



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0786

Introduced 2/9/2009, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

225 ILCS 335/4.5
225 ILCS 335/5

from Ch. 111, par. 7505

Amends the Illinois Roofing Industry Licensing Act. Exempts an individual seeking to serve as the newly designated qualifying party of a licensee under the Act from the examination requirement if that individual has acted in the capacity of a roofing contractor for a period of at least 15 years for the licensee for which he or she seeks to be the qualifying party. Provides that if a general contractor who applies for a permit with a local unit of government and knowingly submits a roofing license number that is not that of the roofing contractor who will be the subcontractor for the project for which the general contractor has requested the permit, the general contractor shall be guilty of identity theft under the Criminal Code of 1961.

LRB096 07372 ASK 17458 b

CORRECTIONAL
BUDGET AND
IMPACT 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 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7 (Section scheduled to be repealed on January 1, 2016)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 (Source: P.A. 91-950, eff. 2-9-01.)

12 (225 ILCS 335/5) (from Ch. 111, par. 7505)

13 (Section scheduled to be repealed on January 1, 2016)

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

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

21 (a-5) If a general contractor applies for a building permit
22 with a unit of local government and knowingly submits a roofing
23 license number that is not that of the roofing contractor who
24 will be the subcontractor for the project for which the general
25 contractor has requested the permit, the general contractor

1 shall be guilty of identity theft under subsection (a) of
2 Section 16G-15 of the Criminal Code of 1961.

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

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

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

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

1 that an advertisement runs or each day that a person knowingly
2 allows his or her license to be displayed or used in violation
3 of this Section constitutes a separate offense.

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