar with this Act and its rules.

23 Examination subject matter headings and bases on which
24 examinations are graded shall be indicated in rules pertaining
25 to this Act. The Department may adopt the examinations and
26 grading procedures of the National Council of Architectural

1 Registration Boards. Content of any particular examination
2 shall not be considered public record under the Freedom of
3 Information Act.

4 An applicant shall have 5 years from passage of the first
5 examination to successfully complete all examinations required
6 by rule of the Department. ~~If an applicant neglects without an~~
7 ~~approved excuse or refuses to take the next available~~
8 ~~examination offered for licensure under this Act, the fee paid~~
9 ~~by the applicant shall be forfeited. If an applicant fails to~~
10 ~~pass an examination for licensure under this Act within 3 years~~
11 ~~after filing an application, the application shall be denied.~~
12 ~~The applicant may, however, make a new application for~~
13 ~~examination accompanied by the required fee and must furnish~~
14 ~~proof of meeting the qualifications for examination in effect~~
15 ~~at the time of the new application.~~

16 The Department may by rule prescribe additional subjects
17 for examination.

18 An applicant has one year from the date of notification of
19 successful completion of all the examination requirements to
20 apply to the Department for a license. If an applicant fails to
21 apply within one year, the applicant shall be required to again
22 take and pass the examination, unless the Department, upon
23 recommendation from the Board, determines that there is
24 sufficient cause for the delay that is not due to the fault of
25 the applicant.

26 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

1 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

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

24 Good moral character means such character as will enable a
25 person to discharge the fiduciary duties of an architect to

1 that person's client and to the public in a manner which
2 protects health, safety and welfare. Evidence of inability to
3 discharge such duties may include the commission of an offense
4 justifying discipline under Section 22 19. In addition, the
5 Department may take into consideration whether the applicant
6 has engaged in conduct or actions that would constitute grounds
7 for discipline under this Act.

8 (Source: P.A. 93-1009, eff. 1-1-05; 94-543, eff. 8-10-05.)

9 (225 ILCS 305/17.5 new)

10 Sec. 17.5. Architect, Retired. Pursuant to Section 2105-15
11 of the Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois, the Department may grant the
13 title "Architect, Retired" to any person who has been duly
14 licensed as an architect by the Department and who chooses to
15 relinquish or not renew his or her license. The Department may,
16 by rule, exempt from continuing education requirements those
17 who are granted the title "Architect, Retired". Those persons
18 granted the title "Architect, Retired" may request restoration
19 to active status under the applicable provisions of this Act.

20 The use of the title "Architect, Retired" shall not
21 constitute representation of current licensure. Any person
22 without an active license shall not be permitted to practice
23 architecture as defined in this Act.

24 Nothing in this Section imposes a requirement upon the
25 Department to issue any certificate, credential, or other

1 official document indicating that a person has been granted the
2 title "Architect, Retired".

3 (225 ILCS 305/21) (from Ch. 111, par. 1321)

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

5 Sec. 21. Professional design firm registration;
6 conditions.

7 (a) Nothing in this Act shall prohibit the formation, under
8 the provisions of the Professional Service Corporation Act, of
9 a corporation to offer the practice of architecture.

10 Any business, including a Professional Service
11 Corporation, that includes the practice of architecture within
12 its stated purposes, practices architecture, or holds itself
13 out as available to practice architecture shall register with
14 the Department under this Section. Any professional service
15 corporation, sole proprietorship, or professional design firm
16 offering architectural services must have a resident architect
17 overseeing the architectural practices in each location in
18 which architectural services are provided.

19 Any sole proprietorship not owned and operated by an
20 Illinois licensed design professional licensed under this Act
21 shall be prohibited from offering architectural services to the
22 public. "Illinois licensed design professional" means a person
23 who holds an active license as an architect under this Act, as
24 a structural engineer under the Structural Engineering
25 Practice Act of 1989, or as a professional engineer under the

1 Professional Engineering Practice Act of 1989. Any sole
2 proprietorship owned and operated by an architect with an
3 active license issued under this Act and conducting or
4 transacting such business under an assumed name in accordance
5 with the provisions of the Assumed Business Name Act shall
6 comply with the registration requirements of a professional
7 design firm. Any sole proprietorship owned and operated by an
8 architect with an active license issued under this Act and
9 conducting or transacting such business under the real name of
10 the sole proprietor is exempt from the registration
11 requirements of a professional design firm.

12 (b) Any corporation, including a Professional Service
13 Corporation, partnership, limited liability company, or
14 professional design firm seeking to be registered under this
15 Section shall not be registered unless:

16 (1) two-thirds of the board of directors, in the case
17 of a corporation, or two-thirds of the general partners, in
18 the case of a partnership, or two-thirds of the members, in
19 the case of a limited liability company, are licensed under
20 the laws of any State to practice architecture,
21 professional engineering, land surveying, or structural
22 engineering; and

23 (2) the person having the architectural practice in
24 this State in his charge is (A) a director in the case of a
25 corporation, a general partner in the case of a
26 partnership, or a member in the case of a limited liability

1 company, and (B) holds a license under this Act.

2 Any corporation, limited liability company, professional
3 service corporation, or partnership qualifying under this
4 Section and practicing in this State shall file with the
5 Department any information concerning its officers, directors,
6 members, managers, partners or beneficial owners as the
7 Department may, by rule, require.

8 (c) No business shall offer the practice or hold itself out
9 as available to offer the practice of architecture until it is
10 registered with the Department. Every entity registered as a
11 professional design firm shall display its certificate of
12 registration or a facsimile thereof in a conspicuous place in
13 each office offering architectural services.

14 (d) Any business seeking to be registered under this
15 Section shall make application on a form provided by the
16 Department and shall provide any information requested by the
17 Department, which shall include but shall not be limited to all
18 of the following:

19 (1) The name and architect's license number of at least
20 one person designated as the managing agent in responsible
21 charge of the practice of architecture in Illinois. In the
22 case of a corporation, the corporation shall also submit a
23 certified copy of the resolution by the board of directors
24 designating at least one managing agent. If a limited
25 liability company, the company shall submit a certified
26 copy of either its articles of organization or operating

1 agreement designating the managing agent.

2 (2) The names and architect's, professional
3 engineer's, structural engineer's, or land surveyor's
4 license numbers of the directors, in the case of a
5 corporation, the members, in the case of a limited
6 liability company, or general partners, in the case of a
7 partnership.

8 (3) A list of all locations at which the professional
9 design firm provides architectural services.

10 (4) A list of all assumed names of the business.
11 Nothing in this Section shall be construed to exempt a
12 business from compliance with the requirements of the
13 Assumed Business Name Act.

14 It is the responsibility of the professional design firm to
15 provide the Department notice, in writing, of any changes in
16 the information requested on the application.

17 (e) In the event a managing agent is terminated or
18 terminates his or her status as managing agent of the
19 professional design firm, the managing agent and professional
20 design firm shall notify the Department of this fact in
21 writing, by certified mail, within 10 business days of
22 termination.

23 Thereafter, the professional design firm, if it has so
24 informed the Department, has 30 days in which to notify the
25 Department of the name and architect's license number of the
26 architect who is the newly designated managing agent. If a

1 corporation, the corporation shall also submit a certified copy
2 of a resolution by the board of directors designating the new
3 managing agent. If a limited liability company, the company
4 shall also submit a certified copy of either its articles of
5 organization or operating agreement designating the new
6 managing agent. The Department may, upon good cause shown,
7 extend the original 30 day period.

8 If the professional design firm has not notified the
9 Department in writing, by certified mail within the specified
10 time, the registration shall be terminated without prior
11 hearing. Notification of termination shall be sent by certified
12 mail to the last known address of the business. If the
13 professional design firm continues to operate and offer
14 architectural services after the termination, the Department
15 may seek prosecution under Sections 22, 36, and 36a of this Act
16 for the unlicensed practice of architecture.

17 (f) No professional design firm shall be relieved of
18 responsibility for the conduct or acts of its agents,
19 employees, or officers by reason of its compliance with this
20 Section, nor shall any individual practicing architecture be
21 relieved of the responsibility for professional services
22 performed by reason of the individual's employment or
23 relationship with a professional design firm registered under
24 this Section.

25 (g) Disciplinary action against a professional design firm
26 registered under this Section shall be administered in the same

1 manner and on the same grounds as disciplinary action against a
2 licensed architect. All disciplinary action taken or pending
3 against a corporation or partnership before the effective date
4 of this amendatory Act of 1993 shall be continued or remain in
5 effect without the Department filing separate actions.

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

7 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

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

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

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

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

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

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

1 (5) purposefully making false statements or signing
2 false statements, certificates or affidavits to induce
3 payment;

4 (6) conviction of any crime under the laws of the
5 United States, or any state or territory thereof, which is
6 a felony, whether related to the practice of architecture
7 or not; or conviction of any crime, whether a felony,
8 misdemeanor, or otherwise, an essential element of which is
9 dishonesty, wanton disregard for the rights of others, or
10 which is directly related to the practice of architecture;

11 (7) aiding or assisting another person in violating any
12 provision of this Act or its rules;

13 (8) signing, affixing the licensed architect's seal or
14 permitting the architect's seal to be affixed to any
15 technical submission ~~construction documents~~ not prepared
16 by the architect or under that architect's responsible
17 ~~direct supervision and~~ control;

18 (9) engaging in dishonorable, unethical or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public;

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

23 (11) making a statement of compliance pursuant to the
24 Environmental Barriers Act that construction documents
25 prepared by the Licensed Architect or prepared under the
26 licensed architect's direct supervision and control for

1 construction or alteration of an occupancy required to be
2 in compliance with the Environmental Barriers Act are in
3 compliance with the Environmental Barriers Act when such
4 technical submissions ~~construction documents~~ are not in
5 compliance;

6 (12) a finding by the Board that an applicant or
7 registrant has failed to pay a fine imposed by the
8 Department or a registrant, whose license has been placed
9 on probationary status, has violated the terms of
10 probation;

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

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

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

23 (a-5) In enforcing this Section, the Board upon a showing
24 of a possible violation may request that the Department compel
25 a person licensed to practice under this Act, or who has
26 applied for licensure or certification pursuant to this Act, to

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

17 If the Board finds a person unable to practice because of
18 the reasons set forth in this Section, the Board may recommend
19 that the Department require that person to submit to care,
20 counseling, or treatment by physicians approved or designated
21 by the Department as a condition, term, or restriction for
22 continued, reinstated, or renewed licensure to practice; or, in
23 lieu of care, counseling, or treatment, the Board may recommend
24 to the Department to file a complaint to immediately suspend,
25 revoke or otherwise discipline the license of the person. Any
26 person whose license was granted, continued, reinstated,

1 renewed, disciplined, or supervised subject to such terms,
2 conditions, or restrictions and who fails to comply with such
3 terms, conditions, or restrictions shall be referred to the
4 Director for a determination as to whether the person shall
5 have his or her license suspended immediately, pending a
6 hearing by the Board.

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

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

23 Persons who assist the Department as consultants or expert
24 witnesses in the investigation or prosecution of alleged
25 violations of the Act, licensure matters, restoration
26 proceedings, or criminal prosecutions, shall not be liable for

1 damages in any civil action or proceeding as a result of such
2 assistance, except upon proof of actual malice. The attorney
3 general shall defend such persons in any such action or
4 proceeding.

5 (Source: P.A. 94-543, eff. 8-10-05.)

6 (225 ILCS 305/23.5)

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

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

9 (a) Any person who practices, offers to practice, attempts
10 to practice, or holds oneself out to practice as an architect
11 without being licensed under this Act shall, in addition to any
12 other penalty provided by law, pay a civil penalty to the
13 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
14 offense as determined by the Department. The civil penalty
15 shall be assessed by the Department after a hearing is held in
16 accordance with the provisions set forth in this Act regarding
17 the provision of a hearing for the discipline of a licensee.

18 (a-5) Any entity that advertises architecture services in a
19 telecommunications directory must include its architecture
20 firm registration number or, in the case of a sole proprietor,
21 his or her individual license number. Nothing in this
22 subsection (a-5) requires the publisher of a
23 telecommunications directory to investigate or verify the
24 accuracy of the registration or license number provided by the
25 advertiser of architecture services.

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

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

8 (Source: P.A. 94-543, eff. 8-10-05.)

9 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

11 Sec. 36. Violations. Each of the following Acts constitutes
12 a Class A misdemeanor for the first offense and a Class 4
13 felony for a second or subsequent offense:

14 (a) the practice, attempt to practice or offer to
15 practice architecture, or the advertising or putting out of
16 any sign or card or other device which might indicate to
17 the public that the person is entitled to practice
18 architecture, without a license as a licensed architect, or
19 registration as a professional design firm issued by the
20 Department. Each day of practicing architecture or
21 attempting to practice architecture, and each instance of
22 offering to practice architecture, without a license as a
23 licensed architect or registration as a professional
24 design firm constitutes a separate offense;

25 (b) the making of any wilfully false oath or

1 affirmation in any matter or proceeding where an oath or
2 affirmation is required by this Act;

3 (c) the affixing of a licensed architect's seal to any
4 technical submissions ~~construction documents~~ which have
5 not been prepared by that architect or under the
6 architect's responsible ~~direct supervision and control~~;

7 (d) the violation of any provision of this Act or its
8 rules;

9 (e) using or attempting to use an expired, inactive,
10 suspended, or revoked license, or the certificate or seal
11 of another, or impersonating another licensee;

12 (f) obtaining or attempting to obtain a license or
13 registration by fraud; or

14 (g) If any person, sole proprietorship, professional
15 service corporation, limited liability company,
16 corporation or partnership, or other entity practices
17 architecture or advertises or displays any sign or card or
18 other device that might indicate to the public that the
19 person or entity is entitled to practice as an architect or
20 use the title "architect" or any of its derivations unless
21 the person or other entity holds an active license as an
22 architect or registration as a professional design firm in
23 the State; then, in addition to any other penalty provided
24 by law any person or other entity who violates this
25 subsection (g) shall forfeit and pay to the Design
26 Professionals Administration and Investigation Fund a

1 civil penalty in an amount determined by the Department of
2 not more than \$10,000 ~~\$5,000~~ for each offense.

3 An unlicensed person who has completed the education
4 requirements, is actively participating in the diversified
5 professional training, and maintains in good standing a
6 training record as required for licensure by this Act may use
7 the title "architectural intern", but may not independently
8 engage in the practice of architecture.

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

10 (225 ILCS 305/38) (from Ch. 111, par. 1338)

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

12 Sec. 38. Fund; appropriations; investments; audits. Moneys
13 deposited in the Design Professionals Administration and
14 Investigation Fund shall be appropriated to the Department
15 exclusively for expenses of the Department and the Board in the
16 administration of this Act, the Illinois Professional Land
17 Surveyor Act of 1989, the Professional Engineering Practice Act
18 of 1989, and the Structural Engineering Practice Act of 1989.
19 The expenses of the Department under this Act shall be limited
20 to the ordinary and contingent expenses of the Design
21 Professionals Dedicated Employees within the Department as
22 established under Section 2105-75 of the Department of
23 Professional Regulation Law (20 ILCS 2105/2105-75) and other
24 expenses related to the administration and enforcement of this
25 Act.

1 Moneys from the Fund may also be used for direct and
2 allocable indirect costs related to the public purposes of the
3 Department of Financial and Professional Regulation. Moneys in
4 the Fund may be transferred to the Professions Indirect Cost
5 Fund as authorized by Section 2105-300 of the Department of
6 Professional Regulation Law (20 ILCS 2105/2105-300).

7 All fines and penalties under Sections 22 and 36 shall be
8 deposited in the Design Professionals Administration and
9 Investigation Fund.

10 Moneys in the Design Professionals Administration and
11 Investigation Fund may be invested and reinvested, with all
12 earnings received from the investments to be deposited in the
13 Design Professionals Administration and Investigation Fund and
14 used for the same purposes as fees deposited in the Fund.

15 Upon the completion of any audit of the Department as
16 prescribed by the Illinois State Auditing Act that includes an
17 audit of the Design Professionals Administration and
18 Investigation Fund, the Department shall make the audit open to
19 inspection by any interested person. The copy of the audit
20 report required to be submitted to the Department by this
21 Section is an addition to copies of audit reports required to
22 be submitted to other State officers and agencies by Section
23 3-14 of the Illinois State Auditing Act.

24 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 91-239,
25 eff. 1-1-00; 92-16, eff. 6-28-01.)

1 Section 15. The Professional Engineering Practice Act of
2 1989 is amended by changing Sections 3, 4, 5, 7, 10, 17, and 42
3 and by adding Sections 4.5 and 7.5 as follows:

4 (225 ILCS 325/3) (from Ch. 111, par. 5203)

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

6 Sec. 3. Application of the Act; Exemptions.

7 (a) Nothing in this Act shall be construed to prevent the
8 practice of structural engineering as defined in the Structural
9 Engineering Practice Act of 1989 or the practice of
10 architecture as defined in the Illinois Architecture Practice
11 Act of 1989 or the regular and customary practice of
12 construction contracting and construction management as
13 performed by construction contractors.

14 (b) Nothing in this Act shall prevent:

15 (1) Employees, including project representatives, of
16 professional engineers lawfully practicing as sole owners,
17 partnerships or corporations under this Act, from acting
18 under the direct supervision of their employers.

19 (2) The employment of owner's representatives by the
20 owner during the constructing, adding to, or altering of a
21 project, or any parts thereof, provided that such owner's
22 representative shall not have the authority to deviate from
23 the technical submissions without the prior approval of the
24 professional engineer for the project.

25 (3) The practice of officers and employees of the

1 Government of the United States while engaged within this
2 State in the practice of the profession of engineering for
3 the Government.

4 (4) Services performed by employees of a business
5 organization engaged in utility, industrial or
6 manufacturing operations, or by employees of laboratory
7 research affiliates of such business organization which
8 are rendered in connection with the fabrication or
9 production, sale, and installation of products, systems,
10 or nonengineering services of the business organization or
11 its affiliates.

12 (5) Inspection, maintenance and service work done by
13 employees of the State of Illinois, any political
14 subdivision thereof or any municipality.

15 (6) The activities performed by those ordinarily
16 designated as chief engineer of plant operation, chief
17 operating engineer, locomotive, stationary, marine, power
18 plant or hoisting and portable engineers, electrical
19 maintenance or service engineers, personnel employed in
20 connection with construction, operation or maintenance of
21 street lighting, traffic control signals, police and fire
22 alarm systems, waterworks, steam, electric, and sewage
23 treatment and disposal plants, or the services ordinarily
24 performed by any worker regularly employed as a locomotive,
25 stationary, marine, power plant, or hoisting and portable
26 engineer or electrical maintenance or service engineer for

1 any corporation, contractor or employer.

2 (7) The activities performed by a person ordinarily
3 designated as a supervising engineer or supervising
4 electrical maintenance or service engineer who supervises
5 the operation of, or who operates, machinery or equipment,
6 or who supervises construction or the installation of
7 equipment within a plant which is under such person's
8 immediate supervision.

9 (8) The services, for private use, of contractors or
10 owners in the construction of engineering works or the
11 installation of equipment.

12 (c) No officer, board, commission, or other public entity
13 charged with the enforcement of codes and ordinances involving
14 a professional engineering project shall accept for filing or
15 approval any technical submissions that do not bear the seal
16 and signature of a professional engineer licensed under this
17 Act. A building permit issued with respect to technical
18 submissions that do not conform to the requirements of this Act
19 shall be invalid.

20 (d) Nothing contained in this Section imposes upon a person
21 licensed under this Act the responsibility for the performance
22 of any of the foregoing functions unless such person
23 specifically contracts to provide it.

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

25 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

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

6 (b) "Board" means the State Board of Professional Engineers
7 of the Department of Professional Regulation, previously known
8 as the Examining Committee.

9 (c) "Department" means the Department of Financial and
10 Professional Regulation.

11 (d) "Design professional" means an architect, structural
12 engineer or professional engineer practicing in conformance
13 with the Illinois Architecture Practice Act of 1989, the
14 Structural Engineering Practice Act of 1989 or the Professional
15 Engineering Practice Act of 1989.

16 (e) "Secretary ~~Director~~" means the Secretary ~~Director~~ of
17 Financial and Professional Regulation.

18 (f) "Direct supervision/responsible charge" means work
19 prepared under the control of a licensed professional engineer
20 or that work as to which that professional engineer has
21 detailed professional knowledge.

22 (g) "Engineering college" means a school, college,
23 university, department of a university or other educational
24 institution, reputable and in good standing in accordance with
25 rules prescribed by the Department, and which grants
26 baccalaureate degrees in engineering.

1 (h) "Engineering system or facility" means a system or
2 facility whose design is based upon the application of the
3 principles of science for the purpose of modification of
4 natural states of being.

5 (i) "Engineer intern" means a person who is a candidate for
6 licensure as a professional engineer and who has been enrolled
7 as an engineer intern.

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

11 (k) "License" means an official document issued by the
12 Department to an individual, a corporation, a partnership, a
13 professional service corporation, a limited liability company,
14 or a sole proprietorship, signifying authority to practice.

15 (l) "Negligence in the practice of professional
16 engineering" means the failure to exercise that degree of
17 reasonable professional skill, judgment and diligence normally
18 rendered by professional engineers in the practice of
19 professional engineering.

20 (m) "Professional engineer" means a person licensed under
21 the laws of the State of Illinois to practice professional
22 engineering.

23 (n) "Professional engineering" means the application of
24 science to the design of engineering systems and facilities
25 using the knowledge, skills, ability and professional judgment
26 developed through professional engineering education, training

1 and experience.

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

20 Examples of the practice of professional engineering
21 include, but need not be limited to, transportation facilities,
22 public ~~and publicly owned~~ utilities ~~for a region or community,~~
23 railroads, railways, highways, subways, canals, harbors, and
24 river improvements; land development; stormwater detention,
25 retention, and conveyance; irrigation works; aircraft and,
26 airports ~~and landing fields;~~ traffic engineering; waterworks,

1 piping systems ~~and appurtenances~~, sewers, sewage disposal
2 works; storm sewer, sanitary sewer, and water system modeling;
3 plants for the generation of power; devices for the utilization
4 of power; boilers; refrigeration plants, air conditioning
5 systems and plants; heating systems and plants; plants for the
6 transmission or distribution of power; electrical plants which
7 produce, transmit, distribute, or utilize electrical energy;
8 works for the extraction of minerals from the earth; plants for
9 the refining, alloying or treating of metals; chemical works
10 and industrial plants involving the use of chemicals and
11 chemical processes; plants for the production, conversion, or
12 utilization of nuclear, chemical, or radiant energy; forensic
13 engineering, geotechnical engineering including, subsurface
14 investigations; soil and rock classification, geology and
15 geohydrology, incidental to the practice of professional
16 engineering; geohydrological investigations, migration pathway
17 analysis (including evaluation of building and site elements),
18 soil and groundwater management zone analysis and design;
19 energy analysis, environmental risk assessments, corrective
20 action plans, design, remediation, protection plans and
21 systems, hazardous waste mitigation and control, environmental
22 control or remediation systems; recognition, measurement,
23 evaluation, and control of environmental systems and
24 emissions; evaluation and design of engineered barriers,
25 modeling of pollutants in water, soil, and air; engineering
26 surveys of sites, facilities, and topography, not including

1 land boundary establishment; ~~recognition, measurement,~~
2 ~~evaluation and control of environmental systems and emissions;~~
3 automated building management systems; control or remediation
4 systems; computer controlled or integrated systems; automatic
5 fire notification and suppression systems; investigation and
6 assessment of indoor air inhalation exposures and design of
7 abatement and remediation systems; or the provision of
8 professional engineering site observation of the construction
9 of works and engineering systems. Nothing in this Section shall
10 preclude an employee from acting under the direct
11 supervision/responsible charge of a licensed professional
12 engineer. Nothing contained in this Section imposes upon a
13 person licensed under this Act the responsibility for the
14 performance of any of the foregoing functions unless such
15 person specifically contracts to provide it.

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

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

21 (r) "Related science curriculum" means a 4 year program of
22 study, the satisfactory completion of which results in a
23 Bachelor of Science degree, and which contains courses from
24 such areas as life, earth, engineering and computer sciences,
25 including but not limited to, physics and chemistry. In the
26 study of these sciences, the objective is to acquire

1 fundamental knowledge about the nature of its phenomena,
2 including quantitative expression, appropriate to particular
3 fields of engineering.

4 (s) "Rules" means those rules promulgated pursuant to this
5 Act.

6 (t) "Seal" means the seal in compliance with Section 14 of
7 this Act.

8 (u) "Site observation" is visitation of the construction
9 site for the purpose of reviewing, as available, the quality
10 and conformance of the work to the technical submissions as
11 they relate to design.

12 (v) "Support design professional" means a professional
13 engineer practicing in conformance with the Professional
14 Engineering Practice Act of 1989, who provides services to the
15 design professional who has contract responsibility.

16 (w) "Technical submissions" means the designs, drawings,
17 and specifications which establish the scope and standard of
18 quality for materials, workmanship, equipment, and ~~the~~
19 ~~construction~~ systems intended for use in construction.

20 "Technical submissions" includes, but is not limited to,
21 studies, analyses, calculations, and other technical reports
22 prepared in the course of the a design professional's practice
23 of professional engineering or under the direct
24 supervision/responsible charge of a licensed professional
25 engineer.

26 (x) "Design/build" and "design/build entity" means the

1 project delivery process defined in Title 68, Section 1380.296
2 of the Illinois Administrative Code.

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

5 (225 ILCS 325/4.5 new)

6 Sec. 4.5. References to Department or Director of
7 Professional Regulation. References in this Act (i) to the
8 Department of Professional Regulation are deemed, in
9 appropriate contexts, to be references to the Department of
10 Financial and Professional Regulation and (ii) to the Director
11 of Professional Regulation are deemed, in appropriate
12 contexts, to be references to the Secretary of Financial and
13 Professional Regulation.

14 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

16 Sec. 5. Powers and duties of the Department. Subject to the
17 provisions of this Act, the Department shall exercise the
18 following functions, powers and duties:

19 (a) To pass upon the qualifications and conduct
20 examinations of applicants for licensure as professional
21 engineers or enrollment as engineer interns and pass upon
22 the qualifications of applicants by endorsement and issue a
23 license or enrollment to those who are found to be fit and
24 qualified.

1 (b) To prescribe rules for the method, conduct and
2 grading of the examination of applicants.

3 (c) To license corporations, partnerships,
4 professional service corporations, limited liability
5 companies, and sole proprietorships for the practice of
6 professional engineering and issue a license to those who
7 qualify.

8 (d) To conduct investigations and hearings regarding
9 violations of this Act and take disciplinary or other
10 actions as provided in this Act as a result of the
11 proceedings.

12 (e) To prescribe rules as to what shall constitute an
13 engineering or related science curriculum and to determine
14 if a specific engineering curriculum is in compliance with
15 the rules, and to terminate the approval of a specific
16 engineering curriculum for non-compliance with such rules.

17 (f) To promulgate rules required for the
18 administration of this Act, including rules of
19 professional conduct.

20 (g) To maintain membership in the National Council of
21 Examiners for Engineering and Surveying and participate in
22 activities of the Council by designation of individuals for
23 the various classifications of membership, the appointment
24 of delegates for attendance at zone and national meetings
25 of the Council, and the funding of the delegates for
26 attendance at the meetings of the Council.

1 (h) To obtain written recommendations from the Board
2 regarding qualifications of individuals for licensure and
3 enrollment, definitions of curriculum content and approval
4 of engineering curricula, standards of professional
5 conduct and formal disciplinary actions, and the
6 promulgation of the rules affecting these matters.

7 Prior to issuance of any final decision or order that
8 deviates from any report or recommendations of the Board
9 relating to the qualification of applicants, discipline of
10 licensees or registrants, or promulgation of rules, the
11 Director shall notify the Board in writing with an
12 explanation of any such deviation and provide a reasonable
13 time for the Board to submit written comments to the
14 Director regarding the proposed action. In the event that
15 the Board fails or declines to submit such written comments
16 within 30 days of said notification, the Director may issue
17 a final decision or orders consistent with the Director's
18 original decision. The Department may at any time seek the
19 expert advice and knowledge of the Board on any matter
20 relating to the enforcement of this Act.

21 (i) To publish and distribute or to post on the
22 Department's website, at least semi-annually, a newsletter
23 to all persons licensed and registered under this Act. The
24 newsletter shall describe the most recent changes in this
25 Act and the rules adopted under this Act and shall contain
26 information of any final disciplinary action that has been

1 ordered under this Act since the date of the last
2 newsletter.

3 (j) To retain the ability to employ or utilize the
4 legal services of outside counsel and the investigative
5 services of outside personnel; however, no attorney
6 employed or used by the Department shall prosecute a matter
7 and provide legal services to the Department or Board with
8 respect to the same matter.

9 None of the functions, powers or duties enumerated in this
10 Section shall be exercised by the Department except upon the
11 action and report in writing of the Board.

12 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

13 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

15 Sec. 7. Powers and duties of the Board. Subject to the
16 provisions of this Act, the Board shall exercise the following
17 functions, powers and duties:

18 (a) Review education and experience qualifications of
19 applicants, including conducting oral interviews as deemed
20 necessary by the Board, to determine eligibility as an
21 engineer intern or professional engineer and submit to the
22 Director written recommendations on applicant
23 qualifications for enrollment and licensure;

24 (b) The Board may appoint a subcommittee to serve as a
25 Complaint Committee to recommend the disposition of case

1 files according to procedures established by rule;

2 (c) Conduct hearings regarding disciplinary actions
3 and submit a written report and recommendations to the
4 Director as required by this Act and to provide a Board
5 member at informal conferences;

6 (d) Make visits to universities or colleges to evaluate
7 engineering curricula or to otherwise evaluate engineering
8 curricula and submit to the Director a written
9 recommendation of acceptability of a curriculum;

10 (e) Submit a written recommendation to the Director
11 concerning promulgation of rules as required in Section 5
12 and to recommend to the Director any rules or amendments
13 thereto for the administration of this Act;

14 (f) Hold at least 3 regular meetings each year;

15 (g) Elect annually a chairperson and a
16 vice-chairperson who shall be professional engineers; and

17 (h) Submit written comments to the Director within 30
18 days from notification of any final decision or order from
19 the Director that deviates from any report or
20 recommendation of the Board relating to the qualification
21 of applicants, discipline of licensees or registrants, or
22 promulgation of rules.

23 (i) The Board may recommend that the Department
24 contract with a corporation or other business entity to
25 provide investigative, legal, prosecutorial, and other
26 services necessary to perform its duties.

1 (Source: P.A. 91-92, eff. 1-1-00.)

2 (225 ILCS 325/7.5 new)

3 Sec. 7.5. Complaint Committee.

4 (a) There is created the Professional Engineer Complaint
5 Committee of the Board composed of 2 voting members of the
6 Board, a Supervisor over Design Investigations, and a Chief of
7 Prosecutions over Design Prosecutions. The Director of
8 Enforcement shall designate the Supervisor and Chief assigned
9 to the Complaint Committee.

10 (b) The Complaint Committee shall meet at least once every
11 2 months to exercise its functions and duties as set forth in
12 subsection (c). Two members of the Board shall be in attendance
13 in order for any business to be transacted by the Complaint
14 Committee. The Complaint Committee shall make every effort to
15 consider expeditiously and take prompt action on each item on
16 its agenda.

17 (c) The Complaint Committee shall have the following duties
18 and functions:

19 (1) To review any complaint filed against an involved
20 party under this Act.

21 (2) To refer the complaint to the Supervisor over
22 Design Investigations for further action.

23 (3) To recommend to the Board that a complaint file be
24 closed.

25 (4) To make all other decisions in conjunction with the

1 Supervisor over Design Investigations regarding an action
2 to be taken on a complaint.

3 (5) To report the actions of the Complaint Committee at
4 each meeting of the Board.

5 (6) To provide an annual statistical report of all
6 complaints filed, the average length of time to resolve a
7 complaint, the number of complaints resolved or dismissed,
8 the reasons for dismissed complaints, the number of
9 complaints that resulted in disciplinary action, and the
10 number of unresolved complaints. Such report shall be made
11 available to the public.

12 (d) In determining what action to take or whether to
13 proceed with prosecution of a complaint, the Complaint
14 Committee shall consider, but not be limited to, the following
15 factors: the effect on the public's health, safety, and
16 welfare; the sufficiency of the evidence presented;
17 prosecutorial merit; and sufficient cooperation from
18 complaining parties.

19 (e) No complaint file shall be closed nor complaint
20 dismissed except upon recommendation of the Complaint
21 Committee or approval by the Board.

22 (f) When a complaint is made to the Department that alleges
23 that a building or other structure that requires the
24 involvement of a professional engineer in its design is under
25 construction, construction is imminent, or construction has
26 been completed and a professional engineer is not or was not

1 involved in its design, the investigation of that complaint
2 shall be expedited to ensure the health and safety of the
3 public. This investigation will be referred to as an emergency
4 investigation.

5 An emergency investigation will be given priority
6 attention and assigned to an investigator as soon as possible.

7 Once assigned to an investigator, the Department, through
8 its investigator, must convene a meeting of the Complaint
9 Committee by teleconference to determine if the complaint shall
10 continue to be treated as an emergency investigation. Such
11 meetings shall be deemed an emergency and notice of the meeting
12 shall be provided in accordance with the Open Meetings Act.

13 Upon determination by the Complaint Committee that the
14 complaint should be treated as an emergency investigation, the
15 complaint must be investigated as soon as possible.

16 Upon completion of the emergency investigation, the
17 investigator must again convene a meeting of the Complaint
18 Committee by teleconference. This meeting shall also be
19 considered an emergency and notice of the meeting shall be
20 provided in accordance with the Open Meetings Act. The
21 Complaint Committee must then decide whether to recommend to
22 the Department that the complaint be referred to the Attorney
23 General to seek a temporary restraining order and permanent
24 injunction against the start or further construction of the
25 project or, where the project has already been completed, to
26 enjoin the use of the building or structure. The Complaint

1 Committee shall recommend that the case be referred to the
2 Attorney General only upon a finding that the facts alleged in
3 the complaint are credible and constitute an imminent danger to
4 the public.

5 (225 ILCS 325/10) (from Ch. 111, par. 5210)

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

7 Sec. 10. Minimum standards for examination for licensure as
8 professional engineer. To qualify for licensure as a
9 professional engineer each applicant shall be:

10 (a) A graduate of an approved engineering curriculum of at
11 least 4 years who submits acceptable evidence to the Board of
12 an additional 4 years or more of experience in engineering work
13 of a grade and character which indicate that the individual may
14 be competent to practice professional engineering, and who then
15 passes a nominal 8-hour written examination in the fundamentals
16 of engineering, and a nominal 8-hour written examination in the
17 principles and practice of engineering. Upon passing both
18 examinations, the applicant, if otherwise qualified, shall be
19 granted a license to practice professional engineering in this
20 State; or

21 (b) A graduate of a non-approved engineering curriculum or
22 a related science curriculum of at least 4 years and meeting
23 the requirements as set forth by rule, who submits acceptable
24 evidence to the Board of an additional 8 years or more of
25 experience in engineering work of a grade and character which

1 indicate that the individual may be competent to practice
2 professional engineering, and who then passes a nominal 8-hour
3 written examination in the fundamentals of engineering and a
4 nominal 8-hour written examination in the principles and
5 practice of engineering. Upon passing both examinations, the
6 applicant, if otherwise qualified, shall be granted a license
7 to practice professional engineering in this State; or

8 (c) An engineer intern ~~who meets the education and~~
9 ~~experience qualifications of subsection (a) or (b) of this~~
10 ~~Section and has passed the nominal 8-hour written examination~~
11 ~~in the fundamentals of engineering,~~ by application and payment
12 of the required fee, may then take the nominal 8-hour written
13 examination in the principles and practice of engineering. If
14 an engineer intern successfully completes the ~~Upon passing that~~
15 examination and submits evidence to the Board of meeting the
16 experience qualifications of subsection (a) or (b) of this
17 Section, he or she ~~the applicant,~~ if otherwise qualified, shall
18 be granted a license to practice professional engineering in
19 this State.

20 (d) When considering an applicant's qualifications for
21 licensure under this Act, the Department may take into
22 consideration whether an applicant has engaged in conduct or
23 actions that would constitute a violation of the Standards of
24 Professional Conduct for this Act as provided for by
25 administrative rules.

26 (Source: P.A. 91-92, eff. 1-1-00.)

1 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

3 Sec. 17. Licensure; Renewal; Restoration; Person in
4 military service. The expiration date and renewal period for
5 each professional engineer license issued under this Act shall
6 be set by the Department by rule. The enrollment of an engineer
7 intern shall not expire.

8 Any person whose license has expired or whose license is on
9 inactive status may have such license restored by making
10 application to the Department and filing proof acceptable to
11 the Department of that person's fitness to have such license
12 restored, which may include sworn evidence certifying to active
13 practice in another jurisdiction satisfactory to the
14 Department and by paying the required restoration fee. If the
15 person has not maintained an active practice in another
16 jurisdiction satisfactory to the Department, the Board shall
17 determine, by an evaluation program established by rule, the
18 person's fitness to resume active status and may require the
19 person to complete a period of evaluated experience and may
20 require successful completion of the principles and practice
21 examination.

22 However, any person whose license expired while that person
23 was (1) in Federal Service on active duty with the Armed Forces
24 of the United States, or the State Militia called into service
25 or training, or (2) in training or education under the

1 supervision of the United States preliminary to induction into
2 the military service, may have such license renewed or restored
3 without paying any lapsed renewal fees if, within 2 years after
4 honorable termination of such service, training, or education,
5 except under conditions other than honorable, the Department is
6 furnished with satisfactory evidence that the person has been
7 so engaged and has maintained professional competence and that
8 such service, training or education has been so terminated.

9 Each application for renewal shall contain the original
10 seal and signature of the professional engineer. Applicants for
11 renewal or restoration shall certify that all conditions of
12 their license meet the requirements of the Illinois
13 Professional Engineering Practice Act of 1989.

14 The Department may grant the title "Retired" to eligible
15 retirees to be used immediately adjacent to the title of
16 Professional Engineer. The use of the title "PE Retired" shall
17 not constitute representation of current licensure,
18 registration, or certification. Any person without an active
19 license, registration, or certificate shall not be permitted to
20 practice professional engineering. Nothing in this Section
21 imposes a requirement upon the Department to issue any
22 certificate, credential, or other official document indicating
23 that a person has been granted the title "PE Retired".

24 (Source: P.A. 89-61, eff. 6-30-95.)

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

2 Sec. 42. Civil penalties.

3 (1) In addition to any other penalty provided by law, any
4 person, sole proprietorship, professional service corporation,
5 limited liability company, partnership, or other entity who
6 violates Section 40 of this Act shall forfeit and pay to the
7 Design Professionals Administration and Investigation Fund a
8 civil penalty in an amount determined by the Department of not
9 more than \$10,000 ~~\$5,000~~ for each offense. The penalty shall be
10 assessed in proceedings as provided in Sections 26 through 33
11 and Section 37 of this Act.

12 (2) Unless the amount of the penalty is paid within 60 days
13 after the order becomes final, the order shall constitute a
14 judgment and shall be filed and execution issued thereon in the
15 same manner as the judgment of a court of record.

16 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)".