

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 4.26 and by adding Section 4.36 as follows:

(5 ILCS 80/4.26)

Sec. 4.26. Acts repealed on January 1, 2016. The following Acts are repealed on January 1, 2016:

~~The Illinois Athletic Trainers Practice Act.~~

~~The Illinois Roofing Industry Licensing Act.~~

The Illinois Dental Practice Act.

The Collection Agency Act.

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Physical Therapy Act.

The Professional Geologist Licensing Act.

(Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08; 96-1246, eff. 1-1-11.)

(5 ILCS 80/4.36 new)

Sec. 4.36. Acts repealed on January 1, 2026. The following

Acts are repealed on January 1, 2026:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

Section 10. The Illinois Athletic Trainers Practice Act is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 17.5, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31 and by adding Sections 7.5, 18.5, and 19.5 as follows:

(225 ILCS 5/3) (from Ch. 111, par. 7603)

(Section scheduled to be repealed on January 1, 2016)

Sec. 3. Definitions. As used in this Act:

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

(2) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of Financial and Professional Regulation.

(3) "Board" means the Illinois Board of Athletic Trainers appointed by the Secretary ~~Director~~.

(4) "Licensed athletic trainer" means a person licensed to practice athletic training as defined in this Act and with the specific qualifications set forth in Section 9 of this Act who, upon the direction of his or her team physician or consulting physician, carries out the practice of prevention/emergency care or physical reconditioning of injuries incurred by athletes participating in an athletic program conducted by an

educational institution, professional athletic organization, or sanctioned amateur athletic organization employing the athletic trainer; or a person who, under the direction of a physician, carries out comparable functions for a health organization-based extramural program of athletic training services for athletes. Specific duties of the athletic trainer include but are not limited to:

A. Supervision of the selection, fitting, and maintenance of protective equipment;

B. Provision of assistance to the coaching staff in the development and implementation of conditioning programs;

C. Counseling of athletes on nutrition and hygiene;

D. Supervision of athletic training facility and inspection of playing facilities;

E. Selection and maintenance of athletic training equipment and supplies;

F. Instruction and supervision of student trainer staff;

G. Coordination with a team physician to provide:

(i) pre-competition physical exam and health history updates,

(ii) game coverage or phone access to a physician or paramedic,

(iii) follow-up injury care,

(iv) reconditioning programs, and

(v) assistance on all matters pertaining to the

health and well-being of athletes.

H. Provision of on-site injury care and evaluation as well as appropriate transportation, follow-up treatment and rehabilitation as necessary for all injuries sustained by athletes in the program;

I. With a physician, determination of when an athlete may safely return to full participation post-injury; and

J. Maintenance of complete and accurate records of all athletic injuries and treatments rendered.

To carry out these functions the athletic trainer is authorized to utilize modalities, including, but not limited to, heat, light, sound, cold, electricity, exercise, or mechanical devices related to care and reconditioning.

(5) "Referral" means the guidance and direction given by the physician, who shall maintain supervision of the athlete.

(6) "Athletic trainer aide" means a person who has received on-the-job training specific to the facility in which he or she is employed, on either a paid or volunteer basis, but is not enrolled in an accredited athletic training curriculum.

(7) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as 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 those changes must be made either through the Department's website or by contacting the Department.

(8) "Board of Certification" means the Board of Certification for the Athletic Trainer.

(Source: P.A. 94-246, eff. 1-1-06.)

(225 ILCS 5/4) (from Ch. 111, par. 7604)

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

Sec. 4. Licensure; exempt requirement—~~Exempt~~ activities.  
~~No~~ ~~After the effective date of this Act,~~ ~~no~~ person shall provide any of the services set forth in subsection (4) of Section 3 of this Act, or use the title "athletic trainer" or "certified athletic trainer" or "athletic trainer certified" or "licensed athletic trainer" or the letters "A.T.", "C.A.T.", "A.T.C.", "A.C.T.", or "I.A.T.L." after his or her name, unless licensed under this Act.

Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of:

(1) Any person licensed or registered in this State by any other law from engaging in the profession or occupation for which he or she is licensed or registered.

(2) Any person employed as an athletic trainer by the Government of the United States, if such person provides athletic training solely under the direction or control of the organization by which he or she is employed.

(3) Any person pursuing a course of study leading to a degree or certificate in athletic training at an accredited educational program if such activities and services

constitute a part of a supervised course of study involving daily personal or verbal contact at the site of supervision between the athletic training student and the licensed athletic trainer who plans, directs, advises, and evaluates the student's athletic training clinical education. The supervising licensed athletic trainer must be on-site where the athletic training clinical education is being obtained. A person meeting the criteria under this paragraph (3) must be designated by a title which clearly indicates his or her status as a student or trainee.

(4) (Blank).

(5) The practice of athletic training under the supervision of a licensed athletic trainer by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9 except the passing of the examination to be eligible to receive such license. This temporary right to act as an athletic trainer shall expire 3 months after the filing of his or her written application to the Department; when the applicant has been notified of his or her failure to pass the examination authorized by the Department; when the applicant has withdrawn his or her application; when the applicant has received a license from the Department after successfully passing the examination authorized by the Department; or when the applicant has been notified by the Department to cease and desist from practicing, whichever

~~occurs first. This provision shall not apply to an applicant. In no event shall this exemption extend to any person for longer than 3 months. Anyone who has previously failed the examination, or who fails the examination during this 3 month period, shall immediately cease practice as an athletic trainer and shall not engage in the practice of athletic training again until he or she passes the examination.~~

(6) Any person in a coaching position from rendering emergency care on an as needed basis to the athletes under his or her supervision when a licensed athletic trainer is not available.

(7) Any person who is an athletic trainer from another state or territory of the United States or another nation, state, or territory acting as an athletic trainer while performing his or her duties for his or her respective non-Illinois based team or organization, so long as he or she restricts his or her duties to his or her team or organization during the course of his or her team's or organization's stay in this State. For the purposes of this Act, a team shall be considered based in Illinois if its home contests are held in Illinois, regardless of the location of the team's administrative offices.

(8) The practice of athletic training by persons licensed in another state who have applied in writing to the Department for licensure by endorsement. This

temporary right to act as an athletic trainer shall expire 6 months after the filing of his or her written application to the Department; upon the withdrawal of the application for licensure under this Act; upon delivery of a notice of intent to deny the application from the Department; or upon the denial of the application by the Department, whichever occurs first. ~~for no longer than 6 months or until notification has been given that licensure has been granted or denied, whichever period of time is lesser.~~

(9) The practice of athletic training by one who has applied in writing to the Department for licensure and has complied with all the provisions of Section 9. This temporary right to act as an athletic trainer shall expire 6 months after the filing of his or her written application to the Department; upon the withdrawal of the application for licensure under this Act; upon delivery of a notice of intent to deny the application from the Department; or upon the denial of the application by the Department, whichever occurs first. ~~for no longer than 6 months or until notification has been given that licensure has been granted or denied, whichever period of time is lesser.~~

(10) The practice of athletic training by persons actively licensed as an athletic trainer in another state or territory of the United States or another country, or currently certified by the ~~National Athletic Trainers Association~~ Board of Certification, ~~Inc.,~~ or its successor

entity, at a special athletic tournament or event conducted by a sanctioned amateur athletic organization, including, but not limited to, the Prairie State Games and the Special Olympics, for no more than 14 days. This shall not include contests or events that are part of a scheduled series of regular season events.

(11) Athletic trainer aides from performing patient care activities under the on-site supervision of a licensed athletic trainer. These patient care activities shall not include interpretation of referrals or evaluation procedures, planning or major modifications of patient programs, administration of medication, or solo practice or event coverage without immediate access to a licensed athletic trainer.

(12) Persons or entities practicing the specified occupations set forth in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.

(Source: P.A. 96-7, eff. 4-3-09.)

(225 ILCS 5/5) (from Ch. 111, par. 7605)

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

Sec. 5. Administration of Act; rules and forms ~~Licensure~~  
~~Rules and Forms~~ ~~Reports~~.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of Licensure Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act.

(b) The Secretary ~~Director~~ may promulgate rules consistent with the provisions of this Act for the administration and enforcement thereof, and for the payment of fees connected therewith, and may prescribe forms which shall be issued in connection therewith. The rules may ~~shall~~ include standards and criteria for licensure, certification, and ~~for~~ professional conduct and discipline. The Department may ~~shall~~ consult with the Board in promulgating rules. ~~Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations made therein. The Department shall notify the Board in writing with proper explanation of deviations from the Board's recommendations and responses.~~

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

(d) (Blank). ~~The Department shall issue a quarterly report to the Board of the status of all complaints related to the profession filed with the Department.~~

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/6) (from Ch. 111, par. 7606)

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

Sec. 6. Board ~~Athletic Training Board~~ ~~Appointment~~  
~~Membership~~ ~~Term~~ ~~Duties~~. The Secretary ~~Director~~ shall  
appoint an Illinois Board of Athletic Trainers as follows: 7  
persons who shall be appointed by and shall serve in an  
advisory capacity to the Secretary ~~Director~~. Two members must  
be licensed physicians in good standing in this State; 4  
members must be licensed athletic trainers in good standing,  
and actively engaged in the practice or teaching of athletic  
training in this State; and 1 member must be a public member  
who is not licensed under this Act, or a similar Act of another  
jurisdiction, and is not a provider of athletic health care  
service.

Members shall serve 4 year terms and until their successors  
are appointed and qualified. No member shall be reappointed to  
the Board for more than 2 consecutive terms. Appointments to  
fill vacancies shall be made in the same manner as original  
appointments, for the unexpired portion of the vacated term.

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

The Secretary shall have the authority to remove or suspend  
any member of the Board for cause at any time before the  
expiration of his or her term. The Secretary shall be the sole

~~arbiter of cause~~ ~~Director may terminate the appointment of any member for cause~~ which in the opinion of the Secretary ~~Director~~ reasonably justifies such termination.

The Secretary ~~may~~ ~~Director~~ shall consider the recommendation of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates and license holders under this Act.

Four members of the Board shall constitute a quorum. A quorum is required for all Board decisions. Members of the Board have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board. Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board, from funds appropriated for that purpose.

(Source: P.A. 94-246, eff. 1-1-06.)

(225 ILCS 5/7) (from Ch. 111, par. 7607)

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

Sec. 7. Applications for original licensure. 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 shall not be returnable. Any such 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 licensure.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 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.

~~The applicant is entitled to licensure as an athletic trainer if he or she possesses the qualifications set forth in Section 9 hereof, and satisfactorily completes the examination administered by the National Athletic Trainers Association Board of Certification, Inc.~~

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/7.5 new)

Sec. 7.5. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the Department's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license. Every application for a renewal or restored license shall require the applicant's customer identification number.

(225 ILCS 5/8) (from Ch. 111, par. 7608)

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

Sec. 8. Examinations. If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for licensure under this Act within 3 years after filing his or her application, the application shall be denied. The applicant may thereafter make a new application accompanied by the required fee; however, the applicant shall meet all requirements in effect at the time of subsequent application before obtaining licensure. ~~However, such applicant may thereafter file a new application accompanied by the required fee.~~

The Department may employ ~~engage the National Athletic Trainers Association Board of Certification, Inc. as~~ consultants for the purposes of preparing and conducting examinations.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/9) (from Ch. 111, par. 7609)

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

Sec. 9. Qualifications for licensure ~~Educational and Professional Requirements.~~ A person ~~having the qualifications prescribed in this Section~~ shall be qualified for licensure ~~to receive a license~~ as an athletic trainer if he or she fulfills all of the following:

- (a) Has graduated from a curriculum in athletic training accredited by the Commission on Accreditation of Athletic Training Education (CAATE) ~~Joint Review Committee~~

~~on Athletic Training (JRC-AT) of the Commission on Accreditation of Allied Health Education Programs (CAAHEP), its successor entity, or its equivalent, as approved by the Department.~~

(b) Gives proof of current certification, on the date of application, in cardiopulmonary resuscitation (CPR) and automated external defibrillators (AED) ~~CPR/AED~~ for ~~the~~ Healthcare Providers and Professional Rescuers or its equivalent based on American Red Cross or American Heart Association standards.

(b-5) Has graduated ~~and graduation~~ from a 4 year accredited college or university.

(c) Has passed an examination approved by the Department to determine his or her fitness for practice as an athletic trainer, or is entitled to be licensed without examination as provided in Sections 7 and 8 of this Act.

~~The Department may request a personal interview of an applicant before the Board to further evaluate his or her qualifications for a license.~~

~~An applicant has 3 years from the date of his or her 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. 94-246, eff. 1-1-06.)

(225 ILCS 5/10) (from Ch. 111, par. 7610)

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

Sec. 10. Expiration and License expiration; renewal; continuing education requirement. The expiration date and renewal period for ~~of~~ licenses issued under this Act shall be set by rule. As a condition for renewal of a license, licensees shall be required to complete continuing education in athletic training in accordance with rules established by the Department. ~~Licenses shall be renewed according to procedures established by the Department and upon payment of the renewal fee established herein and proof of completion of approved continuing education relating to the performance and practice of athletic training. The number of hours required and their composition shall be set by rule.~~

(Source: P.A. 94-246, eff. 1-1-06.)

(225 ILCS 5/11) (from Ch. 111, par. 7611)

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

Sec. 11. Inactive licenses; restoration. Any athletic trainer who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any athletic trainer requesting restoration from inactive

status shall be required to pay the current renewal fee, shall demonstrate compliance with continuing education requirements, if any, and shall be required to restore his or her license as provided in Section 12.

Any athletic trainer whose license is in expired or inactive status shall not practice athletic training in the State of Illinois.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/12) (from Ch. 111, par. 7612)

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

Sec. 12. Restoration of expired licenses. An athletic trainer who has permitted his or her license registration to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, ~~including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department~~ and by paying the required fees restoration fee. Proof of fitness may include sworn evidence certifying active lawful practice in another jurisdiction.

If the athletic trainer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, ~~with the advice of the Board~~ his

or her fitness for restoration of the license and shall establish procedures and requirements for restoration ~~to resume active status and may require the athletic trainer to complete a period of evaluated clinical experience and may require successful completion of an examination.~~

Any athletic trainer whose license has been expired for more than 5 years may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee. However, any athletic trainer whose license has expired while he or she has been engaged (1) in the federal service in 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 or her license restored without paying any lapsed renewal fees or restoration fee, if within 2 years after termination of such service, training, or education, other than by dishonorable discharge, he or she furnished the Department with an affidavit to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/13) (from Ch. 111, par. 7613)

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

Sec. 13. Endorsement. The Department may, at its discretion, license as an athletic trainer, without examination, on payment of the required fee, an applicant for licensure who is an athletic trainer registered or licensed under the laws of another jurisdiction ~~state~~ if the requirements pertaining to athletic trainers in such jurisdiction ~~state~~ were at the date of his or her registration or licensure substantially equal to the requirements in force in Illinois on that date or equivalent to the requirements of this Act. ~~If the requirements of that state are not substantially equal to the Illinois requirements, or if at the time of application the state in which the applicant has been practicing does not regulate the practice of athletic training, and the applicant began practice in that state prior to January 1, 2004, a person having the qualifications prescribed in this Section may be qualified to receive a license as an athletic trainer if he or she:~~

~~(1) has passed an examination approved by the Department to determine his or her fitness for practice as an athletic trainer; and~~

~~(2) gives proof of current certification, on the date of application, in CPR/AED for the Healthcare Professional~~

~~or equivalent based on American Red Cross or American Heart Association standards.~~

~~The Department may request a personal interview of an applicant before the Board to further evaluate his or her qualifications for a license.~~

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. 94-246, eff. 1-1-06.)

(225 ILCS 5/14) (from Ch. 111, par. 7614)

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

Sec. 14. Fees; returned checks. The fees for administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration shall be set by rule. The fees shall be non-refundable.

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 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate 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 or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

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

(225 ILCS 5/16) (from Ch. 111, par. 7616)

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

Sec. 16. Grounds for discipline ~~Refusal to issue, suspension, or revocation of license.~~

(1) 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 proper,

including fines not to exceed \$10,000 ~~\$5,000~~ for each violation, with regard to any licensee for any one or combination of the following:

(A) Material misstatement in furnishing information to the Department;

(B) Violations ~~Negligent or intentional disregard~~ of this Act, or of the rules or regulations promulgated hereunder;

(C) Conviction of or plea of guilty to any crime under the Criminal Code of 2012 or the laws of any jurisdiction of the United States ~~or any state or territory thereof~~ that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) of any crime that is directly related to the practice of the profession;

(D) Fraud or ~~Making~~ any misrepresentation in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act ~~for the purpose of obtaining registration, or violating any provision of this Act;~~

(E) Professional incompetence or gross negligence;

(F) Malpractice;

(G) Aiding or assisting another person, firm, partnership, or corporation in violating any provision of this Act or rules;

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

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

(J) Habitual or excessive use or abuse ~~intoxication or addiction to the use~~ of drugs defined in law as controlled substances, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety;

(K) Discipline by another state, unit of government, government agency, the District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;

(L) 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 any professional services not actually or personally rendered. Nothing in this subparagraph (L) affects any bona fide independent contractor or employment arrangements among health care professionals, health facilities, health care providers, or other entities, except as otherwise prohibited by law. Any employment arrangements may include provisions for compensation, health insurance, pension, or other employment benefits for the provision of services within the scope of the licensee's practice under this Act. Nothing in this subparagraph (L) shall be construed to

require an employment arrangement to receive professional fees for services rendered;

(M) A finding by the Department that the licensee after having his or her license disciplined ~~placed on probationary status~~ has violated the terms of probation;

(N) Abandonment of an athlete;

(O) 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;

(P) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act;

(Q) 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;

(R) Solicitation of professional services other than by permitted institutional policy;

(S) The use of any words, abbreviations, figures or letters with the intention of indicating practice as an athletic trainer without a valid license as an athletic trainer under this Act;

(T) The evaluation or treatment of ailments of human beings other than by the practice of athletic training as defined in this Act or the treatment of injuries of athletes by a licensed athletic trainer except by the

referral of a physician, podiatric physician, or dentist;

(U) Willfully violating or knowingly assisting in the violation of any law of this State relating to the use of habit-forming drugs;

(V) Willfully violating or knowingly assisting in the violation of any law of this State relating to the practice of abortion;

(W) Continued practice by a person knowingly having an infectious communicable or contagious disease;

(X) Being named as a perpetrator in an indicated report by the Department of Children and Family Services pursuant to the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act;

(Y) (Blank) ~~Failure 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; or~~

(Z) Failure to fulfill continuing education requirements; ~~as prescribed in Section 10 of this Act.~~

(AA) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act;

(BB) Practicing under a false or, except as provided by

law, assumed name;

(CC) Promotion of the sale of drugs, devices, appliances, or goods provided in any manner to exploit the client for the financial gain of the licensee;

(DD) Gross, willful, or continued overcharging for professional services;

(EE) Mental illness or disability that results in the inability to practice under this Act with reasonable judgment, skill, or safety; or

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

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(2) 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 licensee ~~athletic trainer~~ is no longer subject to involuntary admission or judicial admission and issuance of ~~issues~~ an order so finding and discharging the licensee ~~athlete;~~ and ~~upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.~~

(3) The Department may refuse to issue or may suspend

without hearing, as provided for in the Code of Civil Procedure, the license of any person who fails 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 Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied in accordance with subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied for licensure to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and

other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide

information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual 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 individual to submit to a mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing, until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

When the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Individuals licensed under this Act who are affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of

their license.

(5) 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 paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(6) In cases where the Department of Healthcare and Family Services has previously determined 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 may refuse to issue or renew or may revoke or suspend that person's license or may 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 paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 98-214, eff. 8-9-13.)

(225 ILCS 5/17) (from Ch. 111, par. 7617)

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

Sec. 17. Violations; injunction; cease and desist order

~~Violations — Injunction — Cease and desist order.~~

(a) If any person violates a ~~the~~ 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 or the State's Attorney of the county in which the violation is alleged to have occurred, 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, and 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 shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person shall hold himself or herself out in a manner prohibited by this Act, 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 him or her. 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 forthwith.

(Source: P.A. 84-1080.)

(225 ILCS 5/17.5)

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

Sec. 17.5. Unlicensed practice; violation; civil penalty.

(a) In addition to any other penalty provided by law, any ~~Any~~ person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed athletic trainer 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 or in accordance with 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. 94-246, eff. 1-1-06.)

(225 ILCS 5/18) (from Ch. 111, par. 7618)

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

Sec. 18. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or to renew a license or disciplining a registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee ~~for, or holder of, a license~~ of the nature of the charges and the time and place that a hearing will be held on the charges ~~date designated~~. The Department shall direct the applicant or licensee 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 that failure to file an answer will result in default being taken against the applicant or licensee 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 his or her last notification to the Department.~~ In case the person 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 Department 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 Department Board may continue a hearing from time to time. The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/18.5 new)

Sec. 18.5. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials,

other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 5/19) (from Ch. 111, par. 7619)

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

Sec. 19. Record of proceedings ~~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 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 order of the Department shall be the record of such proceeding. Any licensee who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a license or to discipline a licensee may be required by the Department to pay for the costs of the proceeding. These costs are limited to costs for court reporters, transcripts, and witness attendance and mileage

fees. All costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/19.5 new)

Sec. 19.5. Subpoenas; oaths. The Department may subpoena and bring before it any person and may take the oral or written testimony of any person or compel the production of any books, papers, records, or any other documents that the Secretary or his or her designee deems relevant or material to an investigation or hearing conducted by the Department with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Secretary, the designated hearing officer, any member of the Board, or a certified shorthand court reporter may administer oaths at any hearing which the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony or production of documents or records shall be in accordance with this Act.

(225 ILCS 5/20) (from Ch. 111, par. 7620)

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

Sec. 20. Attendance of witnesses; contempt ~~Compelling~~

~~testimony.~~ Any circuit court may, upon application of the Department or its designee or of the applicant or licensee against whom proceedings pursuant to Section 20 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books, and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/21) (from Ch. 111, par. 7621)

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

Sec. 21. Findings of Board ~~and recommendations~~. At the conclusion of the hearing the Board shall present to the Secretary Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding of whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary Director.

The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a license, or otherwise disciplining a licensee. If ~~of refusal or for the granting of licensure unless~~ the Secretary disagrees

~~with the report of Director shall determine that the Board, report is contrary to the manifest weight of the evidence, in which case the Secretary Director~~ may issue an order in contravention of the Board report. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/22) (from Ch. 111, par. 7622)

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

Sec. 22. Report of Board; motion for rehearing ~~Rehearing.~~  
In any case involving the refusal to issue or renew a license or the discipline of a licensee, a copy of the Board's report shall be served upon the respondent by the Department, ~~either personally or~~ as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a 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 23 of this Act. If the respondent shall order from the

reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/23) (from Ch. 111, par. 7623)

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

Sec. 23. Rehearing ~~Director~~ ~~Rehearing~~. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the revocation or suspension of a license or refusal to issue or renew a license, the Secretary ~~Director~~ may order a rehearing by the same or other examiners.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/24) (from Ch. 111, par. 7624)

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

Sec. 24. Hearing officer appointment. 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 refusal to issue or renew a license, or for the taking of disciplinary action against a license ~~discipline of a licensee~~. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary

~~Director~~. The Board shall have 90 ~~60~~ days from receipt of the report to review the report of the hearing officer and present its ~~their~~ findings of fact, conclusions of law and recommendation to the Secretary ~~Director~~. If the Board fails to present its report within the 90 ~~60~~ day period, the Secretary ~~may~~ ~~Director shall~~ issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ determines that the Board's report is contrary to the manifest weight of the evidence, he or she may issue an order in contravention of the Board's report.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/25) (from Ch. 111, par. 7625)

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

Sec. 25. Order or certified copy; prima ~~thereof~~ ~~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:

(a) That such signature is the genuine signature of the Secretary ~~Director~~;

(b) That such Secretary ~~Director~~ is duly appointed and qualified;

(c) (Blank) ~~That the Board and the members thereof are qualified to act.~~

(Source: P.A. 84-1080.)

(225 ILCS 5/26) (from Ch. 111, par. 7626)

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

Sec. 26. Restoration of ~~suspended or revoked~~ license from discipline. At any time after the successful completion of a term of indefinite probation, suspension or revocation of any license, the Department may restore the license to the licensee, unless, after an investigation and a hearing, the Secretary determines that restoration is not in the public interest or that the licensee has not been sufficiently rehabilitated to warrant the public trust. No person or entity whose license, certificate, or authority has been revoked as authorized in this Act may apply for restoration of that license, certificate, or authority until such time as provided for in the Civil Administrative Code of Illinois ~~it to the accused person 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. 89-216, eff. 1-1-96.)

(225 ILCS 5/27) (from Ch. 111, par. 7627)

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

Sec. 27. Surrender of license. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license or licenses to the Department, and if he or she fails to do so, the Department shall have the right to seize the license.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/28) (from Ch. 111, par. 7628)

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

Sec. 28. Summary ~~Temporary~~ suspension of a license. The Secretary ~~Director~~ may summarily ~~temporarily~~ suspend the license of an athletic trainer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 20 of this Act, if the Secretary ~~Director~~ finds that evidence ~~in his or her possession~~ indicates that an athletic trainer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ suspends, summarily ~~temporarily~~, the license of an athletic trainer without a hearing, a hearing shall be commenced ~~by the Board must be held~~ within 30 days after such suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 89-216, eff. 1-1-96.)

(225 ILCS 5/29) (from Ch. 111, par. 7629)

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

Sec. 29. Administrative review; venue ~~review~~ ~~Venue~~. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the "Administrative Review Law", ~~as now or hereafter amended~~ and all rules adopted pursuant thereto. The term "administrative

decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review ~~relief~~ resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

(Source: P.A. 84-1080.)

(225 ILCS 5/30) (from Ch. 111, par. 7630)

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

Sec. 30. Certifications of record; costs. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Exhibits shall be certified without cost ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record.~~ Failure on the part of the plaintiff to file a receipt in court ~~Court~~ shall be grounds for dismissal of the action.

(Source: P.A. 87-1031.)

(225 ILCS 5/31) (from Ch. 111, par. 7631)

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

Sec. 31. Criminal penalties ~~Violations~~. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for a first offense. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony.

(Source: P.A. 84-1080.)

Section 15. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 2.1, 3, 3.5, 4.5, 5, 5.1, 5.5, 6, 7, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9a, 9.10, 9.14, 9.15, 10, 10a, 11 and 11.5, and by adding Sections 11.6, 11.7, 11.8, 11.9, and 11.10 as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)

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

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

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

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

(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization.

"Qualifying party" does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to

roofing residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(j) "Seller of services or materials" means a business entity primarily engaged in the sale of tangible personal property at retail.

(k) "Building permit" means a permit issued by a unit of local government for work performed within the local government's jurisdiction that requires a license under this Act.

(l) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as 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 those changes must be made either through the Department's website or by contacting the Department.

(Source: P.A. 96-624, eff. 1-1-10; 97-965, eff. 8-15-12.)

(225 ILCS 335/2.1) (from Ch. 111, par. 7502.1)

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

Sec. 2.1. Administration of Act; rules and forms. ~~The Department may exercise the following powers and duties subject to the provisions of this Act:~~

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act ~~To prescribe forms of application for certificates of registration.~~

(b) The Secretary may adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act and for the payment of fees connected with this Act and may prescribe forms that shall be issued in connection with this Act. The rules may include, but not be limited to, the standards and criteria for licensure and professional conduct and discipline and the standards and criteria used when determining fitness to practice. The Department may consult with the Board in adopting rules ~~To pass upon the qualifications of applicants for certificates of registration and issue certificates of registration to those found to be fit and qualified.~~

(c) The Department may, at any time, seek the advice and the expert knowledge of the Board on any matter relating to the administration of this Act ~~To conduct hearings on proceedings to revoke, suspend or otherwise discipline or to refuse to issue or renew certificates of registration.~~

(d) (Blank) ~~To formulate rules and regulations when required for the administration and enforcement of this Act.~~

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/3) (from Ch. 111, par. 7503)

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

Sec. 3. Application for license.

(1) To obtain a license, an applicant must indicate if the license is sought for a sole proprietorship, partnership, corporation, business trust, or other legal entity and whether the application is for a limited or unlimited roofing license. If the license is sought for a sole proprietorship, the license shall be issued to the sole proprietor who shall also be designated as the qualifying party. If the license is sought for a partnership, corporation, business trust, or other legal entity, the license shall be issued in the company name. A company must designate one individual who will serve as a qualifying party. The qualifying party is the individual who must take the examination required under Section 3.5. The company shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department. The application shall include, but shall not be limited to:

(a) the name and address of the person designated as the qualifying party responsible for the practice of professional roofing in Illinois;

(b) the name of the sole proprietorship and its sole proprietor, the name of the partnership and its partners,

the name of the corporation and its officers, shareholders, and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members;

(c) evidence of compliance with any statutory requirements pertaining to such legal entity, including compliance with the Assumed Business Name Act; and ~~any laws pertaining to the use of fictitious names, if a fictitious name is used; if the business is a sole proprietorship and doing business under a name other than that of the individual proprietor, the individual proprietor must list all business names used for that proprietorship.~~

(d) a signed irrevocable uniform consent to service of process form provided by the Department.

(1.5) (Blank). ~~A certificate issued by the Department before the effective date of this amendatory Act of the 91st General Assembly shall be deemed a license for the purposes of this Act.~~

(2) An applicant for a license must submit satisfactory evidence that:

(a) he or she has obtained public liability and property damage insurance in such amounts and under such circumstances as may be determined by the Department;

(b) he or she has obtained Workers' Compensation insurance for roofing covering his or her employees or is approved as a self-insurer of Workers' Compensation in

accordance with Illinois law;

(c) he or she has an unemployment insurance employer account number issued by the Department of Employment Security, and he or she is not delinquent in the payment of any amount due under the Unemployment Insurance Act;

(d) he or she has submitted a continuous bond to the Department in the amount of \$10,000 for a limited license and in the amount of \$25,000 for an unlimited license; and

(e) a qualifying party has satisfactorily completed the examination required under Section 3.5.

(3) It is the ongoing responsibility of the licensee to provide to the Department notice in writing of any changes in the information required to be provided on the application.

(4) (Blank). ~~All roofing contractors must designate a qualifying party and otherwise achieve compliance with this Act no later than July 1, 2003 or his or her license will automatically expire on July 1, 2003.~~

(5) Nothing in this Section shall apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

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

meet the requirements in effect at the time of reapplication.

(Source: P.A. 98-838, eff. 1-1-15.)

(225 ILCS 335/3.5)

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

Sec. 3.5. Examinations ~~Examination~~.

(a) The Department shall authorize examinations for applicants for initial licensure ~~licenses~~ at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Each applicant for limited licenses shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential roofing practices. Each applicant for an unlimited license shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices. Both examinations shall cover Illinois jurisprudence as it relates to roofing practice.

(b) An applicant for a limited license or an unlimited license or a qualifying party designated by an applicant for a limited license or unlimited license shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. ~~Failure of the individual scheduled~~ to appear for the examination on the scheduled date at the time and place

specified, after the applicant's ~~his or her~~ 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) The qualifying party for an applicant for a new license must have passed an examination authorized by the Department before the Department may issue a license.

(d) The application for a license as a corporation, business trust, or other legal entity submitted by a sole proprietor who is currently licensed under this Act and exempt from the examination requirement of this Section shall not be considered an application for initial licensure for the purposes of this subsection (d) if the sole proprietor is named in the application as the qualifying party and is the sole owner of the legal entity. Upon issuance of a license to the new legal entity, the sole proprietorship license is terminated.

The application for initial licensure as a partnership, corporation, business trust, or other legal entity submitted by a currently licensed partnership, corporation, business trust, or other legal entity shall not be considered an application for initial licensure for the purposes of this subsection (d) if the entity's current qualifying party is exempt from the examination requirement of this Section, that qualifying party is named as the new legal entity's qualifying party, and the majority of ownership in the new legal entity remains the same

as the currently licensed entity. Upon issuance of a license to the new legal entity under this subsection (d), the former license issued to the applicant is terminated.

(e) An applicant has 3 years after the date of ~~his or her~~ application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 95-303, eff. 1-1-08; 96-624, eff. 1-1-10.)

(225 ILCS 335/4.5)

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

Sec. 4.5. Duties of qualifying party; replacement; grounds for discipline.

(a) While engaged as or named as a qualifying party for a licensee, no person may be the named qualifying party for any other licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:

(1) there ~~There~~ is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party; or ~~or~~

(2) the ~~The~~ same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation of

which at least 25% is owned by another licensee.

(b) Upon the loss of ~~In the event that~~ a qualifying party who is not replaced ~~is terminated or terminating his or her status as qualifying party of a licensee,~~ the qualifying party or and the licensee, or both, shall notify the Department ~~of that fact in writing. Thereafter, the licensee shall notify the Department~~ of the name and address of the newly designated qualifying party. The newly designated qualifying party must take and pass the examination prescribed in Section 3.5 of this Act; ~~however, a newly designated qualifying party is exempt from the examination requirement until January 1, 2012 if he or she has acted in the capacity of a roofing contractor for a period of at least 15 years for the licensee for which he or she seeks to be the qualifying party.~~ These requirements shall be met in a timely manner as established by rule of the Department.

(c) A qualifying party that is accepted by the Department shall have the authority to act for the licensed entity in all matters connected with its roofing contracting business and to supervise roofing installation operations. This authority shall not be deemed to be a license for purposes of this Act.

(d) Designation of a qualifying party by an applicant under this Section and Section 3 is subject to acceptance by the Department. The Department may refuse to accept a qualifying party (i) for failure to qualify as required under this Act and the rules adopted under this Act or (ii) after making a

determination that the designated party has a history of acting illegally, fraudulently, incompetently, or with gross negligence in the roofing or construction business.

(e) The Department may, at any time after giving appropriate notice and the opportunity for a hearing, suspend or revoke its acceptance of a qualifying party designated by a licensee for any act or failure to act that gives rise to any ground for disciplinary action against that licensee under ~~Section 9.1 or 9.6 of this Act~~ and the rules adopted under this Act. If the Department suspends or revokes its acceptance of a qualifying party, the license of the licensee shall be deemed to be suspended until a new qualifying party has been designated by the licensee and accepted by the Department.

If acceptance of a qualifying party is suspended or revoked for action or inaction that constitutes a violation of this Act or the rules adopted under this Act, the Department may in addition take such other disciplinary or non-disciplinary action as it may deem proper, including imposing a fine on the qualifying party, not to exceed \$10,000 for each violation.

All administrative decisions of the Department under this subsection (e) are subject to judicial review pursuant to Section 9.7 of this Act. An order taking action against a qualifying party shall be deemed a final administrative decision of the Department for purposes of Section 9.7 of this Act.

(Source: P.A. 96-624, eff. 1-1-10.)

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

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

Sec. 5. Display of license number; building permits; advertising.

(a) Each State licensed roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, to all ~~of his or her~~ contracts and bids. In addition, the official issuing building permits shall affix the roofing contractor license number to each application for a building permit and on each building permit issued and recorded.

(a-3) A municipality or a county that requires a building permit may not issue a building permit to a roofing contractor unless that contractor has provided sufficient proof of current licensure ~~that he or she is licensed currently~~ as a roofing contractor by the State. Holders of an unlimited roofing license may be issued permits for residential, commercial, and industrial roofing projects. Holders of a limited roofing license are restricted to permits for work on residential properties consisting of 8 units or less.

(a-5) A person who knowingly, in the course of applying for a building permit with a unit of local government, provides the roofing license number or name of a roofing contractor whom that person ~~he or she~~ does not intend to have perform the work on the roofing portion of the project commits identity theft

under paragraph (8) of subsection (a) of Section 16-30 of the Criminal Code of 2012.

(a-10) A building permit applicant must present a government-issued identification along with the building permit application. Except for the name of the individual, all other personal information contained in the government-issued identification shall be exempt from disclosure under subsection (c) of Section 7 of the Freedom of Information Act. The official issuing the building permit shall maintain the name and identification number, as it appears on the government-issued identification, in the building permit application file. It is not necessary that the building permit applicant be the qualifying party. This subsection shall not apply to a county or municipality whose building permit process occurs through electronic means.

(b) (Blank).

(c) Every holder of a license shall display it in a conspicuous place in the licensee's ~~his or her~~ principal office, place of business, or place of employment.

(d) No person licensed under this Act may advertise services regulated by this Act unless that person includes in the advertisement the roofing contractor license number and the licensee's name, as it appears on the license. Nothing contained in this subsection requires the publisher of advertising for roofing contractor services to investigate or verify the accuracy of the license number provided by the

licensee.

(e) A person who advertises services regulated by this Act who knowingly (i) fails to display the license number and the licensee's name, as it appears on the license, in any manner required by this Section, (ii) fails to provide a publisher with the correct license number as required by subsection (d), or (iii) provides a publisher with a false license number or a license number of another person, or a person who knowingly allows the licensee's ~~his or her~~ license number to be displayed or used by another person to circumvent any provisions of this Section, is guilty of a Class A misdemeanor with a fine of \$1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an advertisement runs or each day that a person knowingly allows the licensee's ~~his or her~~ license to be displayed or used in violation of this Section constitutes a separate offense.

(Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10; 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; 97-965, eff. 8-15-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

(225 ILCS 335/5.1)

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

Sec. 5.1. Commercial vehicles. Any entity offering services regulated by the Roofing Industry Licensing Act shall affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles

used in offering such services. An entity in violation of this Section shall be subject to a \$250 civil penalty. This Section may be enforced by local code enforcement officials employed by units of local government as it relates to roofing work being performed within the boundaries of their jurisdiction. For purposes of this Section, "code enforcement official" means an officer or other designated authority charged with the administration, interpretation, and enforcement of codes on behalf of a municipality or county. If the alleged violation has been corrected prior to or on the date of the hearing scheduled to adjudicate the alleged violation, the violation ~~it~~ shall be dismissed.

(Source: P.A. 97-235, eff. 1-1-12.)

(225 ILCS 335/5.5)

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

Sec. 5.5. Contracts. A roofing contractor, when signing a contract, must provide a land-based phone number and a street address other than a post office box at which the roofing contractor ~~he or she~~ may be contacted.

(Source: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/6) (from Ch. 111, par. 7506)

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

Sec. 6. Expiration and renewal; inactive status; restoration; ~~renewal~~.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by the Department by rule.

(b) A licensee who has permitted his or her license to expire or whose license is on inactive status may have his or her license restored by making application to the Department in the form and manner prescribed by the Department.

(c) A licensee who notifies the Department in writing on forms prescribed by the Department may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

(d) A licensee whose license expired while he or she was (1) on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed or restored without paying any lapsed renewal fees if, within 2 years after termination of such service, training, or education, except under conditions other than honorable, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(e) A roofing contractor whose license is expired or on

inactive status shall not practice under this Act in the State of Illinois.

(Source: P.A. 95-303, eff. 1-1-08.)

(225 ILCS 335/7) (from Ch. 111, par. 7507)

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

Sec. 7. Fees. The fees for the administration and enforcement of this Act, including, but not limited to, original certification, renewal, and restoration of a license issued under this Act, shall be set by rule. The fees shall be nonrefundable. ~~(1) The initial application fee for a certificate shall be fixed by the Department by rule. (2) All other fees not set forth herein shall be fixed by rule. (3) (Blank). (4) (Blank). (5) (Blank). (6) All fees, penalties, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.~~

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

(225 ILCS 335/9) (from Ch. 111, par. 7509)

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

Sec. 9. Licensure requirement.

(1) It is unlawful for any person to engage in the business or act in the capacity of or hold himself, ~~or~~ herself, or itself out in any manner as a roofing contractor without having

been duly licensed under the provisions of this Act.

(2) No work involving the construction, reconstruction, alteration, maintenance or repair of any kind of roofing or waterproofing may be done except by a roofing contractor licensed under this Act.

(3) Sellers of roofing services may subcontract the provision of those roofing services only to roofing contractors licensed under this Act.

(4) All persons performing roofing services under this Act shall be licensed as roofing contractors, except for those persons who are deemed to be employees under Section 10 of the Employee Classification Act of a licensed roofing contractor.

(Source: P.A. 98-838, eff. 1-1-15.)

(225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

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

Sec. 9.1. Grounds for disciplinary action.

(1) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the following ~~causes~~:

(a) violation of this Act or its rules;

(b) conviction or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or

sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States ~~or any state or territory thereof~~ that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the profession;

(c) fraud or ~~making~~ any misrepresentation in applying for or procuring ~~for the purpose of obtaining~~ a license under this Act, or in connection with applying for renewal of a license under this Act;

(d) professional incompetence or gross negligence in the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee relating to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;

(e) (blank);

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

(g) failing, within 60 days, to provide information in response to a written request made by the Department ~~which has been sent by certified or registered mail to the licensee's last known address;~~

(h) engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(i) habitual or excessive use or abuse of controlled substances, as defined by the Illinois Controlled Substances Act, alcohol, or any other substance that ~~addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which~~ results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another state, unit of government, or government agency, the District of Columbia, a territory, U.S. jurisdiction 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;

(k) 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 any professional services not actually or personally rendered;

(l) a finding by the Department that the licensee, after having his or her license disciplined, placed on probationary status ~~probationary status~~ has violated the terms of the discipline probation;

(m) a finding by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such

person has not been sufficiently rehabilitated to warrant the public trust;

(n) willfully making or filing false records or reports in the practice of roofing contracting, including, but not limited to, false records filed with the State agencies or departments ~~a finding that licensure has been applied for or obtained by fraudulent means;~~

(o) practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or any other legally authorized name;

(p) gross and willful overcharging for professional services including filing false statements for collection of fees or monies for which services are not rendered;

(q) (blank); ~~failure 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;~~

(r) (blank); ~~the Department shall deny any license or renewal under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Scholarship Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois State Scholarship Commission;~~

(s) failure to continue to meet the requirements of this Act shall be deemed a violation;

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

(u) material misstatement in furnishing information to the Department or to any other State agency;

(v) (blank); ~~the determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee 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 Director that the licensee be allowed to resume professional practice;~~

(w) advertising in any manner that is false, misleading, or deceptive;

(x) taking undue advantage of a customer, which results in the perpetration of a fraud;

(y) performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act;

(z) engaging in the practice of roofing contracting, as defined in this Act, with a suspended, revoked, or cancelled license;

(aa) treating any person differently to the person's detriment because of race, color, creed, gender, age, religion, or national origin;

(bb) knowingly making any false statement, oral, written, or otherwise, of a character likely to influence, persuade, or induce others in the course of obtaining or performing roofing contracting services;

(cc) violation of any final administrative action of the Secretary;

(dd) allowing the use of his or her roofing license by an unlicensed roofing contractor for the purposes of providing roofing or waterproofing services; or

(ee) (blank); ~~aiding or assisting another person in violating any provision of this Act or its rules, including, but not limited to, Section 9 of this Act.~~

(ff) cheating or attempting to subvert a licensing examination administered under this Act; or

(gg) use of a license to permit or enable an unlicensed person to provide roofing contractor services.

(2) The determination by a circuit court that a license holder 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, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director that the license holder be allowed to resume his or her practice.

(3) The Department may refuse to issue or take disciplinary action concerning the license of any person who fails 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 any such tax Act are satisfied as determined by the Department of Revenue.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed under this Act or any individual who has applied for licensure to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of

one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

(5) The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician

or any member of the multidisciplinary team. No authorization is necessary from the licensee or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual 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.

(6) Failure of any individual to submit to mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing until such time as the individual submits to the examination. If the Department finds a licensee unable to practice because of the reasons set forth in this Section, the Department shall require the licensee to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

(7) When the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

(8) Licensees affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

(9) 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 paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(10) In cases where the Department of Healthcare and Family Services has previously determined 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 may refuse to issue or renew or may revoke or suspend that person's license or may 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 paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

The changes to this Act made by this amendatory Act of 1997 apply only to disciplinary actions relating to events occurring

after the effective date of this amendatory Act of 1997.

(Source: P.A. 95-303, eff. 1-1-08; 96-1324, eff. 7-27-10.)

(225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

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

Sec. 9.2. Record ~~Stenographer; record~~ of proceedings. The Department, at its expense, shall ~~provide a stenographer to take down the testimony and~~ preserve a record of all proceedings at the formal hearing of any case initiated pursuant to this Act, the rules for the administration of this Act, or any other Act or rules relating to this Act and proceedings for restoration of any license issued under this Act. The notice of hearing, complaint, answer, and all other documents in the nature of pleadings and written motions and responses filed in the proceedings, the transcript of the testimony, all exhibits admitted into evidence, the report of the hearing officer, the Board's findings of fact, conclusions of law, and recommendations to the Director, and the order of the Department shall be the record of the proceedings. Any licensee who is found to have violated this Act or who fails to appear for a hearing to refuse to issue, restore, or renew a license or to discipline a licensee may be required by the Department to pay for the costs of the proceeding. These costs are limited to costs for court reporters, transcripts, and witness attendance and mileage fees. All costs imposed under this Section shall be paid within 60 days after the effective

~~date of the order imposing the fine. 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; 91-950, eff. 2-9-01.)

(225 ILCS 335/9.3) (from Ch. 111, par. 7509.3)

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

Sec. 9.3. Attendance of witnesses; contempt. Any circuit court may, upon application of the Department or its designee or of the applicant or licensee against whom proceedings are pending, ~~enter an order requiring~~ the attendance ~~of witnesses~~ and ~~their~~ testimony of witnesses, and the production of relevant documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 86-615.)

(225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

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

Sec. 9.4. Subpoenas; oaths. The Department has power to subpoena and bring before it any person in this State and to take the oral or written testimony ~~either orally or by deposition or both~~, or to compel the production of any books, papers, records, subpoena documents, exhibits, or other

materials that the Secretary or his or her designee deems relevant or material to an investigation or hearing conducted by the Department, 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 Roofing Advisory Board,~~ or a certified shorthand court reporter may have power to administer oaths to witnesses at any hearing that the Department conducts ~~or Roofing Advisory Board is authorized by law to conduct.~~ Notwithstanding any other statute or Department rule to the contrary, all requests for testimony or production of documents or records shall be in accordance with this Act. Further, the Director has power to administer any other oaths required or authorized to be administered by the Department under this Act. (Source: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

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

Sec. 9.5. Findings of fact, conclusions of law, and recommendations of the Board; rehearing order. The Board shall have 90 days after receipt of the report of the hearing officer to review the report and present their findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its findings of fact, conclusions of law, and recommendations within the 90-day period, the

Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees with the recommendation of the Board or hearing officer, then the Secretary may issue an order in contravention of the recommendation. In any case involving the refusal to issue or renew or the taking of disciplinary action against a license, a copy of the Board's findings of fact, conclusions of law, and recommendations shall be served upon the respondent by the Department as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion or, if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with recommendations of the Board. If the respondent shall order from the reporting service, and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent. Whenever the Secretary is satisfied that substantial justice has not been done in the revocation or suspension of, or the refusal to issue or renew, a license, the Secretary may order a rehearing by the hearing officer.

~~Within 60 days of the Department's receipt of the transcript of~~

~~any hearing that is conducted pursuant to this Act or the rules for its enforcement or any other statute or rule requiring a hearing under this Act or the rules for its enforcement, or for any hearing related to restoration of any license issued pursuant to this Act, the hearing officer shall submit his or her written findings and recommendations to the Roofing Advisory Board. The Roofing Advisory Board shall review the report of the hearing officer and shall present its findings of fact, conclusions of law, and recommendations to the Director by the date of the Board's second meeting following the Board's receipt of the hearing officer's report.~~

~~A copy of the findings of fact, conclusions of law, and recommendations to the Director shall be served upon the accused person, either personally or by registered or certified mail. Within 20 days after service, the accused person may present to the Department a written motion for a rehearing, which shall state the particular grounds therefor. If the accused person orders and pays for a transcript pursuant to Section 9.2, the time elapsing thereafter and before the transcript is ready for delivery to him or her shall not be counted as part of the 20 days.~~

~~The Director shall issue an order based on the findings of fact, conclusions of law, and recommendations to the Director. If the Director disagrees in any regard with the findings of fact, conclusions of law, and recommendations to the Director, he may issue an order in contravention of the findings of fact,~~

~~conclusions of law, and recommendations to the Director.~~

~~If the Director issues an order in contravention of the findings of fact, conclusions of law, and recommendations to the Director, the Director shall notify the Board in writing with an explanation for any deviation from the Board's findings of fact, conclusions of law, and recommendations to the Director within 30 days of the Director's entry of the order.~~

(Source: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/9.6) (from Ch. 111, par. 7509.6)

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

Sec. 9.6. Summary Temporary suspension pending hearing. The Secretary Director may summarily temporarily suspend a the license issued under this Act of a roofing contractor without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Secretary Director finds that evidence ~~in his or her possession~~ indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Secretary summarily Director temporarily suspends a license without a hearing, a hearing by the Department shall be commenced held within 30 days after such suspension has occurred and shall be concluded as expeditiously as possible.

(Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/9.7) (from Ch. 111, par. 7509.7)

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

Sec. 9.7. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law, ~~as amended,~~ and all its rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, except that, if the party is not a resident of this State, the venue shall be Sangamon County.

(Source: P.A. 86-615.)

(225 ILCS 335/9.8) (from Ch. 111, par. 7509.8)

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

Sec. 9.8. Criminal penalties. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense. On conviction of a second or subsequent offense the violator is guilty of a Class 4 felony. Each day of violation constitutes a separate offense.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/9.9a)

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

Sec. 9.9a. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in

a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department ~~there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record.~~ Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

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

Sec. 9.10. 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 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, that person ~~he or she~~ shall apply to the Department for restoration or issuance of the license and pay all the application fees as set by rule. 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. 91-950, eff. 2-9-01; 92-146, eff. 1-1-02; 92-651, eff. 7-11-02.)

(225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

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

Sec. 9.14. Appointment of hearing officer. The Secretary ~~Director~~ has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue or renew a license, for discipline of a licensee for sanctions for unlicensed practice, for restoration of a license, or for any other action for which findings of fact, conclusions of law, and recommendations are required pursuant to Section 9.5 of this Act. The hearing officer shall have full authority to conduct the hearing and shall issue his or her findings of fact, conclusions of law, and recommendations to the Board pursuant to Section ~~Sections~~ 9.5 of this Act.

(Source: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/9.15) (from Ch. 111, par. 7509.15)

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

Sec. 9.15. Investigation; notice; default. The Department may investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue, renew, or discipline a licensee or applicant ~~suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license,~~ at least 30 days prior to the date set for the hearing, notify the applicant or licensee ~~accused~~ in writing of the nature of the ~~any~~ charges made and the time and place for a hearing on the charges. The Department shall direct the applicant or licensee ~~before the hearing officer, direct him or her~~ to file a ~~his~~ written answer to the charges with the hearing officer under oath within 20 ~~30~~ days after the service ~~on him or her~~ of the ~~such~~ notice, and inform the applicant or licensee ~~him or her~~ that failure if he or she fails to file an ~~such~~ answer will result in default being ~~will be~~ taken against the applicant or licensee ~~him or her~~ and ~~his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper, taken.~~ This written notice may be served by personal delivery or certified

~~or registered mail to the Department. At the time and place fixed in the notice, the Department 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 Department may continue the hearing from time to time. In case the person fails to file an answer after receiving notice, the ~~his or her~~ license 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. The written notice and any notice in the subsequent proceeding may be served by registered or certified mail to the licensee's address of record. ~~At the time and place fixed in the notice, the Department 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 Department may continue such hearing from time to time. At the discretion of the Director after having first received the recommendation of the hearing officer, the accused person's license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken as the Director may deem proper, including limiting the scope,~~~~

~~nature, or extent of said person's practice without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.~~

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/10) (from Ch. 111, par. 7510)

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

Sec. 10. Injunctive relief; order to cease and desist  
~~Enforcement; petition to court.~~

(1) If any person violates the provisions of this Act, the Secretary, Director through the Attorney General of the State of Illinois, or the State's Attorney of any county in which a violation is alleged to have occurred ~~exist~~, may in the name of the People 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, and 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 shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(2) If any person shall practice as a licensee or hold himself or herself out as a licensee without being licensed under the provisions of this Act, then any person licensed

under this Act, any interested party or any person injured thereby may, in addition to the Secretary ~~those officers identified in subsection (1) of this Section~~, petition for relief as provided in subsection (1) of this Section ~~therein~~.

(3) (Blank).

(4) 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. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days after the date of issuance 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 forthwith. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties which may be provided by law.

(Source: P.A. 95-303, eff. 1-1-08.)

(225 ILCS 335/10a)

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

Sec. 10a. Unlicensed practice; violation; civil penalty.

(a) In addition to any other penalty provided by law, any ~~Any~~ person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice roofing 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. 89-387, eff. 1-1-96.)

(225 ILCS 335/11) (from Ch. 111, par. 7511)

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

Sec. 11. Application of Act.

(1) Nothing in this Act limits the power of a municipality, city, ~~or~~ county, or incorporated area to regulate the quality and character of work performed by roofing contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of State and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this Act shall be construed to require a seller of roofing materials or services to be licensed as a

roofing contractor when the construction, reconstruction, alteration, maintenance or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(3) Nothing in this Act shall be construed to require a person who performs roofing or waterproofing work to his or her own property, or for no consideration, to be licensed as a roofing contractor.

(4) Nothing in this Act shall be construed to require a person who performs roofing or waterproofing work to his or her employer's property to be licensed as a roofing contractor, where there exists an employer-employee relationship. Nothing in this Act shall be construed to apply to the installation of plastics, glass or fiberglass to greenhouses and related horticultural structures, or to the repair or construction of farm buildings.

(5) Nothing in this Act limits the power of a municipality, city, ~~or county,~~ or incorporated area to collect occupational license and inspection fees for engaging in roofing contracting.

(6) Nothing in this Act limits the power of the municipalities, cities, ~~or counties,~~ or incorporated areas to adopt any system of permits requiring submission to and approval by the municipality, city, ~~or county,~~ or incorporated area of plans and specifications for work to be performed by roofing contractors before commencement of the work.

(7) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is duly licensed before issuing the permit. The evidence shall consist only of the exhibition to him or her of current evidence of licensure.

(8) This Act applies to any roofing contractor performing work for the State or any municipality, city, county, or incorporated area ~~municipality~~. Officers of the State or any municipality, city, county or incorporated area ~~municipality~~ are required to determine compliance with this Act before awarding any contracts for construction, improvement, remodeling, or repair.

(9) If an incomplete contract exists at the time of death of a licensee ~~contractor~~, the contract may be completed by any person even though not licensed. Such person shall notify the Department within 30 days after the death of the contractor of his or her name and address. For the purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by, the licensee ~~contractor~~ before his or her death or on which he or she was the low bidder and the contract is subsequently awarded to him or her regardless of whether any actual work has commenced under the contract before his or her death.

(10) The State or any municipality, city, county, or incorporated area ~~municipality~~ may require that bids submitted for roofing construction, improvement, remodeling, or repair

of public buildings be accompanied by evidence that that bidder holds an appropriate license issued pursuant to this Act.

(11) (Blank).

(12) Nothing in this Act shall prevent a municipality, city, county, or incorporated area from making laws or ordinances that are more stringent than those contained in this Act.

(Source: P.A. 97-965, eff. 8-15-12.)

(225 ILCS 335/11.5)

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

Sec. 11.5. Board. The Roofing Advisory Board is created and shall consist of 8 persons, one of whom is a knowledgeable public member and 7 of whom are (i) designated as the qualifying party of a licensed roofing contractor or (ii) legally qualified to act for the business organization on behalf of the licensee in all matters connected with its roofing contracting business, have the authority to supervise roofing installation operations, and actively engaged in day-to-day activities of the business organization for a licensed roofing contractor ~~have been issued licenses as roofing contractors by the Department.~~ One of the 7 nonpublic members ~~licensed roofing contractors~~ on the Board shall represent a statewide association representing home builders and another of the 7 nonpublic members ~~licensed roofing contractors~~ shall represent an association predominately

representing retailers. The public member shall not be licensed under this Act ~~or any other Act the Department administers.~~ Each member shall be appointed by the Secretary Director. Five members of the Board shall constitute a quorum. A quorum is required for all Board decisions. ~~Members shall be appointed who reasonably represent the different geographic areas of the State. A quorum of the Board shall consist of the majority of Board members appointed.~~

Members of the ~~Roofing Advisory~~ Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the ~~Roofing Advisory~~ Board, unless the conduct that gave rise to the suit was willful and wanton misconduct.

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. ~~The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years.~~ No member shall serve more than 2 complete 4 year terms.

The Secretary shall have the authority to remove or suspend any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.

The Secretary ~~Within 90 days of a vacancy occurring,~~ the ~~Director~~ shall fill a ~~the~~ vacancy for the unexpired portion of

the term with an appointee who meets the same qualifications as the person whose position has become vacant. The Board shall meet annually to elect one member as chairman and one member as vice-chairman. No officer shall be elected more than twice in succession to the same office. The members of the Board shall receive reimbursement for actual, necessary, and authorized expenses incurred in attending the meetings of the Board.

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

(225 ILCS 335/11.6 new)

Sec. 11.6. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public

record, except as otherwise prohibited by law.

(225 ILCS 335/11.7 new)

Sec. 11.7. 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, shall be prima facie proof that:

(1) the signature is the genuine signature of the Secretary; and

(2) the Secretary is duly appointed and qualified.

(225 ILCS 335/11.8 new)

Sec. 11.8. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses to the Department. If the licensee fails to do so, the Department shall have the right to seize the license.

(225 ILCS 335/11.9 new)

Sec. 11.9. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or

the Criminal Code of 2012. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

(225 ILCS 335/11.10 new)

Sec. 11.10. Citations.

(a) The Department may adopt rules to permit the issuance of citations for non-frivolous complaints. The citation shall list the person's name and address, a brief factual statement, the Sections of the Act or rules allegedly violated, the penalty imposed, and, if applicable, the licensee's license number. The citation must clearly state that the person may choose, in lieu of accepting the citation, to request a hearing. If the person does not dispute the matter in the citation with the Department within 30 days after the citation is served, then the citation shall become a final order and shall constitute discipline. The penalty shall be a fine or other conditions as established by rule.

(b) The Department shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. Citations shall not be utilized if there was any significant consumer harm resulting from the violation.

(c) A citation must be issued within 6 months after the

reporting of a violation that is the basis for the citation.

(d) Service of a citation may be made by personal service or certified mail to the person at the person's last known address of record or, if applicable, the licensee's address of record.

(225 ILCS 335/8 rep.)

(225 ILCS 335/9.12 rep.)

(225 ILCS 335/10b rep.)

Section 20. The Illinois Roofing Industry Licensing Act is amended by repealing Sections 8, 9.12, and 10b.

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