



SENATE JOURNAL

STATE OF ILLINOIS

**ONE HUNDRED FIRST GENERAL
ASSEMBLY**

52ND LEGISLATIVE DAY

TUESDAY, MAY 28, 2019

12:31 O'CLOCK P.M.

SENATE
Daily Journal Index
52nd Legislative Day

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The Senate met pursuant to adjournment.
Senator David Koehler, Peoria, Illinois, presiding.
Prayer by Pastor Curt Fleck, Civil Servant Ministries, Springfield, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, May 27, 2019, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 3 to House Bill 92
Amendment No. 3 to House Bill 2862
Amendment No. 4 to House Bill 3222

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to House Bill 1633

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 111
Motion to Concur in House Amendment 1 to Senate Bill 397
Motion to Concur in House Amendment 1 to Senate Bill 482
Motion to Concur in House Amendment 1 to Senate Bill 726
Motion to Concur in House Amendment 2 to Senate Bill 726
Motion to Concur in House Amendment 2 to Senate Bill 1139
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Motion to Concur in House Amendment 1 to Senate Bill 1515
Motion to Concur in House Amendment 1 to Senate Bill 1743
Motion to Concur in House Amendment 1 to Senate Bill 1890
Motion to Concur in House Amendment 3 to Senate Bill 1890

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 28, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

[May 28, 2019]

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Cristina Castro to temporarily replace Senator Toi Hutchinson as a member of the Senate Judiciary Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Judiciary Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader William Brady

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 452

Offered by Senator Link and all Senators:
Mourns the death of Byron Howard Biehn.

SENATE RESOLUTION NO. 453

Offered by Senator Link and all Senators:
Mourns the death of Rosemarie Farr.

SENATE RESOLUTION NO. 454

Offered by Senator Castro and all Senators:
Mourns the death of Victor John Moeller of Elgin, formerly of Wonder Lake.

SENATE RESOLUTION NO. 455

Offered by Senator Castro and all Senators:
Mourns the death of Gerald "Jerry" Bear.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Plummer offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 451

WHEREAS, Kaskaskia Watershed encompasses 10.2 percent of the State and includes all or parts of 22 counties; and

WHEREAS, Kaskaskia Watershed starts in Champaign County and ends at the Mississippi River in Randolph County; and

WHEREAS, Kaskaskia Watershed includes 13 House Districts and eight Senate Districts of the Illinois General Assembly; and

WHEREAS, Kaskaskia Watershed has three authorized Corps projects, Lake Shelbyville, Carlyle Lake, and the Kaskaskia Navigation Project; and

WHEREAS, The Corps projects generate 7.4 million visitors and over \$167.2 million in visitor spending; and

WHEREAS, An estimated 557,837 people are served by public water from the Corps project in the watershed; and

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WHEREAS, The Kaskaskia River provides water for cooling purposes to three power plants, one being in the top five power producing-plants in the world; and

WHEREAS, The Kaskaskia River is degrading by a headcut that travels at a rate of one mile per year; and

WHEREAS, Damages induced by headcutting result in increased dredging, loss of private property, and significant ecosystem degradation to the riverine environment; the largest contiguous stand of bottomland hardwood forest in the State of Illinois is also affected; and

WHEREAS, The United States Congress established the Kaskaskia Watershed Restoration Act in 2007 and authorized \$20,000,000 for critical projects after a Comprehensive Plan is developed; and

WHEREAS, In 2014, the Army Corps of Engineers funded the Watershed Comprehensive Plan with \$1.5 million in federal funds with a requirement of a 50 percent match of non-federal funds; and

WHEREAS, The Comprehensive Plan is stalled due to the lack of financial support from the State of Illinois; the remaining \$300,000 in non-federal funds is needed to complete the plan and to leverage \$20,000,000 in federal funds; and

WHEREAS, Time is of the essence in that the federal funds will be reprogrammed to other states; failure to move forward will eliminate the Kaskaskia Watershed from consideration in the future; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge all four caucuses and the Governor to consider the Kaskaskia Watershed Comprehensive Plan when creating the upcoming fiscal year budget.

REPORTS FROM STANDING COMMITTEES

Senator Mulroe, Chairperson of the Committee on Judiciary, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 193

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Mulroe, Chairperson of the Committee on Judiciary, to which was referred **House Bill No. 2497**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mulroe, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 3358

Senate Amendment No. 2 to House Bill 3358

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred **Senate Resolutions numbered 403 and 422**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 403 and 422** were placed on the Secretary's Desk.

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Senator Morrison, Chairperson of the Committee on Human Services, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 191

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 2304
Senate Amendment No. 1 to House Bill 2656

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Sims, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 51

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred **House Bill No. 2627**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 2078

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1864
Senate Amendment No. 1 to House Bill 2276

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred **Senate Resolution No. 406**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 406** was placed on the Secretary's Desk.

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred **Senate Joint Resolution No. 43**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 43** was placed on the Secretary's Desk.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:

[May 28, 2019]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 147

A bill for AN ACT concerning employment.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 147

House Amendment No. 3 to SENATE BILL NO. 147

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 147

AMENDMENT NO. 1. Amend Senate Bill 147 on page 3, by replacing lines 10 and 11 with the following:

"transfer funds into the trust account within 30 days after an employment certificate has been issued, the funds".

AMENDMENT NO. 3 TO SENATE BILL 147

AMENDMENT NO. 3. Amend Senate Bill 147 on page 2, by replacing lines 3 and 4 with the following:

"minor under the age of 16 years. The person authorized to issue employment certificates shall issue a temporary employment"; and

on page 2, line 7, by changing "services." to "services. No more than one temporary employment certificate may be issued for each child performer. The Department of Labor shall prescribe the form in which temporary employment certificates shall be issued and shall make the forms available on its website."; and

on page 2, lines 10 and 11, by deleting "or greater amount as determined by rule."; and

on page 3, by replacing lines 19 through 22 with the following:

"(g) The Department of Labor may adopt rules to implement this Section."

Under the rules, the foregoing **Senate Bill No. 147**, with House Amendment No. 1.3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 158

A bill for AN ACT concerning revenue.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 158

House Amendment No. 2 to SENATE BILL NO. 158

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 158

AMENDMENT NO. 1. Amend Senate Bill 158 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-60 as follows:
(35 ILCS 200/15-60)

Sec. 15-60. Taxing district property. All property belonging to any county or municipality used exclusively for the maintenance of the poor is exempt, as is all property owned by a taxing district that is

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being held for future expansion or development, except if leased by the taxing district to lessees for use for other than public purposes.

Also exempt are:

(a) all swamp or overflowed lands belonging to any county;

(b) all public buildings belonging to any county, township, or municipality, with the ground on which the buildings are erected;

(c) all property owned by any municipality located within its incorporated limits. Any such property leased by a municipality shall remain exempt, and the leasehold interest of the lessee shall be assessed under Section 9-195 of this Act, (i) for a lease entered into on or after January 1, 1994, unless the lease expressly provides that this exemption shall not apply; (ii) for a lease entered into on or after the effective date of Public Act 87-1280 and before January 1, 1994, unless the lease expressly provides that this exemption shall not apply or unless evidence other than the lease itself substantiates the intent of the parties to the lease that this exemption shall not apply; and (iii) for a lease entered into before the effective date of Public Act 87-1280, if the terms of the lease do not bind the lessee to pay the taxes on the leased property or if, notwithstanding the terms of the lease, the municipality has filed or hereafter files a timely exemption petition or complaint with respect to property consisting of or including the leased property for an assessment year which includes part or all of the first 12 months of the lease period. The foregoing clause (iii) added by Public Act 87-1280 shall not operate to exempt property for any assessment year as to which no timely exemption petition or complaint has been filed by the municipality or as to which an administrative or court decision denying exemption has become final and nonappealable. For each assessment year or portion thereof that property is made exempt by operation of the foregoing clause (iii), whether such year or portion is before or after the effective date of Public Act 87-1280, the leasehold interest of the lessee shall, if necessary, be considered omitted property for purposes of this Act;

(c-5) Notwithstanding clause (i) of subsection (c), or any other law to the contrary, for a municipality with a population over 100,000, all property owned by the a municipality , or property interests or rights held by the municipality, regardless of whether such property, interests, or rights are, in whole or in part, within or without its corporate limits, with a population of over 500,000

that is used for toll road or toll bridge purposes and that is leased or licensed for those purposes to another entity whose property or property interests or rights are ~~is not~~ exempt shall remain exempt, and any leasehold interest in such the property , interest, or rights shall not be subject to taxation under Section 9-195 of this Code Act;

(d) all property owned by any municipality located outside its incorporated limits but within the same county when used as a tuberculosis sanitarium, farm colony in connection with a house of correction, or nursery, garden, or farm, or for the growing of shrubs, trees, flowers, vegetables, and plants for use in beautifying, maintaining, and operating playgrounds, parks, parkways, public grounds, buildings, and institutions owned or controlled by the municipality;

(e) all property owned by a township and operated as senior citizen housing under Sections 35-50 through 35-50.6 of the Township Code; and

(f) all property owned by the Executive Board of the Mutual Aid Box Alarm System (MABAS), a unit of intergovernmental cooperation, that is used for the public purpose of disaster preparedness and response for units of local government and the State of Illinois pursuant to Section 10 of Article VII of the Illinois Constitution and the Intergovernmental Cooperation Act.

All property owned by any municipality outside of its corporate limits is exempt if used exclusively for municipal or public purposes.

For purposes of this Section, "municipality" means a municipality, as defined in Section 1-1-2 of the Illinois Municipal Code.

(Source: P.A. 98-206, eff. 1-1-14.)

Section 10. The Toll Highway Act is amended by changing Section 11 as follows:

(605 ILCS 10/11) (from Ch. 121, par. 100-11)

Sec. 11. The Authority shall have power:

(a) To enter upon lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as may be necessary, expedient or convenient for the purposes of this Act, and such entry shall not be deemed to be a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; provided, however, that the Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as the result of such activities.

(b) To construct, maintain and operate stations for the collection of tolls or charges upon and along any toll highways.

(c) To provide for the collection of tolls and charges for the privilege of using the said toll highways. Before it adopts an increase in the rates for toll, the Authority shall hold a public hearing at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed increase. Any person may submit a written statement to the Authority at the hearing, whether appearing in person or not. The hearing shall be held in the county in which the proposed increase of the rates is to take place. The Authority shall give notice of the hearing by advertisement on 3 successive days at least 15 days prior to the date of the hearing in a daily newspaper of general circulation within the county within which the hearing is held. The notice shall state the date, time, and place of the hearing, shall contain a description of the proposed increase, and shall specify how interested persons may obtain copies of any reports, resolutions, or certificates describing the basis on which the proposed change, alteration, or modification was calculated. After consideration of any statements filed or oral opinions, suggestions, objections, or inquiries made at the hearing, the Authority may proceed to adopt the proposed increase of the rates for toll. No change or alteration in or modification of the rates for toll shall be effective unless at least 30 days prior to the effective date of such rates notice thereof shall be given to the public by publication in a newspaper of general circulation, and such notice, or notices, thereof shall be posted and publicly displayed at each and every toll station upon or along said toll highways.

(d) To construct, at the Authority's discretion, grade separations at intersections with any railroads, waterways, street railways, streets, thoroughfares, public roads or highways intersected by the said toll highways, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation and to construct interchange improvements. The Authority is authorized to provide such grade separations or interchange improvements at its own cost or to enter into contracts or agreements with reference to division of cost therefor with any municipality or political subdivision of the State of Illinois, or with the Federal Government, or any agency thereof, or with any corporation, individual, firm, person or association. Where such structures have been or will be built by the Authority, the local highway agency or municipality with jurisdiction shall enter into an agreement with the Authority for the ongoing maintenance of the structures.-

(e) To contract with and grant concessions to or lease or license to any person, partnership, firm, association or corporation so desiring the use of any part of any toll highways, excluding the paved portion thereof, but including the right of way adjoining, under, or over said paved portion for the placing of telephone, telegraph, electric, power lines and other utilities, and for the placing of pipe lines, and to enter into operating agreements with or to contract with and grant concessions to or to lease to any person, partnership, firm, association or corporation so desiring the use of any part of the toll highways, excluding the paved portion thereof, but including the right of way adjoining, or over said paved portion for motor fuel service stations and facilities, garages, stores and restaurants, or for any other lawful purpose, and to fix the terms, conditions, rents, rates and charges for such use.

By January 1, 2016, the Authority shall construct and maintain at least one electric vehicle charging station at any location where the Authority has entered into an agreement with any entity pursuant to this subsection (e) for the purposes of providing motor fuel service stations and facilities, garages, stores, or restaurants. The Authority shall charge a fee for the use of these charging stations to offset the costs of constructing and maintaining these charging stations. The Authority shall adopt rules to implement the erection, user fees, and maintenance of electric vehicle charging stations pursuant to this subsection (e).

The Authority shall also have power to establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called public utilities) of any public utility as defined in the Public Utilities Act along, over or under any toll road project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are located in, on, along, over or under any project or projects be relocated or removed entirely from any such project or projects, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority. All costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights required to accomplish such relocation or removal shall be ascertained and paid by the Authority as a part of the cost of any such project or projects, and further, there shall be no rent, fee or other charge of any kind imposed upon the public utility owning or operating any facilities ordered relocated on the properties of the said Authority and the said Authority shall grant to the said public utility owning or operating said facilities and its successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location or locations.

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(f) To enter into an intergovernmental agreement or contract with a unit of local government or other public or private entity for the collection, enforcement, and administration of tolls, fees, revenue, and violations, including for a private bridge operator's collection, enforcement, and administration of tolls, violations, fees, fines, charges, and penalties in connection with a bridge authorized under the Toll Bridge Act.

The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. The Authority shall cooperate with other public and private entities to further the goal of standardized toll collection in Illinois and is authorized to provide toll collection and toll violation enforcement services to such entities when doing so is in the best interest of the Authority and consistent with its obligations under Section 23 of this Act.
(Source: P.A. 100-71, eff. 1-1-18.)

Section 15. The Toll Bridge Act is amended by changing Section 7 as follows:
(605 ILCS 115/7) (from Ch. 137, par. 7)

Sec. 7. The county board shall fix the rates of toll, and may from time to time, alter and change the same, including by establishing a toll rate schedule, setting a maximum toll rate that may be adjusted from time to time, or by establishing another toll rate structure, and in case of the neglect of the owner of the bridge to keep the same in proper repair and safe for the crossing of persons and property, may prohibit the taking of toll.

The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. If electronic toll collection is used on such bridge, the county shall cause the configuration of the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. The municipality or private operator may enter into an ~~intergovernmental~~ agreement with the Illinois State Toll Highway Authority to provide for such compatibility or to have the Authority provide electronic toll collection or toll violation enforcement services. Any toll bridges in Winnebago County that are in operation and collecting tolls on the effective date of this amendatory Act of the 97th General Assembly are exempt from the provisions of the Act.

(Source: P.A. 97-252, eff. 8-4-11.)

Section 20. The Illinois Vehicle Code is amended by adding Sections 3-704.3 and 6-306.8 as follows:
(625 ILCS 5/3-704.3 new)

Sec. 3-704.3. Failure to satisfy fines or penalties for toll bridge violations; suspension of vehicle registration.

(a) Notwithstanding any law to the contrary, upon the Secretary's receipt of a report, as described in subsection (b), from a private tolling authority stating that the owner of a registered vehicle has failed to satisfy any fees, fines, charges, or penalties resulting from a final invoice or notice by the private tolling authority relating directly or indirectly to 5 or more toll violations, the Secretary shall suspend the vehicle registration of the person in accordance with the procedures set forth in this Section.

(b) The report from the private tolling authority notifying the Secretary of unsatisfied fees, fines, charges, or penalties may be generated by the private tolling authority and received by the Secretary by automated process. The report shall contain the following:

(1) The name, last known address, and driver's license number of the person who failed to satisfy the fees, fines, charges, or penalties, and the registration number of any vehicle known to be registered in this State to that person.

(2) A statement that the private tolling authority sent a notice of impending suspension of the person's vehicle registration to the person named in the report at the address recorded with the Secretary; the date on which the notice was sent; and the address to which the notice was sent.

(c) Following the Secretary's receipt of a report described in subsection (b), the Secretary shall notify the person whose name appears on the report that the person's vehicle registration will be suspended at the end of a specified period unless the Secretary is presented with a notice from the private tolling authority stating that the fees, fines, charges, or penalties owed to the private tolling authority have been satisfied or that inclusion of that person's name on the report described in subsection (b) was in error. The Secretary's notice shall state in substance the information contained in the private tolling authority's report to the Secretary described in subsection (b), and shall be effective as specified by subsection (c) of Section 6-211.

(d) The private tolling authority, after making a report to the Secretary described in subsection (b), shall notify the Secretary, on a form prescribed by the Secretary or by automated process, whenever a person named in the report has satisfied the previously reported fees, fines, charges, or penalties or whenever the

private tolling authority determines that the original report was in error. A copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the private tolling authority's notification, the Secretary shall lift the suspension.

(e) The private tolling authority shall establish procedures for persons to challenge the accuracy of the report described in subsection (b). The procedures shall provide the grounds for a challenge, which may include:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 5 or more toll violations on the date or dates the violations occurred; or

(2) the person having already satisfied the fees, fines, charges, or penalties for the 5 or more toll violations indicated on the report described in subsection (b).

(f) The Secretary and the Authority may promulgate rules necessary to implement this Section.

(g) The Secretary, the Authority, and the private tolling authority shall cooperate with one another in the administration and implementation of this Section.

(h) The Secretary shall provide the Authority and the private tolling authority with any information the Authority or the private tolling authority may deem necessary for the purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to driver's license, vehicle registration, and license plate information, and the Secretary's driver, title, and vehicle record databases. Section 2-123 does not apply to the provision of such information, but the Secretary shall be entitled to reimbursement for its costs in providing such information.

(i) The Authority shall provide the Secretary and the private tolling authority with any information the Secretary or the private tolling authority may deem necessary for purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to toll violation records.

(j) As used in this Section:

"Authority" means the Illinois State Toll Highway Authority.

"Private tolling authority" means the owner, lessee, licensee, or operator of a toll bridge authorized under the Toll Bridge Act.

"Secretary" means the Illinois Secretary of State.

(625 ILCS 5/6-306.8 new)

Sec. 6-306.8. Failure to satisfy fines or penalties for toll bridge violations; suspension of driving privileges.

(a) Notwithstanding any law to the contrary, upon the Secretary's receipt of a report, as described in subsection (b), from a private tolling authority stating that the owner of a registered vehicle has failed to satisfy any fees, fines, charges, or penalties resulting from a final invoice or notice by the private tolling authority relating directly or indirectly to 5 or more toll violations, the Secretary shall suspend the driving privileges of the person in accordance with the procedures set forth in this Section.

(b) The report from the private tolling authority notifying the Secretary of unsatisfied fees, fines, charges, or penalties may be generated by the private tolling authority and received by the Secretary by automated process. The report shall contain the following:

(1) The name, last known address, and driver's license number of the person who failed to satisfy the fees, fines, charges, or penalties, and the registration number of any vehicle known to be registered in this State to that person.

(2) A statement that the private tolling authority sent a notice of impending suspension of the person's driver's license to the person named in the report at the address recorded with the Secretary; the date on which the notice was sent; and the address to which the notice was sent.

(c) Following the Secretary's receipt of a report described in subsection (b), the Secretary shall notify the person whose name appears on the report that the person's driver's license will be suspended at the end of a specified period unless the Secretary is presented with a notice from the private tolling authority stating that the fees, fines, charges, or penalties owed to the private tolling authority have been satisfied or that inclusion of that person's name on the report described in subsection (b) was in error. The Secretary's notice shall state in substance the information contained in the private tolling authority's report to the Secretary described in subsection (b), and shall be effective as specified by subsection (c) of Section 6-211, except as to those drivers who also have been issued a CDL. If a person also has been issued a CDL, notice of suspension of that person's driver's license must be given in writing by certified mail and is effective on the date listed in the notice of suspension, except that the notice is not effective until 4 days after the date on which the notice was deposited into the United States mail. The notice becomes effective 4 days after its deposit into the United States mail regardless of whether the Secretary of State receives the return receipt and regardless of whether the written notification is returned for any reason to the Secretary of State as undeliverable.

(d) The private tolling authority, after making a report to the Secretary described in subsection (b), shall notify the Secretary, on a form prescribed by the Secretary or by automated process, whenever a person named in the report has satisfied the previously reported fees, fines, charges, or penalties or whenever the private tolling authority determines that the original report was in error. A copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the private tolling authority's notification, the Secretary shall lift the suspension.

(e) The private tolling authority shall establish procedures for persons to challenge the accuracy of the report described in subsection (b). The procedures shall provide the grounds for a challenge, which may include:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 5 or more toll violations on the date or dates the violations occurred; or

(2) the person having already satisfied the fees, fines, charges, or penalties for the 5 or more toll violations indicated on the report described in subsection (b).

(f) The Secretary and the Authority may promulgate rules necessary to implement this Section.

(g) The Secretary, the Authority, and the private tolling authority shall cooperate with one another in the administration and implementation of this Section.

(h) The Secretary shall provide the Authority and the private tolling authority with any information the Authority or the private tolling authority may deem necessary for purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to driver's license, vehicle registration, and license plate information, and the Secretary's driver, title, and vehicle record databases. Section 2-123 does not apply to the provision of such information, but the Secretary shall be entitled to reimbursement for its costs in providing such information.

(i) The Authority shall provide the Secretary and the private tolling authority with any information the Secretary or the private tolling authority may deem necessary for purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to toll violation records.

(j) As used in this Section:

"Authority" means the Illinois State Toll Highway Authority.

"Private tolling authority" means the owner, lessee, licensee, or operator of a toll bridge authorized under the Toll Bridge Act.

"Secretary" means the Illinois Secretary of State.

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

AMENDMENT NO. 2 TO SENATE BILL 158

AMENDMENT NO. 2. Amend Senate Bill 158, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 10, line 13, by inserting, after the period, the following:

"Except as regarding toll bridges or as otherwise provided by law, nothing in this amendatory Act of the 101st General Assembly shall be construed to authorize a county, municipality, local government, or private operator to impose a toll upon any public road, street, or highway; nor shall any provision of this amendatory Act of the 101st General Assembly be construed to authorize, pursuant to an intergovernmental agreement or otherwise, the imposition of any toll upon any public road, street, or highway."

Under the rules, the foregoing **Senate Bill No. 158**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 584

A bill for AN ACT concerning local government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 584

Passed the House, as amended, May 27, 2019.

[May 28, 2019]

AMENDMENT NO. 2 TO SENATE BILL 584

AMENDMENT NO. 2. Amend Senate Bill 584 by replacing everything after the enacting clause with the following:

"Section 5. The Metro-East Sanitary District Act of 1974 is amended by changing Sections 3-1 and 3-3 as follows:

(70 ILCS 2905/3-1) (from Ch. 42, par. 503-1)

Sec. 3-1. The district shall be governed by a Board of Commissioners, consisting of 5 commissioners. ~~Two~~ ~~Three~~ of the commissioners shall be residents of that portion of the district in the county having the greater equalized assessed valuation of the district, and 2 shall be residents of that portion of the district in the other county. The appointment of commissioners from each county shall be made by the chairman of the county board of that county with the advice and consent of the county board, except that in the case of a home rule county as defined by Article VII, Section 6, of the Constitution of 1970 the appointment shall be made by the chief executive officer of the county with the advice and consent of the county board. Beginning on the effective date of this amendatory Act of the 101st General Assembly, the mayor, or his or her designee, of the largest municipality in the county having the greater equalized assessed valuation of the district shall be an ex officio commissioner with a right to vote. If there is not a vacant commissioner position from the county having the greater equalized assessed valuation on the effective date of this amendatory Act of the 101st General Assembly, then the term of the last appointed commissioner from that county is terminated on the effective date of this amendatory Act of the 101st General Assembly.

~~The appointed commissioners from each county may not be from the same political party. Of the 5 commissioners, no more than 3 may be of the same political party. Of the 3 commissioners from the county entitled to 3 appointments, no more than 2 may be of the same political party. The 2 commissioners from the other county shall not be of the same political party.~~

The County Board Chairman of either county may remove any of the appointed commissioners from his or her county with the advice and consent of the county board.

In the first appointments to the Board of Commissioners, the appointing authority appointing 3 directors shall designate one appointee to serve for a term of one year, one for a term of 3 years and one for a term of 5 years, and the appointing authority appointing 2 directors shall designate one to serve for a term of 2 years and one for a term of 4 years. Thereafter one commissioner shall be appointed by the appropriate appointing authority each year for a term of 5 years to succeed the director whose term expires in that year. Any vacancy on the Board of Commissioners shall be filled by appointment by the appropriate appointing authority for the remainder of the unexpired term.

~~For the purpose of determining the ex officio commissioner, the county having the greater equalized assessed valuation of the district shall be established on January 1 of each year, and the ex officio commissioner shall serve until January 1 of the following year. If the relative equalized assessed valuation changes so that the position of the 2 counties with respect to majority and minority representation on the board is reversed, the next appointment that would otherwise have been made by the appointing authority for the county formerly entitled to 3 directors shall be made by the appointing authority for the other county.~~

(Source: P.A. 83-1422.)

(70 ILCS 2905/3-3) (from Ch. 42, par. 503-3)

Sec. 3-3. (a) The board of commissioners shall be the corporate authority of the district. The board shall appoint an Executive Director who shall be the chief executive and administrative officer of the district and who shall have the powers provided in Article 4 of this Act. The Executive Director shall be a resident of the district.

The Executive Director's contract shall not: (1) be for a period longer than 1 year; (2) contain provisions allowing retroactive pay; (3) contain provisions allowing bonus pay; (4) limit termination for cause to a specific time period; (5) contain provisions allowing severance pay; (6) contain provisions allowing mutual non-disparaging agreements; or (7) contain provisions allowing arbitration.

The board may select a clerk and a treasurer.

The board shall, at its first meeting each year, select a president from its own membership.

(b) The board of commissioners shall maintain the facilities and properties under the district's control, or supervision for purposes of maintenance, in compliance with the standards prescribed by the Department of Natural Resources.

(Source: P.A. 89-445, eff. 2-7-96.)"

Under the rules, the foregoing **Senate Bill No. 584**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 653

A bill for AN ACT concerning regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 653

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 653

AMENDMENT NO. 1. Amend Senate Bill 653 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 368g as follows:

(215 ILCS 5/368g new)

Sec. 368g. Time-based billing.

(a) As used in this Section, "CPT code" means the medical billing code set contained in the most recent version of the Current Procedural Terminology code book published by the American Medical Association.

(b) A health care plan requiring a health care provider to use a time-based CPT code to bill for health care services shall not apply a time measurement standard that results in fewer units billed than allowed by the CPT code book, except as required by federal law for federally-funded patients.

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

Under the rules, the foregoing **Senate Bill No. 653**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 654

A bill for AN ACT concerning regulation.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 654

House Amendment No. 2 to SENATE BILL NO. 654

House Amendment No. 3 to SENATE BILL NO. 654

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 654

AMENDMENT NO. 1. Amend Senate Bill 654 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

[May 28, 2019]

The Community Association Manager Licensing and Disciplinary Act.
 The Illinois Architecture Practice Act of 1989.
 The Illinois Landscape Architecture Act of 1989.
 The Illinois Professional Land Surveyor Act of 1989.
 The Orthotics, Prosthetics, and Pedorthics Practice Act.
 The Perfusionist Practice Act.
 The Pharmacy Practice Act.
~~The Professional Engineering Practice Act of 1989.~~
 The Real Estate License Act of 2000.
 The Structural Engineering Practice Act of 1989.
 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)
 (5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:
The Professional Engineering Practice Act of 1989.

Section 10. The Professional Engineering Practice Act of 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 17.5, 18, 19, 20, 23, 24, 25, 26, 27, 27.5, 29, 32, 33, 34, 37, 41, 44, 45, 47, and 48 and by adding Sections 4.5, 18.5, 20.5, 20.10, and 31.5 as follows:

(225 ILCS 325/3) (from Ch. 111, par. 5203)

(Section scheduled to be repealed on January 1, 2020)

Sec. 3. Application of the Act; ~~exemptions~~ Exemptions.

(a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.

(b) Nothing in this Act shall be construed to prevent the regular and customary practice of a private alarm contractor licensed pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(c) Nothing in this Act shall be construed to prevent a fire sprinkler contractor licensed under the Fire Sprinkler Contractor Licensing Act from providing fire protection system layout documents. For the purpose of this subsection (c), "fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system.

(d) A building permit for a building that requires a fire suppression system shall not be issued without the submission of a technical submission prepared and sealed by a licensed design professional. Fire protection system layout documents do not require an engineering seal if prepared by a technician who holds a valid NICET level 3 or 4 certification in fire protection technology, automatic sprinkler system layout. An authority having jurisdiction may not accept fire protection system layout documents in lieu of technical submissions. Fire protection system layout documents may be submitted as supporting documents to supplement technical submissions. However, in the event the fire protection system layout documents materially alter the technical submissions, the authority having jurisdiction shall return both the fire protection layout documents and technical submissions to the licensed design professional for review.

(e) Nothing in this Act shall prevent:

(1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.

(2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the professional engineer for the project.

(3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.

(4) Services performed by employees of a business organization engaged in utility, telecommunications, industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization ~~that which~~ are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.

(5) Inspection, maintenance and service work done by employees of the State of Illinois, any political subdivision thereof or any municipality.

(6) The activities performed by those ordinarily designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.

(7) The activities performed by a person ordinarily designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant ~~that which~~ is under such person's immediate supervision.

(8) The services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment.

~~(f) No officer, board, commission, or other public entity charged with the enforcement of codes and ordinances involving a professional engineering project shall accept for filing or approval any technical submissions that do not bear the seal and signature of a professional engineer licensed under this Act.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/4) (from Ch. 111, par. 5204)

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. As used in this Act:

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

(a-5) "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more ~~that which~~ meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department.

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

(d) "Design professional" means an architect, structural engineer, or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) (Blank).

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge. The Department may further define this term by rule.

(f-5) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Department's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

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

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials to be used in, administration of construction contracts for, or site observation of, an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself or herself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but ~~are not need not~~ be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; land development; stormwater detention, retention, and conveyance, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (~~225 ILCS 340/5~~); irrigation works; aircraft and airports; traffic engineering; waterworks, piping systems, sewers, sewage disposal works, storm sewer, sanitary sewer and water system modeling; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil and rock classification, geology and geohydrology, incidental to the practice of professional engineering; geohydrological investigations, migration pathway analysis (including evaluation of building and site elements), soil and groundwater management zone analysis and design; energy analysis, environmental risk assessments, corrective action plans, design, remediation, protection plans and systems, hazardous waste mitigation and control, and environmental control or remediation systems; recognition, measurement, evaluation and control of environmental systems and emissions; control systems, evaluation and design of engineered barriers, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (~~225 ILCS 340/5~~); modeling of pollutants in water, soil, and air; engineering surveys of sites, facilities, and topography specific to a design project, not including land boundary establishment; automated building management systems; control or remediation systems; computer controlled or integrated systems; automatic fire notification and suppression systems; investigation and assessment of indoor air inhalation exposures and design of abatement and remediation systems; or the provision of professional engineering site observation of the construction of works and engineering systems. In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1380.300. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it. Nothing in this Section shall preclude an employee from acting under the direct supervision or responsible charge of a licensed professional engineer.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a ~~4-year~~ 4-year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including ~~_~~ but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means ~~the those~~ rules ~~adopted promulgated~~ pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(t-5) "Secretary" means the Secretary of the ~~Department of~~ Financial and Professional Regulation.

(u) "Site observation" means is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

(w) "~~Technical submissions~~" are the designs, drawings, and specifications which establish the scope and standard of quality for materials, workmanship, equipment, and systems. "~~Technical submissions~~" also includes, but are not limited to, studies, analyses, calculations, and other technical reports prepared in the course of the practice of professional engineering or under the direct supervision and responsible charge of a licensed professional engineer.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/4.5 new)

Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 325/5) (from Ch. 111, par. 5205)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Powers and duties of the Department. The Subject to the provisions of this Act, the Department shall exercise , subject to the provisions of this Act, the following functions, powers, and duties:

(a) Authorize examinations to ascertain the fitness and qualifications of applicants for licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement. To pass upon the qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified.

(b) Adopt rules required for the administration of this Act. To prescribe rules for the method, conduct and grading of the examination of applicants.

(c) Conduct hearings on proceedings to refuse to issue or renew, restore, revoke, or suspend licenses or place on probation or reprimand persons or entities licensed under the provisions of this Act. To register corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a certificate of registration to those who qualify.

(d) Issue licenses to those who meet the requirements of this Act. To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings.

(e) Adopt To prescribe rules as to what shall constitute a an professional engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules.

(f) Adopt rules for what constitutes professional engineering experience. To promulgate rules required for the administration of this Act, including rules of professional conduct.

(g) ~~Maintain~~ To maintain membership in the National Council of Examiners for Engineering and Surveying and

participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council.

(h) Adopt rules for standards of professional conduct. To obtain written recommendations from the Board regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the promulgation of the rules affecting these matters.

Prior to issuance of any final decision or order that deviates from any report or recommendations of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Secretary shall notify the Board in writing with an explanation of any such deviation. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(i) Post To post on the Department's website, a newsletter describing the most recent changes in this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

(j) Review To review such applicant qualifications to sit for the examination or for licensure as the

Board designates pursuant to Section 7 of this Act.

(k) Conduct investigations related to possible violations of this Act.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/6) (from Ch. 111, par. 5206)

(Section scheduled to be repealed on January 1, 2020)

Sec. 6. Board. Composition, qualifications and terms of the Board.

(a) The Secretary shall appoint a Professional Engineering Board. The Board shall consist of 10 members who shall serve in an advisory capacity to the Secretary. All shall be residents of Illinois. 9 members shall (i) currently hold a valid professional engineering license in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act. In addition to the 9 professional engineers, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers.

(b) Board members shall serve 5-year terms and until their successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional engineering profession.

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

(e) No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Six members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses.

(a) The Board shall be appointed by the Secretary and shall consist of 10 members, one of whom shall be a public member and 9 of whom shall be professional engineers licensed under this Act. In addition each member who is a professional engineer shall:

(1) be a citizen of the United States, and

(2) be a resident of this State.

(b) In addition, each member who is a professional engineer shall:

(1) have not less than 12 years of experience in the practice of professional engineering, and shall hold an active license as a professional engineer in Illinois;

(2) have been in charge of professional engineering work for at least 5 years. For the purposes of this Section, any period in which a person has been in charge of teaching engineering in an engineering college with the rank of assistant professor or higher shall be considered as time in which such person was in charge of professional engineering work.

The terms for all members shall be for 5 years. On the expiration of the term of any member or in the event of a vacancy, the Secretary shall appoint a member who shall hold office until the expiration of the term for which the member is appointed and until a successor has been appointed and qualified.

No member shall be reappointed to the Board for a term which would cause that individual's lifetime service on the Board to be longer than 15 years.

In implementing the 5-year terms, the Secretary shall vary the terms to enable the Board to have no more than 2 terms expire in any one year.

The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer, or a land surveyor. The public member shall be an Illinois resident and a citizen of the United States.

In making appointments to the Board, the Secretary shall give due consideration to recommendations by members of the profession and by organizations therein.

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

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

A quorum of the Board shall consist of 6 Board members. A quorum is required for Board decisions.

Each member of the Board may receive compensation as determined by the Secretary and shall be reimbursed for all actual traveling expenses.

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

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

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/7) (from Ch. 111, par. 5207)

(Section scheduled to be repealed on January 1, 2020)

Sec. 7. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) The Board shall hold at least 3 regular meetings each year. Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable;

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional engineers. The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule in 68 Ill. Adm. Code 1380.305, and any changes and amendments thereto;

(c) The Board, upon request by the Department, may make a curriculum evaluation to approve a professional engineer program, a non-approved engineering program, and related science curriculum. Conduct hearings regarding disciplinary actions and submit a written report and recommendations to the Secretary as required by this Act and to provide a Board member at informal conferences;

(d) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act. Make visits to universities or colleges to evaluate engineering curricula or to otherwise evaluate engineering curricula and submit to the Secretary a written recommendation of acceptability of a curriculum;

(e) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. Submit a written recommendation to the Secretary concerning promulgation of rules as required in Section 5 and to recommend to the Secretary any rules or amendments thereto for the administration of this Act;

(f) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings. Hold at least 3 regular meetings each year;

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. Elect annually a chairperson and a vice chairperson who shall be professional engineers; and

(h) Submit written comments to the Secretary within 30 days from notification of any final decision or order from the Secretary that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/8) (from Ch. 111, par. 5208)

(Section scheduled to be repealed on January 1, 2020)

Sec. 8. Applications for licensure.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional engineer or engineer intern. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department. Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.

(b) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal

of application for licensure. Allowable experience shall commence at the date of the baccalaureate degree, except:

(1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training, when such program is certified by the university, or

(2) Partial credit may be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(3) If an applicant files an application and supporting documents containing a material misstatement of information or a misrepresentation for the purpose of obtaining licensure or enrollment or if an applicant performs any fraud or deceit in taking any examination to qualify for licensure or enrollment under this Act, the Department may issue a rule of intent to deny licensure or enrollment and may conduct a hearing in accordance with Sections 26 through 33 and Sections 37 and 38 of this Act.

The Board may conduct oral interviews of any applicant under Sections 10, 11, or 19 to assist in the evaluation of the qualifications of the applicant.

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluating service approved by the Department.

An applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English as defined by rule. However, any such applicant who subsequently earns an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

(Source: P.A. 98-993, eff. 1-1-15.)

(225 ILCS 325/9) (from Ch. 111, par. 5209)

(Section scheduled to be repealed on January 1, 2020)

Sec. 9. Licensure qualifications; Examinations; Failure or refusal to take examinations.

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional engineer or engineer intern.

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

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

Examinations provided for by this Act shall be conducted under rules prescribed by the Department. Examinations shall be held not less frequently than semi-annually, at times and places prescribed by the Department, of which applicants shall be notified by the Department in writing.

Examinations of the applicants who seek to practice professional engineering shall ascertain: (a) if the applicant has an adequate understanding of the basic and engineering sciences, which shall embrace subjects required of candidates for an approved baccalaureate degree in engineering, and (b) if the training and experience of the applicant have provided a background for the application of the basic and engineering sciences to the solution of engineering problems. The Department may by rule prescribe additional subjects for examination. If an applicant neglects, fails to take, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/10) (from Ch. 111, par. 5210)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Minimum standards for licensure as professional engineer.

(a) To qualify for licensure as a professional engineer, each applicant shall be:

(1) ~~(a)~~ a graduate of an approved engineering curriculum of at least 4 years who submits acceptable evidence to the Board of an additional 4 years or more of experience in engineering work of a grade and character ~~that which~~ indicate that the individual may be competent to practice professional engineering, and who has passed an examination in the fundamentals of engineering as defined by rule and an examination in the principles and practice of engineering as defined by rule. Upon submitting an application with proof of passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(2) ~~(b)~~ a graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and which meets the requirements as set forth by rule by submitting an application to the Department for its review and approval, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who has passed an examination in the fundamentals of engineering as defined by rule and an examination in the principles and practice of engineering as defined by rule. Upon submitting the application with proof of passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(3) ~~(c)~~ an Illinois engineer intern, by application and payment of the required fee, may then take an examination in the principles and practice of engineering as defined by rule. If the applicant passes that examination and submits evidence to the Board that meets the experience qualification of ~~paragraph (1) or (2) subsection (a) or (b) of this Section~~, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.

(b) Allowable experience for licensure shall commence at the date of the baccalaureate degree, except for experience gained while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(c) When considering an applicant's qualifications for licensure under this Act, the Department may take into consideration whether an applicant has engaged in conduct or actions that would constitute a violation of the Standards of Professional Conduct for this Act as provided ~~for~~ by administrative rules.

(Source: P.A. 97-333, eff. 8-12-11; 98-713, eff. 7-16-14.)

(225 ILCS 325/11) (from Ch. 111, par. 5211)

(Section scheduled to be repealed on January 1, 2020)

Sec. 11. Minimum standards for examination for enrollment as engineer intern. Each of the following is considered a minimum standard that an applicant must satisfy to qualify for enrollment as an engineer intern:

(a) A graduate of an approved engineering curriculum of at least 4 years, who has passed an examination in the fundamentals of engineering as defined by rule, shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(b) An applicant in the last year of an approved engineering curriculum who passes an examination in the fundamentals of engineering as defined by rule and furnishes proof that the applicant graduated within a 12-month 12-month period following the examination shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(c) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and which meets the requirements as set forth by rule by submitting an application to the Department for its review and approval, who submits acceptable evidence to the Board of an additional 4 years or more of progressive experience in engineering work, and who has passed an examination in the fundamentals of engineering as defined by rule shall be enrolled as an engineer intern, if the applicant is otherwise qualified.

(Source: P.A. 98-713, eff. 7-16-14; 99-78, eff. 7-20-15.)

(225 ILCS 325/12) (from Ch. 111, par. 5212)

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Educational credits or teaching as equivalent of experience.

(a) After earning an acceptable baccalaureate degree as required by paragraph (1) or (2) of subsection (a) or (b) of Section 10 in engineering or related science and upon completion of a Master's degree in engineering, the applicant may receive one year of experience credit. Upon completion of a Ph.D. in engineering, an applicant may receive an additional year experience credit for a maximum of 2 years.

(b) Teaching engineering subjects in an engineering college at a rank of assistant professor instructor or above is considered experience in engineering.

(c) (Blank).

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/14) (from Ch. 111, par. 5214)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Seal. Every professional engineer shall have a reproducible seal or stamp, which may be computer generated, the imprint of which shall ~~the print of which shall be reproducible and~~ contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois". Any reproducible stamp heretofore authorized under the laws of this State ~~state~~ for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. The engineer shall be responsible for his or her seal and signature as defined by rule. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

~~It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional engineer who originally sealed and signed the technical submissions.~~

(Source: P.A. 98-289, eff. 1-1-14.)

(225 ILCS 325/15) (from Ch. 111, par. 5215)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Technical submissions.

(a) Technical submissions are the designs, drawings, and specifications that establish the scope of the professional engineering project, the standard of quality for materials, workmanship, equipment, and constructions systems, and the studies and other technical reports and calculations prepared in the course of the practice of professional engineering. All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date. The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Computer-generated signatures are not permitted.

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

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

(d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the professional engineer who originally sealed and signed the technical submissions.

(e) The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

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

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/16) (from Ch. 111, par. 5216)

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Display Issuance of license. Whenever the provisions of this Act have been complied with the Department may issue a license as a professional engineer and enroll the engineer intern. Every holder of a license under this Act as a professional engineer shall display the license in a conspicuous place in his or her the professional engineer's principal office, place of business, or place of employment.

~~It is the professional engineer's and engineer intern's responsibility to inform the Department of any change of address.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/17) (from Ch. 111, par. 5217)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Renewal, reinstatement, or restoration of license; persons in military service ~~License; Renewal; Restoration; Person in military service; Retired.~~

(a) The expiration date and renewal period for each professional engineer license issued under this Act shall be set by the Department by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. The enrollment of an engineer intern shall not expire.

(b) A professional engineer who has permitted his or her license to expire or has had his or her license placed on inactive status may have his or her ~~Any person whose license has expired or whose license is on inactive status may have such~~ license restored by making application to the Department and filing proof acceptable to the Department of his or her ~~that person's~~ fitness to have his or her ~~such~~ license restored, including, but not limited to, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee as determined by rule. ~~If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated experience and may require successful completion of the principles and practice examination.~~

(c) A professional engineer whose license has expired while engaged (1) in federal service 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 before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education and the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of professional engineering and that such service, training, or education has been so terminated. ~~However, any person whose license expired while that person was (1) in Federal Service 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 such license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and has maintained professional competence and that such service, training or education has been so terminated.~~

(d) The enrollment of an engineer intern does not expire.

Each application for renewal shall contain the original seal and signature of the professional engineer. Applicants for renewal or restoration shall certify that all conditions of their license meet the requirements of the Illinois Professional Engineering Practice Act of 1989.

Any person who has been duly licensed as a professional engineer by the Department and who chooses to deactivate or not renew his or her license may use the title "Professional Engineer, Retired". Those persons using the title "Professional Engineer, Retired" may request restoration to active status under the applicable provisions of Sections 17, 17.5, and 18 of this Act.

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

~~Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other document indicating that a person has been granted the title, "Professional Engineer, Retired".~~
(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/17.5)

(Section scheduled to be repealed on January 1, 2020)

~~Sec. 17.5. Continuing education. The Department may adopt promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 17 ~~or 18~~ of this Act. For the purposes of this Act, continuing education shall also be known as professional development.~~

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/18) (from Ch. 111, par. 5218)

(Section scheduled to be repealed on January 1, 2020)

~~Sec. 18. Inactive status. A person licensed under this Act who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her ~~that person's~~ license on an inactive status and shall, ~~subject to rules,~~ be excused from payment of renewal fees until the Department is notified in writing of that person's desire to resume active status.~~

Any professional engineer whose license is in inactive status shall not practice professional engineering in the State of Illinois.

~~Any person requesting restoration from inactive status is required to pay the current renewal fee and is required to seek restoration of license as provided in Section 17 of this Act. Any professional engineer whose license is in an inactive status shall not practice professional engineering in the State of Illinois.~~

(Source: P.A. 86-667.)

(225 ILCS 325/18.5 new)

Sec. 18.5. Professional Engineer, Retired.

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

(b) The use of the title "Professional Engineer, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice professional engineering as defined in this Act.

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

(225 ILCS 325/19) (from Ch. 111, par. 5219)

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Endorsement.

~~The Department may, upon application in writing on forms or electronically accompanied by the recommendation of the Board, license as a professional engineer, on payment of the required fee, issue a license as a professional engineer to an applicant already who is a professional engineer registered or licensed under the laws of another state, the District of Columbia, or a territory of the United States, or the District of Columbia or a party parties to the North American Free Trade Agreement if the applicant qualifies under Section 8 and Section 10 of this Act, or if the requirements for licensure in that qualifications of the applicant were at the time of registration or licensure in another jurisdiction were, at the time of original licensure, substantially equivalent equal to the requirements then in force in this State on that date.~~

~~The Department may refuse to endorse the applicants from any state, District of Columbia or territory if the requirements for registration or licensure in such jurisdiction are not substantially equal to the requirements of this Act.~~

(b) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed during the 3-year ~~3-year~~ time frame, 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. 96-626, eff. 8-24-09.)

(225 ILCS 325/20) (from Ch. 111, par. 5220)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

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

(c) All the fees and fines collected as authorized under this Act ~~pursuant to this Section~~ shall be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/20.5 new)

Sec. 20.5. 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, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(225 ILCS 325/20.10 new)

Sec. 20.10. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional engineer or engineer intern without being licensed or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being registered as a professional design firm or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(d) 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 final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(e) A person or entity not licensed or registered under this Act that has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.

(225 ILCS 325/23) (from Ch. 111, par. 5223)

(Section scheduled to be repealed on January 1, 2020)

Sec. 23. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, ~~as amended~~, of a corporation to practice professional engineering.

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

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

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of professional engineering activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional engineering in Illinois.

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

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

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

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

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

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

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

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the professional design firm shall notify the Department of this fact in writing, by regular certified mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original ~~30-day~~ 30-day period.

If the professional design firm has not notified the Department in writing, by regular certified mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular certified mail or email to the last known address of the business. If the professional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections ~~21 and 24~~, 39, and 40 of this Act for the unlicensed practice of professional engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional engineering be relieved of the responsibility for professional services

performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

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

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

(225 ILCS 325/24) (from Ch. 111, par. 5224)

(Section scheduled to be repealed on January 1, 2020)

Sec. 24. ~~Grounds for Rules of professional conduct; disciplinary or administrative action.~~

~~(a) The Department may refuse to issue or renew a license or registration, 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 per violation, with regard to any license issued under this Act, for any one or a combination of the following reasons: The Department shall adopt rules setting standards of professional conduct and establish appropriate penalties for the breach of such rules.~~

~~(a-1) The Department may, singularly or in combination, refuse to issue, renew, or restore a license or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to a person licensed under this Act, including but not limited to, the imposition of a fine not to exceed \$10,000 per violation upon any person, corporation, partnership, or professional design firm licensed or registered under this Act, for any one or combination of the following causes:~~

~~(1) Material misstatement in furnishing information to the Department.~~

~~(2) Negligence, incompetence, or misconduct in the practice of professional engineering. Violations of this Act or any of its rules.~~

~~(3) Failure to comply with any provisions of this Act or any of its rules. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof, or that is a misdemeanor, an essential element of which is dishonesty, or any crime that is directly related to the practice of engineering.~~

~~(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act. Making any misrepresentation for the purpose of obtaining, renewing, or restoring a license or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.~~

~~(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment. Willfully making or signing a false statement, certificate, or affidavit to induce payment.~~

~~(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of professional engineering. Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.~~

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

~~(8) Failing to provide information in response to a written request made by the Department within 60 30 days after receipt of such written request.~~

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

~~(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety. Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or mental illness or disability.~~

~~(11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department, Discipline by the United States Government, another state, District of Columbia, territory, foreign nation or government agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.~~

~~(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms. 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.

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability. A finding by the Department that an applicant or registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act. Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act. Inability to practice the profession with reasonable judgment, skill or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another or impersonating another licensee. The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered. (Blank):

(18) Signing or affixing the professional engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the professional engineer or under the professional engineer's supervision and control.

(19) Making a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(a-2) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105-2105-15).

(a-3) (Blank):

(a-4) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105-2105-15).

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

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

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

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under ~~the provisions of his or her license.~~

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

(c) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure 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 the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 325/25) (from Ch. 111, par. 5225)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. ~~Violations;~~ Injunction; cease Cease and desist order.

(a) If any person or other entity violates the provisions of this Act, the Secretary Director, 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, may petition the circuit court for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court may issue a temporary restraining order, without bond, and may preliminarily and permanently enjoin such violation. If it is established that such person or other entity 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) (Blank). If any person practices as a professional engineer or holds himself out as such, without being licensed under the provisions of this Act, then any professional engineer, or any interested party or any person injured thereby may, in addition to the Director, petition for relief as provided in this Section.~~

~~(c) (Blank)~~

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

(Source: P.A. 88-428; 88-595, eff. 8-26-94.)

(225 ILCS 325/26) (from Ch. 111, par. 5226)

(Section scheduled to be repealed on January 1, 2020)

Sec. 26. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration under this Act.

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.

(c) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify in writing the applicant or licensee of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or licensee to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant or licensee that failure to file a written answer to the charges will result in a default being entered against the applicant or licensee.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee or applicant, after receiving the notice, fails to file an answer, the license or application may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

~~The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration or offering professional engineering services. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedure established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration or otherwise discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges, that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record. In case the person or entity fails to file an answer after receiving notice as provided in this Section, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/27) (from Ch. 111, par. 5227)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Record of proceedings Stenographer; transcript.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked or suspended or in which a licensee may be placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue, restore or renew a license or otherwise discipline a registrant. 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 orders of the Department shall be in the record of the proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

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

(225 ILCS 325/27.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27.5. Subpoenas; depositions; oaths.

(a) The Department has the power to subpoena documents, books, records, or other materials, to bring before it any person, and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner prescribed in civil cases in courts of this State.

(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/29) (from Ch. 111, par. 5229)

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Hearing; motion for rehearing Notice of hearing; Findings and recommendations.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its finding and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for

discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore or renew a license, or otherwise discipline a registrant. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action. 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. 96-626, eff. 8-24-09.)

(225 ILCS 325/31.5 new)

Sec. 31.5. 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 325/32) (from Ch. 111, par. 5232)

(Section scheduled to be repealed on January 1, 2020)

Sec. 32. Hearing Appointment of a hearing officer. Notwithstanding any provision in this Act, the Secretary has the authority to appoint an 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 discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. 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 to the Secretary. Notwithstanding the provisions of Section 26, the Secretary has the authority to appoint any attorney duly registered to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore or renew a license or to discipline a registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the findings and recommendations to the Board and the Secretary. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer except as herein noted. However, if the Secretary disagrees in any regard with the report of the Board or hearing officer, the Secretary may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/34) (from Ch. 111, par. 5234)

(Section scheduled to be repealed on January 1, 2020)

Sec. 34. Restoration from disciplinary status of suspended or revoked license.

(a) At any time after the successful completion of a term of probation, suspension, or revocation, ~~or probation~~ of any license under this Act, the Department may restore the license it to the licensee accused person, after review and upon the written recommendation of the Board, unless after an investigation and a hearing, the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 17 and any related rules adopted.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/37) (from Ch. 111, par. 5237)

(Section scheduled to be repealed on January 1, 2020)

Sec. 37. Administrative review; ~~Venue.~~

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding 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.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the accused by the Department shall remain in full force and effect.

(Source: P.A. 86-667.)

(225 ILCS 325/41) (from Ch. 111, par. 5241)

(Section scheduled to be repealed on January 1, 2020)

Sec. 41. Violation; ~~political subdivisions, county, city or town; construction~~ Political subdivisions, County, City or Town; Construction without professional engineer. It is unlawful for the State or any of its political subdivisions, or any county, city or town to engage in the construction of any public work involving professional engineering; unless the engineering plan, specifications, and estimates have been prepared by, and the construction is executed under, the guidance of a professional engineer licensed under this Act.

(Source: P.A. 86-667.)

(225 ILCS 325/44) (from Ch. 111, par. 5244)

(Section scheduled to be repealed on January 1, 2020)

Sec. 44. Fund; appropriations; investments; audits. Moneys deposited ~~into~~ into the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Illinois Architecture Practice Act, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-75)~~ and other expenses related to the administration and enforcement of this Act.

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

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

All fines and penalties under ~~Sections Section 21 and 24, Section 39, Section 42, and Section 43~~ shall be deposited ~~into~~ into the Design Professionals Administration and Investigation Fund.

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

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

(225 ILCS 325/45) (from Ch. 111, par. 5245)

(Section scheduled to be repealed on January 1, 2020)

Sec. 45. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the registrant has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed

sufficient when mailed to the ~~last known~~ address of record or emailed to the email address of record of a party.

(Source: P.A. 88-45.)

(225 ILCS 325/47) (from Ch. 111, par. 5247)

(Section scheduled to be repealed on January 1, 2020)

Sec. 47. Practice of structural engineering or architecture.

(a) No professional engineer may practice structural engineering as defined in the Structural Engineering Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

(b) No professional engineer may practice architecture as defined in the Illinois Architecture Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

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

(225 ILCS 325/48) (from Ch. 111, par. 5248)

(Section scheduled to be repealed on January 1, 2020)

Sec. 48. Construction of Act; ~~existing~~ Existing injunctions. The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under The Illinois Professional Engineering Act, approved July 20, 1945, as amended, which prohibits unlicensed practice of professional engineering or prohibits or requires any other conduct in connection with the practice of professional engineering shall not be invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act.

(Source: P.A. 86-667.)

(225 ILCS 325/21 rep.) (225 ILCS 325/30 rep.) (225 ILCS 325/31 rep.) (225 ILCS 325/38 rep.) (225 ILCS 325/39 rep.) (225 ILCS 325/40 rep.) (225 ILCS 325/42 rep.) (225 ILCS 325/43 rep.)

Section 15. The Professional Engineering Practice Act of 1989 is amended by repealing Sections 21, 30, 31 38, 39, 40, 42 and, 43.

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

AMENDMENT NO. 2 TO SENATE BILL 654

AMENDMENT NO. 2. Amend Senate Bill 654, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

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

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Professional Engineering Practice Act of 1989.

Section 10. The Professional Engineering Practice Act of 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 17.5, 18, 19, 20, 23, 24, 25, 26, 27, 27.5, 29, 32, 33, 34, 37, 41, 44, 45, 47, and 48 and by adding Sections 4.5, 18.5, 20.5, 20.10, and 31.5 as follows:

(225 ILCS 325/3) (from Ch. 111, par. 5203)

(Section scheduled to be repealed on January 1, 2020)

Sec. 3. Application of the Act; ~~exemptions~~ Exemptions.

(a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.

(b) Nothing in this Act shall be construed to prevent the regular and customary practice of a private alarm contractor licensed pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(c) Nothing in this Act shall be construed to prevent a fire sprinkler contractor licensed under the Fire Sprinkler Contractor Licensing Act from providing fire protection system layout documents. For the purpose of this subsection (c), "fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system.

(d) A building permit for a building that requires a fire suppression system shall not be issued without the submission of a technical submission prepared and sealed by a licensed design professional. Fire protection system layout documents do not require an engineering seal if prepared by a technician who holds a valid NICET level 3 or 4 certification in fire protection technology, automatic sprinkler system layout. An authority having jurisdiction may not accept fire protection system layout documents in lieu of technical submissions. Fire protection system layout documents may be submitted as supporting documents to supplement technical submissions. However, in the event the fire protection system layout documents materially alter the technical submissions, the authority having jurisdiction shall return both the fire protection layout documents and technical submissions to the licensed design professional for review.

(e) Nothing in this Act shall prevent:

(1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.

(2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the professional engineer for the project.

(3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.

(4) Services performed by employees of a business organization engaged in utility, telecommunications, industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization ~~that which~~ are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.

(5) Inspection, maintenance and service work done by employees of the State of Illinois, any political subdivision thereof or any municipality.

(6) The activities performed by those ordinarily designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.

(7) The activities performed by a person ordinarily designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant ~~that which~~ is under such person's immediate supervision.

(8) The services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment.

~~(f) No officer, board, commission, or other public entity charged with the enforcement of codes and ordinances involving a professional engineering project shall accept for filing or approval any technical submissions that do not bear the seal and signature of a professional engineer licensed under this Act.~~
(Source: P.A. 96-626, eff. 8-24-09.)

[May 28, 2019]

(225 ILCS 325/4) (from Ch. 111, par. 5204)

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. As used in this Act:

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

(a-5) "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more ~~that~~ which meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department.

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

(d) "Design professional" means an architect, structural engineer, or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) (Blank).

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge. The Department may further define this term by rule.

(f-5) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Department's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

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

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials to be used in, administration of construction contracts for, or site observation of, an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself or herself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but ~~are not~~ are not ~~be~~ limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; land development; stormwater detention, retention, and conveyance, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (~~225 ILCS 340/5~~); irrigation works; aircraft and airports; traffic engineering; waterworks, piping systems, sewers, sewage disposal works, storm sewer, sanitary sewer and water system modeling; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or

distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil and rock classification, geology and geohydrology, incidental to the practice of professional engineering; geohydrological investigations, migration pathway analysis (including evaluation of building and site elements), soil and groundwater management zone analysis and design; energy analysis, environmental risk assessments, corrective action plans, design, remediation, protection plans and systems, hazardous waste mitigation and control, and environmental control or remediation systems; recognition, measurement, evaluation and control of environmental systems and emissions; control systems, evaluation and design of engineered barriers, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (225 ILCS 340/5); modeling of pollutants in water, soil, and air; engineering surveys of sites, facilities, and topography specific to a design project, not including land boundary establishment; automated building management systems; control or remediation systems; computer controlled or integrated systems; automatic fire notification and suppression systems; investigation and assessment of indoor air inhalation exposures and design of abatement and remediation systems; or the provision of professional engineering site observation of the construction of works and engineering systems. In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1380.300. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it. Nothing in this Section shall preclude an employee from acting under the direct supervision or responsible charge of a licensed professional engineer.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a ~~4-year~~ 4-year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including ~~2~~ but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means ~~the those rules adopted promulgated~~ pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(t-5) "Secretary" means the Secretary of ~~the Department of~~ Financial and Professional Regulation.

(u) "Site observation" ~~means~~ is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

~~(w) "Technical submissions" are the designs, drawings, and specifications which establish the scope and standard of quality for materials, workmanship, equipment, and systems. "Technical submissions" also includes, but are not limited to, studies, analyses, calculations, and other technical reports prepared in the course of the practice of professional engineering or under the direct supervision and responsible charge of a licensed professional engineer.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/4.5 new)

Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 325/5) (from Ch. 111, par. 5205)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Powers and duties of the Department. ~~The Subject to the provisions of this Act, the Department shall exercise , subject to the provisions of this Act, the following functions, powers, and duties:~~

(a) Authorize examinations to ascertain the fitness and qualifications of applicants for licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement. ~~To pass upon the~~

qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified.

(b) ~~Adopt rules required for the administration of this Act. To prescribe rules for the method, conduct and grading of the examination of applicants.~~

(c) ~~Conduct hearings on proceedings to refuse to issue or renew, restore, revoke, or suspend licenses or place on probation or reprimand persons or entities licensed under the provisions of this Act. To register corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a certificate of registration to those who qualify.~~

(d) ~~Issue licenses to those who meet the requirements of this Act. To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings.~~

(e) ~~Adopt To prescribe rules as to what shall constitute a an professional engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules.~~

(f) ~~Adopt rules for what constitutes professional engineering experience. To promulgate rules required for the administration of this Act, including rules of professional conduct.~~

(g) ~~Maintain To maintain~~ membership in the National Council of Examiners for Engineering and Surveying and

participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council.

(h) ~~Adopt rules for standards of professional conduct.~~

(i) ~~Obtain To obtain~~ written recommendations from the Board regarding qualifications of individuals for

licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the ~~adoption~~ promulgation of the rules affecting these matters.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for the action in the final decision or order. Prior to issuance of any final decision or order that deviates from any report or recommendations of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Secretary shall notify the Board in writing with an explanation of any such deviation. The Department may at any time seek the expert advice and knowledge of the Board on

any matter relating to the enforcement of this Act.

(i) ~~Post To post~~ on the Department's website, a newsletter describing the most recent changes in this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

(j) ~~Review To review~~ such applicant qualifications to sit for the examination or for licensure as the Board designates pursuant to Section 7 of this Act.

(k) ~~Conduct investigations related to possible violations of this Act.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/6) (from Ch. 111, par. 5206)

(Section scheduled to be repealed on January 1, 2020)

Sec. 6. Board. Composition, qualifications and terms of the Board.

(a) The Secretary shall appoint a Professional Engineering Board. The Board shall consist of 10 members who shall serve in an advisory capacity to the Secretary. All shall be residents of Illinois. 9 members shall (i) currently hold a valid professional engineering license in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act. In addition to the 9 professional engineers, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers.

(b) Board members shall serve 5-year terms and until their successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional engineering profession.

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

(e) No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Six members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(a) The Board shall be appointed by the Secretary and shall consist of 10 members, one of whom shall be a public member and 9 of whom shall be professional engineers licensed under this Act. In addition each member who is a professional engineer shall:

(1) be a citizen of the United States, and

(2) be a resident of this State.

(b) In addition, each member who is a professional engineer shall:

(1) have not less than 12 years of experience in the practice of professional engineering, and shall hold an active license as a professional engineer in Illinois;

(2) have been in charge of professional engineering work for at least 5 years. For the purposes of this Section, any period in which a person has been in charge of teaching engineering in an engineering college with the rank of assistant professor or higher shall be considered as time in which such person was in charge of professional engineering work.

The terms for all members shall be for 5 years. On the expiration of the term of any member or in the event of a vacancy, the Secretary shall appoint a member who shall hold office until the expiration of the term for which the member is appointed and until a successor has been appointed and qualified.

No member shall be reappointed to the Board for a term which would cause that individual's lifetime service on the Board to be longer than 15 years.

In implementing the 5-year terms, the Secretary shall vary the terms to enable the Board to have no more than 2 terms expire in any one year.

The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer, or a land surveyor. The public member shall be an Illinois resident and a citizen of the United States.

In making appointments to the Board, the Secretary shall give due consideration to recommendations by members of the profession and by organizations therein.

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

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

A quorum of the Board shall consist of 6 Board members. A quorum is required for Board decisions.

Each member of the Board may receive compensation as determined by the Secretary and shall be reimbursed for all actual traveling expenses.

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

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

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/7) (from Ch. 111, par. 5207)

(Section scheduled to be repealed on January 1, 2020)

Sec. 7. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) The Board shall hold at least 3 regular meetings each year. Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable;

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional engineers. The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule in 68 Ill. Adm. Code 1380.305, and any changes and amendments thereto;

(c) The Board, upon request by the Department, may make a curriculum evaluation to approve a professional engineer program, a non-approved engineering program, and related science curriculum and submit to the Secretary a written recommendation of acceptability of a curriculum. Conduct hearings regarding disciplinary actions and submit a written report and recommendations to the Secretary as required by this Act and to provide a Board member at informal conferences;

(d) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act. Make visits to universities or colleges to evaluate engineering curricula or to otherwise evaluate engineering curricula and submit to the Secretary a written recommendation of acceptability of a curriculum;

(e) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule. Submit a written recommendation to the Secretary concerning promulgation of rules as required in Section 5 and to recommend to the Secretary any rules or amendments thereto for the administration of this Act;

(f) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings. Hold at least 3 regular meetings each year;

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. Elect annually a chairperson and a vice chairperson who shall be professional engineers; and

(h) Submit written comments to the Secretary within 30 days from notification of any final decision or order from the Secretary that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/8) (from Ch. 111, par. 5208)

(Section scheduled to be repealed on January 1, 2020)

Sec. 8. Applications for licensure.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional engineer or engineer intern. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department. Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.

(b) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal of application for licensure. Allowable experience shall commence at the date of the baccalaureate degree, except:

(1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training, when such program is certified by the university, or

(2) Partial credit may be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(3) If an applicant files an application and supporting documents containing a material misstatement of information or a misrepresentation for the purpose of obtaining licensure or enrollment or if an applicant performs any fraud or deceit in taking any examination to qualify for licensure or enrollment under this Act, the Department may issue a rule of intent to deny licensure or enrollment and may conduct a hearing in accordance with Sections 26 through 33 and Sections 37 and 38 of this Act.

The Board may conduct oral interviews of any applicant under Sections 10, 11, or 19 to assist in the evaluation of the qualifications of the applicant.

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluating service approved by the Department.

An applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English as defined by rule. However, any such applicant who subsequently earns an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

(Source: P.A. 98-993, eff. 1-1-15.)

(225 ILCS 325/9) (from Ch. 111, par. 5209)

(Section scheduled to be repealed on January 1, 2020)

Sec. 9. Licensure qualifications; Examinations; Failure or refusal to take examinations.

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional engineer or engineer intern.

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

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

Examinations provided for by this Act shall be conducted under rules prescribed by the Department. Examinations shall be held not less frequently than semi-annually, at times and places prescribed by the Department, of which applicants shall be notified by the Department in writing.

Examinations of the applicants who seek to practice professional engineering shall ascertain: (a) if the applicant has an adequate understanding of the basic and engineering sciences, which shall embrace subjects required of candidates for an approved baccalaureate degree in engineering, and (b) if the training and experience of the applicant have provided a background for the application of the basic and engineering sciences to the solution of engineering problems. The Department may by rule prescribe additional subjects for examination. If an applicant neglects, fails to take, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/10) (from Ch. 111, par. 5210)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Minimum standards for licensure as professional engineer.

(a) To qualify for licensure as a professional engineer, each applicant shall be:

(1) (a) a graduate of an approved engineering curriculum of at least 4 years who submits acceptable evidence to the Board of an additional 4 years or more of experience in engineering work of a grade and character that which indicate that the individual may be competent to practice professional engineering, and who has passed an examination in the fundamentals of engineering as defined by rule and an examination in the principles and practice of engineering as defined by rule. Upon submitting an application with proof of passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(2) (b) a graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and which meets the requirements as set forth by rule by submitting an application to the Department for its review and approval, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate

that the individual may be competent to practice professional engineering, and who has passed an examination in the fundamentals of engineering as defined by rule and an examination in the principles and practice of engineering as defined by rule. Upon submitting the application with proof of passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(3) (e) an Illinois engineer intern, by application and payment of the required fee, may then take an examination in the principles and practice of engineering as defined by rule. If the applicant passes that examination and submits evidence to the Board that meets the experience qualification of ~~paragraph (1) or (2) subsection (a) or (b) of this Section~~, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.

(b) Allowable experience for licensure shall commence at the date of the baccalaureate degree, except for experience gained while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(c) When considering an applicant's qualifications for licensure under this Act, the Department may take into consideration whether an applicant has engaged in conduct or actions that would constitute a violation of the Standards of Professional Conduct for this Act as provided ~~for~~ by administrative rules.

(Source: P.A. 97-333, eff. 8-12-11; 98-713, eff. 7-16-14.)

(225 ILCS 325/11) (from Ch. 111, par. 5211)

(Section scheduled to be repealed on January 1, 2020)

Sec. 11. Minimum standards for examination for enrollment as engineer intern. Each of the following is considered a minimum standard that an applicant must satisfy to qualify for enrollment as an engineer intern:

(a) A graduate of an approved engineering curriculum of at least 4 years, who has passed an examination in the fundamentals of engineering as defined by rule, shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(b) An applicant in the last year of an approved engineering curriculum who passes an examination in the fundamentals of engineering as defined by rule and furnishes proof that the applicant graduated within a ~~12-month~~ ~~12-month~~ period following the examination shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or

(c) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and which meets the requirements as set forth by rule by submitting an application to the Department for its review and approval, who submits acceptable evidence to the Board of an additional 4 years or more of progressive experience in engineering work, and who has passed an examination in the fundamentals of engineering as defined by rule shall be enrolled as an engineer intern, if the applicant is otherwise qualified.

(Source: P.A. 98-713, eff. 7-16-14; 99-78, eff. 7-20-15.)

(225 ILCS 325/12) (from Ch. 111, par. 5212)

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Educational credits or teaching as equivalent of experience.

(a) After earning an acceptable baccalaureate degree as required by paragraph (1) or (2) of subsection (a) or (b) of Section 10 in engineering or related science and upon completion of a Master's degree in engineering, the applicant may receive one year of experience credit. Upon completion of a Ph.D. in engineering, an applicant may receive an additional year experience credit for a maximum of 2 years.

(b) Teaching engineering subjects in an engineering college at a rank of assistant professor instructor or above is considered experience in engineering.

(c) (Blank).

(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

(225 ILCS 325/14) (from Ch. 111, par. 5214)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Seal. Every professional engineer shall have a reproducible seal or stamp, which may be computer generated, the imprint of which shall ~~the print of which shall be reproducible~~ and contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois". Any reproducible stamp heretofore authorized under the laws of this ~~State~~ ~~state~~ for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. The engineer shall be responsible for his or her seal and signature as defined by rule. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

~~It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional engineer who originally sealed and signed the technical submissions.~~

~~(Source: P.A. 98-289, eff. 1-1-14.)~~

~~(225 ILCS 325/15) (from Ch. 111, par. 5215)~~

~~(Section scheduled to be repealed on January 1, 2020)~~

~~Sec. 15. Technical submissions.~~

~~(a) Technical submissions are the designs, drawings, and specifications that establish the scope of the professional engineering project, the standard of quality for materials, workmanship, equipment, and constructions systems, and the studies and other technical reports and calculations prepared in the course of the practice of professional engineering. All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date. The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Computer-generated signatures are not permitted.~~

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

~~(c) No officer, board, commission, or other public entity that receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of a professional engineer that do not bear the seal and signature of a professional engineer licensed under this Act.~~

~~(d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the professional engineer who originally sealed and signed the technical submissions.~~

~~(e) The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.~~

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

~~(Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)~~

~~(225 ILCS 325/16) (from Ch. 111, par. 5216)~~

~~(Section scheduled to be repealed on January 1, 2020)~~

~~Sec. 16. Display Issuance of license. Whenever the provisions of this Act have been complied with the Department may issue a license as a professional engineer and enroll the engineer intern. Every holder of a license under this Act as a professional engineer shall display the license in a conspicuous place in his or her the professional engineer's principal office, place of business, or place of employment.~~

~~It is the professional engineer's and engineer intern's responsibility to inform the Department of any change of address.~~

~~(Source: P.A. 96-626, eff. 8-24-09.)~~

[May 28, 2019]

(225 ILCS 325/17) (from Ch. 111, par. 5217)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Renewal, reinstatement, or restoration of license; persons in military service ~~Licensure; Renewal; Restoration; Person in military service; Retired.~~

(a) The expiration date and renewal period for each professional engineer license issued under this Act shall be set by the Department by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. The enrollment of an engineer intern shall not expire.

(b) A professional engineer who has permitted his or her license to expire or has had his or her license placed on inactive status may have his or her ~~Any person whose license has expired or whose license is on inactive status may have such~~ license restored by making application to the Department and filing proof acceptable to the Department of his or her ~~that person's~~ fitness to have his or her ~~such~~ license restored, including, but not limited to, which may include ~~sworn~~ evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee as determined by rule. ~~If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require the person to complete a period of evaluated experience and may require successful completion of the principles and practice examination.~~

(c) A professional engineer whose license has expired while engaged (1) in federal service 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 before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education and the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of professional engineering and that such service, training, or education has been so terminated. However, any person whose license expired while that person was (1) in Federal Service 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 such license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and has maintained professional competence and that such service, training or education has been so terminated.

(d) The enrollment of an engineer intern does not expire.

~~Each application for renewal shall contain the original seal and signature of the professional engineer. Applicants for renewal or restoration shall certify that all conditions of their license meet the requirements of the Illinois Professional Engineering Practice Act of 1989.~~

~~Any person who has been duly licensed as a professional engineer by the Department and who chooses to deactivate or not renew his or her license may use the title "Professional Engineer, Retired". Those persons using the title "Professional Engineer, Retired" may request restoration to active status under the applicable provisions of Sections 17, 17.5, and 18 of this Act.~~

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

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

~~(Source: P.A. 96-626, eff. 8-24-09.)~~

(225 ILCS 325/17.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17.5. Continuing education. The Department may adopt promulgate ~~rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 17 or 18 of this Act. For the purposes of this Act, continuing education shall also be known as professional development.~~

~~(Source: P.A. 91-92, eff. 1-1-00.)~~

(225 ILCS 325/18) (from Ch. 111, par. 5218)

(Section scheduled to be repealed on January 1, 2020)

Sec. 18. Inactive status. A person licensed under this Act who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her ~~that person's~~ license on an inactive status

and shall, ~~subject to rules,~~ be excused from payment of renewal fees until the Department is notified in writing of that person's desire to resume active status.

Any professional engineer whose license is in inactive status shall not practice professional engineering in the State of Illinois.

~~Any person requesting restoration from inactive status is required to pay the current renewal fee and is required to seek restoration of license as provided in Section 17 of this Act. Any professional engineer whose license is in an inactive status shall not practice professional engineering in the State of Illinois.~~

(Source: P.A. 86-667.)

(225 ILCS 325/18.5 new)

Sec. 18.5. Professional Engineer, Retired.

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

(b) The use of the title "Professional Engineer, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice professional engineering as defined in this Act.

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

(225 ILCS 325/19) (from Ch. 111, par. 5219)

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Endorsement.

(a) The Department may, upon application in writing on forms or electronically accompanied by the recommendation of the Board, license as a professional engineer, on payment of the required fee, issue a license as a professional engineer to an applicant already who is a professional engineer registered or licensed under the laws of another state, the District of Columbia, or a territory of the United States, or the District of Columbia or a party parties to the North American Free Trade Agreement if the applicant qualifies under Section 8 and Section 10 of this Act, or if the requirements for licensure in that jurisdiction were, at the time of registration or licensure in another jurisdiction were, at the time of original licensure, substantially equivalent equal to the requirements then in force in this State on that date.

~~The Department may refuse to endorse the applicants from any state, District of Columbia or territory if the requirements for registration or licensure in such jurisdiction are not substantially equal to the requirements of this Act.~~

(b) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed during the 3-year 3-year time frame, 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. 96-626, eff. 8-24-09.)

(225 ILCS 325/20) (from Ch. 111, par. 5220)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

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

(c) All the fees and fines collected as authorized under this Act pursuant to this Section shall be deposited into the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

(Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/20.5 new)

[May 28, 2019]

Sec. 20.5. 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, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(225 ILCS 325/20.10 new)

Sec. 20.10. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional engineer or engineer intern without being licensed or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being registered as a professional design firm or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(d) 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 final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(e) A person or entity not licensed or registered under this Act that has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.

(225 ILCS 325/23) (from Ch. 111, par. 5223)

(Section scheduled to be repealed on January 1, 2020)

Sec. 23. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, ~~as amended,~~ of a corporation to practice professional engineering.

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

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

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of professional engineering activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional engineering in Illinois.

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

[May 28, 2019]

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

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

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

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

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

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

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the professional design firm shall notify the Department of this fact in writing, by regular certified mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original ~~30-day~~ 30-day period.

If the professional design firm has not notified the Department in writing, by regular certified mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular certified mail or email to the last known address of the business. If the professional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections 21 and 24, ~~39, and 40 of this Act~~ for the unlicensed practice of professional engineering.

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

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

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

(225 ILCS 325/24) (from Ch. 111, par. 5224)

(Section scheduled to be repealed on January 1, 2020)

Sec. 24. ~~Grounds for Rules of professional conduct; disciplinary or administrative action.~~

(a) The Department may refuse to issue or renew a license or registration, 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 per violation, with regard to any license issued under this Act, for any one or a combination of the following reasons: The Department shall adopt rules setting standards of professional conduct and establish appropriate penalties for the breach of such rules.

~~(a-1) The Department may, singularly or in combination, refuse to issue, renew, or restore a license or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to a person licensed under this Act, including but not limited to, the imposition of a fine not~~

to exceed \$10,000 per violation upon any person, corporation, partnership, or professional design firm licensed or registered under this Act, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.
 (2) Negligence, incompetence, or misconduct in the practice of professional engineering. Violations of this Act or any of its rules.

(3) Failure to comply with any provisions of this Act or any of its rules. Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof, or that is a misdemeanor, an essential element of which is dishonesty, or any crime that is directly related to the practice of engineering.

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act. Making any misrepresentation for the purpose of obtaining, renewing, or restoring a license or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment. Willfully making or signing a false statement, certificate, or affidavit to induce payment.

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of professional engineering. Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.

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

(8) Failing to provide information in response to a written request made by the Department within 60 30 days after receipt of such written request.

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

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety. Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or mental illness or disability.

(11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department. Discipline by the United States Government, another state, District of Columbia, territory, foreign nation or government agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms. 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.

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability. A finding by the Department that an applicant or registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act. Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act. Inability to practice the profession with reasonable judgment, skill or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.

~~(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another or impersonating another licensee. The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.~~

~~(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered. (Blank).~~

~~(18) Signing or affixing the professional engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the professional engineer or under the professional engineer's supervision and control.~~

~~(19) Making a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.~~

~~(a-2) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).~~

~~(a-3) (Blank).~~

~~(a-4) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).~~

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

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

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

~~Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.~~

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

~~(c) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days~~

delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure 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 the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 325/25) (from Ch. 111, par. 5225)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. ~~Violations; Injunction; cease~~ Cease and desist order.

(a) If any person or ~~other~~ entity violates the provisions of this Act, the ~~Secretary~~ Director, 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, may petition the circuit court for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court may issue a temporary restraining order, without bond, and may preliminarily and permanently enjoin such violation. If it is established that such person or other entity 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) (Blank). ~~If any person practices as a professional engineer or holds himself out as such, without being licensed under the provisions of this Act, then any professional engineer, or any interested party or any person injured thereby may, in addition to the Director, petition for relief as provided in this Section.~~

(c) (Blank)

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

(Source: P.A. 88-428; 88-595, eff. 8-26-94.)

(225 ILCS 325/26) (from Ch. 111, par. 5226)

(Section scheduled to be repealed on January 1, 2020)

Sec. 26. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration under this Act.

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.

(c) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing, (i) notify in writing the applicant or licensee of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant or licensee to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant or licensee that failure to file a written answer to the charges will result in a default being entered against the applicant or licensee.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee or applicant, after receiving the notice, fails to file an answer, the license or application may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the

Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration or offering professional engineering services. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedure established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration or otherwise discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges, that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record. In case the person or entity fails to file an answer after receiving notice as provided in this Section, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/27) (from Ch. 111, par. 5227)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Record of proceedings Stenographer; transcript.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked or suspended or in which a licensee may be placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue, restore or renew a license or otherwise discipline a registrant. 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 orders of the Department shall be in the record of the proceeding. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

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

(225 ILCS 325/27.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27.5. Subpoenas; depositions; oaths.

(a) The Department has the power to subpoena documents, books, records, or other materials, to bring before it any person, and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner prescribed in civil cases in courts of this State.

(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/29) (from Ch. 111, par. 5229)

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Hearing; motion for rehearing Notice of hearing; Findings and recommendations.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report. The Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its finding and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore or renew a license, or otherwise discipline a registrant. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action. 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. 96-626, eff. 8-24-09.)

(225 ILCS 325/31.5 new)

Sec. 31.5. 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 325/32) (from Ch. 111, par. 5232)

(Section scheduled to be repealed on January 1, 2020)

Sec. 32. Hearing Appointment of a hearing officer. Notwithstanding any provision in this Act, the Secretary has the authority to appoint an 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 discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. 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 to the Secretary. If Notwithstanding the provisions of Section 26, the Secretary has the authority to appoint any attorney duly registered to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore or renew a license or to discipline a registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the findings and recommendations to the Board and the Secretary. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer except as herein noted. However, if the Secretary disagrees in any regard with the report of the Board or hearing officer, the Secretary may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/34) (from Ch. 111, par. 5234)

(Section scheduled to be repealed on January 1, 2020)

Sec. 34. Restoration from disciplinary status of suspended or revoked license.

(a) At any time after the successful completion of a term of probation, suspension, or revocation ~~or probation~~ of any license under this Act, the Department may restore the license ~~it~~ to the licensee ~~accused~~ ~~person,~~ after review and upon the written recommendation of the Board, unless after an investigation and a hearing, the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 17 and any related rules adopted.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 325/37) (from Ch. 111, par. 5237)

(Section scheduled to be repealed on January 1, 2020)

Sec. 37. Administrative review; Venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding 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.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the accused by the Department shall remain in full force and effect.

(Source: P.A. 86-667.)

(225 ILCS 325/41) (from Ch. 111, par. 5241)

(Section scheduled to be repealed on January 1, 2020)

Sec. 41. Violation; ~~political subdivisions, county, city or town; construction~~ Political subdivisions, County, City or Town; Construction without professional engineer. It is unlawful for the State or any of its political subdivisions, or any county, city or town to engage in the construction of any public work involving professional engineering; unless the engineering plan, specifications, and estimates have been prepared by, and the construction is executed under, the guidance of a professional engineer licensed under this Act.

(Source: P.A. 86-667.)

(225 ILCS 325/44) (from Ch. 111, par. 5244)

(Section scheduled to be repealed on January 1, 2020)

Sec. 44. Fund; appropriations; investments; audits. Moneys deposited ~~into~~ in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Illinois Architecture Practice Act, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law ~~of the Civil Administrative Code of Illinois~~ (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

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

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

All fines and penalties under ~~Sections Section 21 and 24, Section 39, Section 42, and Section 43~~ shall be deposited ~~into~~ in the Design Professionals Administration and Investigation Fund.

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

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

(225 ILCS 325/45) (from Ch. 111, par. 5245)

(Section scheduled to be repealed on January 1, 2020)

Sec. 45. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the registrant has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the ~~last known~~ address of record or emailed to the email address of record ~~of a party~~.

(Source: P.A. 88-45.)

(225 ILCS 325/47) (from Ch. 111, par. 5247)

(Section scheduled to be repealed on January 1, 2020)

Sec. 47. Practice of structural engineering or architecture.

(a) No professional engineer may practice structural engineering as defined in the Structural Engineering Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

(b) No professional engineer may practice architecture as defined in the Illinois Architecture Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

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

(225 ILCS 325/48) (from Ch. 111, par. 5248)

(Section scheduled to be repealed on January 1, 2020)

Sec. 48. Construction of Act; ~~existing~~ Existing injunctions. The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under The Illinois Professional Engineering Act, approved July 20, 1945, as amended, which prohibits unlicensed practice of professional

engineering or prohibits or requires any other conduct in connection with the practice of professional engineering shall not be invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act.

(Source: P.A. 86-667.)

(225 ILCS 325/21 rep.) (225 ILCS 325/30 rep.) (225 ILCS 325/31 rep.) (225 ILCS 325/38 rep.) (225 ILCS 325/39 rep.) (225 ILCS 325/40 rep.) (225 ILCS 325/42 rep.) (225 ILCS 325/43 rep.)

Section 15. The Professional Engineering Practice Act of 1989 is amended by repealing Sections 21, 30, 31 38, 39, 40, 42 and, 43.

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

AMENDMENT NO. 3 TO SENATE BILL 654

AMENDMENT NO. 3. Amend Senate Bill 654, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, as follows:

on page 2, line 16, by deleting "18.5,"; and

on page 31, line 19, by replacing "~~assistant professor instructor~~" with "instructor"; and

by replacing line 19 on page 38 through line 7 on page 39 with the following:

"(e) Any person who has been duly licensed as a professional engineer by the Department and who chooses to deactivate or not renew his or her license may use the title "Professional Engineer, Retired". Those persons using the title "Professional Engineer, Retired" may request restoration to active status under the applicable provisions of Sections 17, 17.5, and 18 of this Act.

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

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

by deleting line 16 on page 40 through line 9 on page 41.

Under the rules, the foregoing **Senate Bill No. 654**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 657

A bill for AN ACT concerning regulation.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 657

House Amendment No. 2 to SENATE BILL NO. 657

House Amendment No. 3 to SENATE BILL NO. 657

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 657

AMENDMENT NO. 1. Amend Senate Bill 657 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

[May 28, 2019]

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

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

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Structural Engineering Practice Act of 1989.

Section 10. The Structural Engineering Practice Act of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 14.5, 15, 16, 17, 19, 20, 20.5, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, and 36 and by adding Sections 4.10, 5.5, 12.5, 15.5, 17.5, and 32.5 as follows:

(225 ILCS 340/1) (from Ch. 111, par. 6601)

(Section scheduled to be repealed on January 1, 2020)

Sec. 1. The practice of structural engineering ~~Structural Engineering~~ in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of structural engineering, ~~Structural Engineering~~ as defined in this Act, merit and receive the confidence of the public, that only qualified persons be authorized to practice structural engineering ~~Structural Engineering~~ in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

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

(225 ILCS 340/3) (from Ch. 111, par. 6603)

(Section scheduled to be repealed on January 1, 2020)

Sec. 3. Exemptions. The following persons are exempt from the operation of this Act:

(a) Draftsmen, students, clerks of work, superintendents, and other employees of licensed structural engineers ~~Licensed Structural Engineers~~ when acting under the immediate personal supervision of their employers; and

(b) Superintendents of construction in the pay of the owner when acting under the immediate personal supervision of a licensed structural engineer ~~Licensed Structural Engineer~~.

Persons licensed to practice structural engineering in this State are exempt from the operation of any Act in force in this State relating to the regulation of the practice of architecture ~~Architecture~~.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. In this Act:

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

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

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

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

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

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

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

(h) "Email address of record" means the designated email address recorded by the Department in the applicant's file or the licensee's license file, as maintained by the Department's licensure maintenance unit.
(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/4.10 new)

Sec. 4.10. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Practice of structural engineering. A person shall be regarded as practicing structural engineering within the meaning of this Act who is engaged in the design, analysis, or supervision of the construction, enlargement or alteration of structures, or any part thereof, for others, to be constructed by persons other than himself or herself. Structures within the meaning of this Act are all structures having as essential features foundations, columns, girders, trusses, arches or beams, with or without other parts, and in which safe design and construction require that loads and stresses must be computed and the size and strength of parts determined by mathematical calculations based upon scientific principles and engineering data. A person shall also be regarded as practicing structural engineering within the meaning of this Act who is engaged as a principal in the design, analysis, or supervision of the construction of structures or of the structural part of edifices designed solely for the generation of electricity; or for the hoisting, cleaning, sizing or storing of coal, cement, sand, grain, gravel or similar materials; elevators; manufacturing plants; docks; bridges; blast furnaces; rolling mills; gas producers and reservoirs; smelters; dams; reservoirs; waterworks; sanitary works as applied to the purification of water; plants for waste and sewage disposal; round houses for locomotives; railroad shops; pumping or power stations for drainage districts; or power houses, even though such structures may come within the definition of "buildings" as defined in any Act in force in this State relating to the regulation of the practice of architecture.

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/5.5 new)

Sec. 5.5. Technical submissions.

(a) As used in this Section, "technical submissions" include the designs, drawings, and specifications that establish the scope of the structural engineering project, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of structural engineering.

(b) All technical submissions intended for use related to services involving a structural engineer in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal building ordinances in such submissions. In recognition that structural engineers are licensed for the protection of the public health, safety, and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.

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

(d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A structural engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the structural engineer who originally sealed and signed the technical submissions.

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

(Section scheduled to be repealed on January 1, 2020)

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

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

[May 28, 2019]

(2) Adopt rules required for the administration of this Act ~~To prescribe rules for a method of examination of candidates.~~

(3) Adopt ~~To prescribe~~ rules to establish what constitutes an approved a structural engineering or related science

curriculum, to determine if a specific curriculum qualifies as a structural engineering or related science curriculum, and to terminate the Department's approval of any curriculum as a structural engineering or related science curriculum for non-compliance with such rules.

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

(4) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, or reprimand persons or entities licensed or registered under this Act ~~To investigate complaints, to conduct oral interviews, disciplinary conferences, and formal evidentiary hearings on proceedings to refuse to issue, renew or restore, or to suspend or revoke a license, or to place on probation or reprimand a licensee for reasons set forth in Section 20 of this Act.~~

(5) Issue licenses to those who meet the requirements of this Act ~~To formulate rules necessary to carry out the provisions of this Act.~~

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

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

(8) Conduct investigations related to possible violations of this Act.

(9) Post on the Department's website a newsletter describing the most recent changes in this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

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

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

~~(Source: P.A. 96-610, eff. 8-24-09.)~~

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

~~(Section scheduled to be repealed on January 1, 2020)~~

Sec. 7. Board.

(a) The Secretary shall appoint a Structural Engineering Board, The Board , which shall consist of 7 members who shall serve in an advisory capacity to the Secretary. All shall be residents of Illinois. Six members shall (i) currently hold a valid license as a be Illinois licensed structural engineer in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act engineers, who have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. In addition to the 6 structural engineers, there shall be one public member. The public member shall be a voting member and shall not hold a license under this Act or any other design profession licensing Act that the Department administers as an architect, professional engineer, structural engineer or land surveyor.

(b) Board members ~~Members~~ shall serve 5 year terms and until their successors are appointed and qualified.

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

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

(e) No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms 15 years in a lifetime.

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

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

(g) Four members of the Board shall constitute a quorum. A quorum is required for Board decisions.

~~(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings. The Secretary may terminate the appointment of any member for cause which in the opinion of the Secretary reasonably justifies such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.~~

~~(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.~~

~~(j) Members of the Board shall have no liability in any action based upon disciplinary proceedings or other activity performed in good faith as members of the Board be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.~~

~~(k) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses. Each member of the Board may receive compensation as determined by the Secretary.~~

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 8. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties: ~~The Board has the following powers and duties:~~

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

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

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

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

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

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

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

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

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 9. Application for licensure.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall be not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a structural engineer or enrollment as a structural engineer intern. The application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant

~~for a license. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country ~~county~~ by a nationally recognized evaluation service approved by the Department in accordance with rules prescribed by the Department.~~

~~(b) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.~~

~~An applicant who graduated from a structural engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English as defined by rule. However, any such applicant who subsequently earns an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.~~

(Source: P.A. 98-993, eff. 1-1-15.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Examinations.

~~(a) The Department shall authorize examinations of applicants for a license or enrollment under this Act as structural engineers at such times and places as it may determine by rule. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice as a structural engineer or structural engineer intern structural engineering.~~

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

~~(c) If an applicant fails to pass an examination for a license or enrollment licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application.~~

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

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

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

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

(1) is a graduate of an approved structural engineering curriculum of at least 4

years meeting the requirements as set forth by rule and passes a nominal examination as defined by rule in the fundamentals of engineering; or

(2) is a graduate of a non-approved structural engineering or related science curriculum of at least 4 years meeting the

requirements as set forth by rule and passes a nominal examination as defined by rule in the fundamentals of engineering.

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

(1) is a graduate of an approved structural engineering curriculum of at least 4

years meeting the requirements as set forth by rule and submits evidence acceptable to the Department of an additional 4 years or more of experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule; or

(2) is a graduate of a non-approved structural engineering or an approved related science curriculum of at least 4 years meeting the

requirements as set forth by rule who submits evidence acceptable to the Department of an additional 8 years or more of progressive experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule.

(c) The applicant, if a structural engineer applicant, has passed an examination

authorized by the Department as determined by rule to determine his or her fitness to receive a license as a structural engineer.

(Source: P.A. 98-713, eff. 7-16-14.)

(225 ILCS 340/12) (from Ch. 111, par. 6612)

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Seal. ~~Every holder of a license as a structural engineer shall display it in a conspicuous place in the holder's principal office, place of business or employment.~~ Every licensed structural engineer shall have a reproducible seal, which may be computer generated, the imprint or facsimile, the print of which shall contain the name and license number of the structural engineer, and the words "Licensed Structural Engineer," "State of Illinois." The licensed structural engineer shall seal all plans, technical submissions, drawings, and specifications prepared by or under the engineer's supervision.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and should retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they had been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

The licensed structural engineer shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets prepared by the licensed structural engineer or under that licensed structural engineer's immediate supervision.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they have been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

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

(225 ILCS 340/12.5 new)

Sec. 12.5. Display of license. Every holder of a license under this Act shall display the license in a conspicuous place in his or her principal office, place of business, or place of employment.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Renewal, reinstatement, or restoration of license: persons in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding its expiration date by paying the required fee.

(b) A licensed structural engineer who has permitted his or her license to expire or has had his or her license who placed his 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 fitness to have his or her the license restored, including but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by submitting evidence of knowledge in seismic design and by paying the required restoration fee as determined by rule.

(c) A structural engineer whose license has expired while engaged (1) in federal service 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 before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of structural engineering and that such service, training, or education has been so terminated.

If the licensed structural engineer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule,

that person's fitness to resume active status and may require the licensed structural engineer to complete an examination.

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

However, any licensed structural engineer whose license has expired while such engineer was engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored or reinstated without paying any lapsed renewal fees, reinstatement fee or restoration fee or passing any examination, if within 2 years after termination of such service, training or education other than by dishonorable discharge such person furnishes the Department with an affidavit to the effect that he has been so engaged and that the service, training or education has been so terminated.

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/14.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14.5. Continuing education. The Department may ~~adopt~~ promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 14 or 15 of this Act.

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

(225 ILCS 340/15) (from Ch. 111, par. 6615)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Inactive status. A person licensed under this Act ~~Any structural engineer~~ 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 the desire to resume active status.

~~Any structural engineer requesting restoration from inactive status shall be required to pay the current renewal fee. If the structural engineer otherwise qualifies, upon payment, the Department shall restore his or her license, as provided in Section 14 of this Act.~~

Any structural engineer whose license is on inactive status shall not practice structural engineering in the State of Illinois.

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

(225 ILCS 340/15.5 new)

Sec. 15.5. Structural Engineer, Retired.

(a) Under Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Structural Engineer, Retired" to any person who has been duly licensed as a structural engineer by the Department and who has chosen to place on inactive status or not renew his or her license. Those persons granted the title "Structural Engineer, Retired" may request restoration to active status under the applicable provisions of this Act.

(b) The use of the title "Structural Engineer, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice structural engineering as defined in this Act.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Endorsement.

(a) The Department may, in its discretion, license as a structural engineer upon application in writing on forms or electronically accompanied by payment of the required fee, issue a license as a structural engineer to an applicant who is a structural engineer licensed under the laws of another state, the District of Columbia, or territory, if the requirements for licensure in that jurisdiction the state or territory were, at the date of original licensure, substantially equivalent to the requirements in force in this State on that date.

(b) An applicant applying for licensure as a structural engineer who has been licensed as a structural engineer in another United States jurisdiction for 10 consecutive years without discipline is not required

to submit proof of qualifications other than a certified verification of licensure from the jurisdiction in which the applicant practiced that includes the applicant's disciplinary history. The applicant must comply with all other licensing requirements and pay all required fees.

(c) All applications for endorsement shall provide proof of passage of the examinations as approved by the Department by rule.

(d) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(e) 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. 96-610, eff. 8-24-09.)

(225 ILCS 340/17) (from Ch. 111, par. 6617)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of ~~this~~ the Act, including, but not limited to, original licensure, firm registration, renewal, and restoration, shall be set by rule by the Department.

(c) All fees and fines collected as authorized under this Act shall be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

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

(225 ILCS 340/17.5 new)

Sec. 17.5. 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, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Professional design firm registration; conditions.

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

Any business, including, but not limited to, a Professional Service Corporation, that includes within its stated purposes, practices, or holds itself out as available to practice, structural engineering, shall be registered with the Department pursuant to the provisions of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

If the professional design firm fails to notify the Department in writing, by regular mail or by email, within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent to the address of record by regular mail or by email. If the professional design firm continues to operate and offer structural engineering services after the termination, the Department may seek prosecution under Sections 20, 34, and 20.5 34a of this Act for the unlicensed practice of structural engineering.

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

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

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 20. Grounds for disciplinary action ~~Refusal; revocation; suspension.~~

(a) The Department may refuse to issue or renew a license or registration, or may revoke a license, or may suspend, place on probation, reprimand fine, or take other any disciplinary or non-disciplinary action as the Department may deem proper, including fines a fine not to exceed \$10,000 per for each violation, with regard to any license issued under the provisions of this Act, licensee for any one or a combination of the following reasons:

(1) Material misstatement in furnishing information to the Department. ;

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

(3) Failure to comply with any provisions of this Act or any of its rules. ~~Making any misrepresentation for the purpose of obtaining licensure;~~

(4) Fraud or any misrepresentation in applying for or procuring a license or registration under this Act or in connection with applying for renewal or restoration of a license under this Act. The affixing of a licensed structural engineer's seal to any plans, specifications or drawings which have not been prepared by or under the immediate personal supervision of that licensed structural engineer or reviewed as provided in this Act;

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment. Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or of any state or territory thereof, or that is a misdemeanor or an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession;

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of structural engineering. Making a statement of compliance pursuant to the Environmental Barriers Act, as now or hereafter amended, that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance;

(7) Aiding or assisting another in violating any provision of this Act or its rules. Failure to comply with any of the provisions of this Act or its rules;

(8) Failing to provide information in response to a written request made by the Department within 60 days after receipt of such written request. Aiding or assisting another person in violating any provision of this Act or its rules;

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

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety. Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety;

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

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms. Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section;

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability. Failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request; or

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability which results in the inability to practice the profession of structural engineering with reasonable judgment, skill, or safety.

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another, or impersonating another licensee.

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered.

(18) Signing or affixing the structural engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the structural engineer or under the structural engineer's supervision and control.

(19) Making a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

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

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

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

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

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

(c) (Blank).

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 340/20.5)

(Section scheduled to be repealed on January 1, 2020)

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

(a) ~~Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a structural engineer or structural engineer intern without being licensed, enrolled, or exempt 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 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 in this Act regarding the provision of a hearing for the discipline of a licensee. Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice structural engineering without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 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) ~~A firm or business that offers design services under this Act without being registered as a professional design firm or exempt 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 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 in this Act regarding the provision of a hearing for the discipline of a licensee. The Department has the authority and power to investigate any and all unlicensed activity.~~

(c) ~~The Department may investigate any actual, alleged, or suspected unlicensed activity. 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.~~

(d) ~~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 final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.~~

(e) ~~A person or entity not licensed or registered under this Act that has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.~~

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 21. Injunction; cease and desist order.

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

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

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 22. Investigations Investigation; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration under this Act.

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.

(c) The Department shall, before disciplining an applicant, licensee, or registrant, at least 30 days prior to the date set for the hearing, (i) notify in writing the applicant, licensee, or registrant of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant, licensee, or registrant to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant, licensee, or registrant that failure to file a written answer to the charges will result in a default being entered against the applicant, licensee, or registrant.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant, licensee, or registrant at the applicant's, licensee's, or registrant's address of record or email address of record.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or their defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee, applicant, or registrant, after receiving the notice, fails to file an answer, his or her license or registration may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for action under this Act.

~~The Department may investigate the actions of any applicant or any person or entity holding or claiming to hold a license or registration or any person or entity practicing, or offering to practice structural engineering. Before the initiation of an investigation the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee or registrant or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant or entity that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or their defense. The Board may continue a hearing from time to time.~~

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 23. Record of proceedings ; transcript.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked or suspended or a licensee placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, the report of the Board or hearing officer, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the

testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 24. Subpoenas; depositions; oaths.

(a) The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

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

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/25) (from Ch. 111, par. 6625)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. Compelling testimony. Any circuit court, upon the application of the accused person or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department relative to the application for or refusal to issue, restore, renew, suspend, or revoke a license or discipline a licensee, and the court may compel obedience to its order by proceedings for contempt.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 26. Hearing; motion for rehearing.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the applicant, licensee, or registrant. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant, licensee, or registrant may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant, licensee, or registrant, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant, licensee, or registrant may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant, licensee, or registrant orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant, licensee, or registrant.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary. At the conclusion of the hearing, the Board shall present to the Secretary its written report of its findings and recommendations. A copy of the report shall be served upon the accused person, either personally or to the address of record. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made,

and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. Within 20 days after such service, the accused person may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Section, the time elapsing after payment and before the transcript is ready for delivery shall not be counted as part of such 20 days. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial, the Secretary may enter an order in accordance with recommendations of the Board.

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

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/27) (from Ch. 111, par. 6627)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Hearing officer. Notwithstanding any provision in this Act, the Secretary has the authority to appoint an 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 discipline a license. The Board may have least one member present at any hearing conducted by the hearing officer. 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 to the Secretary.

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

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

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

Such proof may be rebutted.

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/29) (from Ch. 111, par. 6629)

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Restoration from disciplinary status.

(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license to the licensee upon the written recommendation of the Board, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 14 and any related rules adopted.

At any time after the refusal to issue, restore, renew or suspend or revoke of any license, the Department may issue or restore it to the accused person without examination, upon the written recommendation of the Board.

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

(225 ILCS 340/30) (from Ch. 111, par. 6630)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses to the Department and if the licensee fails to do so, the Department shall have the right to seize the license.

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

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

(Section scheduled to be repealed on January 1, 2020)

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

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/32) (from Ch. 111, par. 6632)

(Section scheduled to be repealed on January 1, 2020)

Sec. 32. Administrative review.

(a) All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the provisions of the Administrative Review Law ~~as now or hereafter amended~~, and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) ~~Proceedings~~ ~~Such proceedings~~ for judicial review shall be commenced in the ~~circuit court~~ ~~Circuit Court~~ of the county in which the party applying for review resides ~~, but if the~~ ~~provided, that if such party~~ is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding unless 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.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the accused by the Department shall remain in full force and effect.

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

(225 ILCS 340/32.5 new)

Sec. 32.5. 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 340/35) (from Ch. 111, par. 6635)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record a party.

(Source: P.A. 88-45.)

(225 ILCS 340/36) (from Ch. 111, par. 6636)

(Section scheduled to be repealed on January 1, 2020)

[May 28, 2019]

Sec. 36. Fund; appropriations; investments; audits. Moneys collected under this Act and deposited into ~~in~~ the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Illinois Architecture Practice Act. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-75) and other expenses related to the administration and enforcement of this Act.

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

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

All fines and penalties under Sections 20 and 20.5 ~~34~~ shall be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund.

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

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

(225 ILCS 340/4.5 rep.) (225 ILCS 340/18 rep.) (225 ILCS 340/33 rep.) (225 ILCS 340/34 rep.)

Section 15. The Structural Engineering Practice Act of 1989 is amended by repealing Sections 4.5, 18, 33, and 34.

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

AMENDMENT NO. 2 TO SENATE BILL 657

AMENDMENT NO. 2. Amend Senate Bill 657, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

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

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Structural Engineering Practice Act of 1989.

Section 10. The Structural Engineering Practice Act of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 14.5, 15, 16, 17, 18, 19, 20, 20.5, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, and 36 and by adding Sections 4.10, 5.5, 12.5, 15.5, 17.5, and 32.5 as follows:

(225 ILCS 340/1) (from Ch. 111, par. 6601)

(Section scheduled to be repealed on January 1, 2020)

Sec. 1. The practice of structural engineering ~~Structural Engineering~~ in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of structural engineering, ~~Structural Engineering~~ as defined in this Act, merit and receive the confidence of the public, that only qualified persons be authorized to practice structural engineering ~~Structural Engineering~~ in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

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

(225 ILCS 340/3) (from Ch. 111, par. 6603)

(Section scheduled to be repealed on January 1, 2020)

Sec. 3. Exemptions. The following persons are exempt from the operation of this Act:

(a) Draftsmen, students, clerks of work, superintendents, and other employees of licensed structural engineers ~~Licensed Structural Engineers~~ when acting under the immediate personal supervision of their employers; and

(b) Superintendents of construction in the pay of the owner when acting under the immediate personal supervision of a licensed structural engineer ~~Licensed Structural Engineer~~.

Persons licensed to practice structural engineering in this State are exempt from the operation of any Act in force in this State relating to the regulation of the practice of architecture ~~Architecture~~.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. In this Act:

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

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

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

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

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

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

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

(h) "Email address of record" means the designated email address recorded by the Department in the applicant's file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/4.10 new)

Sec. 4.10. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Practice of structural engineering. A person shall be regarded as practicing structural engineering within the meaning of this Act who is engaged in the design, analysis, or supervision of the construction, enlargement or alteration of structures, or any part thereof, for others, to be constructed by persons other than himself or herself. Structures within the meaning of this Act are all structures having as essential features foundations, columns, girders, trusses, arches or beams, with or without other parts, and in which safe design and construction require that loads and stresses must be computed and the size and strength of parts determined by mathematical calculations based upon scientific principles and engineering data. Nothing in this Section imposes upon a person licensed under this Act the responsibility for the performance of any acts or practice unless such person specifically contracts to provide it. Nothing in this Section precludes an employee from acting under the direct supervision or responsible charge of a licensed

structural engineer. A person shall also be regarded as practicing structural engineering within the meaning of this Act who is engaged as a principal in the design, analysis, or supervision of the construction of structures or of the structural part of edifices designed solely for the generation of electricity; or for the hoisting, cleaning, sizing or storing of coal, cement, sand, grain, gravel or similar materials; elevators; manufacturing plants; docks; bridges; blast furnaces; rolling mills; gas producers and reservoirs; smelters; dams; reservoirs; waterworks; sanitary works as applied to the purification of water; plants for waste and sewage disposal; round houses for locomotives; railroad shops; pumping or power stations for drainage districts; or power houses, even though such structures may come within the definition of "buildings" as defined in any Act in force in this State relating to the regulation of the practice of architecture. (Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/5.5 new)

Sec. 5.5. Technical submissions.

(a) As used in this Section, "technical submissions" include the designs, drawings, and specifications that establish the scope of the structural engineering project, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of structural engineering.

(b) All technical submissions intended for use related to services involving a structural engineer in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal building ordinances in such submissions. In recognition that structural engineers are licensed for the protection of the public health, safety, and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.

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

(d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A structural engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the structural engineer who originally sealed and signed the technical submissions.

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

(Section scheduled to be repealed on January 1, 2020)

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

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

(2) Adopt rules required for the administration of this Act To prescribe rules for a method of examination of candidates.

(3) Adopt To prescribe rules to establish what constitutes an approved a structural engineering or related science curriculum, to determine if a specific curriculum qualifies as a structural engineering or related science curriculum, and to terminate the Department's approval of any curriculum as a structural engineering or related science curriculum for non-compliance with such rules.

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

(4) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, or reprimand persons or entities licensed or registered under this Act To investigate complaints, to conduct oral interviews, disciplinary conferences, and formal evidentiary hearings on proceedings to refuse to issue, renew or restore, or to suspend or revoke a license, or to place on probation or reprimand a licensee for reasons set forth in Section 20 of this Act.

(5) Issue licenses to those who meet the requirements of this Act To formulate rules necessary to carry out the provisions of this Act.

(6) Maintain To maintain membership in a national organization that provides an acceptable structural engineering examination and participate in activities of the organization by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional

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

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

(8) Conduct investigations related to possible violations of this Act.

(9) Post on the Department's website a newsletter describing the most recent changes in this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary may notify the Board on any such deviation and may specify with particularity the reasons for such action in the final decision or order. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

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

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

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 7. Board.

(a) The Secretary shall appoint a Structural Engineering Board. The Board, which shall consist of 7 members who shall serve in an advisory capacity to the Secretary. All shall be residents of Illinois. Six members shall (i) currently hold a valid license as a be Illinois licensed structural engineer in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act engineers, who have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. In addition to the 6 structural engineers, there shall be one public member. The public member shall be a voting member and shall not hold a license under this Act or any other design profession licensing Act that the Department administers as an architect, professional engineer, structural engineer or land surveyor.

(b) Board members ~~Members~~ shall serve 5 year terms and until their successors are appointed and qualified.

(c) In appointing members of the Board making the designation of persons to act, the Secretary shall give due consideration to recommendations by members of the profession and by organizations of the structural engineering profession.

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

(e) No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms 45 years in a lifetime.

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

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

(g) Four members of the Board shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings. The Secretary may terminate the appointment

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

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(j) Members of the Board shall have no liability in any action based upon disciplinary proceedings or other activity performed in good faith as members of the Board be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses. Each member of the Board may receive compensation as determined by the Secretary.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 8. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties: ~~The Board has the following powers and duties:~~

(a) The Board shall hold at least 3 regular meetings each year conducted in accordance with the Open Meetings Act;

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

(c) The Board, upon request by the Department, may make a curriculum evaluation or utilize a nationally certified evaluation service to

determine if courses conform to requirements of approved engineering programs;

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

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

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

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

(h) The Board may recommend that the Department contract with an individual or corporation or other business entity to assist in providing investigative, legal, prosecutorial, and other services necessary to perform the Department's duties. The Board may submit comments to the Secretary within a reasonable time from notification of any final decision or order from the Secretary that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, unlicensed practice, or promulgation of rules.

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 9. Application for licensure.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall be not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a structural engineer or enrollment as a structural engineer intern. The application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country ~~county~~ by a nationally recognized evaluation service approved by the Department in accordance with rules prescribed by the Department.

(b) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

~~An applicant who graduated from a structural engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of~~

English as a Foreign Language (TOEFL) and a test of spoken English as defined by rule. However, any such applicant who subsequently earns an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.

(Source: P.A. 98-993, eff. 1-1-15.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Examinations.

(a) The Department shall authorize examinations of applicants for a license or enrollment under this Act as structural engineers at such times and places as it may determine by rule. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice as a structural engineer or structural engineer intern structural engineering.

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

(c) If an applicant fails to pass an examination for a license or enrollment licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

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

(a) The applicant is of good moral character. In determining moral character under this

Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

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

(1) is a graduate of an approved structural engineering curriculum of at least 4

years meeting the requirements as set forth by rule and passes a nominal examination as defined by rule in the fundamentals of engineering; or

(2) is a graduate of a non-approved structural engineering or related science curriculum of at least 4 years meeting the

requirements as set forth by rule and passes a nominal examination as defined by rule in the fundamentals of engineering.

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

(1) is a graduate of an approved structural engineering curriculum of at least 4

years meeting the requirements as set forth by rule and submits evidence acceptable to the Department of an additional 4 years or more of experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule; or

(2) is a graduate of a non-approved structural engineering or an approved related science curriculum of at least 4 years meeting the

requirements as set forth by rule who submits evidence acceptable to the Department of an additional 8 years or more of progressive experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule.

(c) The applicant, if a structural engineer applicant, has passed an examination

authorized by the Department as determined by rule to determine his or her fitness to receive a license as a structural engineer.

(Source: P.A. 98-713, eff. 7-16-14.)

(225 ILCS 340/12) (from Ch. 111, par. 6612)

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Seal. Every holder of a license as a structural engineer shall display it in a conspicuous place in the holder's principal office, place of business or employment. Every licensed structural engineer shall have a reproducible seal, which may be computer generated, the imprint or facsimile, the print of which

shall contain the name and license number of the structural engineer, and the words "Licensed Structural Engineer," "State of Illinois." The licensed structural engineer shall seal all plans, technical submissions, drawings, and specifications prepared by or under the engineer's supervision.

If technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by a computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and should retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they had been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

The licensed structural engineer shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets prepared by the licensed structural engineer or under that licensed structural engineer's immediate supervision.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they have been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

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

(225 ILCS 340/12.5 new)

Sec. 12.5. Display of license. Every holder of a license under this Act shall display the license in a conspicuous place in his or her principal office, place of business, or place of employment.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Renewal, reinstatement, or restoration of license: persons in military service.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding its expiration date by paying the required fee.

(b) A licensed structural engineer who has permitted his or her license to expire or has had his or her license who placed his 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 fitness to have his or her the license restored, including , but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by submitting evidence of knowledge in seismic design and by paying the required restoration fee as determined by rule.

(c) A structural engineer whose license has expired while engaged (1) in federal service 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 before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of structural engineering and that such service, training, or education has been so terminated.

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

Any licensed structural engineer whose license has been expired for more than 5 years may have his license restored by making application to the Department and filing proof acceptable to the Department of

fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee.

However, any licensed structural engineer whose license has expired while such engineer was engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored or reinstated without paying any lapsed renewal fees, reinstatement fee or restoration fee or passing any examination, if within 2 years after termination of such service, training or education other than by dishonorable discharge such person furnishes the Department with an affidavit to the effect that he has been so engaged and that the service, training or education has been so terminated.

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/14.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14.5. Continuing education. The Department may ~~adopt~~ promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 14 or 15 of this Act.

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

(225 ILCS 340/15) (from Ch. 111, par. 6615)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Inactive status. A person licensed under this Act Any structural engineer 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 the desire to resume active status.

Any structural engineer requesting restoration from inactive status shall be required to pay the current renewal fee. If the structural engineer otherwise qualifies, upon payment, the Department shall restore his or her license, as provided in Section 14 of this Act.

Any structural engineer whose license is on inactive status shall not practice structural engineering in the State of Illinois.

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

(225 ILCS 340/15.5 new)

Sec. 15.5. Structural Engineer, Retired.

(a) Under Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Structural Engineer, Retired" to any person who has been duly licensed as a structural engineer by the Department and who has chosen to place on inactive status or not renew his or her license. Those persons granted the title "Structural Engineer, Retired" may request restoration to active status under the applicable provisions of this Act.

(b) The use of the title "Structural Engineer, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice structural engineering as defined in this Act.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Endorsement.

(a) The Department may, in its discretion, license as a structural engineer upon application in writing on forms or electronically accompanied by payment of the required fee, issue a license as a structural engineer to an applicant who is a structural engineer licensed under the laws of another state, the District of Columbia, or territory; if the requirements for licensure in that jurisdiction the state or territory were, at the date of original licensure, substantially equivalent to the requirements in force in this State on that date.

(b) All applications for endorsement shall provide proof of passage of the examinations as approved by the Department by rule.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(d) 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. 96-610, eff. 8-24-09.)

(225 ILCS 340/17) (from Ch. 111, par. 6617)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses or registrations by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of ~~this the~~ Act, including, but not limited to, original licensure, firm registration, renewal, and restoration, shall be set by rule by the Department.

(c) All fees and fines collected as authorized under this Act shall be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

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

(225 ILCS 340/17.5 new)

Sec. 17.5. 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, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 18. Roster. The Department shall maintain a roster of all structural engineers licensed under this Act showing their names and addresses of record. A roster showing the names and addresses of all structural engineers licensed under this Act shall be prepared by the Department. This roster shall be available upon request and payment of the required fee.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Professional design firm registration; conditions.

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

Any business, including, but not limited to, a Professional Service Corporation, that includes within its stated purposes, practices, or holds itself out as available to practice, structural engineering, shall be registered with the Department pursuant to the provisions of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

If the professional design firm fails to notify the Department in writing, by regular mail or by email, within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent to the address of record by regular mail or by email. If the professional design firm continues to operate and offer structural engineering services after the termination, the Department may seek prosecution under Sections 20, 34, and 20.5 34a of this Act for the unlicensed practice of structural engineering.

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

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

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

(Source: P.A. 96-610, eff. 8-24-09.)

[May 28, 2019]

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 20. Grounds for disciplinary action ~~Refusal; revocation; suspension.~~

(a) The Department may refuse to issue or renew a license or registration, or may revoke a license, or may suspend, place on probation, reprimand fine, or take other any disciplinary or non-disciplinary action as the Department may deem proper, including fines a fine not to exceed \$10,000 per for each violation, with regard to any license issued under the provisions of this Act, licensee for any one or a combination of the following reasons:

(1) Material misstatement in furnishing information to the Department. ;

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

(3) Failure to comply with any provisions of this Act or any of its rules. ~~Making any misrepresentation for the purpose of obtaining licensure;~~

(4) Fraud or any misrepresentation in applying for or procuring a license or registration under this Act or in connection with applying for renewal or restoration of a license or registration under this Act. ~~The affixing of a licensed structural engineer's seal to any plans, specifications or drawings which have not been prepared by or under the immediate personal supervision of that licensed structural engineer or reviewed as provided in this Act;~~

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment. ~~Conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or of any state or territory thereof, or that is a misdemeanor an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession;~~

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of structural engineering. ~~Making a statement of compliance pursuant to the Environmental Barriers Act, as now or hereafter amended, that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance;~~

(7) Aiding or assisting another in violating any provision of this Act or its rules. ~~Failure to comply with any of the provisions of this Act or its rules;~~

(8) Failing to provide information in response to a written request made by the Department within 60 days after receipt of such written request. ~~Aiding or assisting another person in violating any provision of this Act or its rules;~~

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

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

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

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms. ~~Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section;~~

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability. ~~Failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request; or~~

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act ~~Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability which results in the inability to practice the profession of structural engineering with reasonable judgment, skill, or safety.~~

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another, or impersonating another licensee.

(17) Signing or affixing the structural engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the structural engineer or under the structural engineer's supervision and control or not sufficiently reviewed by the licensed structural engineer to ensure that the documents have met the standards of reasonable professional skill and diligence.

(18) Making a statement of compliance pursuant to the Environmental Barriers Act that technical submissions prepared by the structural engineer or prepared under the structural engineer's responsible control for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such technical submissions are not in compliance.

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

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

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

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

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

(c) (Blank).

(d) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or entity's registration or shall take other disciplinary action against that person or entity for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time

as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(f) Persons who assist the Department in good faith as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of such assistance ~~except upon proof of actual malice~~. The Attorney General of the State of Illinois shall defend such persons in any such action or proceeding at no cost to the person.

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 340/20.5)

(Section scheduled to be repealed on January 1, 2020)

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

(a) Use of the title "structural engineer" or any of its derivations is limited to those persons or entities licensed or registered under this Act. Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a structural engineer or structural engineer intern without being licensed, enrolled, or exempt 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 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 in this Act regarding the provision of a hearing for the discipline of a licensee. Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice structural engineering without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 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) An entity or business that offers structural engineering services under this Act without being registered as a professional design firm or exempt under this Act shall, as determined by the Department, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 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 in this Act regarding the provision of a hearing for the discipline of a licensee. The Department has the authority and power to investigate any and all unlicensed activity.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity. 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.

(d) 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 final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(e) A person or entity not licensed or registered under this Act that has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 21. Injunction; cease and desist order.

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

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

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

and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 22. Investigations ~~Investigation~~; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration under this Act.

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.

(c) The Department shall, before disciplining an applicant, licensee, or registrant, at least 30 days prior to the date set for the hearing, (i) notify in writing the applicant, licensee, or registrant of the charges made and the time and place for the hearing on the charges, (ii) direct the applicant, licensee, or registrant to file a written answer to the charges under oath within 20 days after the service of the notice, and (iii) inform the applicant, licensee, or registrant that failure to file a written answer to the charges will result in a default being entered against the applicant, licensee, or registrant.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant, licensee, or registrant at the applicant's, licensee's, or registrant's address of record or email address of record.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or their defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee, applicant, or registrant, after receiving the notice, fails to file an answer, his or her license or registration may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for action under this Act.

~~The Department may investigate the actions of any applicant or any person or entity holding or claiming to hold a license or registration or any person or entity practicing, or offering to practice structural engineering. Before the initiation of an investigation the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee or registrant or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant or entity that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or their defense. The Board may continue a hearing from time to time.~~

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 23. Record of proceedings ~~transcript~~.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be

revoked or suspended or a licensee placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, the report of the Board or hearing officer, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings.

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 24. Subpoenas; depositions; oaths.

(a) The Department has the power to subpoena documents, books, records or other materials and to bring before it any person and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

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

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/25) (from Ch. 111, par. 6625)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. Compelling testimony. Any circuit court, upon the application of the accused person or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department relative to the application for or refusal to issue, restore, renew, suspend, or revoke a license or discipline a licensee, and the court may compel obedience to its order by proceedings for contempt.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 26. Hearing; motion for rehearing.

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the applicant, licensee, or registrant. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant, licensee, or registrant may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant, licensee, or registrant, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant, licensee, or registrant may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant, licensee, or registrant orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant, licensee, or registrant.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary. At the conclusion of the hearing, the Board shall present to the Secretary its written report of its findings and recommendations. A copy of the report shall be served upon the accused person, either personally or to the address of record. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. Within 20 days after such service, the accused person may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Section, the time elapsing after payment and before the transcript is ready for delivery shall not be counted as part of such 20 days. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon such denial, the Secretary may enter an order in accordance with recommendations of the Board.

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

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/27) (from Ch. 111, par. 6627)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Hearing officer. Notwithstanding any provision in this Act, the Secretary has the authority to appoint an 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 discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. 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 to the Secretary.

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

(Source: P.A. 96-610, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

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

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

Such proof may be rebutted.

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/29) (from Ch. 111, par. 6629)

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Restoration from disciplinary status.

(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license to the licensee upon the written

recommendation of the Board, unless after an investigation and a hearing the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee or registrant prior to restoring his or her license or registration.

(c) No person or entity whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 14 and any related rules adopted.

~~At any time after the refusal to issue, restore, renew or suspend or revoke of any license, the Department may issue or restore it to the accused person without examination, upon the written recommendation of the Board.~~

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

(225 ILCS 340/30) (from Ch. 111, par. 6630)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. Surrender of license or registration. Upon the revocation or suspension of any license or registration, the licensee or professional design firm shall immediately surrender the license, ~~or licenses~~ or registration to the Department and if the licensee or registrant fails to do so, the Department shall have the right to seize the license or registration.

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

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

(Section scheduled to be repealed on January 1, 2020)

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

(Source: P.A. 96-610, eff. 8-24-09.)

(225 ILCS 340/32) (from Ch. 111, par. 6632)

(Section scheduled to be repealed on January 1, 2020)

Sec. 32. Administrative review.

(a) All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the provisions of the Administrative Review Law ~~as now or hereafter 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.

(b) Proceedings ~~Such proceedings~~ for judicial review shall be commenced in the circuit court ~~Circuit Court~~ of the county in which the party applying for review resides, ~~but if the ; provided, that if such party~~ is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding unless 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.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the accused by the Department shall remain in full force and effect.

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

(225 ILCS 340/32.5 new)

Sec. 32.5. 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 340/35) (from Ch. 111, par. 6635)

(Section scheduled to be repealed on January 1, 2020)

Sec. 35. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record a party.

(Source: P.A. 88-45.)

(225 ILCS 340/36) (from Ch. 111, par. 6636)

(Section scheduled to be repealed on January 1, 2020)

Sec. 36. Fund; appropriations; investments; audits. Moneys collected under this Act and deposited into ~~in~~ the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Illinois Architecture Practice Act. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (~~20 ILCS 2105/2105-75~~) and other expenses related to the administration and enforcement of this Act.

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

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

All fines and penalties under Sections 20 and 20.5 ~~34~~ shall be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund.

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

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

(225 ILCS 340/4.5 rep.) (225 ILCS 340/33 rep.) (225 ILCS 340/34 rep.)

Section 15. The Structural Engineering Practice Act of 1989 is amended by repealing Sections 4.5, 33, and 34.

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

AMENDMENT NO. 3 TO SENATE BILL 657

AMENDMENT NO. 3. Amend Senate Bill 657, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 11, by deleting lines 8 through 13; and

on page 15, by replacing lines 2 through 4 with the following:

"(a) The Board shall hold at least 3 regular meetings each year; all meetings of the Board shall be conducted in accordance with the Open Meetings Act;"; and

on page 15, line 20, after the semicolon, by inserting "and"; and

on page 15, by replacing lines 25 and 26 with the following:

"routinely acceptable, ~~and the Department shall review the Board's recommendations on applicant qualifications; and~~"; and

on page 16, by replacing lines 1 through 5 with the following:

[May 28, 2019]

~~"(h) The Board may submit";~~ and

on page 46, by replacing lines 16 through 22 with the following:

"(b) If any person practices as a licensed structural engineer or holds himself out as a structural engineer without being licensed under the provisions of this Act, then any licensed structural engineer, any interested party or any person injured thereby may file a complaint with the Department that shall proceed through the process outlined in Section 22 of this Act ~~;~~ ~~in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.~~"

Under the rules, the foregoing **Senate Bill No. 657**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 727

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 727

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 727

AMENDMENT NO. 1. Amend Senate Bill 727 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Native American Employment Plan Act.

Section 5. Purpose. The purposes of this Act are to:

- (1) Improve the delivery of State services to Illinois' Native Americans by increasing the number of Native American State employees and the number of Native American State employees serving in supervisory, technical, professional, and managerial positions.
- (2) Identify State agencies' staffing needs and qualification requirements.
- (3) Track hiring practices and promotions of Native Americans employed by State agencies.
- (4) Increase the number of Native Americans employed by State agencies.
- (5) Increase the number of Native American State employees who are promoted.
- (6) Assist State agencies to meet their goals established under the Native American Employment Plan.
- (7) Establish the Native American Employment Plan Advisory Council.

Section 10. Definitions. As used in this Act:

"Department" means the Department of Central Management Services.

"Native American" has the same meaning as "American Indian or Alaska Native" under subsection (D) of Section 2-105 of the Illinois Human Rights Act.

"State agency" or "agency", whether used in the singular or plural, means all departments, officers, commissions, boards, institutions, and bodies politic and corporate of the State. The term, however, does not mean the judicial branch, including, without limitation, the several courts of the State, the offices of the clerk of the Supreme Court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts, nor does it mean the General Assembly or its committees or commissions.

Section 15. Native American Employment Plan.

(a) The Department shall develop and implement plans to increase the number of Native Americans employed by State agencies and the number of Native Americans employed by State agencies at supervisory, technical, professional, and managerial levels.

[May 28, 2019]

(b) The Department shall prepare and revise annually a Native American Employment Plan in consultation with individuals and organizations knowledgeable on this subject and with the Native American Employment Plan Advisory Council. The Department shall report to the General Assembly by February 1 of each year, beginning with February 1, 2020, each State agency's activities that implement the Native American Employment Plan.

(c) The Department shall monitor compliance with the Native American Employment Plan and may assign that duty to the Department's staff or to a full-time Native American Employment Coordinator who shall be appointed by the Native American Employment Plan Advisory Council. Nothing in this Act mandates the Department to hire additional staff.

Section 20. Native American Employment Plan Advisory Council.

(a) The Native American Employment Plan Advisory Council is created. The Advisory Council shall consist of 11 members, each of whom shall be a Native American subject matter expert, appointed by the Governor. Ex officio liaison members shall be appointed by the Director or Secretary of each of the following agencies:

- (1) Department on Aging;
- (2) Department of Children and Family Services;
- (3) Department of Commerce and Economic Opportunity;
- (4) Department of Corrections;
- (5) Department of Employment Security;
- (6) Department of Human Services;
- (7) Department of Human Rights;
- (8) Department of Healthcare and Family Services;
- (9) Department of Public Health; and
- (10) Department of Transportation.

(b) Members of the Native American Employment Plan Advisory Council who are appointed by the Governor shall serve without compensation. Ex officio liaison members shall not receive any compensation in addition to their regular salary. All members of the Council shall be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose.

(c) The Native American Employment Plan Advisory Council shall appoint a Native American Employment Coordinator. In addition to any other duties which may be prescribed by law, the duties of the Native American Employment Coordinator under this Act shall be determined by the Council.

(d) The Native American Employment Plan Advisory Council shall examine:

- (1) the prevalence and impact of Native Americans employed by State government;
- (2) the barriers faced by Native Americans who seek employment or promotional opportunities in State government; and
- (3) possible incentives that could be offered to foster the employment and promotion of Native Americans in State government.

(e) The Council shall meet quarterly to provide consultation to State agencies and the Native American Employment Coordinator.

(f) The Native American Employment Plan Advisory Council shall receive administrative support from the Department of Central Management Services and shall issue an annual report of its activities each year on or before February 1, beginning February 1, 2021.

Section 100. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-125 as follows:

(20 ILCS 405/405-125) (was 20 ILCS 405/67.31)

Sec. 405-125. State agency affirmative action and equal employment opportunity goals. Each State agency shall implement strategies and programs in accordance with the State Hispanic Employment Plan, ~~and the State Asian-American Employment Plan~~, and the Native American Employment Plan to increase the number of Hispanics employed by the State, the number of Asian-Americans employed by the State, ~~and the number of bilingual persons employed by the State~~, and the number of Native American persons employed by the State at supervisory, technical, professional, and managerial levels. Each State agency shall report annually to the Department and the Department of Human Rights, in a format prescribed by the Department, all of the agency's activities in implementing the State Hispanic Employment Plan, ~~and the State Asian-American Employment Plan~~, and the Native American Employment Plan. Each agency's annual report shall include reports or information related to the agency's Hispanic, Asian-American, Native American, and bilingual employment strategies and programs that the agency has received from the Illinois Department of Human Rights, the Department of Central Management Services, or the Auditor General,

pursuant to their periodic review responsibilities; findings made by the Governor in his or her report to the General Assembly; assessments of bilingual service needs based upon the agency's service populations; information on the agency's studies and monitoring success concerning the number of Hispanics, Asian-Americans, Native Americans, and bilingual persons employed by the agency at the supervisory, technical, professional, and managerial levels and any increases in those categories from the prior year; and information concerning the agency's Hispanic, Asian-American, Native American, and bilingual employment budget allocations. The Department shall assist State agencies required to establish preparation and promotion training programs under subsection (H) of Section 7-105 of the Illinois Human Rights Act for failure to meet their affirmative action and equal employment opportunity goals. The Department shall survey State agencies to identify effective existing training programs and shall serve as a resource to other State agencies. The Department shall assist agencies in the development and modification of training programs to enable them to meet their affirmative action and equal employment opportunity goals and shall provide information regarding other existing training and educational resources, such as the Upward Mobility Program, the Illinois Institute for Training and Development, the Central Management Services Training Center, Executive Recruitment Internships, and Graduate Public Service Internships.

(Source: P.A. 97-856, eff. 7-27-12)."

Under the rules, the foregoing **Senate Bill No. 727**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1525

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1525

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1525

AMENDMENT NO. 2. Amend Senate Bill 1525 on page 3, by replacing lines 11 and 12 with the following:

"(b) Youth who are not selected to receive a scholarship or fee waiver under subsection (a) shall receive a tuition and fee".

Under the rules, the foregoing **Senate Bill No. 1525**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1591

A bill for AN ACT concerning revenue.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1591

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1591

AMENDMENT NO. 1. Amend Senate Bill 1591 by replacing everything after the enacting clause with the following:

[May 28, 2019]

"Section 5. The Illinois Income Tax Act is amended by adding Sections 201 and 229 as follows:
(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 3% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 5% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(5) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 5% of the taxpayer's net income for the taxable year.

(5.1) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 5% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 3.75% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(5.2) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2015, and ending prior to July 1, 2017, an amount equal to 3.75% of the taxpayer's net income for the taxable year.

(5.3) In the case of an individual, trust, or estate, for taxable years beginning prior to July 1, 2017, and ending after June 30, 2017, an amount equal to the sum of (i) 3.75% of the taxpayer's net income for the period prior to July 1, 2017, as calculated under Section 202.5, and (ii) 4.95% of the taxpayer's net income for the period after June 30, 2017, as calculated under Section 202.5.

(5.4) In the case of an individual, trust, or estate, for taxable years beginning on or after July 1, 2017, an amount equal to 4.95% of the taxpayer's net income for the taxable year.

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(9) In the case of a corporation, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 4.8% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(10) In the case of a corporation, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 7% of the taxpayer's net income for the taxable year.

(11) In the case of a corporation, for taxable years beginning prior to January 1, 2015,

and ending after December 31, 2014, an amount equal to the sum of (i) 7% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 5.25% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(12) In the case of a corporation, for taxable years beginning on or after January 1, 2015, and ending prior to July 1, 2017, an amount equal to 5.25% of the taxpayer's net income for the taxable year.

(13) In the case of a corporation, for taxable years beginning prior to July 1, 2017, and ending after June 30, 2017, an amount equal to the sum of (i) 5.25% of the taxpayer's net income for the period prior to July 1, 2017, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after June 30, 2017, as calculated under Section 202.5.

(14) In the case of a corporation, for taxable years beginning on or after July 1, 2017, an amount equal to 7% of the taxpayer's net income for the taxable year.

The rates under this subsection (b) are subject to the provisions of Section 201.5.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code, equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing, or was placed in service on or after July 1, 2006 in a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible personal property for use or consumption and not for resale. For purposes of this subsection (e), "tangible personal property" has the same meaning as when that term is used in the Retailers' Occupation Tax

Act, and, for taxable years ending after December 31, 2008, does not include the generation, transmission, or distribution of electricity.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2018, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2018.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone; River Edge Redevelopment Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act or, for property placed in service on or after July 1, 2006, a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone or River Edge Redevelopment Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone or River Edge Redevelopment Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) There shall be allowed an additional credit equal to 0.5% of the basis of qualified property placed in service during the taxable year in a River Edge Redevelopment Zone, provided such property is placed in service on or after July 1, 2006, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is 0.5% and the denominator of which is 1%, but shall not exceed 0.5%.

(g) (Blank).

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later

amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the

reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit. For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, and ending prior to January 1, 2027 ~~January 1, 2022~~, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

It is the intent of the General Assembly that the research and development credit under this subsection (k) shall apply continuously for all tax years ending on or after December 31, 2004 and ending prior to January 1, 2027 ~~January 1, 2022~~, including, but not limited to, the period beginning on January 1, 2016 and ending on the effective date of this amendatory Act of the 100th General Assembly. All actions taken in reliance on the continuation of the credit under this subsection (k) by any taxpayer are hereby validated.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For

purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of \$100,000 per site, except that the \$100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The total credit allowed shall not exceed \$40,000 per year with a maximum total of \$150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(i) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed (i) \$500 for tax years ending prior to December 31, 2017, and (ii) \$750 for tax years ending on or after December 31, 2017. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. Notwithstanding any other provision of law, for taxable years beginning on or after January 1, 2017, no taxpayer may claim a credit under this subsection (m) if the taxpayer's adjusted gross income for the taxable year exceeds (i) \$500,000, in the case of spouses filing a joint federal tax return or (ii) \$250,000, in the case of all other taxpayers. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of \$250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(n) River Edge Redevelopment Zone site remediation tax credit.

(i) For tax years ending on or after December 31, 2006, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14a of the Environmental Protection Act that were paid in performing environmental remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Determinations as to credit availability for purposes of this Section shall be made consistent with rules adopted by the Pollution Control Board pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of \$100,000 per site.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(o) For each of taxable years during the Compassionate Use of Medical Cannabis Pilot Program, a surcharge is imposed on all taxpayers on income arising from the sale or exchange of capital assets, depreciable business property, real property used in the trade or business, and Section 197 intangibles of an organization registrant under the Compassionate Use of Medical Cannabis Pilot Program Act. The amount of the surcharge is equal to the amount of federal income tax liability for the taxable year attributable to those sales and exchanges. The surcharge imposed does not apply if:

(1) the medical cannabis cultivation center registration, medical cannabis dispensary registration, or the property of a registration is transferred as a result of any of the following:

(A) bankruptcy, a receivership, or a debt adjustment initiated by or against the initial registration or the substantial owners of the initial registration;

(B) cancellation, revocation, or termination of any registration by the Illinois Department of Public Health;

(C) a determination by the Illinois Department of Public Health that transfer of the registration is in the best interests of Illinois qualifying patients as defined by the Compassionate Use of Medical Cannabis Pilot Program Act;

(D) the death of an owner of the equity interest in a registrant;

(E) the acquisition of a controlling interest in the stock or substantially all of

the assets of a publicly traded company;

(F) a transfer by a parent company to a wholly owned subsidiary; or

(G) the transfer or sale to or by one person to another person where both persons were initial owners of the registration when the registration was issued; or

(2) the cannabis cultivation center registration, medical cannabis dispensary registration, or the controlling interest in a registrant's property is transferred in a transaction to lineal descendants in which no gain or loss is recognized or as a result of a transaction in accordance with Section 351 of the Internal Revenue Code in which no gain or loss is recognized.

(Source: P.A. 100-22, eff. 7-6-17.)

(35 ILCS 5/229 new)

Sec. 229. Apprenticeship education expense credit.

(a) As used in this Section:

"Department" means the Department of Commerce and Economic Opportunity.

"Employer" means an Illinois taxpayer who is the employer of the qualifying apprentice.

"Qualifying apprentice" means an individual who: (i) is a resident of the State of Illinois; (ii) is at least 16 years old at the close of the school year for which a credit is sought; (iii) during the school year for which a credit is sought, was a full-time apprentice enrolled in an apprenticeship program which is registered with the United States Department of Labor, Office of Apprenticeship; and (iv) is employed in Illinois by the taxpayer who is the employer.

"Qualified education expense" means the amount incurred on behalf of a qualifying apprentice not to exceed \$3,500 for tuition, book fees, and lab fees at the school or community college in which the apprentice is enrolled during the regular school year.

"School" means any public or nonpublic secondary school in Illinois that is: (i) an institution of higher education that provides a program that leads to an industry-recognized postsecondary credential or degree; (ii) an entity that carries out programs registered under the federal National Apprenticeship Act; or (iii) another public or private provider of a program of training services, which may include a joint labor-management organization

(b) For taxable years beginning on or after January 1, 2020, and beginning on or before January 1, 2025, the employer of one or more qualifying apprentices shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act for qualified education expenses incurred on behalf of a qualifying apprentice. The credit shall be equal to 100% of the qualified education expenses, but in no event may the total credit amount awarded to a single taxpayer in a single taxable year exceed \$3,500 per qualifying apprentice. A taxpayer shall be entitled to an additional \$1,500 credit against the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act if (i) the qualifying apprentice resides in an underserved area as defined in Section 5-5 of the Economic Development for a Growing Economy Tax Credit Act during the school year for which a credit is sought by an employer or (ii) the employer's principal place of business is located in an underserved area, as defined in Section 5-5 of the Economic Development for Growing Economic Tax Credit Act. In no event shall a credit under this Section reduce the taxpayer's liability under this Act to less than zero. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code.

(c) The Department shall implement a program to certify applicants for an apprenticeship credit under this Section. Upon satisfactory review, the Department shall issue a tax credit certificate to an employer incurring costs on behalf of a qualifying apprentice stating the amount of the tax credit to which the employer is entitled. If the employer is seeking a tax credit for multiple qualifying apprentices, the Department may issue a single tax credit certificate that encompasses the aggregate total of tax credits for qualifying apprentices for a single employer.

(d) The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Section, including, but not limited to, power and authority to:

(1) Adopt rules deemed necessary and appropriate for the administration of this Section; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year and require that all applications be submitted via the Internet. The Department shall require that applications be submitted in electronic form.

(2) Provide guidance and assistance to applicants pursuant to the provisions of this Section and cooperate with applicants to promote, foster, and support job creation within the State.

(3) Enter into agreements and memoranda of understanding for participation of and engage in cooperation with agencies of the federal government, units of local government, universities, research foundations or institutions, regional economic development corporations, or other organizations for the purposes of this Section.

(4) Gather information and conduct inquiries, in the manner and by the methods it deems desirable, including, without limitation, gathering information with respect to applicants for the purpose of making any designations or certifications necessary or desirable or to gather information in furtherance of the purposes of this Act.

(5) Establish, negotiate, and effectuate any term, agreement, or other document with any person necessary or appropriate to accomplish the purposes of this Section, and consent, subject to the provisions of any agreement with another party, to the modification or restructuring of any agreement to which the Department is a party.

(6) Provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Section from funds made available through charges to applicants or from funds as may be appropriated by the General Assembly for the administration of this Section.

(7) Require applicants, upon written request, to issue any necessary authorization to the appropriate federal, State, or local authority or any other person for the release to the Department of information requested by the Department, including, but not be limited to, financial reports, returns, or records relating to the applicant or to the amount of credit allowable under this Section.

(8) Require that an applicant shall, at all times, keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the agreement in the custody or control of the applicant open for reasonable Department inspection and audits, including, without limitation, the making of copies of the books, records, or papers.

(9) Take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation required under this Section or any agreement entered into under this Section, including the power to sell, dispose of, lease, or rent, upon terms and conditions determined by the Department to be appropriate, real or personal property that the Department may recover as a result of these actions.

(e) The Department, in consultation with the Department of Revenue, shall adopt rules to administer this Section. The aggregate amount of the tax credits that may be claimed under this Section for qualified education expenses incurred by an employer on behalf of a qualifying apprentice shall be limited to \$5,000,000 per calendar year. If applications for a greater amount are received, credits shall be allowed on a first-come first-served basis, based on the date on which each properly completed application for a certificate of eligibility is received by the Department. If more than one certificate is received on the same day, the credits will be awarded based on the time of submission for that particular day.

(f) An employer may not sell or otherwise transfer a credit awarded under this Section to another person or taxpayer.

(g) The employer shall provide the Department such information as the Department may require, including but not limited to: (i) the name, age, and taxpayer identification number of each qualifying apprentice employed by the taxpayer during the taxable year; (ii) the amount of qualified education expenses incurred with respect to each qualifying apprentice; and (iii) the name of the school at which the qualifying apprentice is enrolled and the qualified education expenses are incurred.

(h) On or before July 1 of each year, the Department shall report to the Governor and the General Assembly on the tax credit certificates awarded under this Section for the prior calendar year. The report must include:

(1) the name of each employer awarded or allocated a credit;

(2) the number of qualifying apprentices for whom the employer has incurred qualified education expenses;

(3) the North American Industry Classification System (NAICS) code applicable to each employer awarded or allocated a credit;

(4) the amount of the credit awarded or allocated to each employer;

(5) the total number of employers awarded or allocated a credit;

(6) the total number of qualifying apprentices for whom employers receiving credits under this Section incurred qualified education expenses; and

(7) the average cost to the employer of all apprenticeships receiving credits under this Section.

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

Under the rules, the foregoing **Senate Bill No. 1591**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1595

A bill for AN ACT concerning revenue.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1595

Passed the House, as amended, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1595

AMENDMENT NO. 1. Amend Senate Bill 1595 by replacing everything after the enacting clause with the following:

"Section 5. The Film Production Services Tax Credit Act of 2008 is amended by changing Section 42 as follows:

(35 ILCS 16/42)

Sec. 42. Sunset of credits. The application of credits awarded pursuant to this Act shall be limited by a reasonable and appropriate sunset date. A taxpayer shall not be entitled to take a credit awarded pursuant to this Act for tax years beginning on or after ~~January 1, 2027~~ 10 years after the effective date of this amendatory Act of the 97th General Assembly. After the initial 10-year sunset, the General Assembly may extend the sunset date by 5-year intervals.

(Source: P.A. 97-2, eff. 5-6-11; 97-3, eff. 5-6-11.)

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

Under the rules, the foregoing **Senate Bill No. 1595**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 9

A bill for AN ACT concerning coal ash.

SENATE BILL NO. 138

A bill for AN ACT concerning civil law.

SENATE BILL NO. 171

A bill for AN ACT concerning safety.

SENATE BILL NO. 1167

A bill for AN ACT concerning education.

SENATE BILL NO. 1467

A bill for AN ACT concerning education.

SENATE BILL NO. 1529

A bill for AN ACT concerning State government.

SENATE BILL NO. 1828

A bill for AN ACT concerning health.

Passed the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

[May 28, 2019]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1558

A bill for AN ACT concerning gaming.

SENATE BILL NO. 1624

A bill for AN ACT concerning business.

Passed the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1637

A bill for AN ACT concerning immigration.

HOUSE BILL NO. 2668

A bill for AN ACT concerning education.

Passed the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing **House Bills Numbered 1637 and 2668** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 66

WHEREAS, It is highly fitting and appropriate that we honor those who made a difference through sacrifice and service to the State of Illinois; and

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of McHenry County Sheriff's Deputy Jacob Keltner, who was killed in the line of duty on March 7, 2019 at the age of 35; and

WHEREAS, House Resolution 186 of the 101st General Assembly expressed its respect for the sacrifice made by Deputy Keltner in the line of duty; and

WHEREAS, There was an unprecedented public outpouring of support for Deputy Keltner and his family, as witnessed by the hundreds of people who paid their respects at every turn, both during formal services and by standing along the procession routes on his final trip home from Rockford to McHenry County and as he was driven to his final rest; and

WHEREAS, It is fitting to remember Deputy Keltner, not only for the dedication to duty that took him from his family but for what his passing did to bring a community together in both its grief and its gratitude for his sacrifice as he gave his last full measure of devotion; and

WHEREAS, Deputy Keltner's "End of Watch" was not the act which took him from us but was the posthumous act that brought a grateful community together in its outpouring of respect for a man who gave his life in the line of duty serving the people of McHenry County and the State of Illinois; therefore, be it

[May 28, 2019]

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the interchange at Interstate 90 and Illinois Route 23 as the "Deputy Jacob Keltner Memorial Interchange"; and be it further

RESOLVED, That the Illinois State Toll Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Deputy Jacob Keltner Memorial Interchange"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Deputy Keltner, the Illinois State Toll Highway Authority, McHenry County, the City of Marengo, and the McHenry County Sheriff's Department.

Adopted by the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 66 was referred to the Committee on Assignments.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 69

WHEREAS, 529 college savings plans are important tools for Illinois families who want to save for their children's college education; they offer a diverse range of investment options, tax-deferred growth, and withdrawals free of state and federal taxes when those withdrawals are used for qualified higher education expenses such as tuition, fees, books, certain room and board costs, computer equipment, and required supplies; and

WHEREAS, While the first college savings plans were developed by states in 1988 as innovative programs designed to help families and students save for higher education expenses, it was not until the enactment of Section 529 of the Internal Revenue Code by Congress in 1996 that college savings plans began to rapidly gain popularity across the country; and

WHEREAS, Today, all 50 states and the District of Columbia offer 529 college savings plans; 12.5 million 529 accounts have been opened, more than \$253 billion dollars have been saved for future higher education expenses, and more than one million students nationwide have withdrawn funds from 529 accounts to help pay higher education expenses; and

WHEREAS, The Illinois Treasurer currently offers and administers two 529 college savings plans, the Bright Start College Savings Plan and the Bright Directions College Savings Plan; and

WHEREAS, In 2018, Morningstar, which independently evaluates and rates college savings plans, selected the Bright Start 529 College Savings Plan as a Gold-Rated 529 and granted the Bright Directions Advisor-Guided 529 College Savings Plan a silver rating, which was the highest rating for all advisor-sold plans; and

WHEREAS, 529 college savings plans allow families to save for tuition at two-year and four-year institutions, including vocational, trade, community, state, or technical schools; and

WHEREAS, Illinois residents can claim a state tax deduction on contributions of up to \$10,000 a year (\$20,000 for married couples filing jointly) to any state plan; and

[May 28, 2019]

WHEREAS, In 2000, the average tuition rate at an Illinois public university was \$4,160, while the average rate at a private four-year institution was \$15,625; in 2018, those rates have skyrocketed to \$15,182 for public universities and \$36,747 for private universities; and

WHEREAS, Federal financial aid awards have shifted away from student grants and moved to providing access to guaranteed student loans so that, today, nearly 63 percent of all federal financial aid is in the form of loans, substantially increasing the number of college graduates who will face the burden of repaying significant student loan debt upon entering the workforce; and

WHEREAS, As of 2018, student loan debt has now reached \$1.5 trillion nationally, which rose from \$548 billion in 2007, and more than 1.6 million Illinois residents have student loans totaling more than \$52 billion; and

WHEREAS, When Illinoisans are burdened with student loan debt, they are not able to buy homes, cars, and other products that boost our economy; and

WHEREAS, College savings plans, such as Bright Start and Bright Directions, help families limit or eliminate future student loan debt by helping them save for future higher education expenses; and

WHEREAS, The contributions families make today pay off in the form of an increased earning potential for their children in the future, with a college graduate earning an average of \$1 million more than a high school graduate during his or her career, according to the United States Census Bureau; and

WHEREAS, May 29th is recognized nationally as 529 College Savings Day to help raise awareness across the country of the importance of saving for college with the help of 529 college savings plans; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we declare May 29, 2019 as 529 College Savings Day in the State of Illinois; and be it further

RESOLVED, That we urge all Illinoisans to explore the benefits that 529 college savings plans offer families; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor of Illinois, the Director of the Illinois Student Assistance Commission, the Treasurer of Illinois, the Director of the Community College Board, and the Director of the Board of Higher Education.

Adopted by the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 69 was referred to the Committee on Assignments.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 74

WHEREAS, It is right and appropriate to celebrate a diversity of cultures and heritages; this celebration serves as a reminder that despite our differing backgrounds, everyone in Illinois is bound by a common hope for a better and more inclusive future for our children; and

[May 28, 2019]

WHEREAS, Asian Americans and Pacific Islanders are among the fastest growing ethnic groups in Illinois; Asian Americans and Pacific Islanders make up more than 5% of the population of the State; the community grew by over 40% between 2000 and 2010; and

WHEREAS, The Asian American and Pacific Islander community has a long and integral history in the United States; in recognition and celebration of that history, the United States Congress established Asian/Pacific American Heritage Week in 1978; that week was extended to the full month of May in 1990; and

WHEREAS, May is an appropriate month for the observation of Asian American Pacific Islander Heritage, since May 7, 1843 marked the arrival date of the first Japanese immigrant to the United States; May 10, 1869 is the date that America was united coast to coast by the Transcontinental Railroad with the placement of the "Golden Spike"; the railroad was made possible by the herculean efforts of the mostly Chinese immigrant workers; May 6, 1882 marks the passage of the Chinese Exclusion Act, which shaped the course of Asian immigration for almost a century to come; and

WHEREAS, The Asian American community played a heroic role in the Second World War; the 442nd Infantry regiment, comprised mostly of Japanese Americans, fought for the United States while their families at home were facing harsh discrimination and internment; the 442nd became one of the most decorated units for its size, earning almost 10,000 Purple Hearts; and

WHEREAS, Despite the contributions of Asian Americans and immigrants, the Asian American community has faced challenges and discrimination in the United States; many of the Chinese laborers were treated extremely poorly during the construction of the Transcontinental Railroad, and none of the Chinese Americans were allowed in the famous picture of the "Golden Spike"; Asian immigrants faced xenophobia and outright violence throughout periods of the 19th and 20th centuries; and

WHEREAS, Despite this inequity, brilliant leaders from different Asian American communities have contributed to the history of our country; Dalip Singh Saund was the first Asian American elected to Congress; Fred T. Korematsu was a champion of civil liberties and of the Japanese Americans interned during the Second World War; Larry Dulay Iltiong was a hero for the labor movement; Grace Lee Boggs and Patsy Mink were both a transformative force for Title IX; whether as soldiers, laborers, business owners, advocates, or community leaders, those in the Asian American and Pacific Islander community continue to rise to the challenges they face and serve as a force for good in the State of Illinois and the United States; and

WHEREAS, Illinoisans and Americans of all walks of life are encouraged to learn about the deep history of Asian and Pacific Islander Americans and their contributions to our State and country; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we declare May of 2019 as Asian American and Pacific Islander Heritage Month in the State of Illinois in honor of the people in these communities in the State and the nation; and be it further

RESOLVED, That we welcome everyone to Asian American Action Day on May 15, 2019, where community organizations and people of all creeds across Illinois advocate in the Capitol for legislation that is more inclusive of Asian and Pacific Islander Americans.

Adopted by the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 74 was referred to the Committee on Assignments.

A message from the House by
Mr. Hollman, Clerk:

[May 28, 2019]

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 76

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who have given their lives in service to their communities; and

WHEREAS, Trooper April C. Styburski was killed while responding to an accident near Pingree Grove on U.S. 20; and

WHEREAS, Trooper Styburski was a four-year veteran of the Illinois State Police; and

WHEREAS, At the time of her passing, Trooper Styburski was survived by her husband and son; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 20 between Plank Road and Switzer Road as the "Trooper April C. Styburski Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Trooper April C. Styburski Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Styburski and the Secretary of Transportation.

Adopted by the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 76 was referred to the Committee on Assignments.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 77

WHEREAS, It is important to remember and honor those who gave the ultimate sacrifice in service to the State Of Illinois; and

WHEREAS, Illinois State Police Trooper Marvin C. Archer, a World War II veteran, was killed in a gunfight on June 18, 1946 while attempting to apprehend two vehicle thieves at the intersection of Illinois Routes 6 and 9 near Paxton; and

WHEREAS, Trooper Archer and his partner, Vernon Harper, spotted the stolen vehicle and initiated a traffic stop; the two suspects opened fire, and both officers took cover and returned fire; and

WHEREAS, Trooper Archer was shot and died on the scene; and

[May 28, 2019]

WHEREAS, One of the suspects re-entered a vehicle and led Illinois and Indiana state police on a pursuit; he changed vehicles two more times before Illinois troopers found him approximately three hours later inside a parked vehicle near Champaign; three troopers opened fire and fatally shot the suspect multiple times; and

WHEREAS, Trooper Archer served two years with the Illinois State Police and then two years as a combat engineer in the Pacific during World War II; he returned to his state police duties six months before his death; and

WHEREAS, The Illinois State Police have saved countless lives by protecting the citizens of Illinois through law enforcement and patrolling the roadways of our State; and

WHEREAS, Trooper Archer is an example of the dedication and sacrifice of the Illinois State Police, and it is fitting we remember his sacrifice; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of Illinois Route 9 between South Washington Street and High Street in Paxton as the "Trooper Marvin C. Archer Memorial Road"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Trooper Marvin C. Archer Memorial Road"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Archer and the Secretary of Transportation.

Adopted by the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 77 was referred to the Committee on Assignments.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 78

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to those individuals whose lives have made a difference in their community and in Illinois; and

WHEREAS, Kelli Joy O'Laughlin was born on April 2, 1997, the beloved daughter of Brenda (Pankow) and John O'Laughlin; and

WHEREAS, Kelli Joy O'Laughlin grew up in Indian Head Park and attended Highlands Grade School and Middle School before going to Lyons Township High School in the fall of 2011; and

WHEREAS, Kelli Joy O'Laughlin was an extremely kind individual and was loved by everyone she encountered; and

WHEREAS, On October 27, 2011, Kelli Joy O'Laughlin's life was tragically taken by a burglar in her own home after school that day; and

[May 28, 2019]

WHEREAS, Kelli Joy O'Laughlin was the adored sister of Ryan (Melissa), Bridgette, and Daniel Douglas; the loving aunt of Norah; the cherished granddaughter of Al and Carole Pankow and the late James and late Joy O'Laughlin; the fond niece of Terry (Kathy), Tom, Sandy, and Tim Pankow, James Jr. (Fran) O'Laughlin, and Marianne (Lowell) Richardson; the cousin of Dustin and Christopher Pankow, Giana and Alexis Gutierrez, Michael O'Laughlin, and Grant and Warren Richardson; and friend of many; and

WHEREAS, The Kelli Joy O'Laughlin Memorial Fund was established by Kelli's family to keep her memory alive through future educational opportunities for young people; and

WHEREAS, The Kelli Joy O'Laughlin Memorial Fund has held numerous events to raise funds and be an active part of the community; these events include golf outings, car washes, the Kelli O'Laughlin Benefit Concert, and the 1st annual Run for Kelli 5k with a course that winds its way around Lyons Township High School's South Campus, following their cross country course, where Kelli attended school as a freshman in 2011; and

WHEREAS, The Kelli Joy O'Laughlin Memorial Foundation has continued her legacy of "joy", by providing scholarships to graduating high school seniors who attended high schools in the Chicagoland area; it has given out over 75 scholarships with a total value of \$537,500; and

WHEREAS, The community has not forgotten Kelli Joy O'Laughlin's life and have used cups to create signs of remembrance on the overpass on Interstate 294; and

WHEREAS, It is fitting that we provide a lasting honor to the memory of Kelli Joy O'Laughlin; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the Plainfield Road Bridge over Interstate 294 as the "Kelli Joy O'Laughlin Memorial Bridge"; and be it further

RESOLVED, That the Illinois Toll Highway Authority is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the "Kelli Joy O'Laughlin Memorial Bridge"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Kelli Joy O'Laughlin, the Illinois Toll Highway Authority, and the Kelli Joy O'Laughlin Memorial Fund.

Adopted by the House, May 27, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 78 was referred to the Committee on Assignments.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 58

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to those individuals who have given their lives in service to their communities; and

WHEREAS, On March 28, 2019, at approximately 11:24 a.m., Trooper Brooke Jones-Story, #5966, was inspecting a commercial motor vehicle on U.S. Route 20 westbound, just west of Illinois Route 75 in

[May 28, 2019]

Stephenson County; at approximately 12:20 p.m., she was outside her squad car when she was struck and fatally wounded when a truck tractor semi-trailer combination struck her squad car and the semi she was inspecting; and

WHEREAS, Trooper Jones-Story was born to Mark and Carol (Myers) Jones in Monroe, Wisconsin on March 3, 1985; she grew up in Stockton, where she attended Warren High School; she received her Bachelor of Science in Criminal Justice from the University of Wisconsin Parkside in 2006; and

WHEREAS, Trooper Jones-Story loved her family and her high school and college volleyball teams; she always had a passion for service and committed herself to becoming a trooper; when she was not working, she could be found working with rescue animals on her farm, cheering for the Cubs, working out with her CrossFit family, and watching all the Disney movies she could find; and

WHEREAS, Trooper Jones-Story began her career with the Illinois State Police (ISP) in June of 2007 as a member of Cadet Class 115; upon her graduation from the ISP Academy, she was assigned to District 16 in Pecatonica, where she remained for the duration of her career; and

WHEREAS, Throughout her career with the ISP, Trooper Jones-Story was recognized for her hard work, positive attitude, and for being a rising leader among her peers; she married retired Master Sergeant Robert Story on October 13, 2012 in Galena; and

WHEREAS, Trooper Jones-Story was preceded in death by her paternal grandparents, Gladys and Delvin Jones, and her maternal grandfather, Richard Myers; and

WHEREAS, Trooper Jones-Story is survived by her parents, Mark and Carol Jones; her sister, Lindsey Jones; her brother, Nicholas Jones; her husband, Robert Story Jr.; her stepchildren, Brittany (Bryan) Iwaszkiw and Rachel Story; her grandchild, Ella Iwaszkiw; and her maternal grandmother, Delores Myers; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the Springfield Road overpass on U.S. Route 20 in Stephenson County, as the "Trooper Brooke Jones-Story Memorial Overpass"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Trooper Brooke Jones-Story Memorial Overpass"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Trooper Jones-Story and the Secretary of Transportation.

Adopted by the House, May 23, 2019.

JOHN W. HOLLMAN, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 58 was referred to the Committee on Assignments.

APPOINTMENT MESSAGES

Appointment Message No. 1010234

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

[May 28, 2019]

Title of Office: Alternate Retired Circuit Court Judge

Agency or Other Body: Illinois Torture Inquiry and Relief Commission

Start Date: May 24, 2019

End Date: December 30, 2021

Name: Hon. Kathleen Pantle

Residence: 292 Blackhawk Trce., Galena, IL 61036

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Brian W. Stewart

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 1010235

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Torture Inquiry and Relief Commission

Start Date: May 24, 2019

End Date: December 30, 2019

Name: Stephen Thurston

Residence: 20042 Oregon Trl., Olympia Fields, IL 60461

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Michael E. Hastings

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Executive Appointments.

At the hour of 12:40 o'clock p.m., the Chair announced that the Senate stands at ease.

AT EASE

[May 28, 2019]

At the hour of 12:52 o'clock p.m., the Senate resumed consideration of business.
 Senator Koehler, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chairperson of the Committee on Assignments, during its May 28, 2019 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Motion to Concur in House Amendment 1 to Senate Bill 131**

Commerce and Economic Development: **Motion to Concur in House Amendment 1 to Senate Bill 2146**

Criminal Law: **Motion to Concur in House Amendment 1 to Senate Bill 69**
Motion to Concur in House Amendment 1 to Senate Bill 482
Motion to Concur in House Amendment 1 to Senate Bill 1750
Motion to Concur in House Amendment 1 to Senate Bill 1862

Education: **Motion to Concur in House Amendment 1 to Senate Bill 1226**
Motion to Concur in House Amendment 1 to Senate Bill 1371
Motion to Concur in House Amendment 1 to Senate Bill 1498

Environment and Conservation: **Motion to Concur in House Amendment 1 to Senate Bill 1724**
Motion to Concur in House Amendment 2 to Senate Bill 1852

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 1831**
Motion to Concur in House Amendment 1 to Senate Bill 1952

Financial Institutions: **Motion to Concur in House Amendment 1 to Senate Bill 1524**

Government Accountability and Pensions: **Motion to Concur in House Amendment 1 to Senate Bill 1264**

Higher Education: **Motion to Concur in House Amendment 1 to Senate Bill 2126**

Human Services: **Motion to Concur in House Amendment 1 to Senate Bill 1239**
Motion to Concur in House Amendment 1 to Senate Bill 1641
Motion to Concur in House Amendment 1 to Senate Bill 1744
Motion to Concur in House Amendment 1 to Senate Bill 1778
Motion to Concur in House Amendment 1 to Senate Bill 1791
Motion to Concur in House Amendment 1 to Senate Bill 1889

Insurance: **Motion to Concur in House Amendment 1 to Senate Bill 111**
Motion to Concur in House Amendment 1 to Senate Bill 162
Motion to Concur in House Amendment 1 to Senate Bill 2085

Judiciary: **Motion to Concur in House Amendment 1 to Senate Bill 1090**
Motion to Concur in House Amendment 1 to Senate Bill 1495
Motion to Concur in House Amendment 1 to Senate Bill 1518

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 1872**
Motion to Concur in House Amendment 2 to Senate Bill 1888

Local Government: **Motion to Concur in House Amendment 1 to Senate Bill 100**
Motion to Concur in House Amendment 2 to Senate Bill 100
Motion to Concur in House Amendment 3 to Senate Bill 100

[May 28, 2019]

Motion to Concur in House Amendment 2 to Senate Bill 2136
Motion to Concur in House Amendment 1 to Senate Bill 2148

Public Health: **Motion to Concur in House Amendment 1 to Senate Bill 1506**

Transportation: **Motion to Concur in House Amendment 1 to Senate Bill 86**
Motion to Concur in House Amendment 2 to Senate Bill 944
Motion to Concur in House Amendment 1 to Senate Bill 946
Motion to Concur in House Amendment 1 to Senate Bill 1343
Motion to Concur in House Amendment 2 to Senate Bill 1473
Motion to Concur in House Amendment 2 to Senate Bill 2038
Motion to Concur in House Amendment 3 to Senate Bill 2038

Senator Lightford, Chairperson of the Committee on Assignments, during its May 28, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Committee Amendment No. 1 to House Bill 1633.**

Judiciary: **Floor Amendment No. 4 to House Bill 3222.**

Transportation: **Floor Amendment No. 1 to House Bill 188.**

Senator Lightford, Chairperson of the Committee on Assignments, during its May 28, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

State Government: **House Joint Resolutions Numbered 17, 58 and 59.**

HOUSE BILL RECALLED

On motion of Senator Collins, **House Bill No. 51** was recalled from the order of third reading to the order of second reading.

Floor Amendment Nos. 1 and 2 were postponed in the Committee on Criminal Law.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 51

AMENDMENT NO. 3. Amend House Bill 51 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Peter Mendez Act.

Section 5. The Illinois Police Training Act is amended by changing Section 7 as follows:
 (50 ILCS 705/7) (from Ch. 85, par. 507)

Sec. 7. Rules and standards for schools. The Board shall adopt rules and minimum standards for such schools which shall include, but not be limited to, the following:

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, vehicle and traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in

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paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act, handling of juvenile offenders, recognition of mental conditions and crises, including, but not limited to, the disease of addiction, which require immediate assistance and response and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are age sensitive and are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include training in effective recognition of and responses to stress, trauma, and post-traumatic stress experienced by police officers. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other developmental disabilities. The curriculum shall also include instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested parent or immediate family member; this instruction must include, but is not limited to: (1) understanding the trauma experienced by the child while maintaining the integrity of the arrest and safety of officers, suspects, and other involved individuals; (2) de-escalation tactics that would include the use of force when reasonably necessary; and (3) inquiring whether a child will require supervision and care. The curriculum for permanent police officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary police officers, including University police officers.

b. Minimum courses of study, attendance requirements and equipment requirements.

c. Minimum requirements for instructors.

d. Minimum basic training requirements, which a probationary police officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental agency. Those requirements shall include training in first aid (including cardiopulmonary resuscitation).

e. Minimum basic training requirements, which a probationary county corrections officer must satisfactorily complete before being eligible for permanent employment as a county corrections officer for a participating local governmental agency.

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

Individuals who currently serve as court security officers shall be deemed qualified to continue to serve in that capacity so long as they are certified as provided by this Act within 24 months of June 1, 1997 (the effective date of Public Act 89-685). Failure to be so certified, absent a waiver from the Board, shall cause the officer to forfeit his or her position.

All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act.

Either the Sheriff's Merit Commission, or the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

g. Minimum in-service training requirements, which a police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, mental health awareness and response, and cultural competency.

h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates and use of force training which shall include scenario based training, or similar training approved by the Board.

(Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18; 100-247, eff. 1-1-18; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff. 1-1-19; revised 9-28-19.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Collins, **House Bill No. 51** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 51; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Lightford	Rose
Aquino	Fine	Link	Sandoval
Belt	Fowler	Manar	Schimpf
Bennett	Gillespie	Martinez	Sims
Bertino-Tarrant	Glowiak	McClure	Stadelman
Brady	Harmon	McConchie	Steans
Castro	Hastings	McGuire	Stewart
Collins	Holmes	Morrison	Van Pelt
Crowe	Hunter	Mulroe	Villivalam
Cullerton, T.	Hutchinson	Muñoz	Weaver
Cunningham	Jones, E.	Oberweis	Wilcox
Curran	Koehler	Peters	Mr. President
DeWitte	Landek	Plummer	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Manar, **House Bill No. 2719** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 39; NAYS 13; Present 1.

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The following voted in the affirmative:

Aquino	Ellman	Landek	Sandoval
Belt	Fine	Lightford	Sims
Bennett	Fowler	Link	Stadelman
Brady	Gillespie	Manar	Steans
Bush	Hastings	Martinez	Tracy
Castro	Holmes	Mulroe	Van Pelt
Collins	Hunter	Muñoz	Villivalam
Crowe	Hutchinson	Peters	Weaver
Cunningham	Jones, E.	Rezin	Mr. President
DeWitte	Koehler	Rose	

The following voted in the negative:

Anderson	McClure	Plummer	Wilcox
Barickman	McConchie	Righter	
Cullerton, T.	Murphy	Schimpf	
Curran	Oberweis	Stewart	

The following voted present:

Bertino-Tarrant

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator J. Cullerton, **Senate Bill No. 262** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Cullerton, **Senate Bill No. 263** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Cullerton, **Senate Bill No. 264** having been printed, was taken up, read by title a second time and ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator J. Cullerton, **House Bill No. 142** was taken up, read by title a second time and ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1637, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2668, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

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On motion of Senator Castro, **House Bill No. 137** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

YEAS 42; NAYS 15.

The following voted in the affirmative:

Anderson	Ellman	Landek	Righter
Aquino	Fine	Lightford	Sandoval
Belt	Gillespie	Link	Sims
Bennett	Glowiak	Manar	Stadelman
Bertino-Tarrant	Harmon	Martinez	Steans
Bush	Hastings	McGuire	Syverson
Castro	Holmes	Morrison	Van Pelt
Collins	Hunter	Mulroe	Villivalam
Crowe	Hutchinson	Muñoz	Mr. President
Cullerton, T.	Jones, E.	Murphy	
Cunningham	Koehler	Peters	

The following voted in the negative:

Barickman	McClure	Rezin	Tracy
Brady	McConchie	Rose	Weaver
DeWitte	Oberweis	Schimpf	Wilcox
Fowler	Plummer	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

CONSIDERATION OF RESOLUTION ON SECRETARY’S DESK

Senator T. Cullerton moved that **House Joint Resolution No. 7**, on the Secretary’s Desk, be taken up for immediate consideration.

The motion prevailed.

Senator T. Cullerton moved that House Joint Resolution No. 7 be adopted.

And on that motion, a call of the roll was had resulting as follows:

YEAS 57; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Martinez	Schimpf
Aquino	Fine	McClure	Sims
Barickman	Fowler	McConchie	Stadelman
Belt	Gillespie	McGuire	Steans
Bennett	Glowiak	Morrison	Stewart
Bertino-Tarrant	Harmon	Mulroe	Syverson
Brady	Hastings	Muñoz	Tracy
Bush	Holmes	Murphy	Van Pelt
Castro	Hunter	Oberweis	Villivalam
Collins	Hutchinson	Peters	Weaver
Crowe	Jones, E.	Plummer	Wilcox

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Cullerton, T.	Koehler	Rezin	Mr. President
Cunningham	Lightford	Righter	
Curran	Link	Rose	
DeWitte	Manar	Sandoval	

The motion prevailed.
 And the resolution was adopted.
 Ordered that the Secretary inform the House of Representatives thereof.

POSTING NOTICES WAIVED

Senator McClure moved to waive the six-day posting requirement on **House Bill No. 2408** so that the measure may be heard in the Committee on Judiciary that is scheduled to meet this afternoon.

The motion prevailed.

Senator Morrison moved to waive the six-day posting requirement on **House Joint Resolution No. 17** so that the measure may be heard in the Committee on State Government that is scheduled to meet May 29, 2019.

The motion prevailed.

Senator Stewart moved to waive the six-day posting requirement on **House Joint Resolution No. 58** so that the measure may be heard in the Committee on State Government that is scheduled to meet May 29, 2019.

The motion prevailed.

Senator McGuire moved to waive the six-day posting requirement on **House Joint Resolution No. 59** so that the measure may be heard in the Committee on State Government that is scheduled to meet May 29, 2019.

The motion prevailed.

Senator Hunter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Righter asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 1:32 o'clock p.m., the Chair announced that the Senate stands at recess subject to the call of the Chair.

RECESS

At the hour of 6:02 o'clock p.m., the Senate resumed consideration of business.
 Senator Koehler, presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 456

Offered by Senator Harmon and all Senators:
 Mourns the death of Roberta "Bobbie" Raymond.

SENATE RESOLUTION NO. 457

Offered by Senator Sandoval and all Senators:
 Mourns the death of Clayton Gaudry of Crown Point, Indiana, formerly of Bourbonnais.

SENATE RESOLUTION NO. 458

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Offered by Senator Villivalam and all Senators:
Mourns the death of Dr. Shobha Deven Parikh of Chicago.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Van Pelt, Chairperson of the Committee on Public Health, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1506

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Bertino-Tarrant, Chairperson of the Committee on Education, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1226; Motion to Concur in House Amendment 1 to Senate Bill 1371; Motion to Concur in House Amendment 1 to Senate Bill 1498

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Mulroe, Chairperson of the Committee on Judiciary, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1090; Motion to Concur in House Amendment 1 to Senate Bill 1495

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Mulroe, Chairperson of the Committee on Judiciary, to which was referred **House Bill No. 2408**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mulroe, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 4 to House Bill 3222

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator McGuire, Chairperson of the Committee on Higher Education, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2126

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Morrison, Chairperson of the Committee on Human Services, to which was referred the Motions to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1239; Motion to Concur in House Amendment 1 to Senate Bill 1641; Motion to Concur in House Amendment 1 to Senate Bill 1744; Motion to Concur in House Amendment 1 to Senate Bill 1778; Motion to Concur in House Amendment 1 to Senate Bill 1791; Motion to Concur in House Amendment 1 to Senate Bill 1889

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Sims, Chairperson of the Committee on Criminal Law, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 69; Motion to Concur in House Amendment 1 to Senate Bill 482; Motion to Concur in House Amendment 1 to Senate Bill 1750; Motion to Concur in House Amendment 1 to Senate Bill 1862

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 86; Motion to Concur in House Amendment 2 to Senate Bill 944; Motion to Concur in House Amendment 1 to Senate Bill 946; Motion to Concur in House Amendment 1 to Senate Bill 1343; Motion to Concur in House Amendment 2 to Senate Bill 1473; Motion to Concur in House Amendment 2 to Senate Bill 2038; Motion to Concur in House Amendment 3 to Senate Bill 2038

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 188

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1524

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Aquino, Chairperson of the Committee on Government Accountability and Pensions, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1264

Under the rules, the foregoing motion is eligible for consideration by the Senate.

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MESSAGE FROM THE HOUSE

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 25

A bill for AN ACT concerning health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 25

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 25

AMENDMENT NO. 1. Amend Senate Bill 25 by replacing everything after the enacting clause with the following:

"Article 1. REPRODUCTIVE HEALTH ACT

Section 1-1. Short title. This Act may be cited as the Reproductive Health Act.

Section 1-5. Scope. This Act sets forth the fundamental rights of individuals to make autonomous decisions about one's own reproductive health, including the fundamental right to use or refuse reproductive health care. This includes the fundamental right of an individual to use or refuse contraception or sterilization, and to make autonomous decisions about how to exercise that right; and the fundamental right of an individual who becomes pregnant to continue the pregnancy and give birth to a child, or to have an abortion, and to make autonomous decisions about how to exercise that right. This Act restricts the ability of the State to deny, interfere with, or discriminate against these fundamental rights.

The purposes of this Act are:

(1) To establish laws and policies that protect individual decision-making in the area of reproductive health and that support access to the full scope of quality reproductive health care for all in our State; and

(2) To permit regulation of reproductive health care, including contraception, abortion, and maternity care, only to the extent that such regulation is narrowly tailored to protect a compelling State interest, which for the purposes of this Act means: consistent with accepted standards of clinical practice, evidence based, and narrowly tailored for the limited purpose of protecting the health of people seeking such care and in the manner that least restricts a person's autonomous decision-making.

Section 1-10. Definitions. As used in this Act:

"Abortion" means the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of an individual known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

"Advanced practice registered nurse" has the same meaning as it does in Section 50-10 of the Nurse Practice Act.

"Department" means the Illinois Department of Public Health.

"Fetal viability" means that, in the professional judgment of the attending health care professional, based on the particular facts of the case, there is a significant likelihood of a fetus' sustained survival outside the uterus without the application of extraordinary medical measures.

"Health care professional" means a person who is licensed as a physician, advanced practice registered nurse, or physician assistant.

"Health of the patient" means all factors that are relevant to the patient's health and well-being, including, but not limited to, physical, emotional, psychological, and familial health and age.

"Maternity care" means the health care provided in relation to pregnancy, labor and childbirth, and the postpartum period, and includes prenatal care, care during labor and birthing, and postpartum care

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extending through one-year postpartum. Maternity care shall, seek to optimize positive outcomes for the patient, and be provided on the basis of the physical and psychosocial needs of the patient. Notwithstanding any of the above, all care shall be subject to the informed and voluntary consent of the patient, or the patient's legal proxy, when the patient is unable to give consent.

"Physician" means any person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Physician assistant" has the same meaning as it does in Section 4 of the Physician Assistant Practice Act of 1987.

"Pregnancy" means the human reproductive process, beginning with the implantation of an embryo.

"Prevailing party" has the same meaning as in the Illinois Civil Rights Act of 2003.

"Reproductive health care" means health care offered, arranged, or furnished for the purpose of preventing pregnancy, terminating a pregnancy, managing pregnancy loss, or improving maternal health and birth outcomes. Reproductive health care includes, but is not limited to: contraception; sterilization; preconception care; maternity care; abortion care; and counseling regarding reproductive health care.

"State" includes any branch, department, agency, instrumentality, and official or other person acting under color of law of this State or a political subdivision of the State, including any unit of local government (including a home rule unit), school district, instrumentality, or public subdivision.

Section 1-15. Fundamental reproductive health rights.

(a) Every individual has a fundamental right to make autonomous decisions about the individual's own reproductive health, including the fundamental right to use or refuse reproductive health care.

(b) Every individual who becomes pregnant has a fundamental right to continue the pregnancy and give birth or to have an abortion, and to make autonomous decisions about how to exercise that right.

(c) A fertilized egg, embryo, or fetus does not have independent rights under the laws of this State.

Section 1-20. Prohibited State actions; causes of action.

(a) The State shall not:

(1) deny, restrict, interfere with, or discriminate against an individual's exercise of the fundamental rights set forth in this Act, including individuals under State custody, control, or supervision; or

(2) prosecute, punish, or otherwise deprive any individual of the individual's rights for any act or failure to act during the individual's own pregnancy, if the predominant basis for such prosecution, punishment, or deprivation of rights is the potential, actual, or perceived impact on the pregnancy or its outcomes or on the pregnant individual's own health.

(b) Any party aggrieved by conduct or regulation in violation of this Act may bring a civil lawsuit, in a federal district court or State circuit court, against the offending unit of government. Any State claim brought in federal district court shall be a supplemental claim to a federal claim.

(c) Upon motion, a court shall award reasonable attorney's fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought pursuant to this Section. In awarding reasonable attorney's fees, the court shall consider the degree to which the relief obtained relates to the relief sought.

Section 1-25. Reporting of abortions performed by health care professionals.

(a) A health care professional may provide abortion care in accordance with the health care professional's professional judgment and training and based on accepted standards of clinical practice consistent with the scope of his or her practice under the Medical Practice Act of 1987, the Nurse Practice Act, or the Physician Assistant Practice Act of 1987. If the health care professional determines that there is fetal viability, the health care professional may provide abortion care only if, in the professional judgment of the health care professional, the abortion is necessary to protect the life or health of the patient.

(b) A report of each abortion performed by a health care professional shall be made to the Department on forms prescribed by it. Such reports shall be transmitted to the Department not later than 10 days following the end of the month in which the abortion is performed.

(c) The abortion reporting forms prescribed by the Department shall not request or require information that identifies a patient by name or any other identifying information, and the Department shall secure anonymity of all patients and health care professionals.

(d) All reports received by the Department pursuant to this Section shall be treated as confidential and exempt from the Freedom of Information Act. Access to such reports shall be limited to authorized Department staff who shall use the reports for statistical purposes only. Such reports must be destroyed within 2 years after date of receipt.

Section 1-30. Application.

(a) This Act applies to all State laws, ordinances, policies, procedures, practices, and governmental actions and their implementation, whether statutory or otherwise and whether adopted before or after the effective date of this Act.

(b) Nothing in this Act shall be construed to authorize the State to burden any individual's fundamental rights relating to reproductive health care.

Section 1-35. Home rule powers limitation. A unit of local government may enact ordinances, standards, rules, or regulations that protect an individual's ability to freely exercise the fundamental rights set forth in this Act in a manner or to an extent equal to or greater than the protection provided in this Act. A unit of local government may not regulate an individual's ability to freely exercise the fundamental rights set forth in this Act in a manner more restrictive than that set forth in this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 1-97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Article 905. REPEALS

(210 ILCS 5/6.1 rep.)

Section 905-5. The Ambulatory Surgical Treatment Center Act is amended by repealing Section 6.1.

(410 ILCS 70/9 rep.)

Section 905-10. The Sexual Assault Survivors Emergency Treatment Act is amended by repealing Section 9.

(720 ILCS 510/Act rep.)

Section 905-15. The Illinois Abortion Law of 1975 is repealed.

(720 ILCS 513/Act rep.)

Section 905-20. The Partial-birth Abortion Ban Act is repealed.

(735 ILCS 5/11-107.1 rep.)

Section 905-25. The Code of Civil Procedure is amended by repealing Section 11-107.1.

(745 ILCS 30/Act rep.)

Section 905-30. The Abortion Performance Refusal Act is repealed.

Article 910. AMENDMENTS

Section 910-5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

(Text of Section before amendment by P.A. 100-1170)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g, 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4, ~~356z.4a~~, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, and 356z.26, and 356z.29, and ~~356z.32~~ of the Illinois Insurance Code. The program of health benefits must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 1-8-19.)

(Text of Section after amendment by P.A. 100-1170)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits

shall provide the coverage required under Sections 356g, 356g.5, 356g.5-1, 356m, 356u, 356w, 356x, 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22, 356z.25, 356z.26, 356z.29, and 356z.32 of the Illinois Insurance Code. The program of health benefits must comply with Sections 155.22a, 155.37, 355b, 356z.19, 370c, and 370c.1 of the Illinois Insurance Code. The Department of Insurance shall enforce the requirements of this Section with respect to Sections 370c and 370c.1 of the Illinois Insurance Code; all other requirements of this Section shall be enforced by the Department of Central Management Services.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-480, eff. 9-9-15; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; 100-1170, eff. 6-1-19.)

Section 910-10. The Children and Family Services Act is amended by changing Section 5 as follows:
(20 ILCS 505/5) (from Ch. 23, par. 5005)

Sec. 5. Direct child welfare services; Department of Children and Family Services. To provide direct child welfare services when not available through other public or private child care or program facilities.

(a) For purposes of this Section:

(1) "Children" means persons found within the State who are under the age of 18 years.

The term also includes persons under age 21 who:

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, as amended, prior to the age of 18 and who continue under the jurisdiction of the court; or

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

(2) "Homeless youth" means persons found within the State who are under the age of 19, are not in a safe and stable living situation and cannot be reunited with their families.

(3) "Child welfare services" means public social services which are directed toward the accomplishment of the following purposes:

(A) protecting and promoting the health, safety and welfare of children, including homeless, dependent or neglected children;

(B) remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation or delinquency of children;

(C) preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

(E) placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

(F) assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of this Section so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

(G) (blank);

(H) (blank); and

(I) placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

- (i) who are in a foster home, or
- (ii) who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code, or
- (iii) who are female children who are pregnant, pregnant and parenting or parenting, or
- (iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

(b) ~~(Blank). Nothing in this Section shall be construed to authorize the expenditure of public funds for the purpose of performing abortions.~~

(c) The Department shall establish and maintain tax-supported child welfare services and extend and seek to improve voluntary services throughout the State, to the end that services and care shall be available on an equal basis throughout the State to children requiring such services.

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

(g) The Department shall establish rules and regulations concerning its operation of programs designed to meet the goals of child safety and protection, family preservation, family reunification, and adoption, including but not limited to:

- (1) adoption;
- (2) foster care;
- (3) family counseling;
- (4) protective services;
- (5) (blank);
- (6) homemaker service;
- (7) return of runaway children;
- (8) (blank);

(9) placement under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and

- (10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in screening techniques to identify substance use disorders, as defined in the Substance Use Disorder Act, approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred for an assessment at an organization appropriately licensed by the Department of Human Services for substance use disorder treatment.

(h) If the Department finds that there is no appropriate program or facility within or available to the Department for a youth in care and that no licensed private facility has an adequate and appropriate program or none agrees to accept the youth in care, the Department shall create an appropriate individualized, program-oriented plan for such youth in care. The plan may be developed within the Department or through purchase of services by the Department to the extent that it is within its statutory authority to do.

(i) Service programs shall be available throughout the State and shall include but not be limited to the following services:

- (1) case management;
- (2) homemakers;
- (3) counseling;
- (4) parent education;

- (5) day care; and
- (6) emergency assistance and advocacy.

In addition, the following services may be made available to assess and meet the needs of children and families:

- (1) comprehensive family-based services;
- (2) assessments;
- (3) respite care; and
- (4) in-home health services.

The Department shall provide transportation for any of the services it makes available to children or families or for which it refers children or families.

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt children with physical or mental disabilities, children who are older, or other hard-to-place children who (i) immediately prior to their adoption were youth in care or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile Court Act of 1987 for children who were youth in care for 12 months immediately prior to the appointment of the guardian.

The amount of assistance may vary, depending upon the needs of the child and the adoptive parents, as set forth in the annual assistance agreement. Special purpose grants are allowed where the child requires special service but such costs may not exceed the amounts which similar services would cost the Department if it were to provide or secure them as guardian of the child.

Any financial assistance provided under this subsection is inalienable by assignment, sale, execution, attachment, garnishment, or any other remedy for recovery or collection of a judgment or debt.

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available either outside of the Department region handling the case, or outside of the State of Illinois.

(k) The Department shall accept for care and training any child who has been adjudicated neglected or abused, or dependent committed to it pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987.

(l) The Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set, except that reunification services may be offered as provided in paragraph (F) of subsection (2) of Section 2-28 of that Act. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the

child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary. The Department may also provide services to any child or family after completion of a family assessment, as an alternative to an investigation, as provided under the "differential response program" provided for in subsection (a-5) of Section 7.4 of the Abused and Neglected Child Reporting Act.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. On and after January 1, 2015 (the effective date of Public Act 98-803) and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 16 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. On and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency. The Department shall assign a caseworker to attend any hearing involving a youth in the care and custody of the Department who is placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings.

As soon as is possible after August 7, 2009 (the effective date of Public Act 96-134), the Department shall develop and implement a special program of family preservation services to support intact, foster, and adoptive families who are experiencing extreme hardships due to the difficulty and stress of caring for a child who has been diagnosed with a pervasive developmental disorder if the Department determines that those services are necessary to ensure the health and safety of the child. The Department may offer services to any family whether or not a report has been filed under the Abused and Neglected Child Reporting Act. The Department may refer the child or family to services available from other agencies in the community if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of these services shall be voluntary. The Department shall develop and implement a public information campaign to alert health and social service providers and the general public about these special family preservation services. The nature and scope of the services offered and the number of families served under the special program implemented under this paragraph shall be determined by the level of funding that the Department annually allocates for this purpose. The term "pervasive developmental disorder" under this paragraph means a neurological condition, including but not limited to, Asperger's Syndrome and autism, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(1-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

When determining reasonable efforts to be made with respect to a child, as described in this subsection, and in making such reasonable efforts, the child's health and safety shall be the paramount concern.

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing

where the Department believes that further reunification services would be ineffective, it may request a finding from the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

The Department shall adopt rules addressing concurrent planning for reunification and permanency. The Department shall consider the following factors when determining appropriateness of concurrent planning:

- (1) the likelihood of prompt reunification;
- (2) the past history of the family;
- (3) the barriers to reunification being addressed by the family;
- (4) the level of cooperation of the family;
- (5) the foster parents' willingness to work with the family to reunite;
- (6) the willingness and ability of the foster family to provide an adoptive home or long-term placement;
- (7) the age of the child;
- (8) placement of siblings.

(m) The Department may assume temporary custody of any child if:

- (1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
- (2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall ensure that any child taken into custody is scheduled for an appointment for a medical examination.

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10-day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10-day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional

facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a youth in care who was placed in the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(n-1) The Department shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. The Department shall have responsibility for the development and delivery of services under this Section. An eligible youth may access services under this Section through the Department of Children and Family Services or by referral from the Department of Human Services. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this Section. The Department shall continue child welfare services under this Section to any eligible minor until the minor becomes 21 years of age, no longer consents to participate, or achieves self-sufficiency as identified in the minor's service plan. The Department of Children and Family Services shall create clear, readable notice of the rights of former foster youth to child welfare services under this Section and how such services may be obtained. The Department of Children and Family Services and the Department of Human Services shall disseminate this information statewide. The Department shall adopt regulations describing services intended to assist minors in achieving sustainable self-sufficiency as independent adults.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Youth in care who are placed by private child welfare agencies, and foster families with whom those youth are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall ensure that any private child welfare agency, which accepts youth in care for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner. A court determination that a current foster home placement is necessary and appropriate under Section 2-28 of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative appeal, filed by a former foster parent, involving a change of placement decision.

(p) (Blank).

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department.

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement

payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

In disbursing funds from children's accounts, the Department shall:

(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's "Guardianship Administrator" or his or her designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly, disbursements from all children's accounts, up to 1/12 of \$13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of \$13,000,000 into the DCFS Children's Services Fund.

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place child or child with a disability and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and Dissolution of Marriage Act or the Adoption Act only if:

(1) an order entered by an Illinois court specifically directs the Department to perform such services; and

(2) the court has ordered one or both of the parties to the proceeding to reimburse the Department for its reasonable costs for providing such services in accordance with Department rules, or has determined that neither party is financially able to pay.

The Department shall provide written notification to the court of the specific arrangements for supervised visitation and projected monthly costs within 60 days of the court order. The Department shall send to the court information related to the costs incurred except in cases where the court has determined the parties are financially unable to pay. The court may order additional periodic reports as appropriate.

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;

(2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and

(3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may

be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the prospective adoptive parent or parents or other caretaker a signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the prospective adoptive parent or parents or other caretaker. The information provided to the prospective adoptive parent or parents or other caretaker shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Department of State Police Law (20 ILCS 2605/2605-355) if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Department of State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Department of State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Department of State Police relating to the access and dissemination of this information.

(v-1) Prior to final approval for placement of a child, the Department shall conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

(v-2) Prior to final approval for placement of a child, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(x) The Department shall conduct annual credit history checks to determine the financial history of children placed under its guardianship pursuant to the Juvenile Court Act of 1987. The Department shall conduct such credit checks starting when a youth in care turns 12 years old and each year thereafter for the duration of the guardianship as terminated pursuant to the Juvenile Court Act of 1987. The Department shall determine if financial exploitation of the child's personal information has occurred. If financial exploitation appears to have taken place or is presently ongoing, the Department shall notify the proper law enforcement agency, the proper State's Attorney, or the Attorney General.

(y) Beginning on July 22, 2010 (the effective date of Public Act 96-1189), a child with a disability who receives residential and educational services from the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. For purposes of this subsection, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004.

(z) The Department shall access criminal history record information as defined as "background information" in this subsection and criminal history record information as defined in the Illinois Uniform Conviction Information Act for each Department employee or Department applicant. Each Department employee or Department applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and the Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. The Department of State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Children and Family Services.

For purposes of this subsection:

"Background information" means all of the following:

(i) Upon the request of the Department of Children and Family Services, conviction information obtained from the Department of State Police as a result of a fingerprint-based criminal history records check of the Illinois criminal history records database and the Federal Bureau of Investigation criminal history records database concerning a Department employee or Department applicant.

(ii) Information obtained by the Department of Children and Family Services after performing a check of the Department of State Police's Sex Offender Database, as authorized by Section 120 of the Sex Offender Community Notification Law, concerning a Department employee or Department applicant.

(iii) Information obtained by the Department of Children and Family Services after performing a check of the Child Abuse and Neglect Tracking System (CANTS) operated and maintained by the Department.

"Department employee" means a full-time or temporary employee coded or certified within the State of Illinois Personnel System.

"Department applicant" means an individual who has conditional Department full-time or part-time work, a contractor, an individual used to replace or supplement staff, an academic intern, a volunteer in Department offices or on Department contracts, a work-study student, an individual or entity licensed by the Department, or an unlicensed service provider who works as a condition of a contract or an agreement and whose work may bring the unlicensed service provider into contact with Department clients or client records.

(Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17; 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff. 8-19-18; revised 10-3-18.)

Section 910-15. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental

Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel ~~Record~~ ~~Records~~ Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law

).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the

Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) (H) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) (H) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised 10-12-18.)

Section 910-20. The Counties Code is amended by changing Section 3-3013 as follows:
(55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury; reports. Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal or accidental, including but not limited to deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) ~~A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature;~~

(c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician;

shall go to the place where the dead body is, and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician the body may be moved with the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such physician as is designated in accordance with Section 3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after the accident causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by such physician, coroner, or deputy coroner. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Department of State Police or any other accredited or State-certified laboratory for analysis of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

In all other cases coming within the jurisdiction of the coroner and referred to in subparagraphs (a) through (e) above, blood, and whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex and race of the decedent as well as medical history, medications used by and the manner of death of decedent.

When the coroner or medical examiner finds that the cause of death is due to homicidal means, the coroner or medical examiner shall cause blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained), whenever possible, to be withdrawn from the body of the decedent in a timely fashion. For proper preservation of the specimens, collected blood and buccal specimens shall be dried and tissue specimens shall be frozen if available equipment exists. As soon as possible, but no later than 30 days after the collection of the specimens, the coroner or medical examiner shall release those specimens to the police agency responsible for investigating the death. As soon as possible, but no later than 30 days after the receipt from the coroner or medical examiner, the police agency shall submit the specimens using the agency case number to a National DNA Index System (NDIS) participating laboratory within this State, such as the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings. The results of the analysis and categorizing into genetic marker groupings shall be provided to the Illinois Department of State Police and shall be maintained by the Illinois Department of State Police in the State central repository in the same manner, and subject to the same conditions, as provided in Section 5-4-3 of the Unified Code of Corrections. The requirements of this paragraph are in addition to any other findings, specimens, or information that the coroner or medical examiner is required to provide during the conduct of a criminal investigation.

In all counties, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner may summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgement which the coroner deems practical and provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest. Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving

pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner may conduct an inquest. The jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In every case in which a fire is determined to be a contributing factor in a death, the coroner shall report the death to the Office of the State Fire Marshal. The coroner shall provide a copy of the death certificate (i) within 30 days after filing the permanent death certificate and (ii) in a manner that is agreed upon by the coroner and the State Fire Marshal.

In every case in which a drug overdose is determined to be the cause or a contributing factor in the death, the coroner or medical examiner shall report the death to the Department of Public Health. The Department of Public Health shall adopt rules regarding specific information that must be reported in the event of such a death. If possible, the coroner shall report the cause of the overdose. As used in this Section, "overdose" has the same meaning as it does in Section 414 of the Illinois Controlled Substances Act. The Department of Public Health shall issue a semiannual report to the General Assembly summarizing the reports received. The Department shall also provide on its website a monthly report of overdose death figures organized by location, age, and any other factors, the Department deems appropriate.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner shall report the death to the Department of State Police.

All deaths in State institutions and all deaths of wards of the State or youth in care as defined in Section 4d of the Children and Family Services Act in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State or youth in care as defined in Section 4d of the Children and Family Services Act, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in paragraphs (a) through (e) of this Section.

(Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 100-159, eff. 8-18-17.)

Section 910-25. The Ambulatory Surgical Treatment Center Act is amended by changing Section 2, and 3 as follows:

(210 ILCS 5/2) (from Ch. 111 1/2, par. 157-8.2)

Sec. 2. It is declared to be the public policy that the State has a legitimate interest in assuring that all medical procedures, ~~including abortions,~~ are performed under circumstances that insure maximum safety. Therefore, the purpose of this Act is to provide for the better protection of the public health through the development, establishment, and enforcement of standards (1) for the care of individuals in ambulatory surgical treatment centers, and (2) for the construction, maintenance and operation of ambulatory surgical treatment centers, which, in light of advancing knowledge, will promote safe and adequate treatment of such individuals in ambulatory surgical treatment centers.

(Source: P.A. 78-227.)

(210 ILCS 5/3) (from Ch. 111 1/2, par. 157-8.3)

Sec. 3. As used in this Act, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them:

(A) "Ambulatory surgical treatment center" means any institution, place or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures. "Ambulatory surgical treatment center" includes any place that meets and complies with the definition of an ambulatory surgical treatment center under the rules adopted by the Department ~~or any facility in which a medical or surgical procedure is utilized to terminate a pregnancy, irrespective of whether the facility is devoted primarily to this purpose.~~ Such facility shall not provide beds or other accommodations for the overnight

stay of patients; however, facilities devoted exclusively to the treatment of children may provide accommodations and beds for their patients for up to 23 hours following admission. Individual patients shall be discharged in an ambulatory condition without danger to the continued well being of the patients or shall be transferred to a hospital.

The term "ambulatory surgical treatment center" does not include any of the following:

(1) Any institution, place, building or agency required to be licensed pursuant to the "Hospital Licensing Act", approved July 1, 1953, as amended.

(2) Any person or institution required to be licensed pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act.

(3) Hospitals or ambulatory surgical treatment centers maintained by the State or any department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.

(4) Hospitals or ambulatory surgical treatment centers maintained by the Federal Government or agencies thereof.

(5) Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures.

(6) Any facility in which the performance of abortion procedures, including procedures to terminate a pregnancy or to manage pregnancy loss, is limited to those performed without general, epidural, or spinal anesthesia, and which is not otherwise required to be an ambulatory surgical treatment center. For purposes of this paragraph, "general, epidural, or spinal anesthesia" does not include local anesthesia or intravenous sedation. Nothing in this paragraph shall be construed to limit any such facility from voluntarily electing to apply for licensure as an ambulatory surgical treatment center.

(B) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, or the legal successor thereof.

(C) "Department" means the Department of Public Health of the State of Illinois.

(D) "Director" means the Director of the Department of Public Health of the State of Illinois.

(E) "Physician" means a person licensed to practice medicine in all of its branches in the State of Illinois.

(F) "Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act.

(G) "Podiatric physician" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987.

(Source: P.A. 98-214, eff. 8-9-13; 98-1123, eff. 1-1-15; 99-180, eff. 7-29-15.)

Section 910-30. The Illinois Insurance Code is amended by changing Section 356z.4 and adding 356z.4a as follows:

(215 ILCS 5/356z.4)

Sec. 356z.4. Coverage for contraceptives.

(a)(1) The General Assembly hereby finds and declares all of the following:

(A) Illinois has a long history of expanding timely access to birth control to prevent unintended pregnancy.

(B) The federal Patient Protection and Affordable Care Act includes a contraceptive coverage guarantee as part of a broader requirement for health insurance to cover key preventive care services without out-of-pocket costs for patients.

(C) The General Assembly intends to build on existing State and federal law to promote gender equity and women's health and to ensure greater contraceptive coverage equity and timely access to all federal Food and Drug Administration approved methods of birth control for all individuals covered by an individual or group health insurance policy in Illinois.

(D) Medical management techniques such as denials, step therapy, or prior authorization in public and private health care coverage can impede access to the most effective contraceptive methods.

(2) As used in this subsection (a):

"Contraceptive services" includes consultations, examinations, procedures, and medical services related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

"Medical necessity", for the purposes of this subsection (a), includes, but is not limited to, considerations such as severity of side effects, differences in permanence and reversibility of contraceptive, and ability to adhere to the appropriate use of the item or service, as determined by the attending provider.

"Therapeutic equivalent version" means drugs, devices, or products that can be expected to have the same clinical effect and safety profile when administered to patients under the conditions specified in the labeling and satisfy the following general criteria:

(i) they are approved as safe and effective;

(ii) they are pharmaceutical equivalents in that they (A) contain identical amounts of the same active drug ingredient in the same dosage form and route of administration and (B) meet compendial or other applicable standards of strength, quality, purity, and identity;

(iii) they are bioequivalent in that (A) they do not present a known or potential bioequivalence problem and they meet an acceptable in vitro standard or (B) if they do present such a known or potential problem, they are shown to meet an appropriate bioequivalence standard;

(iv) they are adequately labeled; and

(v) they are manufactured in compliance with Current Good Manufacturing Practice regulations.

(3) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed in this State after the effective date of this amendatory Act of the 99th General Assembly shall provide coverage for all of the following services and contraceptive methods:

(A) All contraceptive drugs, devices, and other products approved by the United States Food and Drug Administration. This includes all over-the-counter contraceptive drugs, devices, and products approved by the United States Food and Drug Administration, excluding male condoms. The following apply:

(i) If the United States Food and Drug Administration has approved one or more therapeutic equivalent versions of a contraceptive drug, device, or product, a policy is not required to include all such therapeutic equivalent versions in its formulary, so long as at least one is included and covered without cost-sharing and in accordance with this Section.

(ii) If an individual's attending provider recommends a particular service or item approved by the United States Food and Drug Administration based on a determination of medical necessity with respect to that individual, the plan or issuer must cover that service or item without cost sharing. The plan or issuer must defer to the determination of the attending provider.

(iii) If a drug, device, or product is not covered, plans and issuers must have an easily accessible, transparent, and sufficiently expedient process that is not unduly burdensome on the individual or a provider or other individual acting as a patient's authorized representative to ensure coverage without cost sharing.

(iv) This coverage must provide for the dispensing of 12 months' worth of contraception at one time.

(B) Voluntary sterilization procedures.

(C) Contraceptive services, patient education, and counseling on contraception.

(D) Follow-up services related to the drugs, devices, products, and procedures covered under this Section, including, but not limited to, management of side effects, counseling for continued adherence, and device insertion and removal.

(4) Except as otherwise provided in this subsection (a), a policy subject to this subsection (a) shall not impose a deductible, coinsurance, copayment, or any other cost-sharing requirement on the coverage provided. The provisions of this paragraph do not apply to coverage of voluntary male sterilization procedures to the extent such coverage would disqualify a high-deductible health plan from eligibility for a health savings account pursuant to the federal Internal Revenue Code, 26 U.S.C. 223.

(5) Except as otherwise authorized under this subsection (a), a policy shall not impose any restrictions or delays on the coverage required under this subsection (a).

(6) If, at any time, the Secretary of the United States Department of Health and Human Services, or its successor agency, promulgates rules or regulations to be published in the Federal Register or publishes a comment in the Federal Register or issues an opinion, guidance, or other action that would require the State, pursuant to any provision of the Patient Protection and Affordable Care Act (Public Law 111-148), including, but not limited to, 42 U.S.C. 18031(d)(3)(B) or any successor provision, to defray the cost of any coverage outlined in this subsection (a), then this subsection (a) is inoperative with respect to all coverage outlined in this subsection (a) other than that authorized under Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and the State shall not assume any obligation for the cost of the coverage set forth in this subsection (a).

(b) This subsection (b) shall become operative if and only if subsection (a) becomes inoperative.

An individual or group policy of accident and health insurance amended, delivered, issued, or renewed in this State after the date this subsection (b) becomes operative that provides coverage for outpatient services and outpatient prescription drugs or devices must provide coverage for the insured and any

dependent of the insured covered by the policy for all outpatient contraceptive services and all outpatient contraceptive drugs and devices approved by the Food and Drug Administration. Coverage required under this Section may not impose any deductible, coinsurance, waiting period, or other cost-sharing or limitation that is greater than that required for any outpatient service or outpatient prescription drug or device otherwise covered by the policy.

Nothing in this subsection (b) shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure.

As used in this subsection (b), "outpatient contraceptive service" means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

~~(c) (Blank). Nothing in this Section shall be construed to require an insurance company to cover services related to an abortion as the term "abortion" is defined in the Illinois Abortion Law of 1975.~~

(d) If a plan or issuer utilizes a network of providers, nothing in this Section shall be construed to require coverage or to prohibit the plan or issuer from imposing cost-sharing for items or services described in this Section that are provided or delivered by an out-of-network provider, unless the plan or issuer does not have in its network a provider who is able to or is willing to provide the applicable items or services. (Source: P.A. 99-672, eff. 1-1-17; 100-1102, eff. 1-1-19.)

(215 ILCS 5/356z.4a new)

Sec. 356z.4a. Coverage for abortion.

(a) Except as otherwise provided in this Section, no individual or group policy of accident and health insurance that provides pregnancy-related benefits may be issued, amended, delivered, or renewed in this State after the effective date of this amendatory Act of the 101st General Assembly unless the policy provides a covered person with coverage for abortion care.

(b) Coverage for abortion care may not impose any deductible, coinsurance, waiting period, or other cost-sharing limitation that is greater than that required for other pregnancy-related benefits covered by the policy.

(c) Except as otherwise authorized under this Section, a policy shall not impose any restrictions or delays on the coverage required under this Section.

(d) This Section does not, pursuant to 42 U.S.C. 18054(a)(6), apply to a multistate plan that does not provide coverage for abortion.

(e) If the Department concludes that enforcement of this Section may adversely affect the allocation of federal funds to this State, the Department may grant an exemption to the requirements, but only to the minimum extent necessary to ensure the continued receipt of federal funds.

Section 910-35. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3, 355b, 356g.5-1, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 364, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to

enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(g) Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 99-761, eff. 1-1-18; 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1026, eff. 8-22-18; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

Section 910-40. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140, 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b, 356g, 356g.5, 356g.5-1, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1026, eff. 8-22-18; 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; revised 10-4-18.)

Section 910-45. The Medical Practice Act of 1987 is amended by changing Section 22 and 36 as follows: (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on December 31, 2019)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to the license or permit of any person issued under this Act, including imposing fines not to exceed \$10,000 for each violation, upon any of the following grounds:

- (1) ~~(Blank). Performance of an elective abortion in any place, locale, facility, or institution other than:

 - (a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;
 - (b) an institution licensed under the Hospital Licensing Act;
 - (c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control;
 - (d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or
 - (e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.~~
- (2) ~~(Blank). Performance of an abortion procedure in a willful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.~~
- (3) A plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 of any crime that is a felony.
- (4) Gross negligence in practice under this Act.
- (5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- (6) Obtaining any fee by fraud, deceit, or misrepresentation.
- (7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.
- (8) Practicing under a false or, except as provided by law, an assumed name.
- (9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.
- (10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.
- (11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Adverse action taken by another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof. This includes any adverse action taken by a State or federal agency that prohibits a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic from providing services to the agency's participants.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.

(14) Violation of the prohibition against fee splitting in Section 22.2 of this Act.

(15) A finding by the Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Willfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Willful omission to file or record, or willfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or willfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under 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.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and willful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Willfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to provide copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice registered nurses resulting in an inability to adequately collaborate.

(43) Repeated failure to adequately collaborate with a licensed advanced practice registered nurse.

(44) Violating the Compassionate Use of Medical Cannabis Pilot Program Act.

(45) Entering into an excessive number of written collaborative agreements with licensed prescribing psychologists resulting in an inability to adequately collaborate.

(46) Repeated failure to adequately collaborate with a licensed prescribing psychologist.

(47) Willfully failing to report an instance of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult as defined in and required by the Adult Protective Services Act.

(48) Being named as an abuser in a verified report by the Department on Aging under the Adult Protective Services Act, and upon proof by clear and convincing evidence that the licensee abused, neglected, or financially exploited an eligible adult as defined in the Adult Protective Services Act.

(49) Entering into an excessive number of written collaborative agreements with licensed physician assistants resulting in an inability to adequately collaborate.

(50) Repeated failure to adequately collaborate with a physician assistant.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred, or a report pursuant to Section 23 of this Act received, within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the

holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

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

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

- (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
- (d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Disciplinary Board or the Licensing Board, upon a showing of a possible violation, may compel, in the case of the Disciplinary Board, any individual who is licensed to practice under this Act or holds a permit to practice under this Act, or, in the case of the Licensing Board, any individual who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by the Licensing Board or Disciplinary Board and at the expense of the Department. The Disciplinary Board or Licensing Board 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, or both. 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 Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to provide to the Department, the Disciplinary Board, or the Licensing Board any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Disciplinary Board, the Licensing Board, or 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, permit holder, 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, permit holder, or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, permit holder, 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 mental or physical examination and 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 Disciplinary Board or Licensing Board finds a physician unable to practice following an examination and evaluation because of the reasons set forth in this Section, the Disciplinary Board or Licensing Board shall require such physician to submit to care, counseling, or treatment by physicians, or other health care professionals, approved or designated by the

Disciplinary Board, as a condition for issued, continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician'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.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed \$10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Illinois State Medical Disciplinary Fund.

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.

(B) The Department shall revoke the license or permit issued under this Act to practice medicine or a chiropractic physician who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or permit is revoked under this subsection B shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under this Act to practice medicine to a physician:

(1) based solely upon the recommendation of the physician to an eligible patient regarding, or prescription for, or treatment with, an investigational drug, biological product, or device; or

(2) for experimental treatment for Lyme disease or other tick-borne diseases, including, but not limited to, the prescription of or treatment with long-term antibiotics.

(D) The Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of \$1,000 and for a second or subsequent violation, a civil penalty of \$5,000.

(Source: P.A. 99-270, eff. 1-1-16; 99-933, eff. 1-27-17; 100-429, eff. 8-25-17; 100-513, eff. 1-1-18; 100-605, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff. 1-1-19; revised 12-19-18.)

(225 ILCS 60/36) (from Ch. 111, par. 4400-36)

(Section scheduled to be repealed on December 31, 2019)

Sec. 36. Investigation; notice.

(a) Upon the motion of either the Department or the Disciplinary Board or upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for suspension or revocation under Section 22 of this Act, the Department shall investigate the actions of any person, so accused, who holds or represents that they hold a license. Such person is hereinafter called the accused.

(b) The Department shall, before 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 accused in writing of any charges made and the time and place for a hearing of the charges before the Disciplinary Board, direct them to file their written answer thereto to the Disciplinary Board under oath within 20 days after the service on them of such notice and inform them that if they fail to file such answer default will be taken against them and their license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting

the scope, nature or extent of their practice, as the Department may deem proper taken with regard thereto. The Department shall, at least 14 days prior to the date set for the hearing, notify in writing any person who filed a complaint against the accused of the time and place for the hearing of the charges against the accused before the Disciplinary Board and inform such person whether he or she may provide testimony at the hearing.

~~(c) (Blank). Where a physician has been found, upon complaint and investigation of the Department, and after hearing, to have performed an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed, the Department shall automatically revoke the license of such physician to practice medicine in Illinois.~~

(d) Such written notice and any notice in such proceedings thereafter may be served by delivery of the same, personally, to the accused person, or by mailing the same by registered or certified mail to the accused person's address of record.

(e) All information gathered by the Department during its investigation including information subpoenaed under Section 23 or 38 of this Act and the investigative file shall be kept for the confidential use of the Secretary, Disciplinary Board, the Medical Coordinators, persons employed by contract to advise the Medical Coordinator or the Department, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense or, in the case of disclosure to a health care licensing body, only for investigations and disciplinary action proceedings with regard to a license issued by that licensing body.

(Source: P.A. 97-449, eff. 1-1-12; 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

Section 910-50. The Nurse Practice Act is amended by changing Section 65-35 and 65-43 as follows:

(225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

(Section scheduled to be repealed on January 1, 2028)

Sec. 65-35. Written collaborative agreements.

(a) A written collaborative agreement is required for all advanced practice registered nurses engaged in clinical practice prior to meeting the requirements of Section 65-43, except for advanced practice registered nurses who are privileged to practice in a hospital, hospital affiliate, or ambulatory surgical treatment center.

(a-5) If an advanced practice registered nurse engages in clinical practice outside of a hospital, hospital affiliate, or ambulatory surgical treatment center in which he or she is privileged to practice, the advanced practice registered nurse must have a written collaborative agreement, except as set forth in Section 65-43.

(b) A written collaborative agreement shall describe the relationship of the advanced practice registered nurse with the collaborating physician and shall describe the categories of care, treatment, or procedures to be provided by the advanced practice registered nurse. A collaborative agreement with a podiatric physician must be in accordance with subsection (c-5) or (c-15) of this Section. A collaborative agreement with a dentist must be in accordance with subsection (c-10) of this Section. A collaborative agreement with a podiatric physician must be in accordance with subsection (c-5) of this Section. Collaboration does not require an employment relationship between the collaborating physician and the advanced practice registered nurse.

The collaborative relationship under an agreement shall not be construed to require the personal presence of a collaborating physician at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications or electronic communications as set forth in the written agreement.

(b-5) Absent an employment relationship, a written collaborative agreement may not (1) restrict the categories of patients of an advanced practice registered nurse within the scope of the advanced practice registered nurses training and experience, (2) limit third party payors or government health programs, such as the medical assistance program or Medicare with which the advanced practice registered nurse contracts, or (3) limit the geographic area or practice location of the advanced practice registered nurse in this State.

(c) In the case of anesthesia services provided by a certified registered nurse anesthetist, an anesthesiologist, a physician, a dentist, or a podiatric physician must participate through discussion of and

agreement with the anesthesia plan and remain physically present and available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions.

(c-5) A certified registered nurse anesthetist, who provides anesthesia services outside of a hospital or ambulatory surgical treatment center shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the podiatric physician performing the procedure. Outside of a hospital or ambulatory surgical treatment center, the certified registered nurse anesthetist may provide only those services that the collaborating podiatric physician is authorized to provide pursuant to the Podiatric Medical Practice Act of 1987 and rules adopted thereunder. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the anesthesiologist or the operating physician or operating podiatric physician.

(c-10) A certified registered nurse anesthetist who provides anesthesia services in a dental office shall enter into a written collaborative agreement with an anesthesiologist or the physician licensed to practice medicine in all its branches or the operating dentist performing the procedure. The agreement shall describe the working relationship of the certified registered nurse anesthetist and dentist and shall authorize the categories of care, treatment, or procedures to be performed by the certified registered nurse anesthetist. In a collaborating dentist's office, the certified registered nurse anesthetist may only provide those services that the operating dentist with the appropriate permit is authorized to provide pursuant to the Illinois Dental Practice Act and rules adopted thereunder. For anesthesia services, an anesthesiologist, physician, or operating dentist shall participate through discussion of and agreement with the anesthesia plan and shall remain physically present and be available on the premises during the delivery of anesthesia services for diagnosis, consultation, and treatment of emergency medical conditions. A certified registered nurse anesthetist may select, order, and administer medication, including controlled substances, and apply appropriate medical devices for delivery of anesthesia services under the anesthesia plan agreed with by the operating dentist.

(c-15) An advanced practice registered nurse who had a written collaborative agreement with a podiatric physician immediately before the effective date of Public Act 100-513 may continue in that collaborative relationship or enter into a new written collaborative relationship with a podiatric physician under the requirements of this Section and Section 65-40, as those Sections existed immediately before the amendment of those Sections by Public Act 100-513 with regard to a written collaborative agreement between an advanced practice registered nurse and a podiatric physician.

(d) A copy of the signed, written collaborative agreement must be available to the Department upon request from both the advanced practice registered nurse and the collaborating physician, dentist, or podiatric physician.

(e) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a licensed practical nurse, a registered professional nurse, or other persons in accordance with Section 54.2 of the Medical Practice Act of 1987. Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders.

(e-5) Nothing in this Act shall be construed to authorize an advanced practice registered nurse to provide health care services required by law or rule to be performed by a physician. The scope of practice of an advanced practice registered nurse does not include operative surgery. Nothing in this Section shall be construed to preclude an advanced practice registered nurse from assisting in surgery, including those acts to be performed by a physician in Section 3.1 of the Illinois Abortion Law of 1975.

(f) An advanced practice registered nurse shall inform each collaborating physician, dentist, or podiatric physician of all collaborative agreements he or she has signed and provide a copy of these to any collaborating physician, dentist, or podiatric physician upon request.

(g) (Blank).

(Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18; 100-577, eff. 1-26-18; 100-1096, eff. 8-26-18.)
(225 ILCS 65/65-43)

(Section scheduled to be repealed on January 1, 2028)

Sec. 65-43. Full practice authority.

(a) An Illinois-licensed advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist shall be deemed by law to possess the ability to practice without a written collaborative agreement as set forth in this Section.

(b) An advanced practice registered nurse certified as a nurse midwife, clinical nurse specialist, or nurse practitioner who files with the Department a notarized attestation of completion of at least 250 hours of continuing education or training and at least 4,000 hours of clinical experience after first attaining national

certification shall not require a written collaborative agreement, except as specified in subsection (c). Documentation of successful completion shall be provided to the Department upon request.

Continuing education or training hours required by subsection (b) shall be in the advanced practice registered nurse's area of certification as set forth by Department rule.

The clinical experience must be in the advanced practice registered nurse's area of certification. The clinical experience shall be in collaboration with a physician or physicians. Completion of the clinical experience must be attested to by the collaborating physician or physicians and the advanced practice registered nurse.

(c) The scope of practice of an advanced practice registered nurse with full practice authority includes:

(1) all matters included in subsection (c) of Section 65-30 of this Act;

(2) practicing without a written collaborative agreement in all practice settings consistent with national certification;

(3) authority to prescribe both legend drugs and Schedule II through V controlled substances; this authority includes prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing over the counter medications, legend drugs, and controlled substances categorized as any Schedule II through V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies;

(4) prescribing benzodiazepines or Schedule II narcotic drugs, such as opioids, only in a consultation relationship with a physician; this consultation relationship shall be recorded in the Prescription Monitoring Program website, pursuant to Section 316 of the Illinois Controlled Substances Act, by the physician and advanced practice registered nurse with full practice authority and is not required to be filed with the Department; the specific Schedule II narcotic drug must be identified by either brand name or generic name; the specific Schedule II narcotic drug, such as an opioid, may be administered by oral dosage or topical or transdermal application; delivery by injection or other route of administration is not permitted; at least monthly, the advanced practice registered nurse and the physician must discuss the condition of any patients for whom a benzodiazepine or opioid is prescribed; nothing in this subsection shall be construed to require a prescription by an advanced practice registered nurse with full practice authority to require a physician name;

(5) authority to obtain an Illinois controlled substance license and a federal Drug Enforcement Administration number; and

(6) use of only local anesthetic.

The scope of practice of an advanced practice registered nurse does not include operative surgery. Nothing in this Section shall be construed to preclude an advanced practice registered nurse from assisting in surgery.

(d) The Department may adopt rules necessary to administer this Section, including, but not limited to, requiring the completion of forms and the payment of fees.

(e) ~~Nothing in this Act shall be construed to authorize an advanced practice registered nurse with full practice authority to provide health care services required by law or rule to be performed by a physician; including, but not limited to, those acts to be performed by a physician in Section 3.1 of the Illinois Abortion Law of 1975.~~

(Source: P.A. 100-513, eff. 1-1-18.)

Section 910-53. The Physician Assistant Practice Act of 1987 is amended by changing Section 7.5 as follows:

(225 ILCS 95/7.5)

(Section scheduled to be repealed on January 1, 2028)

Sec. 7.5. Written collaborative agreements; prescriptive authority.

(a) A written collaborative agreement is required for all physician assistants to practice in the State, except as provided in Section 7.7 of this Act.

(1) A written collaborative agreement shall describe the working relationship of the physician assistant with the collaborating physician and shall describe the categories of care, treatment, or procedures to be provided by the physician assistant. The written collaborative agreement shall promote the exercise of professional judgment by the physician assistant commensurate with his or her education and experience. The services to be provided by the physician assistant shall be services that the collaborating physician is authorized to and generally provides to his or her patients in the normal course of his or her clinical medical practice. The written collaborative agreement need not describe the exact steps that a physician assistant must take with respect to each specific condition, disease, or symptom but must specify which authorized procedures require the presence of the collaborating

physician as the procedures are being performed. The relationship under a written collaborative agreement shall not be construed to require the personal presence of a physician at the place where services are rendered. Methods of communication shall be available for consultation with the collaborating physician in person or by telecommunications or electronic communications as set forth in the written collaborative agreement. For the purposes of this Act, "generally provides to his or her patients in the normal course of his or her clinical medical practice" means services, not specific tasks or duties, the collaborating physician routinely provides individually or through delegation to other persons so that the physician has the experience and ability to collaborate and provide consultation.

(2) The written collaborative agreement shall be adequate if a physician does each of the following:

(A) Participates in the joint formulation and joint approval of orders or guidelines with the physician assistant and he or she periodically reviews such orders and the services provided patients under such orders in accordance with accepted standards of medical practice and physician assistant practice.

(B) Provides consultation at least once a month.

(3) A copy of the signed, written collaborative agreement must be available to the Department upon request from both the physician assistant and the collaborating physician.

(4) A physician assistant shall inform each collaborating physician of all written collaborative agreements he or she has signed and provide a copy of these to any collaborating physician upon request.

(b) A collaborating physician may, but is not required to, delegate prescriptive authority to a physician assistant as part of a written collaborative agreement. This authority may, but is not required to, include prescription of, selection of, orders for, administration of, storage of, acceptance of samples of, and dispensing medical devices, over the counter medications, legend drugs, medical gases, and controlled substances categorized as Schedule II through V controlled substances, as defined in Article II of the Illinois Controlled Substances Act, and other preparations, including, but not limited to, botanical and herbal remedies. The collaborating physician must have a valid, current Illinois controlled substance license and federal registration with the Drug Enforcement Agency to delegate the authority to prescribe controlled substances.

(1) To prescribe Schedule II, III, IV, or V controlled substances under this Section, a physician assistant must obtain a mid-level practitioner controlled substances license. Medication orders issued by a physician assistant shall be reviewed periodically by the collaborating physician.

(2) The collaborating physician shall file with the Department notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated. Upon receipt of this notice delegating authority to prescribe controlled substances, the physician assistant shall be eligible to register for a mid-level practitioner controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. Nothing in this Act shall be construed to limit the delegation of tasks or duties by the collaborating physician to a nurse or other appropriately trained persons in accordance with Section 54.2 of the Medical Practice Act of 1987.

(3) In addition to the requirements of this subsection (b), a collaborating physician may, but is not required to, delegate authority to a physician assistant to prescribe Schedule II controlled substances, if all of the following conditions apply:

(A) Specific Schedule II controlled substances by oral dosage or topical or transdermal application may be delegated, provided that the delegated Schedule II controlled substances are routinely prescribed by the collaborating physician. This delegation must identify the specific Schedule II controlled substances by either brand name or generic name. Schedule II controlled substances to be delivered by injection or other route of administration may not be delegated.

(B) (Blank).

(C) Any prescription must be limited to no more than a 30-day supply, with any continuation authorized only after prior approval of the collaborating physician.

(D) The physician assistant must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the collaborating physician.

(E) The physician assistant meets the education requirements of Section 303.05 of the Illinois Controlled Substances Act.

(c) Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a licensed practical nurse, a registered professional nurse, or other persons. Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders. Nothing in this Act

shall be construed to authorize a physician assistant to provide health care services required by law or rule to be performed by a physician. Nothing in this Act shall be construed to authorize the delegation or performance of operative surgery. Nothing in this Section shall be construed to preclude a physician assistant from assisting in surgery.

(c-5) Nothing in this Section shall be construed to apply to any medication authority, including Schedule II controlled substances of a licensed physician assistant for care provided in a hospital, hospital affiliate, or ambulatory surgical treatment center pursuant to Section 7.7 of this Act.

(d) (Blank).

(e) Nothing in this Section shall be construed to prohibit generic substitution.
(Source: P.A. 100-453, eff. 8-25-17.)

Section 910-55. The Vital Records Act is amended by changing Section 1 as follows:

(410 ILCS 535/1) (from Ch. 111 1/2, par. 73-1)

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Vital records" means records of births, deaths, fetal deaths, marriages, dissolution of marriages, and data related thereto.

(2) "System of vital records" includes the registration, collection, preservation, amendment, and certification of vital records, and activities related thereto.

(3) "Filing" means the presentation of a certificate, report, or other record provided for in this Act, of a birth, death, fetal death, adoption, marriage, or dissolution of marriage, for registration by the Office of Vital Records.

(4) "Registration" means the acceptance by the Office of Vital Records and the incorporation in its official records of certificates, reports, or other records provided for in this Act, of births, deaths, fetal deaths, adoptions, marriages, or dissolution of marriages.

(5) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such separation breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(6) "Fetal death" means death prior to the complete expulsion or extraction from the uterus its mother of a product of human conception, irrespective of the duration of pregnancy, and which is not due to an abortion as defined in Section 1-10 of the Reproductive Health Act. ~~;~~ The ~~the~~ death is indicated by the fact that after such separation the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(7) "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it may reasonably be concluded that death has occurred.

(8) "Final disposition" means the burial, cremation, or other disposition of a dead human body or fetus or parts thereof.

(9) "Physician" means a person licensed to practice medicine in Illinois or any other state.

(10) "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to 2 or more unrelated individuals, or to which persons are committed by law.

(11) "Department" means the Department of Public Health of the State of Illinois.

(12) "Director" means the Director of the Illinois Department of Public Health.

(13) "Licensed health care professional" means a person licensed to practice as a physician, advanced practice registered nurse, or physician assistant in Illinois or any other state.

(14) "Licensed mental health professional" means a person who is licensed or registered to provide mental health services by the Department of Financial and Professional Regulation or a board of registration duly authorized to register or grant licenses to persons engaged in the practice of providing mental health services in Illinois or any other state.

(15) "Intersex condition" means a condition in which a person is born with a reproductive or sexual anatomy or chromosome pattern that does not fit typical definitions of male or female.

(16) "Homeless person" means an individual who meets the definition of "homeless" under Section 103 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) or an individual residing in any of the living situations described in 42 U.S.C. 11434a(2).

(Source: P.A. 100-360, eff. 1-1-18; 100-506, eff. 1-1-18; 100-863, eff. 8-14-18.)

Section 910-60. The Environmental Protection Act is amended by changing Section 56.1 as follows:

(415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

Sec. 56.1. Acts prohibited.

(A) No person shall:

(a) Cause or allow the disposal of any potentially infectious medical waste. Sharps may be disposed in any landfill permitted by the Agency under Section 21 of this Act to accept municipal waste for disposal, if both:

- (1) the infectious potential has been eliminated from the sharps by treatment; and
- (2) the sharps are packaged in accordance with Board regulations.

(b) Cause or allow the delivery of any potentially infectious medical waste for transport, storage, treatment, or transfer except in accordance with Board regulations.

(c) Beginning July 1, 1992, cause or allow the delivery of any potentially infectious medical waste to a person or facility for storage, treatment, or transfer that does not have a permit issued by the agency to receive potentially infectious medical waste, unless no permit is required under subsection (g)(1).

(d) Beginning July 1, 1992, cause or allow the delivery or transfer of any potentially infectious medical waste for transport unless:

(1) the transporter has a permit issued by the Agency to transport potentially infectious medical waste, or the transporter is exempt from the permit requirement set forth in subsection (f)(l).

(2) a potentially infectious medical waste manifest is completed for the waste if a manifest is required under subsection (h).

(e) Cause or allow the acceptance of any potentially infectious medical waste for purposes of transport, storage, treatment, or transfer except in accordance with Board regulations.

(f) Beginning July 1, 1992, conduct any potentially infectious medical waste transportation operation:

(1) Without a permit issued by the Agency to transport potentially infectious medical waste. No permit is required under this provision (f)(1) for:

(A) a person transporting potentially infectious medical waste generated solely by that person's activities;

(B) noncommercial transportation of less than 50 pounds of potentially infectious medical waste at any one time; or

(C) the U.S. Postal Service.

(2) In violation of any condition of any permit issued by the Agency under this Act.

(3) In violation of any regulation adopted by the Board.

(4) In violation of any order adopted by the Board under this Act.

(g) Beginning July 1, 1992, conduct any potentially infectious medical waste treatment, storage, or transfer operation:

(1) without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer of potentially infectious medical waste. No permit is required under this subsection (g) or subsection (d)(1) of Section 21 for any:

(A) Person conducting a potentially infectious medical waste treatment, storage, or transfer operation for potentially infectious medical waste generated by the person's own activities that are treated, stored, or transferred within the site where the potentially infectious medical waste is generated.

(B) Hospital that treats, stores, or transfers only potentially infectious medical waste generated by its own activities or by members of its medical staff.

(C) Sharps collection station that is operated in accordance with Section 56.7.

(2) in violation of any condition of any permit issued by the Agency under this Act.

(3) in violation of any regulation adopted by the Board.

(4) In violation of any order adopted by the Board under this Act.

(h) Transport potentially infectious medical waste unless the transporter carries a completed potentially infectious medical waste manifest. No manifest is required for the transportation of:

(1) potentially infectious medical waste being transported by generators who generated the waste by their own activities, when the potentially infectious medical waste is transported within or between sites or facilities owned, controlled, or operated by that person;

(2) less than 50 pounds of potentially infectious medical waste at any one time for a noncommercial transportation activity; or

(3) potentially infectious medical waste by the U.S. Postal Service.

(i) Offer for transportation, transport, deliver, receive or accept potentially

infectious medical waste for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 of this Act has been paid.

(j) Beginning January 1, 1994, conduct a potentially infectious medical waste treatment operation at an incinerator in existence on the effective date of this Title in violation of emission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended.

(k) Beginning July 1, 2015, knowingly mix household sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other medical household waste containing used or unused sharps, including, but not limited to, hypodermic, intravenous, or other medical needles or syringes or other sharps, with any other material intended for collection as a recyclable material by a residential hauler.

(l) Beginning on July 1, 2015, knowingly place household sharps into a container intended for collection by a residential hauler for processing at a recycling center.

(B) In making its orders and determinations relative to penalties, if any, to be imposed for violating subdivision (A)(a) of this Section, the Board, in addition to the factors in Sections 33(c) and 42(h) of this Act, or the Court shall take into consideration whether the owner or operator of the landfill reasonably relied on written statements from the person generating or treating the waste that the waste is not potentially infectious medical waste.

(C) Notwithstanding subsection (A) or any other provision of law, including the Vital Records Act, tissue and products from an abortion, as defined in Section 1-10 of the Reproductive Health Act, or a miscarriage may be buried, entombed, or cremated.

(Source: P.A. 99-82, eff. 7-20-15.)

Section 910-65. The Criminal Code of 2012 is amended by changing Section 9-1.2, 9-2.1, 9-3.2, and 12-3.1 as follows:

(720 ILCS 5/9-1.2) (from Ch. 38, par. 9-1.2)

Sec. 9-1.2. Intentional Homicide of an Unborn Child.

(a) A person commits the offense of intentional homicide of an unborn child if, in performing acts which cause the death of an unborn child, he without lawful justification:

(1) either intended to cause the death of or do great bodily harm to the pregnant individual woman or her

unborn child or knew that such acts would cause death or great bodily harm to the pregnant individual woman or her unborn child; or

(2) knew that his acts created a strong probability of death or great bodily harm to the pregnant individual woman or her unborn child; and

(3) knew that the individual woman was pregnant.

(b) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from the implantation of an embryo fertilization until birth, and (2) "person" shall not include the pregnant woman whose unborn child is killed.

(c) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant individual woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(d) Penalty. The sentence for intentional homicide of an unborn child shall be the same as for first degree murder, except that:

(1) the death penalty may not be imposed;

(2) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(4) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(e) The provisions of this Act shall not be construed to prohibit the prosecution of any person under any other provision of law.

(Source: P.A. 96-1000, eff. 7-2-10.)

(720 ILCS 5/9-2.1) (from Ch. 38, par. 9-2.1)

Sec. 9-2.1. Voluntary Manslaughter of an Unborn Child. (a) A person who kills an unborn child without lawful justification commits voluntary manslaughter of an unborn child if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by another whom the offender endeavors to kill, but he negligently or accidentally causes the death of the unborn child.

Serious provocation is conduct sufficient to excite an intense passion in a reasonable person.

(b) A person who intentionally or knowingly kills an unborn child commits voluntary manslaughter of an unborn child if at the time of the killing he believes the circumstances to be such that, if they existed, would justify or exonerate the killing under the principles stated in Article 7 of this Code, but his belief is unreasonable.

(c) Sentence. Voluntary Manslaughter of an unborn child is a Class 1 felony.

(d) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from the implantation of an embryo fertilization until birth, and (2) "person" shall not include the pregnant individual woman whose unborn child is killed.

(e) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant individual woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(Source: P.A. 84-1414.)

(720 ILCS 5/9-3.2) (from Ch. 38, par. 9-3.2)

Sec. 9-3.2. Involuntary Manslaughter and Reckless Homicide of an Unborn Child. (a) A person who unintentionally kills an unborn child without lawful justification commits involuntary manslaughter of an unborn child if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of death consists of the driving of a motor vehicle, in which case the person commits reckless homicide of an unborn child.

(b) Sentence.

(1) Involuntary manslaughter of an unborn child is a Class 3 felony.

(2) Reckless homicide of an unborn child is a Class 3 felony.

(c) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from the implantation of an embryo fertilization until birth, and (2) "person" shall not include the pregnant individual woman whose unborn child is killed.

(d) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant individual woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(e) The provisions of this Section shall not be construed to prohibit the prosecution of any person under any other provision of law, nor shall it be construed to preclude any civil cause of action.

(Source: P.A. 84-1414.)

(720 ILCS 5/12-3.1) (from Ch. 38, par. 12-3.1)

Sec. 12-3.1. Battery of an unborn child; aggravated battery of an unborn child.

(a) A person commits battery of an unborn child if he or she knowingly without legal justification and by any means causes bodily harm to an unborn child.

(a-5) A person commits aggravated battery of an unborn child when, in committing a battery of an unborn child, he or she knowingly causes great bodily harm or permanent disability or disfigurement to an unborn child.

(b) For purposes of this Section, (1) "unborn child" shall mean any individual of the human species from the implantation of an embryo fertilization until birth, and (2) "person" shall not include the pregnant individual woman whose unborn child is harmed.

(c) Sentence. Battery of an unborn child is a Class A misdemeanor. Aggravated battery of an unborn child is a Class 2 felony.

(d) This Section shall not apply to acts which cause bodily harm to an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, Section 2 of the Illinois Abortion Law of 1975, as amended, to which the pregnant individual woman has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(Source: P.A. 96-1551, eff. 7-1-11.)

Section 910-70. The Code of Civil Procedure is amended by changing Section 8-802 as follows:
(735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

Sec. 8-802. Physician and patient. No physician or surgeon shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character, necessary to enable him or her professionally to serve the patient, except only (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in actions, civil or criminal, against the physician for malpractice, (3) with the expressed consent of the patient, or in case of his or her death or disability, of his or her personal representative or other person authorized to sue for personal injury or of the beneficiary of an insurance policy on his or her life, health, or physical condition, or as authorized by Section 8-2001.5, (4) in all actions brought by or against the patient, his or her personal representative, a beneficiary under a policy of insurance, or the executor or administrator of his or her estate wherein the patient's physical or mental condition is an issue, (5) upon an issue as to the validity of a document as a will of the patient, (6) ~~(blank) in any criminal action where the charge is either first degree murder by abortion, attempted abortion or abortion,~~ (7) in actions, civil or criminal, arising from the filing of a report in compliance with the Abused and Neglected Child Reporting Act, (8) to any department, agency, institution or facility which has custody of the patient pursuant to State statute or any court order of commitment, (9) in prosecutions where written results of blood alcohol tests are admissible pursuant to Section 11-501.4 of the Illinois Vehicle Code, (10) in prosecutions where written results of blood alcohol tests are admissible under Section 5-11a of the Boat Registration and Safety Act, (11) in criminal actions arising from the filing of a report of suspected terrorist offense in compliance with Section 29D-10(p)(7) of the Criminal Code of 2012, (12) upon the issuance of a subpoena pursuant to Section 38 of the Medical Practice Act of 1987; the issuance of a subpoena pursuant to Section 25.1 of the Illinois Dental Practice Act; the issuance of a subpoena pursuant to Section 22 of the Nursing Home Administrators Licensing and Disciplinary Act; or the issuance of a subpoena pursuant to Section 25.5 of the Workers' Compensation Act, (13) upon the issuance of a grand jury subpoena pursuant to Article 112 of the Code of Criminal Procedure of 1963, or (14) to or through a health information exchange, as that term is defined in Section 2 of the Mental Health and Developmental Disabilities Confidentiality Act, in accordance with State or federal law.

Upon disclosure under item (13) of this Section, in any criminal action where the charge is domestic battery, aggravated domestic battery, or an offense under Article 11 of the Criminal Code of 2012 or where the patient is under the age of 18 years or upon the request of the patient, the State's Attorney shall petition the court for a protective order pursuant to Supreme Court Rule 415.

In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

(Source: P.A. 98-954, eff. 1-1-15; 98-1046, eff. 1-1-15; 99-78, eff. 7-20-15.)

Section 910-73. The Health Care Right of Conscience Act is amended by changing Section 3 as follows:
(745 ILCS 70/3) (from Ch. 111 1/2, par. 5303)

Sec. 3. Definitions. As used in this Act, unless the context clearly otherwise requires:

(a) "Health care" means any phase of patient care, including but not limited to, testing; diagnosis; prognosis; ancillary research; instructions; family planning, counselling, referrals, or any other advice in connection with the use or procurement of contraceptives and sterilization or abortion procedures; medication; ~~or~~ surgery or other care or treatment rendered by a physician or physicians, nurses, paraprofessionals or health care facility, intended for the physical, emotional, and mental well-being of persons; or an abortion as defined by the Reproductive Health Act;

(b) "Physician" means any person who is licensed by the State of Illinois under the Medical Practice Act of 1987;

(c) "Health care personnel" means any nurse, nurses' aide, medical school student, professional, paraprofessional or any other person who furnishes, or assists in the furnishing of, health care services;

(d) "Health care facility" means any public or private hospital, clinic, center, medical school, medical training institution, laboratory or diagnostic facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center or other institution or location wherein health care services are provided to any person, including physician organizations and associations, networks, joint ventures, and all other combinations of those organizations;

(e) "Conscience" means a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths;

(f) "Health care payer" means a health maintenance organization, insurance company, management services organization, or any other entity that pays for or arranges for the payment of any health care or medical care service, procedure, or product; and

(g) "Undue delay" means unreasonable delay that causes impairment of the patient's health.

The above definitions include not only the traditional combinations and forms of these persons and organizations but also all new and emerging forms and combinations of these persons and organizations. (Source: P.A. 99-690, eff. 1-1-17.)

Section 910-75. The Rights of Married Persons Act is amended by changing Section 15 as follows: (750 ILCS 65/15) (from Ch. 40, par. 1015)

Sec. 15. (a)(1) The expenses of the family and of the education of the children shall be chargeable upon the property of both husband and wife, or of either of them, in favor of creditors therefor, and in relation thereto they may be sued jointly or separately.

(2) No creditor, who has a claim against a spouse or former spouse for an expense incurred by that spouse or former spouse which is not a family expense, shall maintain an action against the other spouse or former spouse for that expense except:

(A) an expense for which the other spouse or former spouse agreed, in writing, to be liable; or

(B) an expense for goods or merchandise purchased by or in the possession of the other spouse or former spouse, or for services ordered by the other spouse or former spouse.

(3) Any creditor who maintains an action in violation of this subsection (a) for an expense other than a family expense against a spouse or former spouse other than the spouse or former spouse who incurred the expense, shall be liable to the other spouse or former spouse for his or her costs, expenses and attorney's fees incurred in defending the action.

(4) No creditor shall, with respect to any claim against a spouse or former spouse for which the creditor is prohibited under this subsection (a) from maintaining an action against the other spouse or former spouse, engage in any collection efforts against the other spouse or former spouse, including, but not limited to, informal or formal collection attempts, referral of the claim to a collector or collection agency for collection from the other spouse or former spouse, or making any representation to a credit reporting agency that the other spouse or former spouse is any way liable for payment of the claim.

~~(b) (Blank). No spouse shall be liable for any expense incurred by the other spouse when an abortion is performed on such spouse, without the consent of such other spouse, unless the physician who performed the abortion certifies that such abortion is necessary to preserve the life of the spouse who obtained such abortion.~~

~~(c) (Blank). No parent shall be liable for any expense incurred by his or her minor child when an abortion is performed on such minor child without the consent of both parents of such child, if they both have custody, or the parent having custody, or legal guardian of such child, unless the physician who performed the abortion certifies that such abortion is necessary to preserve the life of the minor child who obtained such abortion.~~

(Source: P.A. 86-689.)

Section 910-995. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Article 999. EFFECTIVE DATE

Section 999-999. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing **Senate Bill No. 25**, with House Amendment No. 1, was referred to the Secretary's Desk.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

[May 28, 2019]

Amendment No. 2 to House Bill 2627
 Amendment No. 4 to House Bill 2924
 Amendment No. 3 to House Bill 3233

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Bill 485

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its May 28, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Economic Development: **House Bill 3394.**

Executive: **House Bills 1637 and 2909; Floor Amendment No. 1 to Senate Bill 485.**

Local Government: **Floor Amendment No. 3 to House Bill 2862.**

State Government: **Senate Joint Resolution No. 45.**

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its May 28, 2019 meeting, to which was referred **Senate Bills Numbered 665 and 667** on April 12, 2019, pursuant to Rule 3-9(a), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 665 and 667** were returned to the order of third reading.

Senator Harmon, Vice-Chairperson of the Committee on Assignments, during its May 28, 2019 meeting, reported that the following Legislative Measures have been approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 1890

Motion to Concur in House Amendment 3 to Senate Bill 1890

The foregoing concurrences were placed on the Secretary's Desk.

POSTING NOTICES WAIVED

Senator Belt moved to waive the six-day posting requirement on **House Bill No. 3394** so that the measure may be heard in the Committee on Commerce and Economic Development that is scheduled to meet May 29, 2019.

The motion prevailed.

Senator Harmon moved to waive the six-day posting requirement on **House Bill No. 1637** so that the measure may be heard in the Committee on Executive that is scheduled to meet May 29, 2019.

The motion prevailed.

MESSAGES FROM THE HOUSE

A message from the House by
 Mr. Hollman, Clerk:

[May 28, 2019]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 90

A bill for AN ACT concerning local government.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 90

House Amendment No. 2 to SENATE BILL NO. 90

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 90

AMENDMENT NO. 1. Amend Senate Bill 90 by replacing lines 7 through 10 on page 5 with the following:

"(h) This Section only applies to drainage districts: (1) wholly or partially contained within the Lake Michigan Watershed, Chicago/Calumet Watershed, Des Plaines River Watershed, or Fox River Watershed; and (2) wholly contained within a county with a stormwater management planning committee operating under Section 5-1062 of the Counties Code."

AMENDMENT NO. 2 TO SENATE BILL 90

AMENDMENT NO. 2. Amend Senate Bill 90, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Drainage Code is amended by adding Section 10-7.3 as follows:

(70 ILCS 605/10-7.3 new)

Sec. 10-7.3. Dissolution by resolution or ordinance.

(a) In addition to the other methods of dissolution provided in this Article, if one or more municipalities account for at least 75% of a drainage district's territory, the drainage district may be dissolved if each municipality that has territory within the drainage district and the county in which the drainage district lies adopt a resolution or ordinance dissolving the drainage district that states:

(1) that there are no outstanding debts of the district that have been filed with the county clerk; and

(2) that federal or State permits or grants will not be impaired by dissolution of the district.

(b) Upon adoption of the required resolutions or ordinances under subsection (a), the county shall file a petition for dissolution of the drainage district with the circuit court. The court shall set a time for an initial hearing on the petition for dissolution with written notice to be provided to all municipalities that have territory within the drainage district and to the commissioners of the drainage district. If the court is satisfied after conducting the initial hearing that the conditions required for dissolution have been met, the court shall enter an order providing:

(1) that the commissioners of the district shall file within 60 days a final financial report of commissioners. If a final financial report of commissioners is not timely filed, the county shall file a verified statement indicating the amount of any funds held by the county treasurer belonging to the drainage district; and

(2) that the commissioners of the district shall file a report within 60 days to the court listing all property of the district, both real and personal, including the title to any drains, levees, rights-of-way, or other works upon which the district's drainage system is located. Should the commissioners of the drainage district fail to file a report listing all property, the county shall file its own report based on information available to the county and from public records.

(c) After all reports have been filed, the court shall set a hearing to determine and enter requested transfer orders and enter an order dissolving the drainage district.

(d) On the date of dissolution of the district, all drains, levees, and other works constituting the drainage system of the district and the rights-of-way, if any, on which the same are situated shall be deemed to be for the mutual benefit of the lands formerly in the district as provided in Section 10-11. Additional powers of the former district, except those in Article V, shall be exercised by the respective municipalities where the various parts of the former district are located and by the county for any areas contained in the former district outside of municipalities. Any property owned by the former district becomes property of the county to be used for the benefit of the drainage system of the former district unless the county, by

resolution, gives it to one or more of the municipalities that will be exercising the powers of the former district.

(e) If the former district had levied an assessment that is still effective on the date of dissolution, then the county and municipality in which the drainage district lies has the authority to continue to collect, receive, and expend the proceeds of the assessment within the boundaries of the former drainage district, in a proportionate share to the area of the dissolved drainage district contained within the county or municipality, and the proceeds shall be expended or disposed of by the county or municipality in the same manner as the proceeds may have been expended or disposed of by the former drainage district. No later than 60 days after the date of dissolution, the county board or city council shall, by ordinance or resolution:

(1) reduce the assessment to an amount necessary to continue operation of the former drainage district's drainage structures and drainage system until the levy expires; or

(2) eliminate the assessment if the county board or city council determines the municipality or municipalities and county have sufficient revenue to operate the drainage structures and drainage system within each respective unit's boundaries.

(f) No later than 60 days after the date of dissolution of the district, the county shall notify the Illinois Environmental Protection Agency of the dissolution of the district.

(g) If (1) the former drainage district is located in a county with a county stormwater committee operating under Section 5-1062 of the Counties Code, (2) the municipalities accounting for at least 75% of the territory of the former drainage district agree that the county stormwater committee shall exercise the powers of the former drainage district within the municipalities and county for the drainage system of the former drainage district, and (3) delegation of authority to the county stormwater committee is included in the resolution or ordinance to dissolve the drainage district by each municipality and county accounting for at least 75% of the territory of the former drainage district, then the county shall have the authority to continue to levy the former drainage district assessment in the territory of the former drainage district to be used by the county stormwater committee for the benefit of the former drainage district's drainage system. Funds from this levy shall be budgeted and appropriated separate from the county stormwater committee's other operations. If resolutions or ordinances are adopted as provided in this subsection, the former drainage district levy shall not expire and, if extended, the county shall not exceed the rate of the last assessment of the former drainage district.

(h) This Section only applies to drainage districts: (1) wholly or partially contained within the Lake Michigan Watershed, Chicago/Calumet Watershed, Des Plaines River Watershed, or Fox River Watershed; and (2) wholly contained within a county with a stormwater management planning committee operating under Section 5-1062 of the Counties Code."

Under the rules, the foregoing **Senate Bill No. 90**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 104

A bill for AN ACT concerning finance.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 104

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 104

AMENDMENT NO. 1. Amend Senate Bill 104 by replacing everything after the enacting clause with the following:

"Section 5. The State Prompt Payment Act is amended by changing Sections 1 and 7 as follows:
(30 ILCS 540/1) (from Ch. 127, par. 132.401)

Sec. 1. This Act applies to any State official or agency authorized to provide for payment from State funds, by virtue of any appropriation of the General Assembly, for goods or services furnished to the State.

[May 28, 2019]

For purposes of this Act, "goods or services furnished to the State" include but are not limited to (i) covered health care provided to eligible members and their covered dependents in accordance with the State Employees Group Insurance Act of 1971, including coverage through a physician-owned health maintenance organization under Section 6.1 of that Act, (ii) prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services provided by a vendor, and (iii) prevention, intervention, or treatment services and supports for youth provided by a vendor by virtue of a contractual grant agreement. For the purposes of items (ii) and (iii), a vendor includes but is not limited to sellers of goods and services, including community-based organizations that are licensed to provide prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental illness, and substance abuse problems, or that provides prevention, intervention, or treatment services and supports for youth.

For the purposes of this Act, "appropriate State official or agency" is defined as the Director or Chief Executive or his designee of that State agency or department or facility of such agency or department. With respect to covered health care provided to eligible members and their dependents in accordance with the State Employees Group Insurance Act of 1971, "appropriate State official or agency" also includes an administrator of a program of health benefits under that Act.

As used in this Act, "eligible member" means a member who is eligible for health benefits under the State Employees Group Insurance Act of 1971, and "member" and "dependent" have the meanings ascribed to those terms in that Act.

As used in this Act, "a proper bill or invoice" means a bill or invoice, including, but not limited to, an invoice issued under a contractual grant agreement, that includes the information necessary for processing the payment as may be specified by a State agency and in rules adopted in accordance with this Act. Beginning on and after July 1, 2021, "a proper bill or invoice" shall also include the names of all subcontractors or subconsultants to be paid from the bill or invoice and the amounts due to each of them, if any.

(Source: P.A. 100-549, eff. 1-1-18.)

(30 ILCS 540/7) (from Ch. 127, par. 132.407)

Sec. 7. Payments to subcontractors and material suppliers.

(a) When a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a contractor, that State official or agency shall promptly make available electronically the voucher number, the date of the voucher, and the amount of the voucher. The State official or agency responsible for administering the contract shall provide subcontractors and material suppliers, known to the State official or agency, with instructions on how to access the electronic information.

(a-5) When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier electronically within 10 business days or 15 calendar days, whichever occurs earlier, or, if paid by a printed check, the printed check must be postmarked within 10 business days or 15 calendar days, whichever occurs earlier, after receiving payment in proportion to the work completed by each subcontractor and material supplier its application or pay estimate, plus interest received under this Act. When a contractor receives any payment, the contractor shall pay each lower-tiered subcontractor and material supplier and each subcontractor and material supplier shall make payment to its own respective subcontractors and material suppliers. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, plus interest received under this Act, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment each has earned. When, however, the State official or agency does not release the full payment due under the contract because there are specific areas of work or materials the State agency or official has determined are not suitable for payment, then those specific subcontractors or material suppliers involved shall not be paid for that portion of work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid based upon the amount of payment each has earned, plus interest received under this Act.

(a-10) For construction contracts with the Department of Transportation, the contractor, subcontractor, or material supplier, regardless of tier, shall not offset, decrease, or diminish payment or payments that are due to its subcontractors or material suppliers without reasonable cause.

A contractor, who refuses to make prompt payment within 10 business days or 15 calendar days, whichever occurs earlier, after receiving payment, in whole or in part, shall provide to the subcontractor or material supplier and the public owner or its agent, a written notice of that refusal. The written notice shall be made by a contractor no later than 5 calendar days after payment is received by the contractor. The written notice shall identify the Department of Transportation's contract, any subcontract or material

purchase agreement, a detailed reason for refusal, the value of the payment to be withheld, and the specific remedial actions required of the subcontractor or material supplier so that payment may be made. Written notice of refusal may be given in a form and method which is acceptable to the parties and public owner.

(b) If the contractor, without reasonable cause, fails to make full payment of amounts due under subsection (a) to its subcontractors and material suppliers within 10 business days or 15 calendar days, whichever occurs earlier, 15-calendar days after receipt of payment from the State official or agency, the contractor shall pay to its subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 10-business-day period or the 15-calendar-day 15-day period until fully paid. This subsection shall further apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(1) If a contractor, without reasonable cause, fails to make payment in full as provided in subsection (a-5) within 10 business days or 15 calendar days, whichever occurs earlier, 15-calendar days after receipt of payment under the public construction contract, any subcontractor or material supplier to whom payments are owed may file a written notice and request for administrative hearing with the State official or agency setting forth the amount owed by the contractor and the contractor's failure to timely pay the amount owed. The written notice and request for administrative hearing shall identify the public construction contract, the contractor, and the amount owed, and shall contain a sworn statement or attestation to verify the accuracy of the notice. The notice and request for administrative hearing shall be filed with the State official for the public construction contract, with a copy of the notice concurrently provided to the contractor. Notice to the State official may be made by certified or registered mail, messenger service, or personal service, and must include proof of delivery to the State official.

(2) The State official or agency, within 15 calendar days after receipt of a subcontractor's or material supplier's written notice and request for administrative hearing, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors or material suppliers and what amount, if any, is due to the subcontractors or material suppliers, and the reasonable cause or causes asserted by the contractor. The State official or agency shall provide appropriate notice to the parties of the date, time, and location of the hearing. Each contractor, subcontractor, or material supplier has the right to be represented by counsel at a hearing and to cross-examine witnesses and challenge documents. Upon the request of the subcontractor or material supplier and a showing of good cause, reasonable continuances may be granted by the administrative law judge.

(3) Upon a finding by the administrative law judge that the contractor failed to make payment in full, without reasonable cause, as provided in subsection (a-10), then the administrative law judge shall, in writing, order the contractor to pay the amount owed to the subcontractors or material suppliers plus interest within 15 calendar days after the order.

(4) If a contractor fails to make full payment as ordered under paragraph (3) of this subsection (b) within 15 days after the administrative law judge's order, then the contractor shall be barred from entering into a State public construction contract for a period of one year beginning on the date of the administrative law judge's order.

(5) If, on 2 or more occasions within a 3-calendar-year period, there is a finding by an administrative law judge that the contractor failed to make payment in full, without reasonable cause, and a written order was issued to a contractor under paragraph (3) of this subsection (b), then the contractor shall be barred from entering into a State public construction contract for a period of 6 months beginning on the date of the administrative law judge's second written order, even if the payments required under the orders were made in full.

(6) If a contractor fails to make full payment as ordered under paragraph (4) of this subsection (b), the subcontractor or material supplier may, within 30 days of the date of that order, petition the State agency for an order for reasonable attorney's fees and costs incurred in the prosecution of the action under this subsection (b). Upon that petition and taking of additional evidence, as may be required, the administrative law judge may issue a supplemental order directing the contractor to pay those reasonable attorney's fees and costs.

(7) The written order of the administrative law judge shall be final and appealable under the Administrative Review Law.

(b-5) On or before July 2021, the Department of Transportation shall publish on its website a searchable database that allows for queries for each active construction contract by the name of a subcontractor or the pay item such that each pay item is associated with either the prime contractor or a subcontractor.

(c) This Section shall not be construed to in any manner diminish, negate, or interfere with the contractor-subcontractor or contractor-material supplier relationship or commercially useful function.

(d) This Section shall not preclude, bar, or stay the rights, remedies, and defenses available to the parties by way of the operation of their contract, purchase agreement, the Mechanics Lien Act, or the Public Construction Bond Act.

(e) State officials and agencies may adopt rules as may be deemed necessary in order to establish the formal procedures required under this Section.

(f) As used in this Section:

"Payment" means the discharge of an obligation in money or other valuable consideration or thing delivered in full or partial satisfaction of an obligation to pay. "Payment" shall include interest paid pursuant to this Act.

"Reasonable cause" may include, but is not limited to, unsatisfactory workmanship or materials; failure to provide documentation required by the contract, subcontract, or material purchase agreement; claims made against the Department of Transportation or the subcontractor pursuant to subsection (c) of Section 23 of the Mechanics Lien Act or the Public Construction Bond Act; judgments, levies, garnishments, or other court-ordered assessments or offsets in favor of the Department of Transportation or other State agency entered against a subcontractor or material supplier. "Reasonable cause" does not include payments issued to the contractor that create a negative or reduced valuation pay application or pay estimate due to a reduction of contract quantities or work not performed or provided by the subcontractor or material supplier; the interception or withholding of funds for reasons not related to the subcontractor's or material supplier's work on the contract; anticipated claims or assessments of third parties not a party related to the contract or subcontract; asserted claims or assessments of third parties that are not authorized by court order, administrative tribunal, or statute. "Reasonable cause" further does not include the withholding, offset, or reduction of payment, in whole or in part, due to the assessment of liquidated damages or penalties assessed by the Department of Transportation against the contractor, unless the subcontractor's performance or supplied materials were the sole and proximate cause of the liquidated damage or penalty. (Source: P.A. 100-43, eff. 8-9-17; 100-376, eff. 1-1-18; 100-863, eff. 8-14-18.)".

Under the rules, the foregoing **Senate Bill No. 104**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 658

A bill for AN ACT concerning regulation.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 658

House Amendment No. 2 to SENATE BILL NO. 658

House Amendment No. 3 to SENATE BILL NO. 658

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 658

AMENDMENT NO. 1. Amend Senate Bill 658 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

~~The Illinois Professional Land Surveyor Act of 1989.~~

[May 28, 2019]

The Orthotics, Prosthetics, and Pedorthics Practice Act.
 The Perfusionist Practice Act.
 The Pharmacy Practice Act.
 The Professional Engineering Practice Act of 1989.
 The Real Estate License Act of 2000.
 The Structural Engineering Practice Act of 1989.
 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)
 (5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:
The Illinois Professional Land Surveyor Act of 1989.

Section 10. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18.5, 19, 20, 21, 25, 27, 28, 29, 30, 31, 33, 36, 38, 40, 41, 44, 45, 46, and 48 and by adding Sections 4.5, 15.5, and 19.5 as follows:

(225 ILCS 330/4) (from Ch. 111, par. 3254)

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. As used in this Act:

- (a) "Department" means the Department of Financial and Professional Regulation.
- (b) "Secretary" means the Secretary of ~~the Department of~~ Financial and Professional Regulation.
- (c) "Board" means the Land Surveyors Licensing Board.
- (d) "Direct supervision and control" means the personal review by a licensed professional land surveyor ~~Licensed Professional Land Surveyor~~ of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the professional land surveyor ~~Professional Land Surveyor~~ or the firm for which the professional land surveyor ~~Professional Land Surveyor~~ is employed is the provider of the surveying services.
- (e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the professional land surveyor ~~Professional Land Surveyor~~.
- (f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.
- (g) "Professional land surveyor ~~Land Surveyor~~" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.
- (h) "Surveyor intern ~~Intern~~" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveying subjects as provided by this Act or its rules.
- (i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.
- (j) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.~~
- (k) "Standard of care" means the use of the same degree of knowledge, skill, and ability as an ordinarily careful and reasonable professional land surveyor would exercise under similar circumstances.
- (l) "Establishing" means performing an original survey. An original survey establishes boundary lines within an original division of a tract of land which has theretofore existed as one unit or parcel and describing and monumenting a line or lines of a parcel or tract of land on the ground for the first time. An original surveyor is the creator of one or more new boundary lines.
- (m) "Reestablishing" or "locating" means performing a retracement survey. A retracement survey tracks the footsteps of the original surveyor, locating boundary lines and corners which have been established by the original survey. A retracement survey cannot establish new corners or lines or correct errors of the original survey.
- (n) "Boundary law principles" means applying the decisions, results, and findings of land boundary cases that concern the establishment of boundary lines and corners.

(o) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/4.5 new)

Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 330/5) (from Ch. 111, par. 3255)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Practice of land surveying defined. Any person who practices in Illinois as a professional land surveyor who renders, offers to render, or holds himself or herself out as able to render, or perform any service, the adequate performance of which involves the special knowledge of the art and application of the principles of the accurate and precise measurement of length, angle, elevation or volume, mathematics, the related physical and applied sciences, and the relevant requirements of applicable boundary law principles and performed with the appropriate standard of care, all of which are acquired by education, training, experience, and examination. Any one or a combination of the following practices constitutes the practice of land surveying:

(a) Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or title or real property lines and the platting of lands and subdivisions;

(b) Determining the area or volume of any portion of the earth's surface, subsurface, or airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods by persons holding certification from the American Society of Photogrammetry and Remote Sensing or substantially similar certification as approved by the Department, or except when the level of accuracy required is less than the level of accuracy required by the National Society of Professional Surveyors Model Standards and Practice;

(c) Preparing descriptions for the determination of title or real property rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace;

(d) Labeling, designating, naming, preparing, or otherwise identifying legal lines or land title lines of the United States Rectangular System or any subdivision thereof on any plat, map, exhibit, photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording and amending the same by the issuance of a certificate of correction in the Office of Recorder in any county;

(e) Any act or combination of acts that would be viewed as offering professional land surveying services including:

(1) setting monuments which have the appearance of or for the express purpose of marking land boundaries, either directly or as an accessory;

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a professional land surveyor ~~Professional Land Surveyor~~, and if proper reference to that fact be made on that document;

(3) performing topographic surveys, with the exception of a licensed professional engineer knowledgeable in topographical surveys who ~~that~~ performs a topographical survey specific to his or her design project. A licensed professional engineer may not, however, offer topographic surveying services that are independent of his or her specific design project; ~~or~~

(4) locating, relocating, establishing, reestablishing, retracing, laying out, or staking of the location, alignment, or elevation of any existing or proposed improvements whose location is dependent upon property, easement, and right-of-way boundaries;

(5) providing consultation, investigation, planning, mapping, assembling, and authoritative interpretation of gathered measurements, documents, and evidence in relation to the location of property, easement, and right-of-way boundaries; or

(6) measuring, evaluating, mapping, or reporting the location of existing or proposed buildings, structures, or other improvements or their surrounding topography with respect to current flood insurance rate mapping or federal emergency management agency mapping along with locating of inland wetland boundaries delineated by a qualified specialist in relation to the location of property, easement, and right-of-way boundaries.

(f) Determining the horizontal or vertical position or state plane coordinates for any monument or reference point that marks a title or real property line, boundary, or corner, or to set, reset, or replace any monument or reference point on any title or real property;

(g) Creating, preparing, or modifying electronic or computerized data or maps, including land information systems and geographic information systems, relative to the performance of activities in items (a), (b), (d), (e), (f), and (h) of this Section, except where electronic means or computerized data is otherwise utilized to integrate, display, represent, or assess the created, prepared, or modified data;

(h) Determining or adjusting any control network or any geodetic control network or cadastral data as it pertains to items (a) through (g) of this Section together with the assignment of measured values to any United States Rectangular System corners, title or real property corner monuments or geodetic monuments;

(i) Preparing and attesting to the accuracy of a map or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;

(j) Executing and issuing certificates, endorsements, reports, or plats that portray the horizontal or vertical relationship between existing physical objects or structures and one or more corners, datums, or boundaries of any portion of the earth's surface, subsurface, or airspace;

(k) Acting in direct supervision and control of land surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;

(l) Boundary analysis and determination of property, easement, or right-of-way lines on any plat submitted for regulatory review by governmental or municipal agencies;

(m) Offering or soliciting to perform any of the services set forth in this Section.

In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to perform such functions.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/6) (from Ch. 111, par. 3256)

(Section scheduled to be repealed on January 1, 2020)

Sec. 6. Powers and duties of the Department. ~~(a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following functions, powers, and duties:~~

~~(1) Authorize Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for~~

~~licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement issue licenses to those who are found to be fit and qualified.~~

~~(2) Adopt rules required for the administration of this Act Prescribe rules for a method of examination.~~

~~(3) Conduct hearings on proceedings to refuse to issue or renew, revoke, or suspend licenses, or place on probation or reprimand persons or entities licensed under this Act or refuse to issue, renew, or restore a license, or other disciplinary actions.~~

~~(4) Adopt rules for what constitutes land surveying experience Promulgate rules and regulations required for the administration of this Act.~~

~~(5) Adopt rules defining what constitutes an approved surveying or related science curriculum License corporations, partnerships, and all other business entities for the practice of professional surveying and issue a license to those who qualify.~~

~~(6) Issue licenses to those who meet the requirements of this Act Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.~~

~~(7) Maintain membership in the National Council of Engineering Examiners or a similar~~

organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Review application qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8 Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.

(9) Adopt (a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(10) Conduct investigations related to possible violations of this Act.

(11) Post on the Department's website a newsletter describing the most recent changes to this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

~~(b) The Department 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 recommendations.~~

~~(e) The Department shall review the Board's recommendation of the applicants' qualifications. The Secretary shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the Secretary's explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Secretary's decision.~~

~~Whenever the Secretary is not satisfied that substantial justice has been done in the revocation or suspension of a license or other disciplinary action, the Secretary may order re-hearing by the same or other boards:~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/7) (from Ch. 111, par. 3257)

(Section scheduled to be repealed on January 1, 2020)

Sec. 7. Creation of the Board; Composition and qualifications and terms of the Board.

(a) The Secretary shall appoint a Professional Land Surveyor Board. The Board shall be appointed by the Secretary and shall consist of 7 members who shall serve in an advisory capacity to the Secretary, one of whom shall be a public member and 6 of whom shall be Professional Land Surveyors. All The members shall be residents of Illinois. Six members Each Professional Land Surveyor member shall (i) (a) currently hold a valid professional land surveyor Professional Land Surveyor license in Illinois and shall have held the license under this Act or its predecessor for the preceding previous 10 years year-period, and (ii) shall not (b) have not been disciplined within the preceding last 10 years year-period under this Act or its predecessor. In addition to the 6 professional land surveyors, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers.

~~(b) Board members Members shall be appointed who reasonably represent the different geographic areas of Illinois and shall serve for 5-year 5-year terms; and until their successors are qualified and appointed.~~

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional land surveyor profession.

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

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Four members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses. A member shall not be eligible for appointment to more than 10 years in a lifetime. Appointments to fill vacancies shall be made for the unexpired portion of the term. Board members currently appointed under this Act and in office on the effective date of this Act shall continue to hold office until their terms expire and they are replaced. All appointments shall be made on the basis of individual professional qualifications with the exception of the public member and shall not be based upon race, sex, or religious or political affiliations.

Each member of the Board may receive compensation when attending to the work of the Board or any of its committees and for time spent in necessary travel. In addition, members shall be reimbursed for actual traveling, incidentals, and expenses necessarily incurred in carrying out their duties as members of the Board.

The Secretary may consider the advice and recommendations of the Board on issues involving standards of professional conduct, discipline, and qualifications of the candidates and licensees under this Act.

The Secretary shall give due consideration to a current list of candidates, as submitted by members of the land surveying profession and by affiliated organizations.

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

The Secretary may remove any member of the Board for misconduct, incompetence, neglect of duty, or for any reason prescribed by law for removal of State Officials or for not attending 2 consecutive Board meetings.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/8) (from Ch. 111, par. 3258)

(Section scheduled to be repealed on January 1, 2020)

Sec. 8. Powers and duties of the Board; ~~quorum~~. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) ~~The Board shall hold at least 3 regular meetings each year. Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable;~~

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional land surveyors. Conduct hearings regarding disciplinary actions and submit a written report to the Secretary as required by this Act and provide a Board member at informal conferences;

(c) The Board, upon request by the Department, may make a curriculum evaluation to approve a land surveying degree or a related science degree. Visit universities or colleges to evaluate surveying curricula and submit to the Secretary a written recommendation of acceptability of the curriculum;

~~(d) (Blank). Submit a written recommendation to the Secretary concerning promulgation or amendment of rules for the administration of this Act;~~

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

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

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

(h) The Board shall review applicant qualifications to sit for the examination for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable.

~~(g) Hold at least 3 regular meetings each year; and~~

~~(h) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed Illinois Professional Land Surveyors.~~

~~A quorum of the Board shall consist of 4 members. A quorum is required for all Board decisions.~~

~~Subject to the provisions of this Act, the Board may exercise the following duties as deemed necessary by the Department: (i) review education and experience qualifications of applicants, including conducting oral interviews; (ii) determine eligibility as a Professional Land Surveyor or Surveyor Intern; and (iii) submit to the Secretary recommendations on applicant qualifications for enrollment and licensure.~~

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/10) (from Ch. 111, par. 3260)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Application for licensure ~~original license~~.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall

not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional land surveyor or surveyor intern. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

(b) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

~~Every person who desires to obtain a license shall apply to the Department in writing, upon forms prepared and furnished by the Department. Each application shall contain statements made under oath, showing the applicant's education, a detailed summary of his or her land surveying experience, and verification of the applicant's land surveying experience by the applicant's supervisor who shall be a land surveyor licensed in this State or any other state or territory of the U.S. where experience is similar and who shall certify the applicant's experience, and the application shall be accompanied with the required fee. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluating service approved by the Department in accordance with rules prescribed by the Department.~~

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

~~(Source: P.A. 96-626, eff. 8-24-09.)~~

~~(225 ILCS 330/11) (from Ch. 111, par. 3261)~~

~~(Section scheduled to be repealed on January 1, 2020)~~

~~Sec. 11. Examination; failure or refusal to take.~~

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional land surveyor or surveyor intern.

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

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

(d) All applicants for licensing as a professional land surveyor shall be required to pass a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws relating thereto.

~~The Department shall authorize examinations, as recommended and approved by the Board, for licensure as Surveyor Interns and Professional Land Surveyors at such times and places as it may determine.~~

~~The examination of an applicant for licensure as a Surveyor Intern or a Professional Land Surveyor may include examinations as defined by rule. The substance and form of the examination shall be as recommended and approved by the Board. Each applicant shall be examined as to his knowledge of the statutes of the United States of America and the State of Illinois relating to the practice of land surveying and mathematics as applied to land surveying.~~

~~All applicants for licensing as a Professional Land Surveyor shall be required to pass, as a portion of the examination, a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois, and the laws relating thereto.~~

~~Applicants for any examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee. If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.~~

~~(Source: P.A. 100-171, eff. 1-1-18.)~~

~~(225 ILCS 330/12) (from Ch. 111, par. 3262)~~

[May 28, 2019]

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a professional land surveyor ~~Professional Land Surveyor~~ and the Department shall issue a license to a person:

(1) who has applied in writing in the required form to the Department or electronically;

(2) ~~(blank)~~;

(2) ~~(2.5)~~ who has not violated any provision of this Act or its rules;

(3) who is of good ethical character, including compliance with the Code of Ethics and Standards of Practice adopted promulgated by rule under pursuant to this Act, and has not committed an act or offense in any jurisdiction that would constitute grounds for discipline of a land surveyor licensed under this Act;

(4) who has been issued a license as a surveyor intern ~~Surveyor Intern~~;

(5) who, subsequent to passing the examination authorized by the Department for licensure as a surveyor intern ~~Surveyor Intern~~, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities;

(6) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a professional land surveyor ~~Professional Land Surveyor~~; and

(7) who satisfies one of the following educational requirements:

(A) is a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule; or

(B) is a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, who has passed an examination in the fundamentals of surveying, as defined by rule.

(b) A person is qualified to receive a license as a surveyor intern ~~Surveyor Intern~~ and the Department shall issue a license to a person:

(1) who has applied in writing in the required form provided by the Department or electronically;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in this Act; and

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a surveyor intern ~~Surveyor Intern~~ in accordance with this Act.

In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act. (Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/13) (from Ch. 111, par. 3263)

(Section scheduled to be repealed on January 1, 2020)

Sec. 13. Minimum standards for enrollment as a surveyor intern ~~Surveyor Intern~~. To enroll as a surveyor intern ~~Surveyor Intern~~, an applicant must be:

(1) a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule;

(2) an applicant in the last year of an approved land surveying or related science curriculum who passes an examination in the fundamentals of surveying, as defined by rule, and furnishes proof that the applicant graduated within a 12-month period following the examination; or

(3) a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, as defined by rule, who passes an examination in the fundamentals of surveying, as defined by rule.

(Source: P.A. 100-171, eff. 1-1-18; 100-863, eff. 8-14-18.)

(225 ILCS 330/14) (from Ch. 111, par. 3264)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Display of license ~~License to be displayed~~. Every holder of a license under this Act ~~as a Professional Land Surveyor or Surveyor Intern~~ shall display the license ~~it~~ in a conspicuous place ~~location~~ in his or her office, place of business, or place of employment.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/15) (from Ch. 111, par. 3265)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Seal. Every professional land surveyor ~~Professional Land Surveyor~~ shall have a reproducible seal ~~or facsimile~~, which may be computer generated, the impression of which shall contain the name of

the land surveyor, his or her place of business, the license number, of the professional land surveyor ~~Professional Land Surveyor~~, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor ~~Professional Land Surveyor~~ shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor ~~Professional Land Surveyor~~. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

It is unlawful to affix one's seal to documents if it masks the true identity of the person who actually exercised direction, control, and supervision of the preparation of that work. A professional land surveyor ~~Professional Land Surveyor~~ who seals and signs documents is not responsible for damage caused by subsequent changes to or uses of those documents where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional land surveyor ~~Professional Land Surveyor~~ who originally sealed and signed the documents.

(Source: P.A. 98-289, eff. 1-1-14.)

(225 ILCS 330/15.5 new)

Sec. 15.5. Titles.

(a) A professional land surveyor may use the initials "P.L.S." and "L.S." and the title of "Professional Land Surveyor" or any of its derivations in Illinois.

(b) A surveyor intern may use the initials "S.I." and the title of "Surveyor Intern" or any of its derivations in Illinois.

(225 ILCS 330/16) (from Ch. 111, par. 3266)

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Unlicensed practice: violation: civil penalty Unlawful to practice without license or registration.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional land surveyor or surveyor intern without being licensed or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being licensed as a professional design firm or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(d) 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 final judgment and may be filed and executed in the same manner as any judgment from any court of record.

(e) A person or entity not registered under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offense.

~~It is unlawful for any person, sole proprietorship, professional service corporation, corporation, partnership, limited liability company, or other entity to practice land surveying, or advertise or display any sign, card or other device which might indicate to the public that the person or entity is entitled to practice as a land surveyor, or use the initials "P.L.S.", "L.S.", or "S.I.", use the title "Professional Land Surveyor" or "Surveyor Intern" or any of their derivations, unless such person holds a valid active license as a Professional Land Surveyor or Surveyor Intern in the State of Illinois, or such professional service corporation, corporation, partnership, sole proprietorship, limited liability company, or other entity is in compliance with this Act.~~

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/17) (from Ch. 111, par. 3267)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Surveyor ~~intern~~ intern; supervision. It is unlawful for any surveyor intern ~~Surveyor Intern~~ licensed under this Act to practice or attempt to practice land surveying except when in responsible charge under the overall supervision of a professional land surveyor ~~Professional Land Surveyor~~.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/18) (from Ch. 111, par. 3268)

[May 28, 2019]

(Section scheduled to be repealed on January 1, 2020)

Sec. 18. Renewal, reinstatement, or restoration of license; ~~persons~~ Persons in military service.

(a) The expiration date and renewal period for each license as a professional land surveyor ~~Professional Land Surveyor~~ issued under this Act shall be set by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

(b) A professional land surveyor who has permitted his or her license to expire or has had his or her license placed 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, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required fee as determined by rule ~~Any Professional Land Surveyor whose license has been inactive for less than 5 years is required to pay the current renewal fee and shall have his or her license restored.~~

(c) A professional land surveyor whose license has expired while engaged (1) in federal service 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 before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of land surveying and that such service, training, or education has so terminated. ~~A Professional Land Surveyor whose license has been expired for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee. However, any Professional Land Surveyor whose license expired while engaged (a) in federal service on active duty with the armed forces of the United States, or the State Militia called into active service or training, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have a license renewed without paying any lapsed reinstatement or restoration fees upon passing an oral examination by the Board, or without taking any examination, if approved by the Board, if, within 2 years after the termination other than by dishonorable discharge of such service, training, or education, the licensee furnishes the Department with an affidavit to the effect the licensee was so engaged and that the service, training, or education has so terminated.~~

(d) A license for a surveyor intern ~~Surveyor Intern~~ does not expire.

(e) A professional land surveyor who has been actively licensed by the Department for 10 or more consecutive years with no prior disciplinary action or pending disciplinary proceedings shall be deemed compliant with continuing education hour requirements upon completion of half the number of hours required by rule.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/18.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 18.5. Continuing education. The Department may ~~adopt~~ promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 18 ~~or 19~~ of this Act. For the purposes of this Act, continuing education shall also be known as professional development.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/19) (from Ch. 111, par. 3269)

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Inactive status; ~~Restoration~~. Any person who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on an inactive status and shall be excused from the payment of renewal fees until he or she notifies the Department in writing of the intention to resume active status.

~~Any Professional Land Surveyor requesting restoration from inactive status is required to pay the current renewal fee and shall have his or her license restored. A Professional Land Surveyor whose license has been on inactive status for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Board of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee.~~

Any professional land surveyor ~~Professional Land Surveyor~~ whose license is in an inactive status shall not practice land surveying in the State of Illinois.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/19.5 new)

Sec. 19.5. Professional Land Surveyor, Retired.

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

(b) The use of the title "Professional Land Surveyor, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice professional land surveying as defined in this Act.

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

(225 ILCS 330/20) (from Ch. 111, par. 3270)

(Section scheduled to be repealed on January 1, 2020)

Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, licensed or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a professional land surveyor to an applicant licensed under the laws of another state, the District of Columbia, or a U.S. territory if the requirements for licensure in that jurisdiction were, on the date of original licensure, substantially equivalent to the requirements then in force in this State. That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; and

(b) All applicants for endorsement shall pass That the applicant passes a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(d) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/21) (from Ch. 111, par. 3271)

(Section scheduled to be repealed on January 1, 2020)

Sec. 21. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

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

(c) All fees and fines collected ~~as authorized under this Act~~ shall be deposited ~~into~~ in the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary to produce and distribute newsletters to persons licensed under this Act.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/25) (from Ch. 111, par. 3275)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of professional land surveying.

Any business, including a professional service corporation ~~Professional Service Corporation~~, that includes within its stated purposes or practices, or holds itself out as available to practice, professional land surveying shall be registered with the Department pursuant to the provisions set forth in this Section.

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

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of land surveyor activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional land surveying in Illinois.

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

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

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

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

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

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

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

(d) The Department shall issue to each business a certificate of registration to practice professional land surveying or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the a professional design firm shall notify the Department of this fact in writing, by regular certified mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and licensure number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30-day ~~30-day~~ period.

If the professional design firm has not notified the Department in writing, by regular certified mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular certified mail or email to the address of record of the business. If the professional design firm continues to operate and offer professional land surveyor services after the termination, the Department may seek prosecution under Sections 16 and 27, ~~43, and 16.5~~ of this Act for the unlicensed practice of professional land surveying.

No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any

individual practicing professional land surveying be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1999 shall be continued or remain in effect without the Department filing separate actions.

(h) Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident professional land surveyor whose license is not suspended or revoked overseeing the land surveying practices in each location in which land surveying services are provided.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/27) (from Ch. 111, par. 3277)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may ~~revoke, suspend, place on probation, reprimand, or administrative supervision, suspend, or revoke any license, or may reprimand or take other~~ any disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed \$10,000 per violation, ~~with regard to any license issued under this Act, upon any person, corporation, partnership, or professional land surveying firm licensed or registered under this Act for any one or a combination of the following reasons:~~

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

(2) ~~Negligence, incompetence, or misconduct in the practice of land surveying, violation, including, but not limited to, neglect or intentional disregard, of this Act, or its rules;~~

(3) ~~Failure to comply with any provision of this Act or any of its rules, conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession;~~

(4) ~~Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act, making any misrepresentation for the purpose of obtaining a license, or in applying for restoration or renewal, or the practice of any fraud or deceit in taking any examination to qualify for licensure under this Act;~~

(5) ~~Purposefully purposefully~~ making false statements or signing false statements, certificates, or affidavits to induce payment ~~;~~ ;

(6) ~~Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of land surveying, proof of carelessness, incompetence, negligence, or misconduct in practicing land surveying;~~

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

(8) ~~Failing failing~~ to provide information in response to a written request made by the Department within ~~60~~ 30 days after receipt of such written request ~~;~~ ;

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

(10) ~~Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety, inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use of, or addiction to, alcohol, narcotics, stimulants or any other chemical agent or drug;~~

(11) ~~A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department, discipline by the United States government, another state, District of Columbia, territory, foreign nation or government agency if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act;~~

(12) ~~A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms, 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;

(12.5) issuing a map or plat of survey where the fee for professional services is contingent on a real estate transaction closing;

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability, a finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status has violated the terms of probation;

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act, practicing on an expired, inactive, suspended, or revoked license;

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act, signing, affixing the Professional Land Surveyor's seal or permitting the Professional Land Surveyor's seal to be affixed to any map or plat of survey not prepared by the Professional Land Surveyor or under the Professional Land Surveyor's direct supervision and control;

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another or impersonating another licensee, inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill or a mental illness or disability;

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered, (blank); or

(18) Issuing a map or plat of a survey where the fee for professional services is contingent on a real estate transaction closing failure to adequately supervise or control land surveying operations being performed by subordinates.

(19) Signing or affixing the professional land surveyor's seal or permitting the seal to be affixed to any map or plat of a survey not prepared by the professional land surveyor or under the professional land surveyor's direct supervision and control.

(20) Failure to adequately supervise or control land surveying operations being performed by subordinates.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. 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 an individual to submit to a mental or physical examination when directed shall be grounds for the immediate suspension of his or her license until the individual submits to the examination if the Department finds that the refusal to submit to the examination was without reasonable cause as defined by rule.

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

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

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, ~~as now or hereafter amended~~, operates as an automatic license 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 and the issuance of an order so finding and discharging the patient and upon the recommendation of the Board to the Secretary Director that the licensee be allowed to resume his or her practice.

(c) (Blank).

(d) ~~In cases where~~ the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~).

(e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~).

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 330/28) (from Ch. 111, par. 3278)

(Section scheduled to be repealed on January 1, 2020)

Sec. 28. Injunction; ~~cease~~ Cease and desist order.

(a) If any person or entity violates ~~the provisions of~~ this Act, the Secretary, in the name of the People ~~people~~ of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to and not in lieu of any other remedies and penalties provided by this Act.

(b) ~~(a-5)~~ Whenever, in the opinion of the Department, a person or entity violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person or entity. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(b) (Blank).

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/29) (from Ch. 111, par. 3279)

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or ~~other~~ entity holding, ~~applying for or claiming to hold a license under this Act - or practicing or offering to practice land surveying.~~

(b) Before the initiation of a formal complaint ~~an investigation~~, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c).

(c) The Department shall, before disciplining an applicant or licensee ~~refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action~~, at least 30 days prior to the date set for the hearing, (i) notify the applicant or licensee ~~person~~ accused in writing of the any charges made and the time and place for the hearing on the charges, (ii) shall direct the applicant person or licensee ~~entity~~ to file a written answer to the charges ~~Board~~ under oath within 20 days after the service of the notice, and (iii) inform the applicant person or licensee ~~entity~~ that failure if the person or entity fails to file a written an answer to the charges will result in a default being entered against the applicant or licensee ~~default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper.~~

(d) Written or electronic ~~This written~~ notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record

~~or email address of record, to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department.~~

~~(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties and their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to the applicant's or licensee's defense. The Board or hearing officer may continue the hearing from time to time.~~

~~(f) In case the licensee person or applicant, after receiving the notice, entity fails to file an answer after receiving notice, the his or her license or certificate may, in the discretion of the Secretary Department, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to the Department may take whatever disciplinary action the Secretary considers deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.~~

~~The Department may from time to time employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.~~

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

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/30) (from Ch. 111, par. 3280)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. ~~Record of proceedings Stenographer; transcript.~~

~~(a) The Department, at its expense, shall provide a certified shorthand reporter stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case where a license may be is revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules or other disciplinary action is taken. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.~~

~~(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/31) (from Ch. 111, par. 3281)

(Section scheduled to be repealed on January 1, 2020)

Sec. 31. Subpoenas, depositions, oaths.

~~(a) The Department has the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.~~

~~(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/33) (from Ch. 111, par. 3283)

(Section scheduled to be repealed on January 1, 2020)

Sec. 33. ~~Hearing; motion for rehearing Notice of hearing; Findings and recommendations.~~

~~(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of~~

the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board's or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings and recommendations. The report shall contain a finding 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.

~~The report of findings and recommendations of the Board shall be the basis for the Department's order unless the Secretary disagrees with the Board, in which case the Secretary may issue an order in contravention of the Board report stating the reasons for the order. The report, findings, and recommendations are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/36) (from Ch. 111, par. 3286)

(Section scheduled to be repealed on January 1, 2020)

~~Sec. 36. Hearing Appointment of a hearing officer. Notwithstanding any provision in the provisions of Section 33 of this Act, the Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he may issue an order in contravention thereof. The Secretary shall provide a written explanation to the Board on any such deviation.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/38) (from Ch. 111, par. 3288)

(Section scheduled to be repealed on January 1, 2020)

~~Sec. 38. Restoration from disciplinary status of suspended or revoked license.~~

~~(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license it to the licensee accused person upon the written recommendation of the Board, unless after an investigation and a hearing the Department Board determines that restoration is not in the public interest.~~

~~(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee before restoring his or her license.~~

~~(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.~~

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 18 and any related rules adopted.

(Source: P.A. 86-987.)

(225 ILCS 330/40) (from Ch. 111, par. 3290)

(Section scheduled to be repealed on January 1, 2020)

Sec. 40. Temporary suspension of a license. The Secretary may temporarily suspend the license of a professional land surveyor ~~Professional Land Surveyor~~ or surveyor intern ~~Surveyor Intern~~ without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29 of this Act, if the Secretary finds that evidence in his or her possession indicates that a professional land surveyor's ~~Professional Land Surveyor's~~ or surveyor intern's ~~Surveyor Intern's~~ continuation in practice would constitute an imminent danger to the public. If in the event that the Secretary temporarily suspends the license of a professional land surveyor ~~Professional Land Surveyor~~ or surveyor intern ~~Surveyor Intern~~ without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/41) (from Ch. 111, par. 3291)

(Section scheduled to be repealed on January 1, 2020)

Sec. 41. Review under Administrative review ~~Review Law~~.

(a) All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the Administrative Review Law ~~, as now or hereafter amended, and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.~~

(b) Proceedings for judicial review shall be commenced in the circuit court ~~Circuit Court~~ of the county in which the party applying for review resides , but ~~;~~ provided, that if the ~~such~~ party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any 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.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the plaintiff by the Department shall remain in full force and effect.

(Source: P.A. 86-987.)

(225 ILCS 330/44) (from Ch. 111, par. 3294)

(Section scheduled to be repealed on January 1, 2020)

Sec. 44. Plats and licenses as prima facie evidence; record ~~Record~~ of plats. All plats and licenses issued by a professional land surveyor ~~Professional Land Surveyor~~ under his or her hand and seal shall be received as prima facie evidence in all courts in this State. A professional land surveyor ~~Professional Land Surveyor~~ is entitled to have his or her plats recorded in the county where the land affected lies; provided, however, plats of subdivision or dedication are subject to any statutory provisions relating to the approval, recording, and filing of plats of subdivision or dedication.

(Source: P.A. 86-987.)

(225 ILCS 330/45) (from Ch. 111, par. 3295)

(Section scheduled to be repealed on January 1, 2020)

Sec. 45. Entry upon adjoining land; liability ~~Liability~~ for damages. A professional land surveyor ~~Professional Land Surveyor~~, or persons under his or her direct supervision, together with his or her survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass and is liable only for any actual damage done to the land or property.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/46) (from Ch. 111, par. 3296)

(Section scheduled to be repealed on January 1, 2020)

Sec. 46. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record ~~a party~~.

(Source: P.A. 88-45.)

(225 ILCS 330/48) (from Ch. 111, par. 3298)

(Section scheduled to be repealed on January 1, 2020)

Sec. 48. Fund, appropriations, investments and audits. The moneys deposited into ~~in~~ the Design Professionals Administration and Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-75)~~ and other expenses related to the administration and enforcement of this Act.

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

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

All fines and penalties under Sections 16 and 27 shall be deposited into the Design Professionals Administration and Investigation Fund.

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

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/9 rep.) (225 ILCS 330/16.5 rep.) (225 ILCS 330/22 rep.) (225 ILCS 330/23 rep.) (225 ILCS 330/34 rep.) (225 ILCS 330/35 rep.) (225 ILCS 330/42 rep.) (225 ILCS 330/43 rep.)

Section 15. The Illinois Professional Land Surveyor Act of 1989 is amended by repealing Sections 9, 16.5, 22, 23, 34, 35, 42, and 43.

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

AMENDMENT NO. 2 TO SENATE BILL 658

AMENDMENT NO. 2. Amend Senate Bill 658, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

Sec. 4.30. Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

~~The Illinois Professional Land Surveyor Act of 1989.~~

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Illinois Professional Land Surveyor Act of 1989.

Section 10. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18.5, 19, 20, 21, 25, 27, 28, 29, 30, 31, 33, 36, 38, 40, 41, 44, 45, 46, and 48 and by adding Sections 4.5, 15.5, and 19.5 as follows:

(225 ILCS 330/4) (from Ch. 111, par. 3254)

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. As used in this Act:

- (a) "Department" means the Department of Financial and Professional Regulation.
- (b) "Secretary" means the Secretary of ~~the Department of~~ Financial and Professional Regulation.
- (c) "Board" means the Land Surveyors Licensing Board.
- (d) "Direct supervision and control" means the personal review by a licensed professional land surveyor ~~Licensed Professional Land Surveyor~~ of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the professional land surveyor ~~Professional Land Surveyor~~ or the firm for which the professional land surveyor ~~Professional Land Surveyor~~ is employed is the provider of the surveying services.
- (e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the professional land surveyor ~~Professional Land Surveyor~~.
- (f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.
- (g) "Professional land surveyor ~~Land Surveyor~~" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.
- (h) "Surveyor ~~intern~~ ~~intern~~" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveying subjects as provided by this Act or its rules.
- (i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.
- (j) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.~~
- (k) "Standard of care" means the use of the same degree of knowledge, skill, and ability as an ordinarily careful and reasonable professional land surveyor would exercise under similar circumstances.
- (l) "Establishing" means performing an original survey. An original survey establishes boundary lines within an original division of a tract of land which has theretofore existed as one unit or parcel and describing and monumenting a line or lines of a parcel or tract of land on the ground for the first time. An original surveyor is the creator of one or more new boundary lines.
- (m) "Reestablishing" or "locating" means performing a retracement survey. A retracement survey tracks the footsteps of the original surveyor, locating boundary lines and corners which have been established by the original survey. A retracement survey cannot establish new corners or lines or correct errors of the original survey.
- (n) "Boundary law principles" means applying the decisions, results, and findings of land boundary cases that concern the establishment of boundary lines and corners.
- (o) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.
- (Source: P.A. 100-171, eff. 1-1-18.)
(225 ILCS 330/4.5 new)
- Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:
- (1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and
- (2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.
- (225 ILCS 330/5) (from Ch. 111, par. 3255)

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Practice of land surveying defined. Any person who practices in Illinois as a professional land surveyor who renders, offers to render, or holds himself or herself out as able to render, or perform any service, the adequate performance of which involves the special knowledge of the art and application of the principles of the accurate and precise measurement of length, angle, elevation or volume, mathematics, the related physical and applied sciences, and the relevant requirements of applicable boundary law principles and performed with the appropriate standard of care, all of which are acquired by education, training, experience, and examination. Any one or a combination of the following practices constitutes the practice of land surveying:

(a) Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or title or real property lines and the platting of lands and subdivisions;

(b) Determining the area or volume of any portion of the earth's surface, subsurface, or airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods by persons holding certification from the American Society of Photogrammetry and Remote Sensing or substantially similar certification as approved by the Department, or except when the level of accuracy required is less than the level of accuracy required by the National Society of Professional Surveyors Model Standards and Practice;

(c) Preparing descriptions for the determination of title or real property rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace;

(d) Labeling, designating, naming, preparing, or otherwise identifying legal lines or land title lines of the United States Rectangular System or any subdivision thereof on any plat, map, exhibit, photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording and amending the same by the issuance of a certificate of correction in the Office of Recorder in any county;

(e) Any act or combination of acts that would be viewed as offering professional land surveying services including:

(1) setting monuments which have the appearance of or for the express purpose of marking land boundaries, either directly or as an accessory;

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a professional land surveyor ~~Professional Land Surveyor~~, and if proper reference to that fact be made on that document;

(3) performing topographic surveys, with the exception of a licensed professional engineer knowledgeable in topographical surveys who ~~that~~ performs a topographical survey specific to his or her design project. A licensed professional engineer may not, however, offer topographic surveying services that are independent of his or her specific design project; ~~or~~

(4) locating, relocating, establishing, reestablishing, retracing, laying out, or staking of the location, alignment, or elevation of any existing or proposed improvements whose location is dependent upon property, easement, and right-of-way boundaries;

(5) providing consultation, investigation, planning, mapping, assembling, and authoritative interpretation of gathered measurements, documents, and evidence in relation to the location of property, easement, and right-of-way boundaries; or

(6) measuring, evaluating, mapping, or reporting the location of existing or proposed buildings, structures, or other improvements or their surrounding topography with respect to current flood insurance rate mapping or federal emergency management agency mapping along with locating of inland wetland boundaries delineated by a qualified specialist in relation to the location of property, easement, and right-of-way boundaries.

(f) Determining the horizontal or vertical position or state plane coordinates for any monument or reference point that marks a title or real property line, boundary, or corner, or to set, reset, or replace any monument or reference point on any title or real property;

(g) Creating, preparing, or modifying electronic or computerized data or maps, including land information systems and geographic information systems, relative to the performance of activities in items (a), (b), (d), (e), (f), and (h) of this Section, except where electronic means or computerized data is otherwise utilized to integrate, display, represent, or assess the created, prepared, or modified data;

(h) Determining or adjusting any control network or any geodetic control network or cadastral data as it pertains to items (a) through (g) of this Section together with the assignment of measured values to any United States Rectangular System corners, title or real property corner monuments or geodetic monuments;

(i) Preparing and attesting to the accuracy of a map or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;

(j) Executing and issuing certificates, endorsements, reports, or plats that portray the horizontal or vertical relationship between existing physical objects or structures and one or more corners, datums, or boundaries of any portion of the earth's surface, subsurface, or airspace;

(k) Acting in direct supervision and control of land surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;

(l) Boundary analysis and determination of property, easement, or right-of-way lines on any plat submitted for regulatory review by governmental or municipal agencies;

(m) Offering or soliciting to perform any of the services set forth in this Section.

In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to perform such functions.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/6) (from Ch. 111, par. 3256)

(Section scheduled to be repealed on January 1, 2020)

Sec. 6. Powers and duties of the Department. ~~(a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following functions, powers, and duties:~~

~~(1) Authorize Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for~~

~~licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement issue licenses to those who are found to be fit and qualified.~~

~~(2) Adopt rules required for the administration of this Act Prescribe rules for a method of examination.~~

~~(3) Conduct hearings on proceedings to refuse to issue or renew, revoke, or suspend licenses, or place on probation or reprimand persons or entities licensed under this Act or refuse to issue, renew, or restore a license, or other disciplinary actions.~~

~~(4) Adopt rules for what constitutes land surveying experience Promulgate rules and regulations required for the administration of this Act.~~

~~(5) Adopt rules defining what constitutes an approved surveying or related science curriculum License corporations, partnerships, and all other business entities for the practice of professional surveying and issue a license to those who qualify.~~

~~(6) Issue licenses to those who meet the requirements of this Act Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.~~

~~(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.~~

~~(8) Review application qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8 Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.~~

~~(9) Adopt (a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.~~

~~(10) Conduct investigations related to possible violations of this Act.~~

(11) Post on the Department's website a newsletter describing the most recent changes to this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary shall notify the Board on any such deviation and shall specify with particularity the reason for the action in the final decision or order.

~~(b) The Department 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 recommendations.~~

~~(c) The Department shall review the Board's recommendation of the applicants' qualifications. The Secretary shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the Secretary's explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Secretary's decision.~~

~~Whenever the Secretary is not satisfied that substantial justice has been done in the revocation or suspension of a license or other disciplinary action, the Secretary may order re-hearing by the same or other boards.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/7) (from Ch. 111, par. 3257)

(Section scheduled to be repealed on January 1, 2020)

Sec. 7. Creation of the Board; Composition and qualifications and terms of the Board.

(a) The Secretary shall appoint a Professional Land Surveyor Board. The Board shall be appointed by the Secretary and shall consist of 7 members who shall serve in an advisory capacity to the Secretary, one of whom shall be a public member and 6 of whom shall be Professional Land Surveyors. All The members shall be residents of Illinois. Six members Each Professional Land Surveyor member shall (i) (a) currently hold a valid professional land surveyor Professional Land Surveyor license in Illinois and shall have held the license under this Act or its predecessor for the preceding previous 10 years year-period, and (ii) shall not (b) have not been disciplined within the preceding last 10 years year-period under this Act or its predecessor. In addition to the 6 professional land surveyors, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers.

(b) Board members Members shall be appointed who reasonably represent the different geographic areas of Illinois and shall serve for 5-year 5-year terms; and until their successors are qualified and appointed.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional land surveyor profession.

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

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Four members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses. A member shall not be eligible for appointment to more than 10 years in a lifetime. Appointments to fill vacancies shall be made for the unexpired portion of the term. Board members currently appointed under this Act and in office on the effective date of this Act shall continue to hold office until their terms expire and they are replaced. All appointments shall be made on the basis of individual professional qualifications with the exception of the public member and shall not be based upon race, sex, or religious or political affiliations.

~~Each member of the Board may receive compensation when attending to the work of the Board or any of its committees and for time spent in necessary travel. In addition, members shall be reimbursed for~~

actual traveling, incidentals, and expenses necessarily incurred in carrying out their duties as members of the Board.

The Secretary may consider the advice and recommendations of the Board on issues involving standards of professional conduct, discipline, and qualifications of the candidates and licensees under this Act.

The Secretary shall give due consideration to a current list of candidates, as submitted by members of the land surveying profession and by affiliated organizations.

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

The Secretary may remove any member of the Board for misconduct, incompetence, neglect of duty, or for any reason prescribed by law for removal of State Officials or for not attending 2 consecutive Board meetings.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/8) (from Ch. 111, par. 3258)

(Section scheduled to be repealed on January 1, 2020)

Sec. 8. Powers and duties of the Board; quorum. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) The Board shall hold at least 3 regular meetings each year. Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable;

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional land surveyors. Conduct hearings regarding disciplinary actions and submit a written report to the Secretary as required by this Act and provide a Board member at informal conferences;

(c) The Board, upon request by the Department, may make a curriculum evaluation to approve a land surveying degree or a related science degree and submit to the Secretary a written recommendation of acceptability of a curriculum. Visit universities or colleges to evaluate surveying curricula and submit to the Secretary a written recommendation of acceptability of the curriculum;

(d) ~~(Blank). Submit a written recommendation to the Secretary concerning promulgation or amendment of rules for the administration of this Act;~~

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

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

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

(h) The Board shall review applicant qualifications to sit for the examination for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable.

~~(g) Hold at least 3 regular meetings each year; and~~

~~(h) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed Illinois Professional Land Surveyors.~~

A quorum of the Board shall consist of 4 members. A quorum is required for all Board decisions.

Subject to the provisions of this Act, the Board may exercise the following duties as deemed necessary by the Department: (i) review education and experience qualifications of applicants, including conducting oral interviews; (ii) determine eligibility as a Professional Land Surveyor or Surveyor Intern; and (iii) submit to the Secretary recommendations on applicant qualifications for enrollment and licensure.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/10) (from Ch. 111, par. 3260)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Application for licensure original license.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional land surveyor or surveyor intern. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

(b) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Every person who desires to obtain a license shall apply to the Department in writing, upon forms prepared and furnished by the Department. Each application shall contain statements made under oath, showing the applicant's education, a detailed summary of his or her land surveying experience, and verification of the applicant's land surveying experience by the applicant's supervisor who shall be a land surveyor licensed in this State or any other state or territory of the U.S. where experience is similar and who shall certify the applicant's experience, and the application shall be accompanied with the required fee. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluating service approved by the Department in accordance with rules prescribed by the Department.

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

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/11) (from Ch. 111, par. 3261)

(Section scheduled to be repealed on January 1, 2020)

Sec. 11. Examination; failure or refusal to take.

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional land surveyor or surveyor intern.

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

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

(d) All applicants for licensing as a professional land surveyor shall be required to pass a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws relating thereto.

The Department shall authorize examinations, as recommended and approved by the Board, for licensure as Surveyor Interns and Professional Land Surveyors at such times and places as it may determine.

The examination of an applicant for licensure as a Surveyor Intern or a Professional Land Surveyor may include examinations as defined by rule. The substance and form of the examination shall be as recommended and approved by the Board. Each applicant shall be examined as to his knowledge of the statutes of the United States of America and the State of Illinois relating to the practice of land surveying and mathematics as applied to land surveying.

All applicants for licensing as a Professional Land Surveyor shall be required to pass, as a portion of the examination, a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois, and the laws relating thereto.

Applicants for any examination shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee. If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/12) (from Ch. 111, par. 3262)

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a professional land surveyor Professional Land Surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form to the Department or electronically;

(2) ~~(blank)~~;

(2) ~~(2.5)~~ who has not violated any provision of this Act or its rules;

(3) who is of good ethical character, including compliance with the Code of Ethics and

Standards of Practice ~~adopted promulgated~~ by rule ~~under pursuant to~~ this Act, and has not committed an act or offense in any jurisdiction that would constitute grounds for discipline of a land surveyor licensed under this Act;

(4) who has been issued a license as a surveyor intern ~~Surveyor-Intern~~;

(5) who, subsequent to passing the examination authorized by the Department for licensure as a surveyor intern ~~Surveyor-Intern~~, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities;

(6) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a professional land surveyor ~~Professional Land Surveyor~~; and

(7) who satisfies one of the following educational requirements:

(A) is a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule; or

(B) is a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, who has passed an examination in the fundamentals of surveying, as defined by rule.

(b) A person is qualified to receive a license as a surveyor intern ~~Surveyor-Intern~~ and the Department shall issue a license to a person:

(1) who has applied in writing in the required form provided by the Department or electronically;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in this Act; and

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a surveyor intern ~~Surveyor-Intern~~ in accordance with this Act.

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

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/13) (from Ch. 111, par. 3263)

(Section scheduled to be repealed on January 1, 2020)

Sec. 13. Minimum standards for enrollment as a surveyor intern ~~Surveyor-Intern~~. To enroll as a surveyor intern ~~Surveyor-Intern~~, an applicant must be:

(1) a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule;

(2) an applicant in the last year of an approved land surveying or related science curriculum who passes an examination in the fundamentals of surveying, as defined by rule, and furnishes proof that the applicant graduated within a 12-month period following the examination; or

(3) a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, as defined by rule, who passes an examination in the fundamentals of surveying, as defined by rule.

(Source: P.A. 100-171, eff. 1-1-18; 100-863, eff. 8-14-18.)

(225 ILCS 330/14) (from Ch. 111, par. 3264)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Display of license ~~License to be displayed~~. Every holder of a license under this Act ~~as a Professional Land Surveyor or Surveyor-Intern~~ shall display the license ~~it~~ in a conspicuous place ~~location~~ in his or her office, place of business, or place of employment.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/15) (from Ch. 111, par. 3265)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Seal. Every professional land surveyor ~~Professional Land Surveyor~~ shall have a reproducible seal ~~or facsimile~~, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number, of the professional land surveyor ~~Professional Land Surveyor~~, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor ~~Professional Land Surveyor~~ shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor ~~Professional Land Surveyor~~. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal. The licensee may provide, at his or her sole

discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

It is unlawful to affix one's seal to documents if it masks the true identity of the person who actually exercised direction, control, and supervision of the preparation of that work. A professional land surveyor ~~Professional Land Surveyor~~ who seals and signs documents is not responsible for damage caused by subsequent changes to or uses of those documents where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional land surveyor ~~Professional Land Surveyor~~ who originally sealed and signed the documents. (Source: P.A. 98-289, eff. 1-1-14.)

(225 ILCS 330/15.5 new)

Sec. 15.5. Titles.

(a) A professional land surveyor may use the initials "P.L.S." and "L.S." and the title of "Professional Land Surveyor" or any of its derivations in Illinois.

(b) A surveyor intern may use the initials "S.I." and the title of "Surveyor Intern" or any of its derivations in Illinois.

(225 ILCS 330/16) (from Ch. 111, par. 3266)

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Unlicensed practice; violation; civil penalty ~~Unlawful to practice without license or registration.~~

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional land surveyor or surveyor intern without being licensed or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being licensed as a professional design firm or exempt 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 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 this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(d) 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 final judgment and may be filed and executed in the same manner as any judgment from any court of record.

(e) A person or entity not registered under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offense.

~~It is unlawful for any person, sole proprietorship, professional service corporation, corporation, partnership, limited liability company, or other entity to practice land surveying, or advertise or display any sign, card or other device which might indicate to the public that the person or entity is entitled to practice as a land surveyor, or use the initials "P.L.S.," "L.S.," or "S.I.," use the title "Professional Land Surveyor" or "Surveyor Intern" or any of their derivations, unless such person holds a valid active license as a Professional Land Surveyor or Surveyor Intern in the State of Illinois, or such professional service corporation, corporation, partnership, sole proprietorship, limited liability company, or other entity is in compliance with this Act.~~

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/17) (from Ch. 111, par. 3267)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Surveyor intern ~~Intern~~; supervision. It is unlawful for any surveyor intern ~~Surveyor Intern~~ licensed under this Act to practice or attempt to practice land surveying except when in responsible charge under the overall supervision of a professional land surveyor ~~Professional Land Surveyor~~.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/18) (from Ch. 111, par. 3268)

(Section scheduled to be repealed on January 1, 2020)

Sec. 18. Renewal, reinstatement, or restoration of license; persons ~~Persons~~ in military service.

(a) The expiration date and renewal period for each license as a professional land surveyor ~~Professional Land Surveyor~~ issued under this Act shall be set by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

(b) A professional land surveyor who has permitted his or her license to expire or has had his or her license placed 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, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required fee as determined by rule. Any Professional Land Surveyor whose license has been inactive for less than 5 years is required to pay the current renewal fee and shall have his or her license restored.

(c) A professional land surveyor whose license has expired while engaged (1) in federal service 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 before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of land surveying and that such service, training, or education has so terminated. A Professional Land Surveyor whose license has been expired for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee. However, any Professional Land Surveyor whose license expired while engaged (a) in federal service on active duty with the armed forces of the United States, or the State Militia called into active service or training, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have a license renewed without paying any lapsed reinstatement or restoration fees upon passing an oral examination by the Board, or without taking any examination, if approved by the Board; if, within 2 years after the termination other than by dishonorable discharge of such service, training, or education, the licensee furnishes the Department with an affidavit to the effect the licensee was so engaged and that the service, training, or education has so terminated.

(d) A license for a surveyor intern ~~Surveyor Intern~~ does not expire.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/18.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 18.5. Continuing education. The Department may ~~adopt~~ promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 18 ~~or 19~~ of this Act. For the purposes of this Act, continuing education shall also be known as professional development.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/19) (from Ch. 111, par. 3269)

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Inactive status; ~~Restoration~~. Any person who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on an inactive status and shall be excused from the payment of renewal fees until he or she notifies the Department in writing of the intention to resume active status.

~~Any Professional Land Surveyor requesting restoration from inactive status is required to pay the current renewal fee and shall have his or her license restored. A Professional Land Surveyor whose license has been on inactive status for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Board of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee.~~

Any professional land surveyor ~~Professional Land Surveyor~~ whose license is in an inactive status shall not practice land surveying in the State of Illinois.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/19.5 new)

Sec. 19.5. Professional Land Surveyor, Retired.

(a) Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Professional Land Surveyor, Retired", which may be used by any person who has been duly licensed as a professional land surveyor under this Act and who has chosen to place his or her license on inactive status or not renew his or her license. Those persons granted the title "Professional Land Surveyor, Retired" may request restoration to active status under the applicable provisions of this Act.

(b) The use of the title "Professional Land Surveyor, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice professional land surveying as defined in this Act.

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

(225 ILCS 330/20) (from Ch. 111, par. 3270)

(Section scheduled to be repealed on January 1, 2020)

~~Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, licensed or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:~~

~~(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a professional land surveyor to an applicant licensed under the laws of another state, the District of Columbia, or a U.S. territory if the requirements for licensure in that jurisdiction were, on the date of original licensure, substantially equivalent to the requirements then in force in this State. That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; and~~

~~(b) All applicants for endorsement shall pass That the applicant passes a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.~~

~~(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.~~

~~(d) 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 shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.~~

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/21) (from Ch. 111, par. 3271)

(Section scheduled to be repealed on January 1, 2020)

Sec. 21. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of ~~this~~ the Act, including ~~1~~ but not limited to ~~2~~ original licensure, renewal, and restoration, shall be set by rule by the Department.

(c) All fees and fines collected as authorized under this Act shall be deposited ~~into~~ ~~in~~ the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary to produce and distribute newsletters to persons licensed under this Act.

(Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/25) (from Ch. 111, par. 3275)

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of professional land surveying.

Any business, including a professional service corporation ~~Professional Service Corporation~~, that includes within its stated purposes or practices, or holds itself out as available to practice, professional land surveying shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional land surveyor services to the public. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a professional land surveyor ~~Professional Land Surveyor~~ with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional

design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under the Professional Engineering Practice Act of 1989, as an architect under the Illinois Architecture Practice Act of 1989, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a professional land surveyor ~~Professional Land Surveyor~~ under this Act.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of land surveyor activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional land surveying in Illinois.

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

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

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

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

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

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

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

(d) The Department shall issue to each business a certificate of registration to practice professional land surveying or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the a professional design firm shall notify the Department of this fact in writing, by regular certified mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and licensure number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original ~~30-day~~ 30-day period.

If the professional design firm has not notified the Department in writing, by regular certified mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular certified mail or email to the address of record of the business. If the professional design firm continues to operate and offer professional land surveyor services after the termination, the Department may seek prosecution under Sections 16 and 27, ~~43, and 16.5~~ of this Act for the unlicensed practice of professional land surveying.

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

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1999 shall be continued or remain in effect without the Department filing separate actions.

(h) Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident professional land surveyor whose license is not suspended or

revoked overseeing the land surveying practices in each location in which land surveying services are provided.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/27) (from Ch. 111, par. 3277)

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may ~~revoke, suspend, place on probation, reprimand, or administrative supervision, suspend, or revoke any license, or may reprimand or take other~~ any disciplinary or non-disciplinary action as the Department may deem proper, including the imposition of fines not to exceed \$10,000 per violation, with regard to any license issued under this Act, ~~upon any person, corporation, partnership, or professional land surveying firm licensed or registered under this Act for any one or a combination~~ of the following reasons:

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

(2) ~~Negligence, incompetence, or misconduct in the practice of land surveying, violation, including, but not limited to, neglect or intentional disregard, of this Act, or its rules;~~

(3) ~~Failure to comply with any provision of this Act or any of its rules, conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession;~~

(4) ~~Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act, making any misrepresentation for the purpose of obtaining a license, or in applying for restoration or renewal, or the practice of any fraud or deceit in taking any examination to qualify for licensure under this Act;~~

(5) ~~Purposefully purposefully~~ making false statements or signing false statements, certificates, or affidavits to induce payment. ;

(6) ~~Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, 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 that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of land surveying, proof of carelessness, incompetence, negligence, or misconduct in practicing land surveying;~~

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

(8) ~~Failing failing~~ to provide information in response to a written request made by the Department within ~~60~~ 30 days after receipt of such written request. ;

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

(10) ~~Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety, inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use of, or addiction to, alcohol, narcotics, stimulants or any other chemical agent or drug;~~

(11) ~~A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department, discipline by the United States government, another state, District of Columbia, territory, foreign nation or government agency if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act;~~

(12) ~~A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms, 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;~~

(12.5) issuing a map or plat of survey where the fee for professional services is contingent on a real estate transaction closing;

(13) ~~Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability, a finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status has violated the terms of probation;~~

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act, practicing on an expired, inactive, suspended, or revoked license;

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act, signing, affixing the Professional Land Surveyor's seal or permitting the Professional Land Surveyor's seal to be affixed to any map or plat of survey not prepared by the Professional Land Surveyor or under the Professional Land Surveyor's direct supervision and control;

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another or impersonating another licensee, inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill or a mental illness or disability;

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered, (blank); or

(18) Issuing a map or plat of a survey where the fee for professional services is contingent on a real estate transaction closing failure to adequately supervise or control land surveying operations being performed by subordinates.

(19) Signing or affixing the professional land surveyor's seal or permitting the seal to be affixed to any map or plat of a survey not prepared by the professional land surveyor or under the professional land surveyor's direct supervision and control.

(20) Failure to adequately supervise or control land surveying operations being performed by subordinates.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. 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 an individual to submit to a mental or physical examination when directed shall be grounds for the immediate suspension of his or her license until the individual submits to the examination if the Department finds that the refusal to submit to the examination was without reasonable cause as defined by rule.

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

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

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his or her license.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, ~~as now or hereafter amended~~, operates as an automatic license 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 and the issuance of an order so finding and discharging the patient and upon the recommendation of the Board to the ~~Secretary~~ ~~Director~~ that the licensee be allowed to resume his or her practice.

(c) (Blank).

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

made by the Department of Healthcare and Family Services in accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~).

(e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~).

(Source: P.A. 100-872, eff. 8-14-18.)

(225 ILCS 330/28) (from Ch. 111, par. 3278)

(Section scheduled to be repealed on January 1, 2020)

Sec. 28. Injunction; ~~cease~~ Cease and desist order.

(a) If any person or entity violates ~~the provisions of~~ this Act, the Secretary, in the name of the People ~~people~~ of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to and not in lieu of any other remedies and penalties provided by this Act.

(b) ~~(a-5)~~ Whenever, in the opinion of the Department, a person or entity violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person or entity. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

~~(b)-(Blank)~~.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/29) (from Ch. 111, par. 3279)

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or ~~other~~ entity holding, ~~applying for or claiming to hold a license under this Act, or practicing or offering to practice land surveying.~~

(b) Before the initiation of a formal complaint ~~an investigation~~, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c).

(c) The Department shall, before ~~disciplining an applicant or licensee refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action~~, at least 30 days prior to the date set for the hearing, (i) notify the applicant or licensee ~~person accused~~ in writing of the any charges made and the time and place for the hearing on the charges, (ii) ~~shall~~ direct the applicant person or licensee entity to file a written answer to the charges Board under oath within 20 days after the service of the notice, and (iii) inform the applicant person or licensee entity that failure if the person or entity fails to file a written an answer to the charges will result in a default being entered against the applicant or licensee default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper.

(d) Written or electronic This written notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record. to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties and their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to the applicant's or licensee's defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee person or applicant, after receiving the notice, entity fails to file an answer after receiving notice, the his or her license or certificate may, in the discretion of the Secretary Department, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary

status, or ~~be subject to the Department may take~~ whatever disciplinary action the Secretary considers deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. ~~At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.~~

~~The Department may from time to time employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.~~

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

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/30) (from Ch. 111, par. 3280)

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. Record of proceedings ~~Stenographer; transcript.~~

(a) The Department, at its expense, shall provide a certified shorthand reporter ~~stenographer~~ to take down the testimony and preserve a record of all proceedings at the hearing of any case where a license may be is revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules or other disciplinary action is taken. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/31) (from Ch. 111, par. 3281)

(Section scheduled to be repealed on January 1, 2020)

Sec. 31. Subpoenas, depositions, oaths.

(a) The Department has the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/33) (from Ch. 111, par. 3283)

(Section scheduled to be repealed on January 1, 2020)

Sec. 33. Hearing; motion for rehearing ~~Notice of hearing; Findings and recommendations.~~

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board's or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the

reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings and recommendations. The report shall contain a finding 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.

The report of findings and recommendations of the Board shall be the basis for the Department's order unless the Secretary disagrees with the Board, in which case the Secretary may issue an order in contravention of the Board report stating the reasons for the order. The report, findings, and recommendations are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/36) (from Ch. 111, par. 3286)

(Section scheduled to be repealed on January 1, 2020)

Sec. 36. ~~Hearing~~ Appointment of a hearing officer. Notwithstanding any provision in the provisions of Section 33 of this Act, the Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer has full authority to conduct the hearing. ~~The Board has the right to have at least one member present at any hearing conducted by such hearing officer.~~ The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary. ~~The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer.~~ If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order provide a written explanation to the Board on any such deviation.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/38) (from Ch. 111, par. 3288)

(Section scheduled to be repealed on January 1, 2020)

Sec. 38. ~~Restoration from disciplinary status of suspended or revoked license.~~

(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license it to the licensee ~~accused person~~ upon the written recommendation of the Board, unless after an investigation and a hearing the ~~Department~~ Board determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee before restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered ~~nonrenewed~~ for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 18 and any related rules adopted.

(Source: P.A. 86-987.)

(225 ILCS 330/40) (from Ch. 111, par. 3290)

(Section scheduled to be repealed on January 1, 2020)

Sec. 40. Temporary suspension of a license. The Secretary may temporarily suspend the license of a ~~professional land surveyor~~ Professional Land Surveyor or ~~surveyor intern~~ Surveyor Intern without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29 of this Act, if the Secretary finds that evidence in his or her possession indicates that a ~~professional land surveyor's~~

~~Professional Land Surveyor's or surveyor intern's~~ ~~Surveyor Intern's~~ continuation in practice would constitute an imminent danger to the public. ~~If in the event that the Secretary temporarily suspends the license of a professional land surveyor~~ ~~Professional Land Surveyor or surveyor intern~~ ~~Surveyor Intern~~ without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/41) (from Ch. 111, par. 3291)

(Section scheduled to be repealed on January 1, 2020)

Sec. 41. ~~Review under Administrative review~~ ~~Review Law.~~

(a) All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the Administrative Review Law ~~, as now or hereafter amended,~~ and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the ~~circuit court~~ ~~Circuit Court~~ of the county in which the party applying for review resides ~~, but~~ ~~;~~ ~~provided, that if the~~ ~~such~~ party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any 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.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the plaintiff by the Department shall remain in full force and effect.

(Source: P.A. 86-987.)

(225 ILCS 330/44) (from Ch. 111, par. 3294)

(Section scheduled to be repealed on January 1, 2020)

Sec. 44. Plats and licenses as prima facie evidence; ~~record~~ ~~Record~~ of plats. All plats and licenses issued by a ~~professional land surveyor~~ ~~Professional Land Surveyor~~ under his or her hand and seal shall be received as prima facie evidence in all courts in this State. A ~~professional land surveyor~~ ~~Professional Land Surveyor~~ is entitled to have his or her plats recorded in the county where the land affected lies; provided, however, plats of subdivision or dedication are subject to any statutory provisions relating to the approval, recording, and filing of plats of subdivision or dedication.

(Source: P.A. 86-987.)

(225 ILCS 330/45) (from Ch. 111, par. 3295)

(Section scheduled to be repealed on January 1, 2020)

Sec. 45. Entry upon adjoining land; ~~liability~~ ~~Liability~~ for damages. A ~~professional land surveyor~~ ~~Professional Land Surveyor~~, or persons under his or her direct supervision, together with his or her survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass and is liable only for any actual damage done to the land or property.

(Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/46) (from Ch. 111, par. 3296)

(Section scheduled to be repealed on January 1, 2020)

Sec. 46. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record ~~a party~~.

(Source: P.A. 88-45.)

(225 ILCS 330/48) (from Ch. 111, par. 3298)

(Section scheduled to be repealed on January 1, 2020)

Sec. 48. Fund, appropriations, investments and audits. The moneys deposited into ~~in~~ the Design Professionals Administration and Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional

Regulation Law of the Civil Administrative Code of Illinois (~~20 ILCS 2105/2105-75~~) and other expenses related to the administration and enforcement of this Act.

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

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

All fines and penalties under Sections 16 and 27 shall be deposited into the Design Professionals Administration and Investigation Fund.

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

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/9 rep.) (225 ILCS 330/16.5 rep.) (225 ILCS 330/22 rep.) (225 ILCS 330/23 rep.) (225 ILCS 330/34 rep.) (225 ILCS 330/35 rep.) (225 ILCS 330/42 rep.) (225 ILCS 330/43 rep.)

Section 15. The Illinois Professional Land Surveyor Act of 1989 is amended by repealing Sections 9, 16.5, 22, 23, 34, 35, 42, and 43.

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

AMENDMENT NO. 3 TO SENATE BILL 658

AMENDMENT NO. 3. Amend Senate Bill 658, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, as follows:

by replacing line 21 on page 12 through line 3 on page 13 with the following:

"(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, ~~adopt promulgate~~ and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of ~~this the~~ Act.

(8.5) Review application qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8."; and

on page 57, line 20, after the period, by inserting "The Secretary shall notify the Board of any such deviation and shall specify with particularity the reasons for such action in the final order.".

Under the rules, the foregoing **Senate Bill No. 658**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1127

A bill for AN ACT concerning transportation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1127

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1127

[May 28, 2019]

AMENDMENT NO. 1. Amend Senate Bill 1127 on page 5, by replacing lines 5 through 7 with the following:

"(d) The Department shall require the display of an POW/MIA flag at any airport in its jurisdiction, either upon the same flag-staff as the United States national flag or otherwise.

If the POW/MIA flag is displayed on the same flagstaff as the United States flag, the POW/MIA flag shall fly immediately below the United States flag. If the United States flag and a State flag or other flag or pennant is flown along with the POW/MIA flag on the same flagstaff, the order from top to bottom shall be: the United States flag, the POW/MIA flag, then the State flag or other flags, unless otherwise stipulated by the Flag Display Act."

Under the rules, the foregoing **Senate Bill No. 1127**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1134

A bill for AN ACT concerning civil law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1134

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1134

AMENDMENT NO. 1. Amend Senate Bill 1134 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 2-206 as follows:

(735 ILCS 5/2-206) (from Ch. 110, par. 2-206)

Sec. 2-206. Service by publication; affidavit; mailing; certificate.

(a) Whenever, in any action affecting property or status within the jurisdiction of the court, including an action to obtain the specific performance, reformation, or rescission of a contract for the conveyance of land, except for an action brought under Part 15 of Article XV of this Code that are subject to subsection (a-5), plaintiff or his or her attorney shall file, at the office of the clerk of the court in which the action is pending, an affidavit showing that the defendant resides or has gone out of this State, or on due inquiry cannot be found, or is concealed within this State, so that process cannot be served upon him or her, and stating the place of residence of the defendant, if known, or that upon diligent inquiry his or her place of residence cannot be ascertained, the clerk shall cause publication to be made in some newspaper published in the county in which the action is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State, having a circulation in the county in which action is pending. The publication shall contain notice of the pendency of the action, the title of the court, the title of the case, showing the names of the first named plaintiff and the first named defendant, the number of the case, the names of the parties to be served by publication, and the date on or after which default may be entered against such party. The clerk shall also, within 10 days of the first publication of the notice, send a copy thereof by mail, addressed to each defendant whose place of residence is stated in such affidavit. The certificate of the clerk that he or she has sent the copy in pursuance of this Section is evidence that he or she has done so.

(a-5) If, in any action brought under Part 15 of Article XV of this Code, the plaintiff, or his or her attorney, shall file, at the office of the clerk of the court in which the action is pending, an affidavit showing that the defendant resides outside of or has left this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him or her, and stating the place of residence of the defendant, if known, or that upon diligent inquiry his or her place of residence cannot be ascertained, the plaintiff, or his or her representative, shall cause publication to be made in some newspaper published in the county in which the action is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State, having a circulation in the county in which action is pending. The publication shall contain notice of the pendency of the action,

[May 28, 2019]

the title of the court, the title of the case, showing the names of the first named plaintiff and the first named defendant, the number of the case, the names of the parties to be served by publication, and the date on or after which default may be entered against such party. It shall be the non-delegable duty of the clerk of the court, within 10 days of the first publication of the notice, to send a copy thereof by mail, addressed to each defendant whose place of residence is stated in such affidavit. The certificate of the clerk of the court that he or she has sent the copy in pursuance of this Section is evidence that he or she has done so.

(b) In any action brought by a unit of local government to cause the demolition, repair, or enclosure of a dangerous and unsafe or uncompleted or abandoned building, notice by publication under this Section may be commenced during the time during which attempts are made to locate the defendant for personal service. In that case, the unit of local government shall file with the clerk an affidavit stating that the action meets the requirements of this subsection and that all required attempts are being made to locate the defendant. Upon the filing of the affidavit, the clerk shall cause publication to be made under this Section. Upon completing the attempts to locate the defendant required by this Section, the municipality shall file with the clerk an affidavit meeting the requirements of subsection (a). Service under this subsection shall not be deemed to have been made until the affidavit is filed and service by publication in the manner prescribed in subsection (a) is completed. (Source: P.A. 87-1276)."

Under the rules, the foregoing **Senate Bill No. 1134**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1213

A bill for AN ACT concerning education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1213

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1213

AMENDMENT NO. 1. Amend Senate Bill 1213 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 24A-5.5 as follows:
(105 ILCS 5/24A-5.5 new)

Sec. 24A-5.5. Local appeal process for unsatisfactory ratings. Beginning with the first school year following the effective date of this amendatory Act of the 101st General Assembly, each school district shall, in good faith cooperation with its teachers or, if applicable, through good faith bargaining with the exclusive bargaining representative of its teachers, develop and implement an appeals process for "unsatisfactory" ratings under Section 24A-5 that includes, but is not limited to, an assessment of the original rating by a panel of qualified evaluators agreed to by the joint committee referred to in subsection (b) of Section 24A-4 that has the power to revoke the "unsatisfactory" rating it deems to be erroneous. The joint committee shall determine the criteria for successful appeals; however, the issuance of a rating to replace an "unsatisfactory" rating must be determined through bargaining between the exclusive bargaining representative, if any, and the school district.

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

Under the rules, the foregoing **Senate Bill No. 1213**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

[May 28, 2019]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1214

A bill for AN ACT concerning health.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1214

House Amendment No. 2 to SENATE BILL NO. 1214

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1214

AMENDMENT NO. 1. Amend Senate Bill 1214 on page 1, line 13, by deleting "develop and".

AMENDMENT NO. 2 TO SENATE BILL 1214

AMENDMENT NO. 2. Amend Senate Bill 1214 in Section 5, Sec. 2310-218, by replacing subsection (a) with the following:

"(a) As used in this Section, "phlebotomist" means a person specifically trained to draw blood for diagnostic purposes in a health care setting"; and

in Section 5, Sec. 2310-218, immediately below subsection (c), by inserting the following:

"(d) This Section does not apply to nonprofit blood banks or the affiliated laboratories of nonprofit blood banks.".

Under the rules, the foregoing **Senate Bill No. 1214**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1236

A bill for AN ACT concerning public employee benefits.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1236

House Amendment No. 2 to SENATE BILL NO. 1236

House Amendment No. 3 to SENATE BILL NO. 1236

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1236

AMENDMENT NO. 1. Amend Senate Bill 1236 by replacing everything after the enacting clause with the following:

"Section 5. The Local Government Officer Compensation Act is amended by adding Section 25 as follows:

(50 ILCS 145/25 new)

Sec. 25. Elected official salary. Notwithstanding the provision of any other law to the contrary, an elected officer of a unit of local government that is a participating employer under the Illinois Municipal Retirement Fund shall not receive any salary or other compensation from the unit of local government if the member is receiving pension benefits from the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code for the elected official's service in that same elected position. If an elected officer is receiving benefits from the Illinois Municipal Retirement Fund on the effective date of this amendatory Act of the 101st General Assembly, the elected official's salary and compensation shall be reduced to zero at the beginning of the member's next term if the member is still receiving such pension benefits.

[May 28, 2019]

Section 10. The Counties Code is amended by changing Section 2-1003 by adding Sections 4-10005, 5-3003, and 6-31013 as follows:

(55 ILCS 5/2-1003) (from Ch. 34, par. 2-1003)

Sec. 2-1003. Chairman and vice-chairman of county board. The county board shall, unless the chairman is elected by the voters of the county, at its first meeting in the month following the month in which county board members are elected, choose one of its members as chairman for a term of 2 years and at the same meeting, choose one of its members as vice-chairman for a term of 2 years. The vice-chairman shall serve in the place of the chairman at any meeting of the county board in which the chairman is not present. In case of the absence of the chairman and the vice-chairman at any meeting, the members present shall choose one of their number as temporary chairman.

A chairman who is chosen by the county board may be removed, with or without cause, upon a motion adopted by an affirmative vote of four-fifths of the county board. Upon adoption of a motion to remove the chairman: (i) the chairman position becomes vacant and the former chairman's compensation shall be prorated to the date the motion was approved; (ii) the vice-chairman immediately assumes the duties of chairman without chairman compensation; and (iii) a new chairman shall be elected at the next regularly scheduled county board meeting. A chairman removed under this Section maintains his or her status as a member of the county board.

(Source: P.A. 86-962.)

(55 ILCS 5/4-10005 new)

Sec. 4-10005. County board salaries. Notwithstanding Section 4-10001, a member of a county board shall not receive any salary or other compensation from the county if the member is receiving pension benefits from the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code for the member's service as a county board member. If a member of a county board is receiving benefits from the Illinois Municipal Retirement Fund on the effective date of this amendatory Act of the 101st General Assembly, the member's salary and compensation shall be reduced to zero at the beginning of the member's next term if the member is still receiving pension benefits from the Illinois Municipal Retirement Fund for service as a county board member.

(55 ILCS 5/5-3003 new)

Sec. 5-3003. Contracts for goods and services valued at more than \$30,000.

(a) A vendor wishing to contract with a county for goods and services in an amount greater than \$30,000 shall disclose to the county, prior to a county board's vote on the contract, any familial relationship between a county elected official, department director, deputy director and a manager, owner, principal, or officer of the vendor's company. "Familial relationship" means a spouse (including civil partner), child, stepchild, parent, stepparent, grandparent, in-laws (including parent, grandparent, sibling, or child), relatives and non-relatives living in the same residence, and offspring born to any previously-mentioned person.

(b) If a vendor wishing to contract has a familial relationship disclosed under subsection (a), then the contract can only be approved or renewed by roll call vote and not on a consent agenda. It must be preceded by a recitation by the chairperson, which includes the name of the elected official or employee and the nature of the familial relationship being disclosed.

(c) A contract subject to this Section which is not approved as provided in this Section is void.

(55 ILCS 5/6-31013 new)

Sec. 6-31013. Transitional audits.

(a) No later than 5 days after certification of the election results, the county clerk shall notify newly elected countywide officials of the option for an auditor to conduct a transitional audit at the county's expense. An elected county auditor shall conduct the audit upon a request of the newly elected countywide official. In a county that does not have an elected county auditor, the newly elected countywide official may hire a qualified auditing firm. The county board shall pay all costs associated with an audit. The transitional audit shall examine funds expended by the official for whom the newly elected official is taking over and report if the expended funds were consistent with the county board's financial allocations to that official.

(b) A county board shall give the option for a transitional financial audit to all county officials elected in or after November 2016.

(c) A home rule county shall not regulate transitional audits in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 15. The Downstate Forest Preserve District Act is amended by changing Section 8 as follows:

(70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

Sec. 8. Powers and duties of corporate authority and officers; contracts; salaries.

(a) The board shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint such employees as may be necessary. In counties with population of less than 3,000,000, within 60 days after their selection the commissioners appointed under the provisions of Section 3a of this Act shall organize by selecting from their members a president, vice president, secretary, treasurer and such other officers as are deemed necessary who shall hold office for the fiscal year in which elected and until their successors are selected and qualify. In the one district in existence on July 1, 1977, that is managed by an appointed board of commissioners, the incumbent president and the other officers appointed in the manner as originally prescribed in this Act shall hold such offices until the completion of their respective terms or in the case of the officers other than president until their successors are appointed by said president, but in all cases not to extend beyond January 1, 1980 and until their successors are selected and qualify. Thereafter, the officers shall be selected in the manner as prescribed in this Section except that their first term of office shall not expire until June 30, 1981 and until their successors are selected and qualify.

(a-5) An officer selected pursuant to subsection (a) may be removed, with or without cause, upon a motion adopted by an affirmative vote of four-fifths of the board of the forest preserve district. Upon adoption of a motion to remove an officer: (i) the office becomes vacant and the former officer's compensation shall be prorated to the date the motion was approved; (ii) if the officer removed is the president then the vice president immediately assumes the duties of the president without president compensation and, if the officer removed is the vice president, treasurer, or secretary, then the president shall select an interim appointee who shall serve until the next regularly scheduled forest preserve district board meeting; and (iii) a new officer shall be selected at the next regularly scheduled forest preserve district board meeting. An officer removed under this Section maintains his or her status as a member of the forest preserve district board.

(b) In any county, city, village, incorporated town or sanitary district where the corporate authorities act as the governing body of a forest preserve district, the person exercising the powers of the president of the board shall have power to appoint a secretary and an assistant secretary and treasurer and an assistant treasurer and such other officers and such employees as may be necessary. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively in case of death of such officers or when such officers are unable to perform the duties of their respective offices. All contracts for supplies, material or work involving an expenditure in excess of \$25,000, or a lower amount if required by board policy, shall be let to the lowest responsible bidder, after advertising at least once in one or more newspapers of general circulation within the district, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of \$25,000, or a lower amount if required by board policy, or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board of commissioners or by any such other officer as the board in its discretion may designate.

(c) The president of any board of commissioners appointed under the provisions of Section 3a of this Act shall receive a salary not to exceed the sum of \$2500 per annum and the salary of other members of the board so appointed shall not exceed \$1500 per annum. Salaries of the commissioners, officers and employees shall be fixed by ordinance.

(d) Whenever a forest preserve district owns any personal property that, in the opinion of three-fifths of the members of the board of commissioners, is no longer necessary, useful to, or for the best interests of the forest preserve district, then three-fifths of the members of the board, at any regular meeting or any special meeting called for that purpose by an ordinance or resolution that includes a general description of the personal property, may authorize the conveyance or sale of that personal property in any manner that they may designate, with or without advertising the sale.

(Source: P.A. 98-463, eff. 8-16-13; 99-771, eff. 8-12-16.)

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

AMENDMENT NO. 2 TO SENATE BILL 1236

AMENDMENT NO. 2. Amend Senate Bill 1236, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, by replacing lines 1 through 20 with the following:

"(a) As used in this Section, "familial relationship" means an individual's father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather,

[May 28, 2019]

grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(b) A county may deny, suspend, or terminate the eligibility of a person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to the county if the vendor, for contracts greater than \$30,000, fails to disclose to the county a familial relationship between a county elected official or county department director and any of the following individuals who have the authority to act on behalf of and with the power to bind the respective person, firm, corporation, association, agency, institution, or other legal entity: a corporate officer; a member of the corporate board of directors; a limited liability company manager; a member with management authority of a limited liability company; or a partner of a partnership.

(c) If a person, firm, corporation, association, agency, institution, or other legal entity seeking to contract with the county has a familial relationship required to be disclosed under subsection (b), then the contract may be approved or renewed by roll call vote of the county board following a recitation of the name of the county official and the nature of the familial relationship being disclosed."; and

on page 4, line 23, by replacing "5" with "10"; and

on page 4, line 24, by replacing "county clerk" with "county board chairperson, county board president, or county executive".

AMENDMENT NO. 3 TO SENATE BILL 1236

AMENDMENT NO. 3. Amend Senate Bill 1236, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, page 3, by replacing lines 9 and 10 as follows:

"Sec. 4-10005. County board salaries.

(a) Notwithstanding Section 4-10001, a member of a county board shall not receive"; and

on page 3, immediately below line 21, by inserting the following:

"(b) This Section does not apply to a county that has adopted an ordinance or resolution effective prior to January 1, 2019 that reduces compensation of elected county officials who are receiving pension benefits from the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code for their service as elected officials of that county to an amount less than other elected county officials who are not receiving such pension benefits for their service as elected officials.".

Under the rules, the foregoing **Senate Bill No. 1236**, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1702

A bill for AN ACT concerning health.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1702

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1702

AMENDMENT NO. 1. Amend Senate Bill 1702 by replacing everything after the enacting clause with the following:

[May 28, 2019]

"Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 2-108, 2-109, 3-602, 3-603, 3-610, 3-702, 3-703, 3-752, 3-753, and 3-807 and by adding Section 1-101.3 as follows:

(405 ILCS 5/1-101.3 new)

Sec. 1-101.3. Advanced practice psychiatric nurse. "Advanced practice psychiatric nurse" means a nurse who is licensed to practice as an advanced practice registered nurse under Section 65-5 of the Nurse Practice Act and has been certified by the American Nurses Credentialing Center as a psychiatric mental health clinical nurse specialist or a psychiatric mental health nurse practitioner.

(405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

Sec. 2-108. Use of restraint. Restraint may be used only as a therapeutic measure to prevent a recipient from causing physical harm to himself or physical abuse to others. Restraint may only be applied by a person who has been trained in the application of the particular type of restraint to be utilized. In no event shall restraint be utilized to punish or discipline a recipient, nor is restraint to be used as a convenience for the staff.

(a) Except as provided in this Section, restraint shall be employed only upon the written order of a physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities. No restraint shall be ordered unless the physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities, after personally observing and examining the recipient, is clinically satisfied that the use of restraint is justified to prevent the recipient from causing physical harm to himself or others. In no event may restraint continue for longer than 2 hours unless within that time period a nurse with supervisory responsibilities, advanced practice psychiatric nurse, or a physician confirms, in writing, following a personal examination of the recipient, that the restraint does not pose an undue risk to the recipient's health in light of the recipient's physical or medical condition. The order shall state the events leading up to the need for restraint and the purposes for which restraint is employed. The order shall also state the length of time restraint is to be employed and the clinical justification for that length of time. No order for restraint shall be valid for more than 16 hours. If further restraint is required, a new order must be issued pursuant to the requirements provided in this Section.

(b) In the event there is an emergency requiring the immediate use of restraint, it may be ordered temporarily by a qualified person only where a physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities is not immediately available. In that event, an order by a nurse, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or physician shall be obtained pursuant to the requirements of this Section as quickly as possible, and the recipient shall be examined by a physician or supervisory nurse within 2 hours after the initial employment of the emergency restraint. Whoever orders restraint in emergency situations shall document its necessity and place that documentation in the recipient's record.

(c) The person who orders restraint shall inform the facility director or his designee in writing of the use of restraint within 24 hours.

(d) The facility director shall review all restraint orders daily and shall inquire into the reasons for the orders for restraint by any person who routinely orders them.

(e) Restraint may be employed during all or part of one 24 hour period, the period commencing with the initial application of the restraint. However, once restraint has been employed during one 24 hour period, it shall not be used again on the same recipient during the next 48 hours without the prior written authorization of the facility director.

(f) Restraint shall be employed in a humane and therapeutic manner and the person being restrained shall be observed by a qualified person as often as is clinically appropriate but in no event less than once every 15 minutes. The qualified person shall maintain a record of the observations. Specifically, unless there is an immediate danger that the recipient will physically harm himself or others, restraint shall be loosely applied to permit freedom of movement. Further, the recipient shall be permitted to have regular meals and toilet privileges free from the restraint, except when freedom of action may result in physical harm to the recipient or others.

(g) Every facility that employs restraint shall provide training in the safe and humane application of each type of restraint employed. The facility shall not authorize the use of any type of restraint by an employee who has not received training in the safe and humane application of that type of restraint. Each facility in which restraint is used shall maintain records detailing which employees have been trained and are authorized to apply restraint, the date of the training and the type of restraint that the employee was trained to use.

(h) Whenever restraint is imposed upon any recipient whose primary mode of communication is sign language, the recipient shall be permitted to have his hands free from restraint for brief periods each hour, except when freedom may result in physical harm to the recipient or others.

(i) A recipient who is restrained may only be secluded at the same time pursuant to an explicit written authorization as provided in Section 2-109 of this Code. Whenever a recipient is restrained, a member of the facility staff shall remain with the recipient at all times unless the recipient has been secluded. A recipient who is restrained and secluded shall be observed by a qualified person as often as is clinically appropriate but in no event less than every 15 minutes.

(j) Whenever restraint is used, the recipient shall be advised of his right, pursuant to Sections 2-200 and 2-201 of this Code, to have any person of his choosing, including the Guardianship and Advocacy Commission or the agency designated pursuant to the Protection and Advocacy for Persons with Developmental Disabilities Act notified of the restraint. A recipient who is under guardianship may request that any person of his choosing be notified of the restraint whether or not the guardian approves of the notice. Whenever the Guardianship and Advocacy Commission is notified that a recipient has been restrained, it shall contact that recipient to determine the circumstances of the restraint and whether further action is warranted.

(Source: P.A. 98-137, eff. 8-2-13; 99-143, eff. 7-27-15.)

(405 ILCS 5/2-109) (from Ch. 91 1/2, par. 2-109)

Sec. 2-109. Seclusion. Seclusion may be used only as a therapeutic measure to prevent a recipient from causing physical harm to himself or physical abuse to others. In no event shall seclusion be utilized to punish or discipline a recipient, nor is seclusion to be used as a convenience for the staff.

(a) Seclusion shall be employed only upon the written order of a physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities. No seclusion shall be ordered unless the physician, clinical psychologist, clinical social worker, clinical professional counselor, advanced practice psychiatric nurse, or registered nurse with supervisory responsibilities, after personally observing and examining the recipient, is clinically satisfied that the use of seclusion is justified to prevent the recipient from causing physical harm to himself or others. In no event may seclusion continue for longer than 2 hours unless within that time period a nurse with supervisory responsibilities, advanced practice psychiatric nurse, or a physician confirms in writing, following a personal examination of the recipient, that the seclusion does not pose an undue risk to the recipient's health in light of the recipient's physical or medical condition. The order shall state the events leading up to the need for seclusion and the purposes for which seclusion is employed. The order shall also state the length of time seclusion is to be employed and the clinical justification for the length of time. No order for seclusion shall be valid for more than 16 hours. If further seclusion is required, a new order must be issued pursuant to the requirements provided in this Section.

(b) The person who orders seclusion shall inform the facility director or his designee in writing of the use of seclusion within 24 hours.

(c) The facility director shall review all seclusion orders daily and shall inquire into the reasons for the orders for seclusion by any person who routinely orders them.

(d) Seclusion may be employed during all or part of one 16 hour period, that period commencing with the initial application of the seclusion. However, once seclusion has been employed during one 16 hour period, it shall not be used again on the same recipient during the next 48 hours without the prior written authorization of the facility director.

(e) The person who ordered the seclusion shall assign a qualified person to observe the recipient at all times. A recipient who is restrained and secluded shall be observed by a qualified person as often as is clinically appropriate but in no event less than once every 15 minutes.

(f) Safety precautions shall be followed to prevent injuries to the recipient in the seclusion room. Seclusion rooms shall be adequately lighted, heated, and furnished. If a door is locked, someone with a key shall be in constant attendance nearby.

(g) Whenever seclusion is used, the recipient shall be advised of his right, pursuant to Sections 2-200 and 2-201 of this Code, to have any person of his choosing, including the Guardianship and Advocacy Commission notified of the seclusion. A person who is under guardianship may request that any person of his choosing be notified of the seclusion whether or not the guardian approves of the notice. Whenever the Guardianship and Advocacy Commission is notified that a recipient has been secluded, it shall contact that recipient to determine the circumstances of the seclusion and whether further action is warranted.

(Source: P.A. 98-137, eff. 8-2-13.)

(405 ILCS 5/3-602) (from Ch. 91 1/2, par. 3-602)

Sec. 3-602. The petition shall be accompanied by a certificate executed by a physician, qualified examiner, psychiatrist, advanced practice psychiatric nurse, or clinical psychologist which states that the

respondent is subject to involuntary admission on an inpatient basis and requires immediate hospitalization. The certificate shall indicate that the physician, qualified examiner, psychiatrist, advanced practice psychiatric nurse, or clinical psychologist personally examined the respondent not more than 72 hours prior to admission. It shall also contain the physician's, qualified examiner's, psychiatrist's, advanced practice psychiatric nurse's, or clinical psychologist's clinical observations, other factual information relied upon in reaching a diagnosis, and a statement as to whether the respondent was advised of his rights under Section 3-208.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-603) (from Ch. 91 1/2, par. 3-603)

Sec. 3-603. (a) If no physician, qualified examiner, psychiatrist, advanced practice psychiatric nurse, or clinical psychologist is immediately available or it is not possible after a diligent effort to obtain the certificate provided for in Section 3-602, the respondent may be detained for examination in a mental health facility upon presentation of the petition alone pending the obtaining of such a certificate.

(b) In such instance the petition shall conform to the requirements of Section 3-601 and further specify that:

1. the petitioner believes, as a result of his personal observation, that the respondent is subject to involuntary admission on an inpatient basis;
2. a diligent effort was made to obtain a certificate;
3. no physician, qualified examiner, psychiatrist, or clinical psychologist could be found who has examined or could examine the respondent; and
4. a diligent effort has been made to convince the respondent to appear voluntarily for examination by a physician, qualified examiner, psychiatrist, or clinical psychologist, unless the petitioner reasonably believes that effort would impose a risk of harm to the respondent or others.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-610) (from Ch. 91 1/2, par. 3-610)

Sec. 3-610. As soon as possible but not later than 24 hours, excluding Saturdays, Sundays and holidays, after admission of a respondent pursuant to this Article, the respondent shall be personally examined by a psychiatrist. The psychiatrist may be a member of the staff of the facility but shall not be the person who executed the first certificate. If a certificate has already been completed by a psychiatrist following the respondent's admission, the respondent shall be examined by another psychiatrist or by a physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner. If, as a result of this second examination, a certificate is executed, the certificate shall be promptly filed with the court. If the certificate states that the respondent is subject to involuntary admission but not in need of immediate hospitalization, the respondent may remain in his or her place of residence pending a hearing on the petition unless he or she voluntarily agrees to inpatient treatment. If the respondent is not examined or if the psychiatrist, physician, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner does not execute a certificate pursuant to Section 3-602, the respondent shall be released forthwith. For the purpose of this Section, a personal examination includes an examination performed in real time (synchronous examination) via an Interactive Telecommunication System as defined in 89 Ill. Adm. Code 140.403(a)(5). An examination via an Interactive Telecommunication System may only be used for certification under this Section when a psychiatrist is not on-site within the time period set forth in this Section. If the examination is performed via an Interactive Communication System, that fact shall be noted on the certificate.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-702) (from Ch. 91 1/2, par. 3-702)

Sec. 3-702. (a) The petition may be accompanied by the certificate of a physician, qualified examiner, psychiatrist, advanced practice psychiatric nurse, or clinical psychologist which certifies that the respondent is subject to involuntary admission on an inpatient basis and which contains the other information specified in Section 3-602.

(b) Upon receipt of the petition either with or without a certificate, if the court finds the documents are in order, it may make such orders pursuant to Section 3-703 as are necessary to provide for examination of the respondent. If the petition is not accompanied by 2 certificates executed pursuant to Section 3-703, the court may order the respondent to present himself for examination at a time and place designated by the court. If the petition is accompanied by 2 certificates executed pursuant to Section 3-703 and the court finds the documents are in order, it shall set the matter for hearing.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-703) (from Ch. 91 1/2, par. 3-703)

Sec. 3-703. If no certificate was filed, the respondent shall be examined separately by a physician, or clinical psychologist, advanced practice psychiatric nurse, or qualified examiner and by a psychiatrist. If

a certificate executed by a psychiatrist was filed, the respondent shall be examined by a physician, clinical psychologist, qualified examiner, advanced practice psychiatric nurse, or psychiatrist. If a certificate executed by a qualified examiner, clinical psychologist, advanced practice psychiatric nurse, or a physician who is not a psychiatrist was filed, the respondent shall be examined by a psychiatrist. The examining physician, clinical psychologist, qualified examiner, advanced practice psychiatric nurse, or psychiatrist may interview by telephone or in person any witnesses or other persons listed in the petition for involuntary admission. If, as a result of an examination, a certificate is executed, the certificate shall be promptly filed with the court. If a certificate is executed, the examining physician, clinical psychologist, qualified examiner, advanced practice psychiatric nurse, or psychiatrist may also submit for filing with the court a report in which his findings are described in detail, and may rely upon such findings for his opinion that the respondent is subject to involuntary admission on an inpatient basis. Copies of the certificates shall be made available to the attorneys for the parties upon request prior to the hearing. A certificate prepared in compliance with this Article shall state whether or not the respondent is in need of immediate hospitalization. However, if both the certificates state that the respondent is not in need of immediate hospitalization, the respondent may remain in his or her place of residence pending a hearing on the petition unless he or she voluntarily agrees to inpatient treatment.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-752)

Sec. 3-752. Certificate.

(a) The petition may be accompanied by the certificate of a physician, qualified examiner, psychiatrist, advanced practice psychiatric nurse, or clinical psychologist which certifies that the respondent is subject to involuntary admission on an outpatient basis. The certificate shall indicate that the physician, qualified examiner, advanced practice psychiatric nurse, or clinical psychologist personally examined the respondent not more than 72 hours prior to the completion of the certificate. It shall also contain the physician's, qualified examiner's, advanced practice psychiatric nurse's, or clinical psychologist's clinical observations, other factual information relied upon in reaching a diagnosis, and a statement as to whether the respondent was advised of his or her rights under Section 3-208.

(b) Upon receipt of the petition either with or without a certificate, if the court finds the documents are in order, it may make such orders pursuant to Section 3-753 as are necessary to provide for examination of the respondent. If the petition is not accompanied by 2 certificates executed pursuant to Section 3-753, the court may order the respondent to present himself or herself for examination at a time and place designated by the court. If the petition is accompanied by 2 certificates executed pursuant to Section 3-753 and the court finds the documents are in order, the court shall set the matter for hearing.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-753)

Sec. 3-753. Examination. If no certificate was filed, the respondent shall be examined separately by a physician, or clinical psychologist, advanced practice psychiatric nurse, or qualified examiner and by a psychiatrist. If a certificate executed by a psychiatrist was filed, the respondent shall be examined by a physician, clinical psychologist, qualified examiner, advanced practice psychiatric nurse, or psychiatrist. If a certificate executed by a qualified examiner, clinical psychologist, advanced practice psychiatric nurse, or a physician who is not a psychiatrist was filed, the respondent shall be examined by a psychiatrist. The examining physician, clinical psychologist, qualified examiner, advanced practice psychiatric nurse, or psychiatrist may interview by telephone or in person any witnesses or other persons listed in the petition for involuntary admission. If, as a result of an examination, a certificate is executed, the certificate shall be promptly filed with the court. If a certificate is executed, the examining physician, clinical psychologist, qualified examiner, advanced practice psychiatric nurse, or psychiatrist may also submit for filing with the court a report in which his or her findings are described in detail, and may rely upon such findings for his opinion that the respondent is subject to involuntary admission. Copies of the certificates shall be made available to the attorneys for the parties upon request prior to the hearing.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

(405 ILCS 5/3-807) (from Ch. 91 1/2, par. 3-807)

Sec. 3-807. No respondent may be found subject to involuntary admission on an inpatient or outpatient basis unless at least one psychiatrist, clinical social worker, clinical psychologist, advanced practice psychiatric nurse, or qualified examiner who has examined the respondent testifies in person at the hearing. The respondent may waive the requirement of the testimony subject to the approval of the court.

(Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10; 97-121, eff. 7-14-11.)"

Under the rules, the foregoing **Senate Bill No. 1702**, with House Amendment No. 1, was referred to the Secretary's Desk.

[May 28, 2019]

A message from the House by

Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1739

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1739

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1739

AMENDMENT NO. 2. Amend Senate Bill 1739 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Sections 6, 8.5, 12, and 12.2 and by adding Section 8.7 as follows:

(20 ILCS 3960/6) (from Ch. 111 1/2, par. 1156)

(Section scheduled to be repealed on December 31, 2029)

Sec. 6. Application for permit or exemption; exemption regulations.

(a) An application for a permit or exemption shall be made to the State Board upon forms provided by the State Board. This application shall contain such information as the State Board deems necessary. The State Board shall not require an applicant to file a Letter of Intent before an application is filed. Such application shall include affirmative evidence on which the State Board or Chairman may make its decision on the approval or denial of the permit or exemption.

(b) The State Board shall establish by regulation the procedures and requirements regarding issuance of exemptions. An exemption shall be approved when information required by the Board by rule is submitted. Projects eligible for an exemption, rather than a permit, include, but are not limited to, change of ownership of a health care facility and discontinuation of a category of service, ~~discontinuation of a category of service, and discontinuation of a health care facility~~, other than a health care facility maintained by the State or any agency or department thereof or a nursing home maintained by a county. The Board may accept an application for an exemption for the discontinuation of a category of service at a health care facility only once in a 6-month period following (1) the previous application for exemption at the same health care facility or (2) the final decision of the Board regarding the discontinuation of a category service at the same health care facility, whichever occurs later. A discontinuation of a category of service shall otherwise require an application for a permit if an application for an exemption has already been accepted within the 6-month period. For a change of ownership among related persons of a health care facility, the State Board shall provide by rule for an expedited process for obtaining an exemption ~~in accordance with Section 8.5 of this Act.~~ For the purposes of this Section, "change of ownership among related persons" means a transaction in which the parties to the transaction are under common control or ownership before and after the transaction is complete.

(c) All applications shall be signed by the applicant and shall be verified by any 2 officers thereof.

(c-5) Any written review or findings of the Board staff set forth in the State Board Staff Report concerning an application for a permit must be made available to the public and the applicant at least 14 calendar days before the meeting of the State Board at which the review or findings are considered. The applicant and members of the public may submit, to the State Board, written responses regarding the facts set forth in the review or findings of the Board staff. Members of the public and the applicant shall have until 10 days before the meeting of the State Board to submit any written response concerning the Board staff's written review or findings. The Board staff may revise any findings to address corrections of factual errors cited in the public response. At the meeting, the State Board may, in its discretion, permit the submission of other additional written materials.

(d) Upon receipt of an application for a permit, the State Board shall approve and authorize the issuance of a permit if it finds (1) that the applicant is fit, willing, and able to provide a proper standard of health care service for the community with particular regard to the qualification, background and character of the applicant, (2) that economic feasibility is demonstrated in terms of effect on the existing and projected operating budget of the applicant and of the health care facility; in terms of the applicant's ability to

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establish and operate such facility in accordance with licensure regulations promulgated under pertinent state laws; and in terms of the projected impact on the total health care expenditures in the facility and community, (3) that safeguards are provided that assure that the establishment, construction or modification of the health care facility or acquisition of major medical equipment is consistent with the public interest, and (4) that the proposed project is consistent with the orderly and economic development of such facilities and equipment and is in accord with standards, criteria, or plans of need adopted and approved pursuant to the provisions of Section 12 of this Act.

(Source: P.A. 99-154, eff. 7-28-15; 100-518, eff. 6-1-18; 100-681, eff. 8-3-18.)

(20 ILCS 3960/8.5)

(Section scheduled to be repealed on December 31, 2029)

Sec. 8.5. Certificate of exemption for change of ownership of a health care facility; discontinuation of a health care facility or category of service; public notice and public hearing.

(a) Upon a finding that an application for a change of ownership is complete, the State Board shall publish a legal notice on 3 consecutive days ~~one day~~ in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days ~~one day~~. The applicant shall pay the cost incurred by the Board in publishing the change of ownership notice in newspapers as required under this subsection. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. An application for change of ownership of a hospital shall not be deemed complete without a signed certification that for a period of 2 years after the change of ownership transaction is effective, the hospital will not adopt a charity care policy that is more restrictive than the policy in effect during the year prior to the transaction. An application for a change of ownership need not contain signed transaction documents so long as it includes the following key terms of the transaction: names and background of the parties; structure of the transaction; the person who will be the licensed or certified entity after the transaction; the ownership or membership interests in such licensed or certified entity both prior to and after the transaction; fair market value of assets to be transferred; and the purchase price or other form of consideration to be provided for those assets. The issuance of the certificate of exemption shall be contingent upon the applicant submitting a statement to the Board within 90 days after the closing date of the transaction, or such longer period as provided by the Board, certifying that the change of ownership has been completed in accordance with the key terms contained in the application. If such key terms of the transaction change, a new application shall be required.

Where a change of ownership is among related persons, and there are no other changes being proposed at the health care facility that would otherwise require a permit or exemption under this Act, the applicant shall submit an application consisting of a standard notice in a form set forth by the Board briefly explaining the reasons for the proposed change of ownership. Once such an application is submitted to the Board and reviewed by the Board staff, the Board Chair shall take action on an application for an exemption for a change of ownership among related persons within 45 days after the application has been deemed complete, provided the application meets the applicable standards under this Section. If the Board Chair has a conflict of interest or for other good cause, the Chair may request review by the Board. Notwithstanding any other provision of this Act, for purposes of this Section, a change of ownership among related persons means a transaction where the parties to the transaction are under common control or ownership before and after the transaction is completed.

Nothing in this Act shall be construed as authorizing the Board to impose any conditions, obligations, or limitations, other than those required by this Section, with respect to the issuance of an exemption for a change of ownership, including, but not limited to, the time period before which a subsequent change of ownership of the health care facility could be sought, or the commitment to continue to offer for a specified time period any services currently offered by the health care facility.

(a-3) (Blank). ~~Upon a finding that an application to close a health care facility is complete, the State Board shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The legal notice shall also be posted on the Health Facilities and Services Review Board's web site and sent to the State Representative and State Senator of the district in which the health~~

care facility is located. In addition, the health care facility shall provide notice of closure to the local media that the health care facility would routinely notify about facility events. No later than 90 days after a discontinuation of a health facility, the applicant must submit a statement to the State Board certifying that the discontinuation is complete.

(a-5) Upon a finding that an application to discontinue a category of service is complete and provides the requested information, as specified by the State Board, an exemption shall be issued. No later than 30 days after the issuance of the exemption, the health care facility must give written notice of the discontinuation of the category of service to the State Senator and State Representative serving the legislative district in which the health care facility is located. No later than 90 days after a discontinuation of a category of service, the applicant must submit a statement to the State Board certifying that the discontinuation is complete.

(b) If a public hearing is requested, it shall be held at least 15 days but no more than 30 days after the date of publication of the legal notice in the community in which the facility is located. The hearing shall be held in the affected area or community in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. All interested persons attending the hearing shall be given a reasonable opportunity to present their positions in writing or orally. The applicant shall provide a summary or describe the proposed change of ownership of the proposal for distribution at the public hearing.

(c) For the purposes of this Section "newspaper of limited circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township, or community area, but does not include publications of professional and trade associations.

(d) The changes made to this Section by this amendatory Act of the 101st General Assembly shall apply to all applications submitted after the effective date of this amendatory Act of the 101st General Assembly. (Source: P.A. 99-154, eff. 7-28-15; 99-527, eff. 1-1-17; 99-551, eff. 7-15-16; 100-201, eff. 8-18-17.)

(20 ILCS 3960/8.7 new)

Sec. 8.7. Application for permit for discontinuation of a health care facility or category of service; public notice and public hearing.

(a) Upon a finding that an application to close a health care facility or discontinue a category of service is complete, the State Board shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The legal notice shall also be posted on the Health Facilities and Services Review Board's website and sent to the State Representative and State Senator of the district in which the health care facility is located. In addition, the health care facility shall provide notice of closure to the local media that the health care facility would routinely notify about facility events.

(b) No later than 30 days after issuance of a permit to close a health care facility or discontinue a category of service, the permit holder shall give written notice of the closure or discontinuation to the State Senator and State Representative serving the legislative district in which the health care facility is located.

(c) If there is a pending lawsuit that challenges an application to discontinue a health care facility that either names the Board as a party or alleges fraud in the filing of the application, the Board may defer action on the application for up to 6 months after the date of the initial deferral of the application.

(d) The changes made to this Section by this amendatory Act of the 101st General Assembly shall apply to all applications submitted after the effective date of this amendatory Act of the 101st General Assembly.

(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

(Section scheduled to be repealed on December 31, 2029)

Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:

(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act. Policies and procedures of the State Board shall take into consideration the priorities and needs of medically underserved areas and other health care services, giving special consideration to the impact of projects on access to safety net services.

(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.

(3) (Blank).

(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Board's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Board with pertinent State Plans. Inventories pursuant to this Section of skilled or intermediate care facilities licensed under the Nursing Home Care Act, skilled or intermediate care facilities licensed under the ID/DD Community Care Act, skilled or intermediate care facilities licensed under the MC/DD Act, facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013, or nursing homes licensed under the Hospital Licensing Act shall be conducted on an annual basis no later than July 1 of each year and shall include among the information requested a list of all services provided by a facility to its residents and to the community at large and differentiate between active and inactive beds.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

- (a) The size, composition and growth of the population of the area to be served;
- (b) The number of existing and planned facilities offering similar programs;
- (c) The extent of utilization of existing facilities;
- (d) The availability of facilities which may serve as alternatives or substitutes;
- (e) The availability of personnel necessary to the operation of the facility;
- (f) Multi-institutional planning and the establishment of multi-institutional systems

where feasible;

- (g) The financial and economic feasibility of proposed construction or modification; and
- (h) In the case of health care facilities established by a religious body or

denomination, the needs of the members of such religious body or denomination may be considered to be public need.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) (Blank).

(8) Prescribe rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are classified as emergency, substantive, or non-substantive in nature.

Substantive projects shall include no more than the following:

(a) Projects to construct (1) a new or replacement facility located on a new site or (2) a replacement facility located on the same site as the original facility and the cost of the replacement facility exceeds the capital expenditure minimum, which shall be reviewed by the Board within 120 days;

(b) Projects proposing a (1) new service within an existing healthcare facility or (2) discontinuation of a service within an existing healthcare facility, which shall be reviewed by the Board within 60 days; or

(c) Projects proposing a change in the bed capacity of a health care facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one physical facility or site to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board, whichever is less, over a 2-year period.

The Chairman may approve applications for exemption that meet the criteria set forth in rules or refer them to the full Board. The Chairman may approve any unopposed application that meets all of the review criteria or refer them to the full Board.

Such rules shall not prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

(10.5) Provide its rationale when voting on an item before it at a State Board meeting in order to comply with subsection (b) of Section 3-108 of the Code of Civil Procedure.

(11) Issue written decisions upon request of the applicant or an adversely affected party to the Board. Requests for a written decision shall be made within 15 days after the Board meeting in which a final decision has been made. A "final decision" for purposes of this Act is the decision to approve or deny an application, or take other actions permitted under this Act, at the time and date of the meeting that such action is scheduled by the Board. The transcript of the State Board meeting shall be incorporated into the Board's final decision. The staff of the Board shall prepare a written copy of the final decision and the Board shall approve a final copy for inclusion in the formal record. The Board shall consider, for approval, the written draft of the final decision no later than the next scheduled Board meeting. The written decision shall identify the applicable criteria and factors listed in this Act and the Board's regulations that were taken into consideration by the Board when coming to a final decision. If the Board denies or fails to approve an application for permit or exemption, the Board shall include in the final decision a detailed explanation as to why the application was denied and identify what specific criteria or standards the applicant did not fulfill.

(12) (Blank).

(13) Provide a mechanism for the public to comment on, and request changes to, draft rules and standards.

(14) Implement public information campaigns to regularly inform the general public about the opportunity for public hearings and public hearing procedures.

(15) Establish a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from other regulated facilities. An open and transparent process shall be developed that considers the following: how skilled nursing fits in the continuum of care with other care providers, modernization of nursing homes, establishment of more private rooms, development of alternative services, and current trends in long-term care services. The Chairman of the Board shall appoint a permanent Health Services Review Board Long-term Care Facility Advisory Subcommittee that shall develop and recommend to the Board the rules to be established by the Board under this paragraph (15). The Subcommittee shall also provide continuous review and commentary on policies and procedures relative to long-term care and the review of related projects. The Subcommittee shall make recommendations to the Board no later than January 1, 2016 and every January thereafter pursuant to the Subcommittee's responsibility for the continuous review and commentary on policies and procedures relative to long-term care. In consultation with other experts from the health field of long-term care, the Board and the Subcommittee shall study new approaches to the current bed need formula and Health Service Area boundaries to encourage flexibility and innovation in design models reflective of the changing long-term care marketplace and consumer preferences and submit its recommendations to the Chairman of the Board no later than January 1, 2017. The Subcommittee shall evaluate, and make recommendations to the State Board regarding, the buying, selling, and exchange of beds between long-term care facilities within a specified geographic area or drive time. The Board shall file the proposed related administrative rules for the separate rules and guidelines for long-term care required by this paragraph (15) by no later than September 30, 2011. The Subcommittee shall be provided a reasonable and timely opportunity to review and comment on any review, revision, or updating of the criteria, standards, procedures, and rules used to evaluate project applications as provided under Section 12.3 of this Act.

The Chairman of the Board shall appoint voting members of the Subcommittee, who shall serve for a period of 3 years, with one-third of the terms expiring each January, to be determined by lot. Appointees shall include, but not be limited to, recommendations from each of the 3 statewide long-term care associations, with an equal number to be appointed from each. Compliance with this provision shall be through the appointment and reappointment process. All appointees serving as of April 1, 2015 shall serve to the end of their term as determined by lot or until the appointee voluntarily resigns, whichever is earlier.

One representative from the Department of Public Health, the Department of Healthcare and Family Services, the Department on Aging, and the Department of Human Services may each serve as an ex-officio non-voting member of the Subcommittee. The Chairman of the Board shall select a Subcommittee Chair, who shall serve for a period of 3 years.

(16) Prescribe the format of the State Board Staff Report. A State Board Staff Report shall pertain to applications that include, but are not limited to, applications for permit or exemption, applications for

permit renewal, applications for extension of the financial commitment period, applications requesting a declaratory ruling, or applications under the Health Care Worker Self-Referral Act. State Board Staff Reports shall compare applications to the relevant review criteria under the Board's rules.

(17) Establish a separate set of rules and guidelines for facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013. An application for the re-establishment of a facility in connection with the relocation of the facility shall not be granted unless the applicant has a contractual relationship with at least one hospital to provide emergency and inpatient mental health services required by facility consumers, and at least one community mental health agency to provide oversight and assistance to facility consumers while living in the facility, and appropriate services, including case management, to assist them to prepare for discharge and reside stably in the community thereafter. No new facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 shall be established after June 16, 2014 (the effective date of Public Act 98-651) except in connection with the relocation of an existing facility to a new location. An application for a new location shall not be approved unless there are adequate community services accessible to the consumers within a reasonable distance, or by use of public transportation, so as to facilitate the goal of achieving maximum individual self-care and independence. At no time shall the total number of authorized beds under this Act in facilities licensed under the Specialized Mental Health Rehabilitation Act of 2013 exceed the number of authorized beds on June 16, 2014 (the effective date of Public Act 98-651).

(18) Elect a Vice Chairman to preside over State Board meetings and otherwise act in place of the Chairman when the Chairman is unavailable.

(Source: P.A. 99-78, eff. 7-20-15; 99-114, eff. 7-23-15; 99-180, eff. 7-29-15; 99-277, eff. 8-5-15; 99-527, eff. 1-1-17; 99-642, eff. 7-28-16; 100-518, eff. 6-1-18; 100-681, eff. 8-3-18.)

(20 ILCS 3960/12.2)

(Section scheduled to be repealed on December 31, 2029)

Sec. 12.2. Powers of the State Board staff. For purposes of this Act, the staff shall exercise the following powers and duties:

(1) Review applications for permits and exemptions in accordance with the standards, criteria, and plans of need established by the State Board under this Act and certify its finding to the State Board.

(1.5) Post the following on the Board's web site: relevant (i) rules, (ii) standards, (iii) criteria, (iv) State norms, (v) references used by Board staff in making determinations about whether application criteria are met, and (vi) notices of project-related filings, including notice of public comments related to the application.

(2) Charge and collect an amount determined by the State Board and the staff to be reasonable fees for the processing of applications by the State Board. The State Board shall set the amounts by rule. Application fees for continuing care retirement communities, and other health care models that include regulated and unregulated components, shall apply only to those components subject to regulation under this Act. All fees and fines collected under the provisions of this Act shall be deposited into the Illinois Health Facilities Planning Fund to be used for the expenses of administering this Act.

(2.1) Publish the following reports on the State Board website:

(A) An annual accounting, aggregated by category and with names of parties redacted, of fees, fines, and other revenue collected as well as expenses incurred, in the administration of this Act.

(B) An annual report, with names of the parties redacted, that summarizes all settlement agreements entered into with the State Board that resolve an alleged instance of noncompliance with State Board requirements under this Act.

(C) (Blank).

(D) Board reports showing the degree to which an application conforms to the review standards, a summation of relevant public testimony, and any additional information that staff wants to communicate.

(3) Coordinate with other State agencies having responsibilities affecting health care facilities, including licensure and cost reporting agencies.

(4) Issue advisory opinions upon request. Staff advisory opinions do not constitute determinations by the State Board. Determinations by the State Board are made through the declaratory ruling process.

(Source: P.A. 99-527, eff. 1-1-17; 100-681, eff. 8-3-18.)

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

Under the rules, the foregoing **Senate Bill No. 1739**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Hollman, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2120

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2120

Passed the House, as amended, May 28, 2019.

JOHN W. HOLLMAN, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2120

AMENDMENT NO. 2. Amend Senate Bill 2120 as follows:

on page 9, immediately below line 25, by inserting the following:

"Section 15. The Illinois Procurement Code is amended by changing Sections 1-15.93 and 30-30 as follows:

(30 ILCS 500/1-15.93)

(Section scheduled to be repealed on January 1, 2020)

Sec. 1-15.93. Single prime. "Single prime" means the design-bid-build procurement delivery method for a building construction project in which the Capital Development Board is the construction agency procuring 2 or more subdivisions of work enumerated in paragraphs (1) through (5) of subsection (a) of Section 30-30 of this Code under a single contract. This Section is repealed on January 1, ~~2021~~ 2020.

(Source: P.A. 99-257, eff. 8-4-15.)

(30 ILCS 500/30-30)

Sec. 30-30. Design-bid-build construction.

(a) The provisions of this subsection are operative through December 31, ~~2020~~ 2019.

For building construction contracts in excess of \$250,000, separate specifications may be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

- (1) plumbing;
- (2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
- (3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
- (4) electric wiring; and
- (5) general contract work.

The specifications may be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof may award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract.

Beginning on the effective date of this amendatory Act of the ~~101st~~ 99th General Assembly and through December 31, ~~2020~~ 2019, for single prime projects: (i) the bid of the successful low bidder shall identify the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section; (ii) the contract entered into with the successful bidder shall provide that no identified subcontractor may be terminated without the written consent of the Capital Development Board; (iii) the contract shall comply with the disadvantaged business practices of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act; ~~(iv) the Capital Development Board shall submit a quarterly report to the~~

[May 28, 2019]

Procurement Policy Board with information on the general scope, project budget, and established Business Enterprise Program goals for any single prime procurement bid in the previous 3 months with a total construction cost valued at \$10,000,000 or less; and (iv) (v) the Capital Development Board shall submit an annual report to the General Assembly and Governor on the bidding, award, and performance of all single prime projects.

For building construction projects with a total construction cost valued at \$5,000,000 or less, the Capital Development Board shall not use the single prime procurement delivery method for more than 50% of the total number of projects bid for each fiscal year. Any project with a total construction cost valued greater than \$5,000,000 may be bid using single prime at the discretion of the Executive Director of the Capital Development Board.

~~Beginning on the effective date of this amendatory Act of the 99th General Assembly and through December 31, 2017, the Capital Development Board shall, on a weekly basis: review the projects that have been designed, and approved to bid; and, for every fifth determination to use the single prime procurement delivery method for a project under \$10,000,000, submit to the Procurement Policy Board a written notice of its intent to use the single prime method on the project. The notice shall include the reasons for using the single prime method and an explanation of why the use of that method is in the best interest of the State. The Capital Development Board shall post the notice on its online procurement webpage and on the online Procurement Bulletin at least 3 business days following submission. The Procurement Policy Board shall review and provide its decision on the use of the single prime method for every fifth use of the single prime procurement delivery method for a project under \$10,000,000 within 7 business days of receipt of the notice from the Capital Development Board. Approval by the Procurement Policy Board shall not be unreasonably withheld and shall be provided unless the Procurement Policy Board finds that the use of the single prime method is not in the best interest of the State. Any decision by the Procurement Policy Board to disapprove the use of the single prime method shall be made in writing to the Capital Development Board, posted on the online Procurement Bulletin, and shall state the reasons why the single prime method was disapproved and why it is not in the best interest of the State.~~

(b) The provisions of this subsection are operative on and after January 1, ~~2021~~ 2020. For building construction contracts in excess of \$250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

- (1) plumbing;
- (2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;
- (3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;
- (4) electric wiring; and
- (5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract.

(Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.); and

on page 10, lines 1 and 2, by replacing "January 1, 2020" with "December 15, 2019".

Under the rules, the foregoing **Senate Bill No. 2120**, with House Amendment No. 2, was referred to the Secretary's Desk.

POSTING NOTICES WAIVED

Senator Hutchinson moved to waive the six-day posting requirement on **Senate Joint Resolution No. 45** so that the measure may be heard in the Committee on State Government that is scheduled to meet May 29, 2019.

The motion prevailed.

[May 28, 2019]

Senator Mulroe moved to waive the six-day posting requirement on **House Bill No. 2909** so that the measure may be heard in the Committee on Executive that is scheduled to meet May 29, 2019.

The motion prevailed.

Senator Crowe moved to waive the six-day posting requirement on **Senate Resolution No. 429** so that the measure may be heard in the Committee on Environment and Conservation that is scheduled to meet May 29, 2019.

The motion prevailed.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 25
 Motion to Concur in House Amendment 1 to Senate Bill 90
 Motion to Concur in House Amendment 2 to Senate Bill 90
 Motion to Concur in House Amendment 1 to Senate Bill 147
 Motion to Concur in House Amendment 3 to Senate Bill 147
 Motion to Concur in House Amendment 1 to Senate Bill 158
 Motion to Concur in House Amendment 2 to Senate Bill 158
 Motion to Concur in House Amendment 2 to Senate Bill 584
 Motion to Concur in House Amendment 1 to Senate Bill 653
 Motion to Concur in House Amendment 1 to Senate Bill 654
 Motion to Concur in House Amendment 2 to Senate Bill 654
 Motion to Concur in House Amendment 3 to Senate Bill 654
 Motion to Concur in House Amendment 1 to Senate Bill 657
 Motion to Concur in House Amendment 2 to Senate Bill 657
 Motion to Concur in House Amendment 3 to Senate Bill 657
 Motion to Concur in House Amendment 1 to Senate Bill 727
 Motion to Concur in House Amendment 2 to Senate Bill 1525
 Motion to Concur in House Amendment 1 to Senate Bill 1591
 Motion to Concur in House Amendment 1 to Senate Bill 1595

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 28, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee and 3rd reading deadline to May 31, 2019, for the following bills:

HB 1637, HB 2909

[May 28, 2019]

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader William E. Brady

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 28, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the 3rd reading deadline to May 31, 2019, for the following bills:

SB 665, SB 667

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader William E. Brady

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

May 28, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator John Mulroe to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. These appointments will expire upon adjournment of the Senate Committee on Assignments on May 28, 2019.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

[May 28, 2019]

cc: Senate Republican Leader Bill Brady

COMMUNICATION

**ILLINOIS STATE SENATE
SENATOR DON HARMON
ASSISTANT MAJORITY LEADER**

DISCLOSURE TO THE SENATE

Date: 5/24/19

Legislative Measure(s): HB 3501

Venue:

- Committee on _____
- Full Senate

■ Due to a potential conflict of interest (or the potential appearance thereof), I abstained from voting (or voted “present”) on the above legislative measure(s).

□ Notwithstanding a potential conflict of interest (or the potential appearance thereof), I voted in favor of or against the above legislative measure(s) because I believe doing so is in the best interests of the State.

s/Don Harmon
Senator Don Harmon

At the hour of 6:32 o'clock p.m., the Chair announced that the Senate stands adjourned until Wednesday, May 29, 2019, at 12:30 o'clock p.m.

[May 28, 2019]