

1 AN ACT in relation to sports.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Professional Boxing and Wrestling Act is
5 amended by changing the title of the Act and Sections 0.05,
6 1, 2, 5, 7, 8, 10, 11, 12, 13, 15, 16, 17.7, 17.8, 17.9, 18,
7 19, 19.1, 19.3, 19.4, 23, and 23.1 as follows:

8 (225 ILCS 105/Act title)

9 An Act in relation to professional boxing and-wrestling,
10 creating--a--board,--prescribing--its--powers---and---duties,
11 providing--penalties-for-violation-of-the-provisions-thereof,
12 and-to-amend-an-Act-herein-named.

13 (225 ILCS 105/0.05)

14 Sec. 0.05. Declaration of public policy. Professional
15 boxing and--wrestling in the State of Illinois is hereby
16 declared to affect the public health, safety, and welfare and
17 to be subject to regulation and control in the public
18 interest. It is further declared to be a matter of public
19 interest and concern that boxing and-wrestling, as defined in
20 this Act, merit and receive the confidence of the public and
21 that only qualified persons be authorized to participate in
22 boxing contests and-wrestling-exhibitions in the State of
23 Illinois. This Act shall be liberally construed to best carry
24 out these objects and purposes.

25 (Source: P.A. 91-408, eff. 1-1-00.)

26 (225 ILCS 105/1) (from Ch. 111, par. 5001)

27 Sec. 1. Short title and definitions.

28 (a) This Act may be cited as the Professional Boxing and
29 Wrestling Act.

1 (b) As used in this Act:

2 1. "Department" means the Department of
3 Professional Regulation.

4 2. "Director" means the Director of Professional
5 Regulation.

6 3. "Board" means the State Professional Boxing and
7 Wrestling Board appointed by the Director.

8 4. "License" means the license issued for boxing
9 promoters, contestants, or officials in accordance with
10 this Act.

11 5. (Blank). "Registration"--means-the-registration
12 issued-to-wrestling-promoters--in--accordance--with--this
13 Act-

14 6. "Boxing Contests" include professional boxing
15 matches and exhibitions.

16 7. (Blank). "Wrestling----Exhibitions"----include
17 professional--wrestling--contests,-matches,-events,-and
18 shows-

19 8. (Blank). "Athletic---Events"---include---both
20 professional--boxing--contests-and-professional-wrestling
21 exhibitions-

22 9. "Permit" means the authorization from the
23 Department to a promoter to conduct professional boxing
24 contests or-professional-wrestling-exhibitions.

25 10. "Promoter" means a person who is licensed or
26 registered and who holds a permit to conduct professional
27 boxing contests matches---or--professional--wrestling
28 exhibitions.

29 11. Unless the context indicates otherwise,
30 "person" includes an association, partnership,
31 corporation, gymnasium, or club.

32 12. (Blank). For-the-purposes-of-this-Act-the-term
33 "trainer"--includes--what--is--commonly--referred--to--as
34 "second",-"corner-man",-or-"coach"-

1 13. "Ultimate fighting exhibition" has the meaning
2 given by rule adopted by the Department in accordance
3 with Section 7.5.

4 14. "Professional boxer" means a person licensed by
5 the Department who competes for a money prize, purse, or
6 other type of compensation in a boxing contest,
7 exhibition, or match held in Illinois.

8 15. "Judge" means a person licensed by the
9 Department who is at ringside during a boxing match and
10 who has the responsibility of scoring the performance of
11 the participants in the contest.

12 16. "Referee" means a person licensed by the
13 Department who has the general supervision of a boxing
14 contest and is present inside of the ring during the
15 contest.

16 17. "Amateur" means a person who has never received
17 or competed for any purse or other article of value,
18 either for participating in any boxing contest or for the
19 expenses of training therefor, other than a prize that
20 does not exceed \$50 in value.

21 18. "Contestant" means an individual who
22 participates in a boxing contest ~~or wrestling exhibition~~.

23 19. "Second" means a person licensed by the
24 Department who is present at any boxing contest to
25 provide assistance or advice to a boxer during the
26 contest.

27 20. "Matchmaker" means a person licensed by the
28 Department who brings together professional boxers or
29 procures matches or contests for professional boxers.

30 21. "Manager" means a person licensed by the
31 Department who is not a promoter and who, under contract,
32 agreement, or other arrangement with any boxer,
33 undertakes to, directly or indirectly, control or
34 administer the boxing affairs of boxers.

1 22. "Timekeeper" means a person licensed by the
2 Department who is the official timer of the length of
3 rounds and the intervals between the rounds.

4 23. "Purse" means the financial guarantee or any
5 other remuneration for which contestants are
6 participating in a boxing contest.

7 24. "Physician" means a person licensed to practice
8 medicine in all its branches under the Medical Practice
9 Act of 1987.

10 (Source: P.A. 91-408, eff. 1-1-00.)

11 (225 ILCS 105/2) (from Ch. 111, par. 5002)

12 Sec. 2. State Professional Boxing and--Wrestling Board.
13 There is created the State Professional Boxing and--Wrestling
14 Board consisting of 6 persons who shall be appointed by and
15 shall serve in an advisory capacity to the Director. One
16 shall be a physician licensed to practice medicine in all of
17 its branches. The Director shall appoint each member to serve
18 for a term of 3 years and until his or her successor is
19 appointed and qualified. One member of the board shall be
20 designated as the Chairperson and one member shall be
21 designated as the Vice-chairperson. No member shall be
22 appointed to the Board for a term which would cause
23 continuous service to be more than 9 years. Service prior to
24 January 1, 2000 ~~the-effective-date-of-this-amendatory-Act-of~~
25 ~~the--91st--General--Assembly~~ shall not be considered in
26 calculating length of service on the Board. Each member of
27 the board shall receive compensation for each day he or she
28 is engaged in transacting the business of the board and, in
29 addition, shall be reimbursed for his or her authorized and
30 approved expenses necessarily incurred in relation to such
31 service in accordance with the travel regulations applicable
32 to the Department at the time the expenses are incurred.

33 A majority of the current members appointed shall

1 constitute a quorum.

2 The members of the Board shall be immune from suit in any
3 action based upon any disciplinary proceedings or other acts
4 performed in good faith as members of the Board.

5 The Director may remove any member of the Board for
6 misconduct, incapacity, or neglect of duty. The Director
7 shall reduce to writing any causes for removal.

8 (Source: P.A. 91-408, eff. 1-1-00.)

9 (225 ILCS 105/5) (from Ch. 111, par. 5005)

10 Sec. 5. The Department shall exercise, but subject to
11 the provisions of this Act, the following functions, powers,
12 and duties: (a) to ascertain the qualifications and fitness
13 of applicants for licenses~~7-registrations~~ and permits; (b) to
14 prescribe rules and regulations for the administration of the
15 Act; (c) to conduct hearings on proceedings to refuse to
16 issue, refuse to renew, revoke, suspend, or subject to
17 reprimand licenses~~7-registrations~~ or permits under this Act;
18 and (d) to revoke, suspend, or refuse issuance or renewal of
19 such licenses~~7-registrations~~ or permits.

20 (Source: P.A. 82-522.)

21 (225 ILCS 105/7) (from Ch. 111, par. 5007)

22 Sec. 7. In order to conduct a boxing contest ~~match~~-~~or~~
23 ~~wrestling-exhibition~~ in this State, a promoter shall obtain a
24 permit issued by the Department in accordance with this Act
25 and the rules and regulations adopted pursuant thereto. This
26 permit shall authorize one or more contests or exhibitions.
27 A permit issued under this Act is not transferable.

28 (Source: P.A. 82-522.)

29 (225 ILCS 105/8) (from Ch. 111, par. 5008)

30 Sec. 8. Permits.

31 (a) A promoter who desires to obtain a permit to conduct

1 a boxing contest an--athletic--event shall apply to the
 2 Department at least 20 days prior to the event, in writing,
 3 on forms furnished by the Department. The application shall
 4 be accompanied by the required fee and shall contain at least
 5 the following information:

- 6 (1) the names and addresses of the promoter;
- 7 (2) the name of the matchmaker;
- 8 (3) the time and exact location of the boxing
 9 contest athletic-event;
- 10 (4) the seating capacity of the building where the
 11 event is to be held;
- 12 (5) a copy of the lease or proof of ownership of
 13 the building where the event is to be held;
- 14 (6) the admission charge or charges to be made; and
- 15 (7) proof of adequate security measures and
 16 adequate medical supervision, as determined by Department
 17 rule, to ensure the protection of the health and safety
 18 of the general public while attending boxing contests
 19 athletic---events and the contestants' safety while
 20 participating in the events and any other information
 21 that the Department may determine by rule in order to
 22 issue a permit.

23 (b) After the initial application and within 10 days of
 24 a scheduled event, a promoter shall submit to the Department
 25 all of the following information:

- 26 (1) The amount of compensation to be paid to each
 27 participant.
- 28 (2) The names of the contestants.
- 29 (3) Proof of insurance for not less than \$10,000 for
 30 each contestant participating in a boxing contest or
 31 exhibition.

32 Insurance required under this subsection shall cover (i)
 33 hospital, medication, physician, and other such expenses as
 34 would accrue in the treatment of an injury as a result of the

1 boxing contest or exhibition and (ii) payment to the estate
2 of the contestant in the event of his or her death as a
3 result of his or her participation in the boxing contest or
4 exhibition.

5 (c) All boxing promoters shall provide to the
6 Department, at least 24 hours prior to commencement of the
7 event, the amount of the purse to be paid for the event. The
8 Department shall promulgate rules for payment of the purse.

9 (d) The boxing contest shall be held in an area where
10 adequate neurosurgical facilities are immediately available
11 for skilled emergency treatment of an injured boxer. It is
12 the responsibility of the promoter to ensure that the
13 building to be used for the event complies with all laws,
14 ordinances, and regulations in the city, town, or village
15 where the boxing contest athletic-event is to be held. The
16 Department may issue a permit to any promoter who meets the
17 requirements of this Act and the rules. The permit shall only
18 be issued for a specific date and location of a boxing
19 contest an-athletic-event and shall not be transferable. In
20 an emergency, the Department may allow a promoter to amend a
21 permit application to hold a boxing contest an-athletic-event
22 in a different location than the application specifies and
23 may allow the promoter to substitute contestants.

24 (e) The Department shall be responsible for assigning
25 the judge, timekeepers, referees, physician, and medical
26 personnel for a boxing contest. It shall be the
27 responsibility of the promoter to cover the cost of the
28 individuals utilized at a boxing contest an-athletic-event.

29 (Source: P.A. 91-408, eff. 1-1-00.)

30 (225 ILCS 105/10) (from Ch. 111, par. 5010)

31 Sec. 10. Who must be licensed. In order to participate
32 in boxing contests the following persons must each be
33 licensed and in good standing with the Department: (a)

1 promoters, (b) contestants, (c) seconds, (d) referees, (e)
2 judges, (f) managers, (g) matchmakers, and (h) timekeepers.

3 Announcers may participate in boxing contests without
4 being licensed under this Act. It shall be the
5 responsibility of the promoter to ensure that announcers
6 comply with the Act, and all rules and regulations
7 promulgated pursuant to this Act.

8 A licensed promoter may not act as, and cannot be
9 licensed as, a second, boxer, referee, timekeeper, judge, or
10 manager. If he or she is so licensed, he or she must
11 relinquish any of these licenses to the Department for
12 cancellation. A person possessing a valid promoter's license
13 may act as a matchmaker. ~~A-promoter-may-be-licensed-as-a~~
14 ~~matchmaker.~~

15 ~~Persons-involved-with-wrestling-exhibitions-shall--supply~~
16 ~~the--Department--with--their-name,-address,-telephone-number,-~~
17 ~~and-social-security-number-and-shall-meet-other--requirements~~
18 ~~as-established-by-rule.~~

19 (Source: P.A. 91-408, eff. 1-1-00.)

20 (225 ILCS 105/11) (from Ch. 111, par. 5011)

21 Sec. 11. Qualifications for license. The Department
22 shall grant licenses to ~~or-register~~ the following persons if
23 the following qualifications are met:

24 (A) An applicant for licensure as a contestant in a
25 boxing contest ~~match~~ must: (1) be 18 years old, (2) be of
26 good moral character, (3) file an application stating the
27 applicant's correct name (and no assumed or ring name may be
28 used unless such name is registered with the Department along
29 with the applicant's correct name), date and place of birth,
30 place of current residence, and a sworn statement that he is
31 not currently in violation of any federal, State or local
32 laws or rules governing boxing, (4) file a certificate of a
33 physician licensed to practice medicine in all of its

1 branches which attests that the applicant is physically fit
2 and qualified to participate in boxing contests matches, and
3 (5) pay the required fee and meet any other requirements.
4 Applicants over age 35 39 who have not competed in a contest
5 within the last 36 months may be required to appear before
6 the Board to determine their fitness to participate in a
7 contest. A picture identification card shall be issued to all
8 boxers licensed by the Department who are residents of
9 Illinois or who are residents of any jurisdiction, state, or
10 country that does not regulate professional boxing. The
11 identification card shall be presented to the Department or
12 its representative upon request at weigh-ins ~~or~~ contests.

13 (B) An applicant for licensure as a boxing referee,
14 judge, manager, second, matchmaker, or timekeeper must: (1)
15 be of good moral character, (2) file an application stating
16 the applicant's name, date and place of birth, and place of
17 current residence along with a certifying statement that he
18 is not currently in violation of any federal, State, or local
19 laws or rules governing boxing, (3) have had satisfactory
20 experience in his field, (4) pay the required fee, and (5)
21 meet any other requirements as determined by rule.

22 (C) An applicant for licensure as a boxing promoter must:
23 (1) be of good moral character, (2) file an application with
24 the Department stating the applicant's name, date and place
25 of birth, place of current residence along with a certifying
26 statement that he is not currently in violation of any
27 federal, State, or local laws or rules governing boxing, (3)
28 provide proof of a surety bond of no less than \$5,000 to
29 cover financial obligations pursuant to this Act, payable to
30 the Department and conditioned for the payment of the tax
31 imposed by this Act and compliance with this Act and the
32 rules promulgated pursuant to this Act, (4) provide a
33 financial statement, prepared by a certified public
34 accountant, showing liquid working capital of \$10,000 or

1 more, or a \$10,000 performance bond guaranteeing payment of
2 all obligations relating to the promotional activities, and
3 (5) pay the required fee and meet any other requirements.

4 (D)---An---applicant---for---registration---as---a---wrestling
5 promoter---must---(1)---be---of---good---moral---character,---(2)---file---an
6 application---with---the---Department---stating---the---applicant's---name,
7 date---and---place---of---birth,---and---place---of---current---residence---along
8 with---a---certifying---statement---that---he---is---not---currently---in
9 violation---of---any---federal,---State,---or---local---laws---or---rules
10 governing---wrestling,---(3)---provide---a---surety---bond---of---no---less
11 than---\$10,000---to---cover---financial---obligations---pursuant---to---this
12 Act,---payable---to---the---Department---and---conditioned---for---the
13 payment---of---the---tax---imposed---by---this---Act---and---compliance---with
14 this---Act---and---the---rules---promulgated---pursuant---to---this---Act,---(4)
15 provide---a---financial---statement,---prepared---by---a---certified---public
16 accountant,---showing---liquid---working---capital---of---\$10,000---or
17 more,---or---a---\$10,000---performance---bond---guaranteeing---payment---of
18 all---obligations---relating---to---the---promotional---activities,---and
19 (5)---pay---the---required---fee---and---meet---any---other---requirements.

20 In determining good moral character, the Department may
21 take into consideration any violation of any of the
22 provisions of Section 16 of this Act and any felony
23 conviction of the applicant, but such a conviction shall not
24 operate as a bar to licensure. No license issued under this
25 Act is transferable.

26 The Department may issue temporary licenses and
27 registrations as provided by rule.

28 (Source: P.A. 90-655, eff. 7-30-98; 91-408, eff. 1-1-00.)

29 (225 ILCS 105/12) (from Ch. 111, par. 5012)

30 Sec. 12. Boxing contests. Each boxing contestant shall
31 be examined before entering the ring and immediately after
32 each contest by a physician licensed to practice medicine in
33 all of its branches. The physician shall determine, prior to

1 the contest, if each contestant is physically fit to engage
2 in the contest. After the contest the physician shall examine
3 the contestant to determine possible injury. If the
4 contestant's physical condition so indicates, the physician
5 shall recommend to the Department immediate medical
6 suspension. The physician may, at any time during the
7 contest, stop the contest to examine a boxer, and terminate
8 the contest when, in the physician's opinion, continuing the
9 contest could result in serious injury to the boxer. The
10 physician shall certify to the condition of the contestant in
11 writing, over his signature on blank forms provided by the
12 Department. Such reports shall be submitted to the Department
13 in a timely manner. The physician shall be paid by the
14 promoter a fee fixed by the Department. No boxing contest
15 shall be held unless a physician licensed to practice
16 medicine in all of its branches is in attendance.

17 No contest shall be allowed to begin unless at least one
18 physician and 2 trained paramedics or 2 nurses who are
19 trained to administer emergency medical care are present.

20 No contest shall be more than 12 rounds in length. The
21 rounds shall not be more than 3 minutes each with a one
22 minute interval between them, and no boxer shall be allowed
23 to participate in more than 12 rounds within 72 consecutive
24 hours. At each boxing contest there shall be a referee in
25 attendance who shall direct and control the contest. The
26 referee, before each contest, shall learn the name of the
27 contestant's chief second and shall hold the chief second
28 responsible for the conduct of his assistant during the
29 progress of the contest match.

30 There shall be 2 judges in attendance who shall render a
31 decision at the end of each contest match. The decision of
32 the judges, taken together with the decision of the referee,
33 is final; or, 3 judges shall score the contest match with the
34 referee not scoring. The method of scoring shall be set

1 forth in rules.

2 Judges, referees, or timekeepers for contests shall be
3 assigned by the Department. The Department or its
4 representative shall have discretion to declare a price,
5 remuneration, or purse or any part of it belonging to the
6 contestant withheld if in the judgment of the Department or
7 its representative the contestant is not honestly competing.
8 The Department shall have the authority to prevent a contest
9 or exhibition from being held and shall have the authority to
10 stop a fight for noncompliance with any part of this Act or
11 rules or when, in the judgment of the Department, or its
12 representative, continuation of the event would endanger the
13 health, safety, and welfare of the contestants or spectators.
14 (Source: P.A. 91-408, eff. 1-1-00.)

15 (225 ILCS 105/13) (from Ch. 111, par. 5013)

16 Sec. 13. Tickets; tax. Tickets to boxing contests
17 ~~athletic--events~~, other than a boxing contest ~~an-athletic~~
18 ~~event~~ conducted at premises with an indoor seating capacity
19 of more than 17,000, shall be printed in such form as the
20 Department shall prescribe. A certified inventory of all
21 tickets printed for any boxing contest ~~event~~ shall be mailed
22 to the Department by the promoter not less than 7 days before
23 the boxing contest ~~event~~. The total number of tickets printed
24 shall not exceed the total seating capacity of the premises
25 in which the boxing contest ~~event~~ is to be held. No tickets
26 of admission to any boxing contest ~~event~~, other than a boxing
27 contest ~~an-athletic--event~~ conducted at premises with an
28 indoor seating capacity of more than 17,000, shall be sold
29 except those declared on an official ticket inventory as
30 described in this Section.

31 A promoter who conducts a boxing contest ~~an-athletic~~
32 ~~event~~ under this Act, other than a boxing contest ~~an-athletic~~
33 ~~event~~ conducted at premises with an indoor seating capacity

1 of more than 17,000, shall, within 24 hours after a boxing
 2 contest such-event: (1) furnish to the Department a written
 3 report verified by the promoter or his authorized designee
 4 showing the number of tickets sold for the boxing contest or
 5 the actual ticket stubs and the amount of the gross proceeds
 6 thereof; and (2) pay to the Department a tax of 10% of the
 7 first \$500,000 of gross receipts from the sale of admission
 8 tickets, to be placed in the General Revenue Fund.

9 (Source: P.A. 90-580, eff. 5-21-98; 91-408, eff. 1-1-00.)

10 (225 ILCS 105/15) (from Ch. 111, par. 5015)

11 Sec. 15. Inspectors. The Director may appoint boxing
 12 inspectors to assist the Department staff in the
 13 administration of the Act. Each boxing instructor Such
 14 inspectors appointed by the Director shall receive
 15 compensation for each day he or she is they-are engaged in
 16 the transacting of business of the Department. Each inspector
 17 shall carry a card issued by the Department to authorize him
 18 or her to act in such capacity. The inspector or inspectors
 19 shall supervise each contest event to ensure that the
 20 provisions of the Act are strictly enforced. The inspectors
 21 shall also be present at the counting of the gross receipts
 22 and shall immediately deliver to the Department the official
 23 box office statement as required by Section 13.

24 (Source: P.A. 91-408, eff. 1-1-00.)

25 (225 ILCS 105/16) (from Ch. 111, par. 5016)

26 Sec. 16. Discipline and sanctions.

27 (a) The Department may refuse to issue a permit,
 28 registration, or license, refuse to renew, suspend, revoke,
 29 reprimand, place on probation, or take such other
 30 disciplinary action as the Department may deem proper,
 31 including the imposition of fines not to exceed \$5,000 for
 32 each violation, with regard to any license or registration

1 for any one or any combination of the following reasons:

2 (1) gambling, betting or wagering on the result of
3 or a contingency connected with a boxing contest an
4 athletic-event or permitting such activity to take place;

5 (2) participating in or permitting a sham or fake
6 boxing contest;

7 (3) holding the boxing contest athletic-event at
8 any other time or place than is stated on the permit
9 application;

10 (4) permitting any contestant other than those
11 stated on the permit application to participate in a
12 boxing contest an-athletic-event, except as provided in
13 Section 9;

14 (5) violation or aiding in the violation of any of
15 the provisions of this Act or any rules or regulations
16 promulgated thereto;

17 (6) violation of any federal, State or local laws
18 of the United States or other jurisdiction governing
19 boxing contests athletic--events or any regulation
20 promulgated pursuant thereto;

21 (7) charging a greater rate or rates of admission
22 than is specified on the permit application;

23 (8) failure to obtain all the necessary permits,
24 registrations, or licenses as required under this Act;

25 (9) failure to file the necessary bond or to pay
26 the gross receipts tax as required by this Act;

27 (10) engaging in dishonorable, unethical or
28 unprofessional conduct of a character likely to deceive,
29 defraud or harm the public, or which is detrimental to
30 honestly conducted boxing contests athletic-events;

31 (11) employment of fraud, deception or any unlawful
32 means in applying for or securing a permit or license,
33 or registration under this Act;

34 (12) permitting a physician making the physical

1 examination to knowingly certify falsely to the physical
2 condition of a contestant;

3 (13) permitting contestants of widely disparate
4 weights or abilities to engage in boxing contests
5 ~~athletic-events~~;

6 (14) boxing while under medical suspension in this
7 State or in any other state, territory or country;

8 (15) physical illness, including, but not limited
9 to, deterioration through the aging process, or loss of
10 motor skills which results in the inability to
11 participate in boxing contests ~~athletic--events~~ with
12 reasonable judgment, skill, or safety;

13 (16) allowing one's license or ~~permit~~--~~er~~
14 ~~registration~~ issued under this Act to be used by another
15 person;

16 (17) failing, within a reasonable time, to provide
17 any information requested by the Department as a result
18 of a formal or informal complaint;

19 (18) professional incompetence;

20 (19) failure to file a return, or to pay the tax,
21 penalty or interest shown in a filed return, or to pay
22 any final assessment of tax, penalty or interest, as
23 required by any tax Act administered by the Illinois
24 Department of Revenue, until such time as the
25 requirements of any such tax Act are satisfied;

26 (20) holding or promoting an ultimate fighting
27 exhibition, or participating in an ultimate fighting
28 exhibition as a promoter, contestant, referee, judge,
29 scorer, manager, trainer, announcer, or timekeeper;

30 (21) habitual or excessive use or addiction to
31 alcohol, narcotics, stimulants, or any other chemical
32 agent or drug that results in an inability to participate
33 in an event; or

34 (22) failure to stop a contest or exhibition when

1 requested to do so by the Department.

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

12 (c) In enforcing this Section, the Board, upon a showing
13 of a possible violation, may compel any individual licensed
14 ~~or-registered~~ to practice under this Act, or who has applied
15 for licensure ~~or-registration~~ pursuant to this Act, to submit
16 to a mental or physical examination, or both, as required by
17 and at the expense of the Department. The examining
18 physicians or clinical psychologists shall be those
19 specifically designated by the Board. The Board or the
20 Department may order the examining physician or clinical
21 psychologist to present testimony concerning this mental or
22 physical examination of the licensee, ~~registrant~~, or
23 applicant. No information shall be excluded by reason of any
24 common law or statutory privilege relating to communications
25 between the licensee, ~~registrant~~, or applicant and the
26 examining physician or clinical psychologist. Eye
27 examinations may be provided by a licensed and certified
28 therapeutic optometrist. The individual to be examined may
29 have, at his or her own expense, another physician of his or
30 her choice present during all aspects of the examination.
31 Failure of any individual to submit to a mental or physical
32 examination, when directed, shall be grounds for suspension
33 of a license until such time as the individual submits to the
34 examination if the Board finds, after notice and hearing,

1 that the refusal to submit to the examination was without
2 reasonable cause.

3 (d) If the Board finds an individual unable to practice
4 because of the reasons set forth in this Section, the Board
5 shall require the individual to submit to care, counseling,
6 or treatment by physicians or clinical psychologists approved
7 or designated by the Board, as a condition, term, or
8 restriction for continued, reinstated, or renewed licensure
9 ~~or--registration~~, or in lieu of care, counseling, or
10 treatment, the Board may recommend to the Department to file
11 a complaint to immediately suspend, revoke, or otherwise
12 discipline the license ~~or-registration~~ of the individual. Any
13 individual whose license ~~or-registration~~ was granted pursuant
14 to this Act, or continued, reinstated, renewed, disciplined,
15 or supervised, subject to such conditions, terms, or
16 restrictions, who shall fail to comply with such conditions,
17 terms, or restrictions, shall be referred to the Director for
18 a determination as to whether the individual shall have his
19 or her license ~~or-registration~~ suspended immediately, pending
20 a hearing by the Board.

21 (Source: P.A. 91-408, eff. 1-1-00.)

22 (225 ILCS 105/17.7)

23 Sec. 17.7. Restoration of suspended or revoked license ~~or~~
24 ~~registration~~. At any time after the suspension or revocation
25 of a license, the Department may restore it to the licensee
26 ~~or-registrant~~ upon the written recommendation of the Board,
27 unless after an investigation and a hearing the Board
28 determines that restoration is not in the public interest.

29 (Source: P.A. 91-408, eff. 1-1-00.)

30 (225 ILCS 105/17.8)

31 Sec. 17.8. Surrender of license ~~or-registration~~. Upon
32 the revocation or suspension of a license or registration,

1 the licensee ~~or-registrant~~ shall immediately surrender his or
 2 her license ~~or--registration~~ to the Department. If the
 3 licensee ~~or-registrant~~ fails to do so, the Department has the
 4 right to seize the license ~~or-registration~~.

5 (Source: P.A. 91-408, eff. 1-1-00.)

6 (225 ILCS 105/17.9)

7 Sec. 17.9. Summary suspension of a license ~~or~~
 8 ~~registration~~. The Director may summarily suspend a license ~~or~~
 9 ~~registration~~ without a hearing if the Director finds that
 10 evidence in the Director's possession indicates that the
 11 continuation of practice would constitute an imminent danger
 12 to the public or the individual involved. If the Director
 13 summarily suspends the license ~~or--registration~~ without a
 14 hearing, a hearing must be commenced within 30 days after the
 15 suspension has occurred and concluded as expeditiously as
 16 practical.

17 (Source: P.A. 91-408, eff. 1-1-00.)

18 (225 ILCS 105/18) (from Ch. 111, par. 5018)

19 Sec. 18. Investigations; notice and hearing. The
 20 Department may investigate the actions of any applicant or of
 21 any person or persons promoting or participating in a contest
 22 ~~or--exhibition~~ or any person holding or claiming to hold a
 23 license ~~or--registration~~. The Department shall, before
 24 revoking, suspending, placing on probation, reprimanding, or
 25 taking any other disciplinary action under this Act, at least
 26 30 days before the date set for the hearing, (i) notify the
 27 accused in writing of the charges made and the time and place
 28 for the hearing on the charges, (ii) direct him or her to
 29 file a written answer to the charges with the Board under
 30 oath within 20 days after the service on him or her of the
 31 notice, and (iii) inform the accused that, if he or she fails
 32 to answer, default will be taken against him or her or that

1 his or her license ~~or registration~~ may be suspended, revoked,
2 or placed on probationary status or that other disciplinary
3 action may be taken with regard to the license ~~or~~
4 ~~registration~~, including limiting the scope, nature, or extent
5 of his or her practice, as the Department may consider
6 proper. At the time and place fixed in the notice, the Board
7 shall proceed to hear the charges, and the parties or their
8 counsel shall be accorded ample opportunity to present any
9 pertinent statements, testimony, evidence, and arguments. The
10 Board may continue the hearing from time to time. In case the
11 person, after receiving the notice, fails to file an answer,
12 his or her license ~~or registration~~ may, in the discretion of
13 the Department, be suspended, revoked, or placed on
14 probationary status or the Department may take whatever
15 disciplinary action considered proper, including limiting the
16 scope, nature, or extent of the person's practice or the
17 imposition of a fine, without a hearing, if the act or acts
18 charged constitute sufficient grounds for that action under
19 this Act. The written notice may be served by personal
20 delivery or by certified mail to the address specified by the
21 accused in his or her last notification with the Department.
22 (Source: P.A. 91-408, eff. 1-1-00.)

23 (225 ILCS 105/19) (from Ch. 111, par. 5019)

24 Sec. 19. Findings and recommendations. At the conclusion
25 of the hearing, the Board shall present to the Director a
26 written report of its findings, conclusions of law, and
27 recommendations. The report shall contain a finding of
28 whether the accused person violated this Act or its rules or
29 failed to comply with the conditions required in this Act or
30 its rules. The Board shall specify the nature of any
31 violations or failure to comply and shall make its
32 recommendations to the Director. In making recommendations
33 for any disciplinary actions, the Board may take into

1 consideration all facts and circumstances bearing upon the
 2 reasonableness of the conduct of the accused and the
 3 potential for future harm to the public including, but not
 4 limited to, previous discipline of the accused by the
 5 Department, intent, degree of harm to the public and
 6 likelihood of harm in the future, any restitution made by the
 7 accused, and whether the incident or incidents contained in
 8 the complaint appear to be isolated or represent a continuing
 9 pattern of conduct. In making its recommendations for
 10 discipline, the Board shall endeavor to ensure that the
 11 severity of the discipline recommended is reasonably related
 12 to the severity of the violation.

13 The report of findings of fact, conclusions of law, and
 14 recommendation of the Board shall be the basis for the
 15 Department's order refusing to issue, restore, or renew a
 16 license ~~or registration~~, or otherwise disciplining a licensee
 17 ~~or registrant~~. If the Director disagrees with the
 18 recommendations of the Board, the Director may issue an order
 19 in contravention of the Board recommendations. The Director
 20 shall provide a written report to the Board on any
 21 disagreement and shall specify the reasons for the action in
 22 the final order. The finding is not admissible in evidence
 23 against the person in a criminal prosecution brought for a
 24 violation of this Act, but the hearing and finding are not a
 25 bar to a criminal prosecution brought for a violation of this
 26 Act.

27 (Source: P.A. 91-408, eff. 1-1-00.)

28 (225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

29 Sec. 19.1. Appointment of a hearing officer. The
 30 Director has the authority to appoint any attorney duly
 31 licensed to practice law in the State of Illinois to serve as
 32 the hearing officer in any action for refusal to issue,
 33 restore, or renew a license ~~or certificate of registration~~ or

1 discipline of a licensee ~~or~~ registrant. The hearing officer
 2 has full authority to conduct the hearing. The hearing
 3 officer shall report his or her findings of fact, conclusions
 4 of law, and recommendations to the Board and the Director.
 5 The Board shall have 60 days from receipt of the report to
 6 review the report of the hearing officer and present its
 7 findings of fact, conclusions of law and recommendations to
 8 the Director. If the Board fails to present its report
 9 within the 60 day period, the Director may issue an order
 10 based on the report of the hearing officer. If the Director
 11 determines that the Board's report is contrary to the
 12 manifest weight of the evidence, he may issue an order in
 13 contravention of the recommendation. The Director shall
 14 promptly provide a written report of the Board on any
 15 deviation and shall specify the reasons for the action in the
 16 final order.

17 (Source: P.A. 91-408, eff. 1-1-00.)

18 (225 ILCS 105/19.3)

19 Sec. 19.3. Compelling testimony. Any circuit court, upon
 20 application of the Department, designated hearing officer, or
 21 the applicant or, licensee~~7~~--~~or~~--~~registrant~~ against whom
 22 proceedings under this Act are pending, may enter an order
 23 requiring the attendance of witnesses and their testimony and
 24 the production of documents, papers, files, books, and
 25 records in connection with any hearing or investigation. The
 26 court may compel obedience to its order by proceedings for
 27 contempt.

28 (Source: P.A. 91-408, eff. 1-1-00.)

29 (225 ILCS 105/19.4)

30 Sec. 19.4. Director; rehearing. Whenever the Director
 31 believes that justice has not been done in the revocation,
 32 suspension, refusal to issue, restore, or renew a license ~~or~~

1 registration, or other discipline of an applicant or
2 licensee, ~~or registrant~~, he or she may order a rehearing by
3 the same or other examiners.

4 (Source: P.A. 91-408, eff. 1-1-00.)

5 (225 ILCS 105/23) (from Ch. 111, par. 5023)

6 Sec. 23. Fees. The fees for the administration and
7 enforcement of this Act including, but not limited to,
8 original licensure ~~or registration~~, renewal, and restoration
9 shall be set by rule. The fees shall not be refundable.

10 {Blank}-

11 (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00;
12 revised 8-27-99.)

13 (225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

14 Sec. 23.1. Returned checks; fines. Any person who
15 delivers a check or other payment to the Department that is
16 returned to the Department unpaid by the financial
17 institution upon which it is drawn shall pay to the
18 Department, in addition to the amount already owed to the
19 Department, a fine of \$50. ~~If the check or other payment was
20 for a renewal or issuance fee and that person practices
21 without paying the renewal fee or issuance fee and the fine
22 due, an additional fine of \$100 shall be imposed.~~ The fines
23 imposed by this Section are in addition to any other
24 discipline provided under this Act for unlicensed practice or
25 practice on a nonrenewed license. The Department shall notify
26 the person that payment of fees and fines shall be paid to
27 the Department by certified check or money order within 30
28 calendar days of the notification. If, after the expiration
29 of 30 days from the date of the notification, the person has
30 failed to submit the necessary remittance, the Department
31 shall automatically terminate the license ~~or certificate~~ or
32 deny the application, without hearing. If, after termination

1 or denial, the person seeks a license or certificate, he or
 2 she shall apply to the Department for restoration or issuance
 3 of the license or certificate and pay all fees and fines due
 4 to the Department. The Department may establish a fee for the
 5 processing of an application for restoration of a license or
 6 certificate to pay all expenses of processing this
 7 application. The Director may waive the fines due under this
 8 Section in individual cases where the Director finds that the
 9 fines would be unreasonable or unnecessarily burdensome.
 10 (Source: P.A. 86-615; 87-1031.)

11 Section 10. The Regulatory Sunset Act is amended by
 12 changing Section 4.12 and adding Section 4.22 as follows:

13 (5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)
 14 Sec. 4.12. The following Acts are repealed December 31,
 15 2001:
 16 ~~The Professional Boxing and Wrestling Act.~~
 17 The Interior Design Profession Title Act.
 18 The Detection of Deception Examiners Act.
 19 The Water Well and Pump Installation Contractor's License
 20 Act.
 21 (Source: P.A. 86-1404; 86-1475; 87-703.)

22 (5 ILCS 80/4.22 new)
 23 Sec. 4.22. The Professional Boxing Act.

24 Section 99. Effective date. This Act takes effect
 25 January 1, 2002.