

AN ACT concerning regulation.

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

Section 5. The Professional Geologist Licensing Act is amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50, 54, 60, 65, 70, 75, 80, 85, 90, 110, 120, 125, 135, 140, 145, and 160 as follows:

(225 ILCS 745/15)

(Section scheduled to be repealed on January 1, 2016)

Sec. 15. Definitions. In this Act:

"Board" means the Board of Licensing for Professional Geologists.

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

"Geologist" means an individual who, by reason of his or her knowledge of geology, mathematics, and the physical and life sciences, acquired by education and practical experience as defined by this Act, is capable of practicing the science of geology.

"Geology" means the science that includes the treatment of the earth and its origin and history including, but not limited to, (i) the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground

waters, gases, and other materials that compose the earth as they may relate to geologic processes; (ii) the study of the natural agents, forces, and processes that cause changes in the earth; and (iii) the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes, for the benefit of humankind.

"Person" or "individual" means a natural person.

"Practice of professional geology" means the performance of, or the offer to perform, the services of a geologist, including consultation, investigation, evaluation, planning, mapping, inspection of geologic work, and other services that require extensive knowledge of geologic laws, formulas, principles, practice, and methods of data interpretation.

A person shall be construed to practice or offer to practice professional geology, within the meaning and intent of this Act, if that person (i) by verbal claim, sign, advertisement, letterhead, card, or any other means, represents himself or herself to be a Licensed Professional Geologist ~~professional geologist~~ or through the use of some title implies that he or she is a Licensed Professional Geologist ~~professional geologist~~ or is licensed under this Act or (ii) holds himself or herself out as able to perform or does perform services or work defined in this Act as the practice of professional geology.

Examples of the practice of professional geology include, but are not limited to, the conduct of, or responsible charge

for, the following types of activities: (i) mapping, sampling, and analysis of earth materials, interpretation of data, and the preparation of oral or written testimony regarding the probable geological causes of events; (ii) planning, review, and supervision of data gathering activities, interpretation of geological data gathered by direct and indirect means, preparation and interpretation of geological maps, cross-sections, interpretive maps and reports for the purpose of determining ~~evaluating~~ regional or site specific geological conditions; (iii) the planning, review, and supervision of data gathering activities and interpretation of data on regional or site specific geological characteristics affecting groundwater; (iv) the interpretation of geological conditions on the surface of the Earth and at depth in the Earth ~~at a specific site on the Earth's surface~~ for the purpose of determining whether those conditions correspond to a geologic map of the site or a legally specified geological requirement for the site; and (v) the conducting of environmental property audits.

"Licensed Professional Geologist ~~professional geologist~~" means an individual who is licensed under this Act to engage in the practice of professional geology in Illinois.

"Responsible charge" means the independent control and direction, by use of initiative, skill, and independent judgment, of geological work or the supervision of that work.

"Secretary" means the Secretary of Financial and

Professional Regulation.

(Source: P.A. 96-666, eff. 8-25-09.)

(225 ILCS 745/20)

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

Sec. 20. Exemptions. Nothing in this Act shall be construed to restrict the use of the title "geologist" or similar words by any person engaged in a practice of geology exempted under this Act, provided the person does not hold himself or herself out as being a Licensed Professional Geologist ~~licensed professional geologist~~ or does not practice professional geology in a manner requiring licensure under this Act. Performance of the following activities does not require licensure as a licensed professional geologist under this Act:

(a) The practice of professional geology by an employee or a subordinate of a licensee under this Act, provided the work does not include responsible charge of geological work and is performed under the direct supervision of a Licensed Professional Geologist ~~licensed professional geologist~~ who is responsible for the work.

(b) The practice of professional geology by officers and employees of the United States government within the scope of their employment.

(c) The practice of professional geology as geologic research to advance basic knowledge for the purpose of offering scientific papers, publications, or other presentations (i)

before meetings of scientific societies, (ii) internal to a partnership, corporation, proprietorship, or government agency, or (iii) for publication in scientific journals, or in books.

(d) The teaching of geology in schools, colleges, or universities, as defined by rule.

(e) The practice of professional geology exclusively in the exploration for or development of energy resources or base, precious and nonprecious minerals, including sand, gravel, and aggregate, that does not require, by law, rule, or ordinance, the submission of reports, documents, or oral or written testimony to public agencies. Public agencies may, by law or by rule, allow required oral or written testimony, reports, permit applications, or other documents based on the science of geology to be submitted to them by persons not licensed under this Act. Unless otherwise required by State or federal law, public agencies may not require that the geology-based aspects of testimony, reports, permits, or other documents so exempted be reviewed by, approved, or otherwise certified by any person who is not a Licensed Professional Geologist ~~licensed professional geologist~~. Licensure is not required for the submission and review of reports or documents or the provision of oral or written testimony made under the Well Abandonment Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land Conservation and Reclamation Act, or the Surface-Mined Land Conservation and Reclamation Act.

(f) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(g) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989.

(h) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(i) The practice of land surveying as defined in the Illinois Professional Land Surveyor Act of 1989.

(j) The practice of landscape architecture as defined in the Illinois Landscape Architecture Act of 1989.

(k) The practice of professional geology for a period not to exceed 9 months by any person pursuing a course of study leading to a degree in geology from an accredited college or university, as set forth in this Act and as established by rule, provided that (i) such practice constitutes a part of a supervised course of study, (ii) the person is under the supervision of a geologist licensed under this Act or a teacher of geology at an accredited college or university, and (iii) the person is designated by a title that clearly indicates his or her status as a student or trainee.

(Source: P.A. 96-666, eff. 8-25-09.)

(225 ILCS 745/25)

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

Sec. 25. Restrictions and limitations. No person shall, without a valid license issued by the Department (i) in any

manner hold himself or herself out to the public as a Licensed Professional Geologist ~~licensed professional geologist~~; (ii) attach the title "Licensed Professional Geologist" to his or her name; or (iii) render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.

Individuals practicing geology in Illinois as of the effective date of this amendatory Act of 1997 may continue to practice as provided in this Act until the Department has adopted rules implementing this Act. To continue practicing geology after the adoption of rules, individuals shall apply for licensure within 180 days after the effective date of the rules. If an application is received during the 180-day period, the individual may continue to practice until the Department acts to grant or deny licensure. If an application is not filed within the 180-day period, the individual must cease the practice of geology at the conclusion of the 180-day period and until the Department acts to grant a license to the individual. (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

(225 ILCS 745/30)

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

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as a Licensed

Professional Geologist ~~licensed professional geologists~~ or as a Licensed Specialty Geologist ~~licensed specialty geologists~~, as defined by the Board, and pass upon the qualifications of applicants for licensure by endorsement.

(b) Conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, or reprimand persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, or reprimand persons licensed under this Act.

(c) Formulate rules required for the administration of this Act.

(d) Obtain written recommendations from the Board regarding (i) definitions of curriculum content and approval of geological curricula, standards of professional conduct, and formal disciplinary actions and the formulation of rules affecting these matters and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing.

(e) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked, or denied renewal for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 89-366, eff. 7-1-96.)



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

Sec. 35. Board of Licensing for Professional Geologists; members; qualifications; duties.

(a) The Director shall appoint a Board of Licensing for Professional Geologists which shall serve in an advisory capacity to the Director. The Board shall be composed of 8 persons, 7 of whom shall be voting members appointed by the Director, who shall give due consideration to recommendations by members of the profession of geology and of geology organizations within the State. In addition, the State Geologist or his or her designated representative, shall be an advisory, non-voting member of the Board.

(b) Insofar as possible, the geologists appointed to serve on the Board shall be generally representative of the occupational and geographical distribution of geologists within this State.

(c) Of the 7 appointed voting members of the Board, 6 shall be geologists and one shall be a member of the general public with no family or business connection with the practice of geology.

(d) Each of the first appointed geologist members of the Board shall have at least 10 years of active geological experience and shall possess the education and experience required for licensure. Each subsequently appointed geologist member of the Board shall be a Licensed Professional Geologist ~~professional geologist~~ licensed under this Act.

(e) Of the initial appointments, the Director shall appoint 3 voting members for a term of 4 years, 2 voting members for a term of 3 years, and 2 voting members for a term of 2 years. Thereafter, voting members shall be appointed for 4-year terms. Terms shall commence on the 3rd Monday in January.

(f) Members shall hold office until the expiration of their terms or until their successors have been appointed and have qualified.

(g) No voting member of the Board shall serve more than 2 consecutive full terms.

(h) Vacancies in the membership of the Board shall be filled by appointment for the unexpired term.

(i) The Director may remove or suspend any appointed member of the Board for cause at any time before the expiration of his or her term.

(j) The Board shall annually elect one of its members as chairperson.

(k) The members of the Board shall be reimbursed for all legitimate and necessary expenses authorized by the Department incurred in attending the meetings of the Board.

(l) The Board may make recommendations to the Director to establish the examinations and their method of grading.

(m) The Board may submit written recommendations to the Director concerning formulation of rules and a Code of Professional Conduct and Ethics. The Board may recommend or endorse revisions and amendments to the Code and to the rules

from time to time.

(n) The Board may make recommendations on matters relating to continuing education of Licensed Professional Geologists ~~licensed professional geologists~~, including the number of hours necessary for license renewal, waivers for those unable to meet that requirement, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking a license renewal.

(o) Four voting Board members constitutes a quorum. A quorum is required for all Board decisions.

(Source: P.A. 96-666, eff. 8-25-09.)

(225 ILCS 745/40)

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

Sec. 40. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required fee. All applications shall contain the information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a Licensed Professional Geologist ~~licensed professional geologist~~.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/45)

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

Sec. 45. Examination; failure or refusal to take the examination.

(a) The Department shall authorize examinations of applicants for original licensure as a Professional Geologist at such times and places as it may determine. The examination for licensure as a Licensed Professional Geologist ~~examinations~~ shall be a 2-part examination, with one part of a ~~character to fairly testing test~~ an applicant's ~~qualifications to practice professional geology and~~ knowledge of the fundamental theory and concepts ~~practice~~ of the science of geology, including subjects that are generally taught in geology curricula of accredited colleges and universities, and the other part testing the applicant's knowledge of the practical application and uses of the theory and science of geology.

(b) Applicants for examinations shall pay, either to the Department or to 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 application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) If the applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under

this Act within 6 ~~3~~ years after filing an application, the application shall be denied. However, the applicant may thereafter submit a new application accompanied by the required fee. The applicant shall meet the requirements in force at the time of making the new application.

(d) The Department may employ consultants for the purpose of preparing and conducting examinations.

(e) The Department shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations that are determined appropriate to measure the qualifications of an applicant for licensure as a Licensed Professional Geologist ~~professional geologist~~.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/50)

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

Sec. 50. Qualifications for licensure.

(a) The Department may issue a license to practice as a Licensed Professional Geologist ~~licensed professional geologist~~ to any applicant who meets the following qualifications:

(1) The applicant has completed an application form and paid the required fees.

(2) The applicant is of good ethical character, including compliance with the Code of Professional Conduct

and Ethics under this Act, and has not committed any act or offense in any jurisdiction that would constitute the basis for disciplining a Licensed Professional Geologist ~~professional geologist licensed~~ under this Act.

(3) The applicant has earned a degree in geology from an accredited college or university, as established by rule, with a minimum of 30 semester or 45 quarter hours of course credits in geology, of which 24 semester or 36 quarter hours are in upper level courses. The Department may, upon the recommendation of the Board, allow the substitution of appropriate experience as a geologist for prescribed educational requirements as established by rule.

(4) The applicant has a documented record of a minimum of 4 years of professional experience, obtained after completion of the education requirements specified in this Section, in geologic or directly related work, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensure as a Licensed Professional Geologist ~~professional geologist~~ or such specialty of professional geology that the Board may recommend and the Department may recognize. The Department may require evidence acceptable to it that up to 2 years of professional experience have been gained under the supervision of a person licensed under this Act or similar Acts in any other state, or under the supervision of others

who, in the opinion of the Department, are qualified to have responsible charge of geological work under this Act.

(5) The applicant has passed an examination authorized by the Department for ~~the~~ practice as a Licensed Professional Geologist ~~of professional geology~~.

(6) The applicant has complied with all other requirements of this Act and rules established for the implementation of this Act.

(b) A license to practice as a Licensed Professional Geologist ~~professional geology~~ shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(c) The Department may establish by rule an intern process to, in part, allow (1) a graduate who has earned a degree in geology from an accredited college or university in accordance with this Act or (2) a student in a degree program at an accredited college or university who has completed the necessary course requirements established in this Section to request to take one or both parts of the examination required by the Department. The Department may set by rule the criteria for the process, including, but not limited to, the educational requirements, exam requirements, experience requirements, remediation requirements, and any fees or applications required for the process. The Department may also set by rule provisions concerning disciplinary guidelines and the use of

the title "intern" or "trainee" by a graduate or student who has passed the required examination.

(Source: P.A. 96-666, eff. 8-25-09.)

(225 ILCS 745/54)

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

Sec. 54. Previous qualification in other jurisdiction. The Department may, upon the recommendation of the Board, issue a license by endorsement to any applicant who, upon applying to the Department and remitting the required application fee, meets all of the following qualifications:

(1) The applicant holds an active, valid license to practice professional geology in at least one jurisdiction in the United States in which the current requirements for licensure are substantially equivalent to or more stringent than those required by this Act.

(2) The applicant is of good ethical character as established by the Department in the Code of Professional Conduct and Ethics under this Act and has not committed any act or offense in any jurisdiction that would constitute the basis for discipline under this Act.

(3) The applicant has met any other qualifications recommended to the Department by the Board.

An applicant has 3 years from the date of application to complete the application process. If the process has not been completed within this 3 year period, then the application shall



be denied, the fee shall be forfeited, and the applicant must re-apply and meet the requirements in effect at the time of re-application.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/60)

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

Sec. 60. Seals.

(a) Upon licensure, each licensee shall obtain a seal of a design as required by rule bearing the licensee's name, license number, and the legend "Licensed Professional Geologist".

(b) All preliminary, draft, and final geologic reports, documents, permits, affidavits, maps, boring logs, cross sections, or other records offered to the public and prepared or issued by or under the supervision of a Licensed Professional Geologist ~~licensed professional geologist~~ shall include the full name, signature, and license number of the licensee, and the date of license expiration of the person who prepared the document or under whose supervision it was prepared, and an impression of the licensee's seal, in accordance with rules issued by the Department.

(c) The Licensed Professional Geologist ~~licensed professional geologist~~ who has contract responsibility shall seal a cover sheet of the professional work products and those individual portions of the professional work products for which the Licensed Professional Geologist ~~licensed professional~~

~~geologist~~ is legally and professionally responsible. A Licensed Professional Geologist ~~licensed professional geologist~~ practicing as the support professional shall seal those individual portions of professional work products for which that Licensed Professional Geologist ~~licensed professional geologist~~ is legally and professionally responsible.

(d) The use of a licensed professional geologist's seal on professional work products constitutes a representation that the work prepared by or under the personal supervision of that Licensed Professional Geologist ~~licensed professional geologist~~ has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

(e) It is unlawful to affix one's seal to professional work products if it masks the true identity of the person who actually exercised direction, supervision, and responsible charge of the preparation of that work. A Licensed Professional Geologist ~~licensed professional geologist~~ who signs and seals professional work products is not responsible for damage caused by subsequent changes to or uses of those professional work products, if the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Licensed Professional Geologist ~~licensed professional geologist~~ who originally signed and sealed the professional work products.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/65)

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

Sec. 65. Expiration and renewal of license. The expiration date and renewal period for each license shall be set by rule. A Licensed Professional Geologist ~~professional geologist~~ whose license has expired may reinstate his or her license or enrollment at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee. However, any Licensed Professional Geologist ~~professional geologist~~ whose license expired while he or she was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her Licensed Professional Geologist ~~professional geologist~~ license renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the Licensed Professional Geologist ~~professional geologist~~ furnishes the Department with satisfactory evidence of service, training, or education and that it has been terminated under honorable conditions.

Any professional geologist whose Licensed Professional Geologist license has expired for more than 5 years may have it restored by making application to the Department, paying the

required fee, and filing acceptable proof of fitness to have the license restored. The proof may include sworn evidence certifying active practice in another jurisdiction. If the geologist has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether that individual is fit to resume active status as a Licensed Professional Geologist. The Board ~~and~~ may require the ~~professional~~ geologist to complete a period of evaluated professional experience and may require successful completion of an examination.

The Department may refuse to issue or may suspend the license of any person who fails to file a tax 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.

(Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

(225 ILCS 745/70)

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

Sec. 70. Fees.

(a) Except as provided in subsection (b), the fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration fees, shall be set by the Department by rule. The fees shall not be

refundable.

(b) Applicants for examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of initial screening to determine the applicant's eligibility and the cost of providing one or both parts of 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.

(c) All fees and other monies collected under this Act shall be deposited in the General Professions Dedicated Fund.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/75)

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

Sec. 75. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of

the notification. If, after the expiration of 30 calendar days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license to practice as a Licensed Professional Geologist, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 745/80)

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

Sec. 80. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department may deem appropriate, including fines not to exceed \$5,000 for each violation, with regard to any license for any one or combination of the following:

(1) Material misstatement in furnishing information to

the Department.

(2) Violations of this Act, or of the rules promulgated under this Act.

(3) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

(5) Professional incompetence.

(6) Gross malpractice.

(7) Aiding or assisting another person in violating any provision of this Act or rules promulgated under this Act.

(8) Failing, within 60 days, to provide information in response to a written request made by the Department.

(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.

(11) Discipline by another state, the District of

Columbia, a territory of the United States, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered.

(13) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to, false records filed with State agencies or departments.

(15) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(16) Solicitation of professional services other than permitted advertising.

(17) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act regulating narcotics.

(18) Failure to (i) file a tax return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii)



pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

(19) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of professional geology, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(20) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(21) Practicing under a false or, except as provided by law, an assumed name.

(22) Fraud or misrepresentation in applying for, or procuring, a license to practice as a Licensed Professional Geologist under this Act or in connection with applying for renewal of a license under this Act.

(23) Cheating on or attempting to subvert the licensing examination administered under this Act.

(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. The suspension will end only upon a finding by a court that the licensee is no

longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/85)

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

Sec. 85. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the Director, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the 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 a person practices as a Licensed Professional Geologist ~~licensed professional geologist~~ or holds himself or

herself out as a Licensed Professional Geologist ~~licensed professional geologist~~ in Illinois, without being licensed to do so under this Act, then any Licensed Professional Geologist ~~licensed professional geologist~~, interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a 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 allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/90)

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

Sec. 90. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render geological services or any person holding or claiming to hold a license as a Licensed Professional Geologist ~~licensed professional geologist~~. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any

other disciplinary action under Section 80 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Board under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that, if he or she fails to answer, default will be taken against him or her or that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. 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 any pertinent statements, testimony, evidence, and arguments. The Board may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered 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 that action under this Act. The written notice may be served by personal delivery or by certified mail to the address specified by the

accused in his or her last notification with the Department.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/110)

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

Sec. 110. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Director. In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or otherwise disciplining a licensee. If the Director disagrees with the recommendations of the Board, the Director may issue an order in contravention of the Board recommendations. The Director shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/120)

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

Sec. 120. Director; rehearing. Whenever the Director believes that justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other examiners.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/125)

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

Sec. 125. Appointment of a hearing officer. The Director has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist or to discipline a licensee. The hearing officer has full authority to conduct the hearing. At least one member of the Board shall attend each hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Director. The Board shall have 60 calendar 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 Director. If the Board does not present its report within the 60-day period, the Director may issue an order based on the report of the hearing officer. If the Director disagrees with the recommendation of the Board or of the hearing officer, the Director may issue an order in contravention of the recommendation. The Director shall promptly provide a written report to the Board on any deviation, and shall specify the reasons for the action in the final order.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/135)

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

Sec. 135. Restoration of suspended or revoked license. At any time after the suspension or revocation of a person's license to practice as a Licensed Professional Geologist, 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.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/140)

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

Sec. 140. Surrender of license. Upon the revocation or suspension of a person's license to practice as a Licensed Professional Geologist, the licensee shall immediately surrender his or her license to the Department and the licensee's name and address shall be added to the list of individuals whose licenses have been revoked, suspended, or denied renewal for cause. If the licensee fails to surrender his or her license ~~do so~~, the Department has the right to seize the license.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/145)

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

Sec. 145. Summary suspension of a license. The Director may



summarily suspend the license of a Licensed Professional Geologist ~~licensed professional geologist~~ without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 90 of this Act, if the Director finds that evidence in the Director's possession indicates that the continuation of practice by a Licensed Professional Geologist ~~licensed professional geologist~~ would constitute an imminent danger to the public. In the event that the Director summarily suspends the license of a Licensed Professional Geologist ~~licensed professional geologist~~ without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/160)

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

Sec. 160. Violations.

(a) Using or attempting to use an expired license is a Class A misdemeanor.

(b) Each of the following acts is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(1) A violation of any provision of this Act or its rules, except as noted in subsection (a) of this Section.

(2) The making of any wilfully false oath or affirmation in any matter or proceeding where an oath or

affirmation is required by this Act.

(3) Using or attempting to use an inactive, suspended, or revoked license or the license or seal of another, or impersonating another licensee, or practicing geology as a Licensed Professional Geologist ~~licensed professional geologist~~ in Illinois while one's license is inactive, suspended, or revoked.

(4) The practice, attempt to practice, or offer to practice professional geology in Illinois without a license as a Licensed Professional Geologist ~~licensed professional geologist~~. Each day of practicing professional geology or attempting to practice professional geology, and each instance of offering to practice professional geology, without a license as a Licensed Professional Geologist ~~licensed professional geologist~~ constitutes a separate offense.

(5) Advertising or displaying any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as a Licensed Professional Geologist ~~licensed professional geologist~~, unless that person holds an active license as a Licensed Professional Geologist ~~licensed professional geologist~~ in the State of Illinois.

(6) Obtaining or attempting to obtain a license by fraud.

(Source: P.A. 89-366, eff. 7-1-96.)

Public Act 096-1327

HB6001 Enrolled

LRB096 20707 ASK 36434 b

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