

AN ACT concerning regulation.

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

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

(5 ILCS 80/4.20)

Sec. 4.20. Acts repealed on January 1, 2010 and December 31, 2010.

(a) The following Acts are repealed on January 1, 2010:

The Auction License Act.

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

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Land Sales Registration Act of 1999.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

~~The Structural Engineering Practice Act of 1989.~~

(b) The following Act is repealed on December 31, 2010:

The Medical Practice Act of 1987.

(Source: P.A. 95-1018, eff. 12-18-08.)

(5 ILCS 80/4.30 new)

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 Act repealed on January 1, 2020. The following Act is repealed on January 1, 2020:

The Illinois Architecture Practice Act of 1989.

The Structural Engineering Practice Act of 1989.

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 21, 22, 23.5, 24, 25, 26, 29, 31, 36 and 38 and by adding Sections 4.5 and 17.5 as follows:

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

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Act of 1989 or the

Professional Engineering Practice Act of 1989.

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

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

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

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

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

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

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

However, when an ordinance of a unit of local government requires the involvement of a licensed architect for any buildings included in the preceding paragraphs (A) through (D), the requirements of this Act shall apply. All buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt from the involvement of a licensed architect under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

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

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

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

Sec. 4. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure

maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by directly contacting the Department.

"Architect, Retired" means a person who has been duly licensed as an architect by the Department and who chooses to place on inactive status or not renew his or her license pursuant to Section 17.5 of this Act.

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

"Board" means the Illinois Architecture Licensing Board appointed by the Secretary.

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

"Design build" and "design build entity" means the project delivery process defined in 68 Ill. Adm. Code 1150.85, and any amendments or changes thereto.

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

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

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

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

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

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

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

(225 ILCS 305/4.5 new)

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

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

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

Sec. 5. Architect defined; Acts constituting practice.

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

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

(c) In the offering or furnishing of professional services set forth in subsection (b) of this Section, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1150.90, and any amendments or changes thereto.

(d) Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the services set forth in subsection (b) of this Section unless such person specifically contracts to provide such services.

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

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

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

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

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

No officer, board, commission, or other public entity who receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of an architect that do not bear the seal and signature of an architect licensed under this Act.

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually

exercised responsible control of the preparation of such work.
An architect who seals and signs technical submissions is not
responsible for damage caused by subsequent changes to or uses
of those technical submissions where the subsequent changes or
uses, including changes or uses made by State or local
governmental agencies, are not authorized or approved in
writing by the architect who originally sealed and signed the
technical submissions.

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

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

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

Sec. 8. Powers and duties of the Department.

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

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

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

(c) prescribe rules defining what constitutes a school, college or university, or department of a university, or other institution, reputable and in good standing, to determine whether or not a school, college or university, or department of a university, or other

institution is reputable and in good standing by reference to compliance with such rules, and to terminate the approval of such school, college or university or department of a university or other institution that refuses admittance to applicants solely on the basis of race, color, creed, sex or national origin. The Department may adopt, as its own rules relating to education requirements, those guidelines published from time to time by the National Architectural Accrediting Board;

(d) prescribe rules for diversified professional training;

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

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

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

(h) maintain membership in the National Council of Architectural Registration Boards and participate in activities of the Council by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and

national meetings of the Council. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund; and -

(i) review such applicant qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 10 of this Act.

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

(3) The Department may in its discretion, but shall not be required to, employ or utilize the legal services of outside counsel and the investigative services of outside personnel to assist the Department. However, no attorney employed or used by the Department shall prosecute a matter or provide legal

services to the Department or Board with respect to the same matter.

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

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

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

Sec. 9. Creation of the Board. The Director shall appoint an Architecture Licensing Board which will consist of 6 members. Five members shall be licensed architects, one of whom shall be a tenured member of the architectural faculty of an Illinois public university accredited by the National Architectural Accrediting Board ~~the University of Illinois~~. The other 4 shall be licensed architects, residing in this State, who have been engaged in the practice of architecture at least 10 years. In addition to the 5 licensed architects, there shall be one public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land surveyor.

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

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

No member shall be reappointed to the Board for a term

which would cause his or her continuous service on the Board to be longer than 10 successive years. Service prior to the effective date of this Act shall not be considered.

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

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

Four members ~~A quorum~~ of the Board shall constitute a quorum ~~consist of a majority of Board members currently appointed.~~ A ~~majority vote of the~~ quorum is required for Board decisions.

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

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

Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board

and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

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

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

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

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

Sec. 10. Powers and duties of the Board.

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

(b) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed architects.

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

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

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

(f) The Board may appoint a subcommittee to serve as a

Complaint Committee to recommend the disposition of case files according to procedures established by rule in 68 Ill. Adm. Code 1150.95, and any amendments or changes thereto.

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. The Department shall review the Board's recommendations on applicant qualifications. The Secretary ~~Director~~ shall notify the Board ~~in writing~~ with an explanation of any deviation from the Board's recommendation on applicant qualifications. After review of the Secretary's ~~Director's~~ ~~written~~ explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Secretary's ~~Director's~~ decision.

(h) The Board may ~~shall~~ submit ~~written~~ comments to the Secretary ~~Director~~ within a reasonable time ~~30 days~~ from notification of any final decision or order from the Secretary ~~Director~~ that deviates from any report or recommendation of the Board relating to the qualifications of applicants, unlicensed practice, discipline of licensees or registrants, or promulgation of rules.

(i) The Board may recommend that the Department contract with an individual or a corporation or other business entity to assist in the providing of investigative, legal, prosecutorial, and other services necessary to perform its

duties pursuant to subsection (3) of Section 8 of this Act.

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

(225 ILCS 305/11) (from Ch. 111, par. 1311)

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

Sec. 11. Application for original license. Applications for original licensure shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. Any such application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant to practice architecture. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluation service ~~a nationally recognized educational body~~ approved by the Board in accordance with rules prescribed by the Department.

An applicant who has graduated from an architectural program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined by rule.

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

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

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

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

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

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

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

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

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

(f) lateral forces (identification and resolution of

the effects of lateral forces on the technical aspects of the design of buildings and the process of construction);

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

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

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

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

Examination subject matter headings and bases on which examinations are graded shall be indicated in rules pertaining to this Act. The Department may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. Content of any particular examination shall not be considered public record under the Freedom of Information Act.

If an applicant neglects without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing an

application, the application shall be denied. The applicant may, however, make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of the new application.

An applicant shall have 5 years from the passage of the first examination to successfully complete all examinations required by rule of the Department.

The Department may by rule prescribe additional subjects for examination.

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

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

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

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

Sec. 13. Qualifications of applicants. Any person who is of good moral character may apply ~~take an examination~~ for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the

National Architectural Accrediting Board, has completed the examination requirements set forth under Section 12 of this Act, and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2014, in lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 22 ~~19~~. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

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

(225 ILCS 305/17.5 new)

Sec. 17.5. Architect, Retired. Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Architect, Retired" to any person who has been duly licensed as an architect by the Department and who has chosen to place on inactive status or not renew his or her license. Those persons granted the title "Architect, Retired" may request restoration to active status under the applicable provisions of this Act.

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

Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other official document indicating that a person has been granted the title "Architect, Retired".

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

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

Sec. 21. Professional design firm registration; conditions.

(a) Nothing in this Act shall prohibit the formation, under

the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of architecture.

Any business, including a Professional Service Corporation, that includes the practice of architecture within its stated purposes, practices architecture, or holds itself out as available to practice architecture shall register with the Department under this Section. Any professional service corporation, sole proprietorship, or professional design firm offering architectural services must have a resident architect in responsible charge of ~~overseeing~~ the architectural practices in each location in which architectural services are provided who shall be designated as a managing agent.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering architectural services to the public. "Illinois licensed design professional" means a person who holds an active license as an architect under this Act, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated by an architect with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by an

architect with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

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

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

(2) a managing agent ~~the person having the architectural practice in this State in his charge~~ is (A) a director in the case of a corporation, a general partner in the case of a partnership, or a member in the case of a limited liability company, and (B) holds a license under this Act.

Any corporation, limited liability company, professional service corporation, or partnership qualifying under this Section and practicing in this State shall file with the Department any information concerning its officers, directors, members, managers, partners or beneficial owners as the

Department may, by rule, require.

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

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

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

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

partnership.

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

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

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

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

Thereafter, the professional design firm, if it has so informed the Department, has 30 days in which to notify the Department of the name and architect's license number of the architect who is the newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown,

extend the original 30 day period.

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

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

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed architect. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

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

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

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

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

(a) The Department may, singularly or in combination, refuse to issue, renew or restore, or may suspend, ~~or~~ revoke, place on probation, or take other disciplinary or non-disciplinary action as deemed appropriate, including, but not limited to, the imposition of fines ~~any license or registration, or may place on probation, reprimand, or fine, with a civil penalty~~ not to exceed \$10,000 for each violation, as the Department may deem proper, with regard to a license ~~any person, corporation, or partnership, or professional design firm licensed or registered under this Act~~ for any one or combination of the following causes ~~reasons~~:

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

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

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

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

(5) purposefully making false statements or signing false statements, certificates or affidavits to induce

payment;

(6) conviction of or plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States, or any state or territory thereof, ~~which is a felony, whether related to the practice of architecture or that is not; or conviction of any crime, whether a felony,~~ misdemeanor, ~~or otherwise,~~ an essential element of which is dishonesty, ~~wanton disregard for the rights of others,~~ or any crime that ~~which~~ is directly related to the practice of the profession of architecture;

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

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

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

(10) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety ~~habitual intoxication or addiction to the use of drugs~~;

(11) making a statement of compliance pursuant to the

Environmental Barriers Act that technical submissions ~~construction documents~~ prepared by the architect ~~licensed Architect~~ or prepared under the ~~licensed~~ architect's responsible ~~direct supervision~~ and control for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such technical submissions ~~construction documents~~ are not in compliance;

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

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

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

(15) physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability which results in the inability to practice the profession with reasonable

judgment, skill, and ~~or~~ safety, including without limitation deterioration through the aging process, mental illness, or disability.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to

the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license. ~~In enforcing this Section, the Board upon a showing of a possible violation may request that the Department compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or~~

~~her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

~~If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may recommend that the Department require that person to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.~~

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will

end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary ~~Director~~ that the licensee be allowed to resume practice.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a) (5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a) (5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a

return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

(f) Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding.

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

(225 ILCS 305/23.5)

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

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

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

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

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

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

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

(225 ILCS 305/24) (from Ch. 111, par. 1324)

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

Sec. 24. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to restore, issue or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registrant of the nature of the charges and that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address

of record with ~~his last notification to~~ the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 305/25) (from Ch. 111, par. 1325)

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

Sec. 25. Stenographer; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to restore, issue or renew a license, or the discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the

Board and the orders of the Department shall be the record of the proceedings. ~~A~~ ~~The Department shall furnish a~~ transcript of the record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 305/26) (from Ch. 111, par. 1326)

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

Sec. 26. Subpoenas; depositions; oaths ~~of witnesses;~~
~~Oaths.~~ The Department has power to subpoena documents, books,
records, or other materials and to bring before it any person
and to take testimony, either orally or by deposition, or take
written interrogatories, or any combination thereof, with the
same fees and mileage and in the same manner as is prescribed
in civil cases in the courts of this State.

The Secretary, the designated hearing officer, and every
member of the Board has the power to administer oaths to
witnesses at any hearing that the Department is authorized to
conduct and any other oaths authorized in any Act administered
by the Department. ~~and bring before it any person in this State~~
~~and to take testimony either orally or by deposition, or both,~~
~~with the same fees and mileage and in the same manner as~~
~~prescribed by law in judicial proceedings in civil cases in~~
~~circuit courts of this State.~~

~~The Director, and every member of the Board each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.~~

(Source: P.A. 86-702.)

(225 ILCS 305/29) (from Ch. 111, par. 1329)

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

Sec. 29. Hearing officer. Notwithstanding the provisions of Section 28 of this Act, the Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action under Section 24. The Director shall notify the Board of any such appointment. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the Director. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 day period, the Secretary may ~~Director shall~~ issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees in any regard with the report

of the Board or hearing officer, he may issue an order in contravention thereof. The Secretary ~~Director~~ shall notify ~~provide a written explanation to~~ the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.

(Source: P.A. 86-702.)

(225 ILCS 305/31) (from Ch. 111, par. 1331)

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

Sec. 31. Restoration of suspended or revoked ~~Issuance or restoration of~~ license. At any time after the successful completion of a term of suspension or revocation of a license, the Department may restore it to the licensee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest ~~the refusal to issue, or after the suspension or revocation of any license, the Department may issue or restore it to the applicant without examination, upon the written recommendation of the Board.~~

(Source: P.A. 86-702.)

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

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

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

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

(b) the making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act;

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

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

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

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

(g) If any person, sole proprietorship, professional

service corporation, limited liability company, corporation or partnership, or other entity practices architecture or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as an architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in the State; then, in addition to any other penalty provided by law any person or other entity who violates this subsection (g) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$10,000 ~~\$5,000~~ for each offense.

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

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

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

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

Sec. 38. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and

Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

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

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

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

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

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

Section 15. The Structural Engineering Practice Act of 1989 is amended by changing Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 18, 19, 20, 20.5, 21, 22, 23, 24, 26, 27, 28 and 31 and by adding Section 4.5 as follows:

(225 ILCS 340/4) (from Ch. 111, par. 6604)

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

Sec. 4. In this Act:

(a) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's

website or by directly contacting the Department.

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

(c) ~~(b)~~ "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of the Department of Financial and Professional Regulation.

(d) ~~(c)~~ "Board" means the Structural Engineering Board appointed by the Secretary ~~Director~~.

(e) ~~(d)~~ "Negligence in the practice of structural engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by structural engineers in the practice of structural engineering.

(f) ~~(e)~~ "Structural engineer intern" means a person who is a candidate for licensure as a structural engineer and who has been enrolled as a structural engineer intern.

(g) ~~(f)~~ "Structural engineer" means a person licensed under the laws of the State of Illinois to practice structural engineering.

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

(225 ILCS 340/4.5 new)

Sec. 4.5. References to Department or Director of Professional Regulation. References in this Act (i) to the Department of Professional Regulation are deemed, in appropriate contexts, to be references to the Department of

Financial and Professional Regulation and (ii) to the Director of Professional Regulation are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation.

(225 ILCS 340/5) (from Ch. 111, par. 6605)

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

Sec. 5. A person shall be regarded as practicing structural engineering within the meaning of this Act who is engaged in the design, analysis, or supervision ~~designing or supervising~~ of the construction, enlargement or alteration of structures, or any part thereof, for others, to be constructed by persons other than himself. Structures within the meaning of this Act are all structures having as essential features foundations, columns, girders, trusses, arches or ~~and~~ beams, with or without other parts, and in which safe design and construction require that loads and stresses must be computed and the size and strength of parts determined by mathematical calculations based upon scientific principles and engineering data. A person shall also be regarded as practicing structural engineering within the meaning of this Act who is engaged as a principal in the design, analysis, or supervision ~~designing and supervision~~ of the construction of structures or of the structural part of edifices designed solely for the generation of electricity; or for the hoisting, cleaning, sizing or storing of coal, cement, sand, grain, gravel or similar materials; elevators;

manufacturing plants; docks; bridges; blast furnaces; rolling mills; gas producers and reservoirs; smelters; dams; reservoirs; waterworks; sanitary works as applied to the purification of water; plants for waste and sewage disposal; round houses for locomotives; railroad shops; pumping or power stations for drainage districts; or power houses, even though such structures may come within the definition of "buildings" as defined in any Act in force in this State relating to the regulation of the practice of architecture.

(Source: P.A. 86-711.)

(225 ILCS 340/6) (from Ch. 111, par. 6606)

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

Sec. 6. The Department of Financial and Professional Regulation shall exercise the following functions, powers and duties subject to the provisions of this Act:

(1) To conduct ~~Conduct~~ examinations to ascertain the qualifications and fitness of applicants for licensure as licensed structural engineers, and pass upon the qualifications and fitness of applicants for licensure by endorsement.

(2) To prescribe ~~Prescribe~~ rules for a method of examination of candidates.

(3) To prescribe rules to establish what constitutes a structural engineering or related science curriculum, to determine if a specific curriculum qualifies as a

structural engineering or related science curriculum, and to terminate the Department's approval of any curriculum as a structural engineering or related science curriculum for non-compliance with such rules. ~~Prescribe rules defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or other institution reputable and in good standing by reference to a compliance with such rules; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color, creed, sex, religion, physical or mental handicap unrelated to ability, or national origin shall be considered reputable and in good standing.~~

(3.5) To register ~~Register~~ corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of structural engineering and issue a license to those who qualify.

(4) To investigate ~~Investigate~~ complaints, to conduct oral interviews, disciplinary conferences, and formal evidentiary hearings on proceedings to refuse to issue, renew or restore, or to suspend or revoke a license, or to place on probation or reprimand a licensee for reasons set

forth in Section 20 of this Act.

(5) To formulate ~~Formulate~~ rules necessary to carry out the provisions of this Act.

(6) To maintain ~~Maintain~~ membership in a national organization that provides an acceptable structural engineering examination and participate in activities of the organization by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the organization. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund.

(7) To review such applicant qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8 of this Act.

Prior to issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Secretary ~~Director~~ shall notify the Board and the Secretary of State in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit ~~written~~ comments to the Secretary ~~Director~~ regarding the ~~proposed~~ action. In the event that the Board fails or declines to submit such ~~written~~ comments within 30 days of said notification, the

Secretary ~~Director~~ may issue a final decision or order consistent with the Secretary's ~~Director's~~ original decision.

~~None of these functions, powers or duties shall be exercised by the Department of Professional Regulation except upon the action and report in writing of the Board.~~

Whenever the Secretary is not satisfied that substantial justice has been done in an examination, the Secretary may order a reexamination by the same or other examiners.

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

(225 ILCS 340/7) (from Ch. 111, par. 6607)

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

Sec. 7. The Secretary ~~Director~~ shall appoint a Structural Engineering Board, which shall consist of 7 ~~6~~ members. Six ~~Five~~ members shall be Illinois licensed structural engineers, who have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land surveyor.

Members shall serve 5 year terms and until their successors are appointed and qualified.

In making the designation of persons to act, the Secretary ~~Director~~ shall give due consideration to recommendations by members of the profession and by organizations of the structural engineering profession.

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

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

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms under this Act shall begin upon the expiration of the terms of Committee members appointed under The Illinois Structural Engineering Act.

Persons holding office as members of the Board under this Act on the effective date of this Act shall serve as members of the Board under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified under this Act.

Four members ~~A quorum~~ of the Board shall constitute a quorum ~~consist of a majority of Board members appointed~~. ~~A majority of the quorum is required for Board decisions.~~

The Secretary ~~Director~~ may terminate the appointment of any member for cause which in the opinion of the Secretary ~~Director~~ reasonably justifies such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

Notice of proposed rulemaking shall be transmitted to the

Board and the Department shall review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

Each member of the Board may receive compensation as determined by the Secretary ~~Whenever the Director is not satisfied that substantial justice has been done in an examination, the Director may order a reexamination by the same or other examiners.~~

(Source: P.A. 91-91, eff. 1-1-00; 92-237, eff. 8-3-01.)

(225 ILCS 340/8) (from Ch. 111, par. 6608)

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

Sec. 8. The Board has the following powers and duties:

(a) The Board shall hold at least 3 regular meetings each year;

(b) The Board shall annually elect a Chairperson and a Vice Chairperson, both of whom shall be Illinois licensed structural engineers;

(c) The Board, upon request by the Department, may make a curriculum evaluation to determine if courses conform to requirements of approved engineering programs;

(d) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(e) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(f) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings;

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable, and the Department shall review the Board's recommendations on applicant qualifications; and

(h) The Board may ~~shall~~ submit ~~written~~ comments to the Secretary Director within a reasonable time ~~30 days~~ from notification of any final decision or order from the Secretary Director that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, unlicensed practice, or promulgation of rules.

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

(225 ILCS 340/9) (from Ch. 111, par. 6609)

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

Sec. 9. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. The application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign county by a nationally recognized evaluation service ~~educational body~~ approved by the Department Board in accordance with rules prescribed by the Department.

An applicant who graduated from a structural engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English ~~the Test of Spoken English (TSE)~~ as defined by rule.

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

(225 ILCS 340/10) (from Ch. 111, par. 6610)

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

Sec. 10. The Department shall authorize examinations of applicants as structural engineers at such times and places as it may determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice structural engineering.

Applicants for examination as structural engineers are required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

~~If an applicant neglects, fails without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited to the Department and the application denied.~~ If an applicant fails to pass an examination for a licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

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

(225 ILCS 340/11) (from Ch. 111, par. 6611)

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

Sec. 11. A person is qualified for enrollment as a structural engineer intern or licensure as a structural engineer if that person has applied in writing in form and

substance satisfactory to the Department and:

(a) The applicant is of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(a-5) The applicant, if a structural engineer intern applicant, has met the minimum standards for enrollment as a structural engineer intern, which are as follows:

(1) is a graduate of an approved structural engineering curriculum of at least 4 years meeting the requirements as set forth by rule and passes a nominal 8-hour written examination in the fundamentals of engineering; or

(2) is a graduate of a related science curriculum of at least 4 years meeting the requirements as set forth by rule and passes a nominal 8-hour written examination in the fundamentals of engineering.

(b) The applicant, if a structural engineer applicant, has met the minimum standards for licensure as a structural engineer, which are as follows:

(1) is a graduate of an approved structural engineering curriculum of at least 4 years meeting the requirements as set forth by rule and submits evidence acceptable to the Department of an additional 4 years or more of experience in structural engineering work of a grade and character which indicates that the individual may be competent to

practice structural engineering as set forth by rule; or

(2) is a graduate of an approved related science curriculum of at least 4 years meeting the requirements as set forth by rule who submits evidence acceptable to the Department of an additional 8 years or more of progressive experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule.

(c) The applicant, if a structural engineer applicant, has passed an examination authorized ~~conducted~~ by the Department as determined by rule to determine his or her fitness to receive a license as a structural engineer ~~Structural Engineer~~.

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

(225 ILCS 340/14) (from Ch. 111, par. 6614)

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

Sec. 14. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding its expiration date by paying the required fee. ~~Beginning January 1, 1996, the holder of a license may renew the license during the month preceding its expiration by paying the required fee and submitting satisfactory evidence of knowledge in seismic design.~~

A licensed structural engineer who has permitted his

license to expire or who placed his license on inactive status may have his license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by submitting evidence of knowledge in seismic design and by paying the required restoration fee.

If the licensed structural engineer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, that person's fitness to resume active status and may require the licensed structural engineer to complete an examination.

Any licensed structural engineer whose license has been expired for more than 5 years may have his license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee.

However, any licensed structural engineer whose license has expired while such engineer was engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training

of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored or reinstated without paying any lapsed renewal fees, reinstatement fee or restoration fee or passing any examination, if within 2 years after termination of such service, training or education other than by dishonorable discharge such person furnishes the Department with an affidavit to the effect that he has been so engaged and that the service, training or education has been so terminated.

(Source: P.A. 86-711; 87-1237.)

(225 ILCS 340/16) (from Ch. 111, par. 6616)

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

Sec. 16. The Department may, in its discretion, license as a structural engineer upon payment of the required fee, an applicant who is a structural engineer licensed under the laws of another state or territory, ~~or of another country,~~ if the requirements for licensure in the state or ~~territory or country~~ were, at the date of licensure, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the

requirements in effect at the time of reapplication.

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

(225 ILCS 340/18) (from Ch. 111, par. 6618)

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

Sec. 18. A roster showing the names and addresses of all structural engineers licensed under this Act shall be prepared by the Department ~~each year~~. This roster shall be available upon ~~written~~ request and payment of the required fee.

(Source: P.A. 86-711.)

(225 ILCS 340/19) (from Ch. 111, par. 6619)

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

Sec. 19. Professional design firm registration; conditions.

(a) Nothing in this Act prohibits the formation, under the provisions of the Professional Service Corporation Act, as amended, of a corporation to practice structural engineering.

Any business, including a Professional Service Corporation, that includes within its stated purposes, practices, or holds itself out as available to practice, structural engineering, shall be registered with the Department pursuant to the provisions of this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering structural engineering

services to the public. "Illinois licensed design professional" means a person who holds an active license as a structural engineer under this Act, as an architect under the Illinois Architecture Practice Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

Any partnership which includes within its purpose, practices, or holds itself out as available to practice structural engineering, shall register with the Department pursuant to the provisions set forth in this Section.

(b) Any professional design firm seeking to be registered under the provisions of this Section shall not be registered unless at least one ~~a~~ managing agent in charge of structural engineering activities in this State is designated by the professional design firm. A designated managing agent must at all times maintain a valid, active license to practice

structural engineering in Illinois.

No individual whose license to practice structural engineering in this State is currently in a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) No business shall practice or hold itself out as available to practice structural engineering until it is registered with the Department.

(d) Any business seeking to be registered under this Section shall apply for a certificate of registration on a form provided by the Department and shall provide such information as requested by the Department, which shall include but shall not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of structural engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all locations at which the professional design firm provides structural engineering services to the public; and

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It shall be the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

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

Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and registration number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm fails to notify the Department in writing ~~by certified mail~~ within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent to the address of record ~~by certified mail to the last known address of the business~~. If the professional design firm continues to operate and offer structural engineering services after the termination, the Department may seek prosecution under Sections 20, 34, and 34a of this Act for the unlicensed practice of structural engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing structural engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed structural engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

It is unlawful for any person to practice, or to attempt to practice, structural engineering, without being licensed under this Act. It is unlawful for any business not subject to the sole proprietorship exemption to offer or provide structural engineering services without active registration issued by the Department as a professional design firm or professional service corporation.

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

(225 ILCS 340/20) (from Ch. 111, par. 6620)

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

Sec. 20. Refusal; revocation; suspension.

(a) The Department may refuse to issue or renew, or may revoke a license, or may suspend, place on probation, fine, or take any disciplinary or non-disciplinary action as the Department may deem proper, including a fine not to exceed \$10,000 for each violation, with regard to any licensee for any one or combination of the following reasons: ~~The Department may, singularly or in combination, refuse to issue, renew, or restore, or may suspend or revoke any license or certificate of registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed \$10,000 for each violation, any person, corporation, partnership, or professional design firm registered or licensed under this Act for any of the following reasons:~~

(1) Material misstatement in furnishing information to

the Department;

(2) Negligence, incompetence or misconduct in the practice of structural engineering;

(3) Making any misrepresentation for the purpose of obtaining licensure;

(4) The affixing of a licensed structural engineer's seal to any plans, specifications or drawings which have not been prepared by or under the immediate personal supervision of that licensed structural engineer or reviewed as provided in this Act;

(5) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or of any state or territory thereof, or that is a misdemeanor an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession ~~Conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to the practice of Structural Engineering or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, or which is directly related to the practice of structural engineering;~~

(6) Making a statement of compliance pursuant to the Environmental Barriers Act, as now or hereafter amended, that a plan for construction or alteration of a public

facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance;

(7) Failure to comply with any of the provisions of this Act or its rules;

(8) Aiding or assisting another person in violating any provision of this Act or its rules;

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, as defined by rule;

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety ~~Habitual intoxication or addiction to the use of drugs;~~

(11) Failure of ~~A finding by the Board that~~ an applicant or licensee ~~has failed~~ to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status has violated the terms of probation;

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

(13) Failure to provide information in response to a

written request made by the Department within 30 days after the receipt of such written request; or

(14) Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability which results in the inability to practice the profession of structural engineering with reasonable judgment, skill, or safety.~~†~~
~~or~~

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a

licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license. ~~In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the~~

~~licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~

~~If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.~~

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

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a) (5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a) (5) of Section 15 of

the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

(f) Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The Attorney General of the State of Illinois shall defend such persons in any such action or proceeding.

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

(225 ILCS 340/20.5)

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

Sec. 20.5. Unlicensed practice; violation; civil penalty.

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

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 340/21) (from Ch. 111, par. 6621)

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

Sec. 21. (a) If any person violates a provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person practices as a licensed structural engineer or holds himself out as a structural engineer without being licensed under the provisions of this Act, then any licensed structural engineer, any interested party or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an

answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 86-711.)

(225 ILCS 340/22) (from Ch. 111, par. 6622)

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

Sec. 22. Investigation; notice. The Department may investigate the actions of any applicant or any person or entity holding or claiming to hold a license or registration or any person or entity practicing, or offering to practice structural engineering. Before the initiation of an investigation the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee or registrant or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant or entity that failure to file an answer will result in default being taken against the applicant or entity or licensee or

registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary ~~Director~~ may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record ~~his last notification to the Department~~. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or their defense. The Board may continue a hearing from time to time.

(Source: P.A. 87-1031; 88-428.)

(225 ILCS 340/23) (from Ch. 111, par. 6623)

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

Sec. 23. Record; transcript. The Department, at its

expense, shall preserve a record of all proceedings at the formal hearing of any case ~~involving the refusal to issue, restore or renew a license or the discipline of a licensee.~~ The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings. ~~The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 340/24) (from Ch. 111, par. 6624)

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

Sec. 24. Subpoenas; depositions; oaths. The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State. ~~The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts~~

~~of this State.~~

The Secretary, the designated hearing officer ~~Director,~~ and any member of the Board ~~designated by the Director~~ shall each have the power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

(Source: P.A. 86-711.)

(225 ILCS 340/26) (from Ch. 111, par. 6626)

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

Sec. 26. At the conclusion of the hearing, the ~~The~~ Board shall present to the Secretary ~~Director~~ its written report of its findings and recommendations. A copy of the report shall be served upon the accused person, either personally or to the address of record ~~by certified or registered mail~~. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the

discipline recommended bears some reasonable relationship to the severity of the violation. Within 20 days after such service, the accused person may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Section, the time elapsing after payment and before the transcript is ready for delivery shall not be counted as part of such 20 days. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial, the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board ~~except as provided in Section 8 of this Act.~~

Whenever the Secretary ~~Director~~ is not satisfied that substantial justice has been done, he may order a rehearing by the same or another special board. At the expiration of the time specified for filing a motion for a rehearing, the Secretary ~~Director~~ has the right to take the action recommended by the Board. Upon the suspension or revocation of his license, a licensee shall be required to surrender his license to the Department, and upon his failure or refusal to do so, the Department shall have the right to seize the same.

(Source: P.A. 86-711.)

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

Sec. 27. Notwithstanding the provisions of Section 26 of this Act, the Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a licensee. The Director shall notify the Board of any such appointment. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the Secretary ~~Director~~. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary ~~Director~~. If the Board fails to present its report within the 60 day period, the Secretary ~~Director~~ shall issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board or hearing officer, he may issue an order in contravention thereof. The Secretary ~~Director~~ shall ~~notify~~ ~~provide a written explanation to~~ the Board on any such deviation, ~~and shall specify with particularity the reasons for such action in the final order.~~

(Source: P.A. 86-711.)

(225 ILCS 340/28) (from Ch. 111, par. 6628)

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

Sec. 28. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary Director, shall be prima facie proof that:

1. the signature is the genuine signature of the Secretary Director;
2. the Secretary Director is duly appointed and qualified; and
3. the Board and the members thereof are qualified to act.

Such proof may be rebutted.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 340/31) (from Ch. 111, par. 6631)

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

Sec. 31. The Secretary Director may temporarily suspend the license of a structural engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 22 of this Act, if the Secretary Director finds that evidence in his possession indicates that a structural engineer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary Director temporarily suspends the license of a structural engineer without a hearing, a hearing by the Board must be commenced within 30 days after such

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suspension has occurred.

(Source: P.A. 86-711.)

(225 ILCS 305/15 rep.)

Section 20. The Illinois Architecture Practice Act of 1989 is amended by repealing Section 15.

(225 ILCS 340/13 rep.)

Section 25. The Structural Engineering Practice Act of 1989 is amended by repealing Section 13.

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