



Rep. Rita Mayfield

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LRB101 02903 SMS 58523 a

1 AMENDMENT TO HOUSE BILL 136

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 136 by replacing  
3 everything after the enacting clause with the following:

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

6 (5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and  
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 The Orthotics, Prosthetics, and Pedorthics Practice Act.

16 The Perfusionist Practice Act.

1 The Pharmacy Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

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

5 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;  
6 100-863, eff. 8-14-18.)

7 (5 ILCS 80/4.40 new)

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 Act repealed on January 1, 2030.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9 Act is repealed on January 1, 2030:

10 The Structural Engineering Practice Act of 1989.

11 Section 10. The Structural Engineering Practice Act of 1989  
12 is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11,  
13 12, 14, 14.5, 15, 16, 17, 19, 20, 20.5, 21, 22, 23, 24, 25, 26,  
14 27, 28, 29, 30, 31, 32, 35, and 36 and by adding Sections 4.10,  
15 5.5, 12.5, 15.5, 17.5, and 32.5 as follows:

16 (225 ILCS 340/1) (from Ch. 111, par. 6601)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 1. The practice of structural engineering ~~Structural~~  
19 ~~Engineering~~ in the State of Illinois is hereby declared to  
20 affect the public health, safety, and welfare and to be subject  
21 to regulation and control in the public interest. It is further  
22 declared to be a matter of public interest and concern that the  
23 practice of structural engineering, ~~Structural Engineering~~ as

1 defined in this Act, merit and receive the confidence of the  
2 public, that only qualified persons be authorized to practice  
3 structural engineering ~~Structural Engineering~~ in the State of  
4 Illinois. This Act shall be liberally construed to best carry  
5 out these subjects and purposes.

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

7 (225 ILCS 340/3) (from Ch. 111, par. 6603)

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

9 Sec. 3. Exemptions. The following persons are exempt from  
10 the operation of this Act:

11 (a) Draftsmen, students, clerks of work, superintendents,  
12 and other employees of licensed structural engineers ~~Licensed~~  
13 ~~Structural Engineers~~ when acting under the immediate personal  
14 supervision of their employers; and

15 (b) Superintendents of construction in the pay of the owner  
16 when acting under the immediate personal supervision of a  
17 licensed structural engineer ~~Licensed Structural Engineer~~.

18 Persons licensed to practice structural engineering in  
19 this State are exempt from the operation of any Act in force in  
20 this State relating to the regulation of the practice of  
21 architecture ~~Architecture~~.

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

23 (225 ILCS 340/4) (from Ch. 111, par. 6604)

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

1           Sec. 4. Definitions. In this Act:

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

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

11           (c) "Secretary" means the Secretary of ~~the Department of~~  
12 Financial and Professional Regulation.

13           (d) "Board" means the Structural Engineering Board  
14 appointed by the Secretary.

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

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

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

26           (h) "Email address of record" means the designated email

1 address recorded by the Department in the applicant's file or  
2 the licensee's license file, as maintained by the Department's  
3 licensure maintenance unit.

4 (Source: P.A. 96-610, eff. 8-24-09.)

5 (225 ILCS 340/4.10 new)

6 Sec. 4.10. Address of record; email address of record. All  
7 applicants and licensees shall:

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

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

16 (225 ILCS 340/5) (from Ch. 111, par. 6605)

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

18 Sec. 5. Practice of structural engineering. A person shall  
19 be regarded as practicing structural engineering within the  
20 meaning of this Act who is engaged in the design, analysis, or  
21 supervision of the construction, enlargement or alteration of  
22 structures, or any part thereof, for others, to be constructed  
23 by persons other than himself or herself. Structures within the  
24 meaning of this Act are all structures having as essential

1 features foundations, columns, girders, trusses, arches or  
2 beams, with or without other parts, and in which safe design  
3 and construction require that loads and stresses must be  
4 computed and the size and strength of parts determined by  
5 mathematical calculations based upon scientific principles and  
6 engineering data. A person shall also be regarded as practicing  
7 structural engineering within the meaning of this Act who is  
8 engaged as a principal in the design, analysis, or supervision  
9 of the construction of structures or of the structural part of  
10 edifices designed solely for the generation of electricity; or  
11 for the hoisting, cleaning, sizing or storing of coal, cement,  
12 sand, grain, gravel or similar materials; elevators;  
13 manufacturing plants; docks; bridges; blast furnaces; rolling  
14 mills; gas producers and reservoirs; smelters; dams;  
15 reservoirs; waterworks; sanitary works as applied to the  
16 purification of water; plants for waste and sewage disposal;  
17 round houses for locomotives; railroad shops; pumping or power  
18 stations for drainage districts; or power houses, even though  
19 such structures may come within the definition of "buildings"  
20 as defined in any Act in force in this State relating to the  
21 regulation of the practice of architecture.

22 (Source: P.A. 96-610, eff. 8-24-09.)

23 (225 ILCS 340/5.5 new)

24 Sec. 5.5. Technical submissions.

25 (a) As used in this Section, "technical submissions"

1 include the designs, drawings, and specifications that  
2 establish the scope of the structural engineering project to be  
3 constructed, the standard of quality for materials,  
4 workmanship, equipment, and construction systems, and the  
5 studies and other technical reports and calculations prepared  
6 in the course of the practice of structural engineering.

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

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

23 (d) It is unlawful to affix one's seal to technical  
24 submissions if it masks the true identity of the person who  
25 actually exercised responsible control of the preparation of  
26 such work. A structural engineer who seals and signs technical

1 submissions is not responsible for damage caused by subsequent  
2 changes to or uses of those technical submissions where the  
3 subsequent changes or uses, including changes or uses made by  
4 State or local governmental agencies, are not authorized or  
5 approved in writing by the structural engineer who originally  
6 sealed and signed the technical submissions.

7 (225 ILCS 340/6) (from Ch. 111, par. 6606)

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

9 Sec. 6. Powers and duties of the Department. The Department  
10 shall, subject to the provisions of this Act, exercise the  
11 following functions, powers, and duties ~~The Department of~~  
12 ~~Financial and Professional Regulation shall exercise the~~  
13 ~~following functions, powers and duties subject to the~~  
14 ~~provisions of this Act:~~

15 (1) Authorize ~~To conduct~~ examinations to ascertain the  
16 ~~qualifications and fitness~~ and qualifications of  
17 applicants for licensure ~~as licensed structural engineers,~~  
18 and pass upon the qualifications and fitness of applicants  
19 for licensure by endorsement.

20 (2) Adopt rules required for the administration of this  
21 Act ~~To prescribe rules for a method of examination of~~  
22 ~~candidates.~~

23 (3) Adopt ~~To prescribe~~ rules to establish what  
24 constitutes an approved ~~a~~ structural engineering or  
25 related science curriculum, ~~to determine if a specific~~



1 ~~curriculum qualifies as a structural engineering or~~  
2 ~~related science curriculum,~~ and to terminate the  
3 Department's approval of any curriculum as a structural  
4 engineering or related science curriculum for  
5 non-compliance with such rules.

6 (3.5) Adopt rules for approved experience ~~To register~~  
7 ~~corporations, partnerships, professional service~~  
8 ~~corporations, limited liability companies, and sole~~  
9 ~~proprietorships for the practice of structural engineering~~  
10 ~~and issue a license to those who qualify.~~

11 (4) Conduct hearings on proceedings to refuse to issue  
12 or renew licenses or to revoke, suspend, place on  
13 probation, or reprimand persons or entities licensed under  
14 this Act ~~To investigate complaints, to conduct oral~~  
15 ~~interviews, disciplinary conferences, and formal~~  
16 ~~evidentiary hearings on proceedings to refuse to issue,~~  
17 ~~renew or restore, or to suspend or revoke a license, or to~~  
18 ~~place on probation or reprimand a licensee for reasons set~~  
19 ~~forth in Section 20 of this Act.~~

20 (5) Issue licenses to those who meet the requirements  
21 of this Act ~~To formulate rules necessary to carry out the~~  
22 ~~provisions of this Act.~~

23 (6) Maintain ~~To maintain~~ membership in a national  
24 organization that provides an acceptable structural  
25 engineering examination and participate in activities of  
26 the organization by designation of individuals for the

1 various classifications of membership and the appointment  
2 of delegates for attendance at regional and national  
3 meetings of the organization. All costs associated with  
4 membership and attendance of such delegates to any national  
5 meetings may be funded from the Design Professionals  
6 Administration and Investigation Fund.

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

10 (8) Conduct investigations related to possible  
11 violations of this Act.

12 ~~Prior to issuance of any final decision or order that~~  
13 ~~deviates from any report or recommendation of the Board~~  
14 ~~relating to the qualification of applicants, discipline of~~  
15 ~~licensees or registrants, or promulgation of rules, the~~  
16 ~~Secretary shall notify the Board and the Secretary of State in~~  
17 ~~writing with an explanation of any such deviation and provide a~~  
18 ~~reasonable time for the Board to submit comments to the~~  
19 ~~Secretary regarding the action. In the event that the Board~~  
20 ~~fails or declines to submit such comments within 30 days of~~  
21 ~~said notification, the Secretary may issue a final decision or~~  
22 ~~order consistent with the Secretary's original decision.~~

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

26 (Source: P.A. 96-610, eff. 8-24-09.)

1 (225 ILCS 340/7) (from Ch. 111, par. 6607)

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

3 Sec. 7. Board.

4 (a) The Secretary shall appoint a Structural Engineering  
5 Board. The Board ~~, which~~ shall consist of 7 members who shall  
6 serve in an advisory capacity to the Secretary. All shall be  
7 residents of Illinois. Six members shall (i) currently hold a  
8 valid license as a ~~be Illinois licensed~~ structural engineer in  
9 Illinois and shall have held the license under this Act for the  
10 previous 10-year period and (ii) have not been disciplined  
11 within the last 10-year period under this Act ~~engineers, who~~  
12 ~~have been engaged in the practice of structural engineering for~~  
13 ~~a minimum of 10 years, and one shall be a public member. In~~  
14 addition to the 6 structural engineers, there shall be one  
15 public member. The public member shall be a voting member and  
16 shall not hold a license under this Act or any other design  
17 profession licensing Act that the Department administers ~~as an~~  
18 ~~architect, professional engineer, structural engineer or land~~  
19 ~~surveyor.~~

20 (b) Board members ~~Members~~ shall serve 5 year terms and  
21 until their successors are appointed and qualified.

22 (c) In appointing members of the Board ~~making the~~  
23 ~~designation of persons to act,~~ the Secretary shall give due  
24 consideration to recommendations by members of the profession  
25 and by organizations of the structural engineering profession.

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

3       (e) No member shall be reappointed to the Board for a term  
4 which would cause his or her continuous service on the Board to  
5 be longer than 2 consecutive 5-year terms ~~15 years in a~~  
6 ~~lifetime.~~

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

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

17       (g) Four members of the Board shall constitute a quorum. A  
18 quorum is required for Board decisions.

19       (h) The Secretary may terminate the appointment of any  
20 member for cause which in the opinion of the Secretary  
21 reasonably justifies such termination, which may include, but  
22 is not limited to, a Board member who does not attend 2  
23 consecutive meetings.

24       (i) Notice of proposed rulemaking shall be transmitted to  
25 the Board and the Department shall review the response of the  
26 Board and any recommendations made therein. ~~The Department may,~~

1 ~~at any time, seek the expert advice and knowledge of the Board~~  
2 ~~on any matter relating to the administration or enforcement of~~  
3 ~~this Act.~~

4 (j) Members of the Board shall have no liability in any  
5 action based upon disciplinary proceedings or other activity  
6 performed in good faith as members of the Board ~~be immune from~~  
7 ~~suit in any action based upon any disciplinary proceedings or~~  
8 ~~other activities performed in good faith as members of the~~  
9 ~~Board.~~

10 (k) Members of the Board may be reimbursed for all  
11 legitimate, necessary, and authorized expenses. ~~Each member of~~  
12 ~~the Board may receive compensation as determined by the~~  
13 ~~Secretary.~~

14 (Source: P.A. 96-610, eff. 8-24-09.)

15 (225 ILCS 340/8) (from Ch. 111, par. 6608)

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

17 Sec. 8. Powers and duties of the Board. Subject to the  
18 provisions of this Act, the Board shall exercise the following  
19 functions, powers, and duties: ~~The Board has the following~~  
20 ~~powers and duties:~~

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

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

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

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

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

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

13 (g) The Board shall review applicant qualifications to  
14 sit for the examination or for licensure and shall make  
15 recommendations to the Department except for those  
16 applicant qualifications that the Board designates as  
17 routinely acceptable, ~~and the Department shall review the~~  
18 ~~Board's recommendations on applicant qualifications; and~~  
19 The Department may at any time seek the expert advice and  
20 knowledge of the Board on any matter relating to the  
21 enforcement of this Act.

22 ~~(h) The Board may submit comments to the Secretary~~  
23 ~~within a reasonable time from notification of any final~~  
24 ~~decision or order from the Secretary that deviates from any~~  
25 ~~report or recommendation of the Board relating to the~~  
26 ~~qualification of applicants, discipline of licensees or~~

1 ~~registrants, unlicensed practice, or promulgation of~~  
2 ~~rules.~~

3 (Source: P.A. 96-610, eff. 8-24-09.)

4 (225 ILCS 340/9) (from Ch. 111, par. 6609)

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

6 Sec. 9. Application for licensure.

7 (a) Applications for original licenses shall be made to the  
8 Department in writing on forms or electronically as prescribed  
9 by the Department and shall be accompanied by the required fee,  
10 which shall ~~is~~ not be refundable. All applications shall  
11 contain information that, in the judgment of the Department,  
12 will enable the Department to pass on the qualifications of the  
13 applicant for a license as a structural engineer or enrollment  
14 as a structural engineer intern. ~~The application shall require~~  
15 ~~such information as in the judgment of the Department will~~  
16 ~~enable the Department to pass on the qualifications of the~~  
17 ~~applicant for a license.~~ The Department may require an  
18 applicant, at the applicant's expense, to have an evaluation of  
19 the applicant's education in a foreign country ~~county~~ by a  
20 nationally recognized evaluation service approved by the  
21 Department in accordance with rules prescribed by the  
22 Department.

23 (b) Applicants have 3 years from the date of application to  
24 complete the application process. If the process has not been  
25 completed in 3 years, the application shall be denied, the fee

1 shall be forfeited, and the applicant must reapply and meet the  
2 requirements in effect at the time of reapplication.

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

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

12 (225 ILCS 340/10) (from Ch. 111, par. 6610)

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

14 Sec. 10. Examinations.

15 (a) The Department shall authorize examinations of  
16 applicants for a license or enrollment under this Act ~~as~~  
17 ~~structural engineers~~ at such times and places as it may  
18 determine by rule. The examination ~~of applicants~~ shall be of a  
19 character to give a fair test of the qualifications of the  
20 applicant to practice as a structural engineer or structural  
21 engineer intern ~~structural engineering~~.

22 (b) Applicants for examination ~~as structural engineers~~ are  
23 required to pay, either to the Department or the designated  
24 testing service, a fee covering the cost of providing the  
25 examination. Failure to appear for the examination on the



1 scheduled date, at the time and place specified, after the  
2 applicant's application for examination has been received and  
3 acknowledged by the Department or the designated testing  
4 service, shall result in the forfeiture of the examination fee.

5 (c) If an applicant fails to pass an examination for a  
6 license or enrollment licensure under this Act within 3 years  
7 after filing the application, the application shall be denied.  
8 However, such applicant may thereafter make a new application  
9 for examination accompanied by the required fee<sup>7</sup> and must  
10 furnish proof of meeting the qualifications for examination in  
11 effect at the time of new application.

12 (Source: P.A. 96-610, eff. 8-24-09.)

13 (225 ILCS 340/11) (from Ch. 111, par. 6611)

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

15 Sec. 11. A person is qualified for enrollment as a  
16 structural engineer intern or licensure as a structural  
17 engineer if that person has applied in writing in form and  
18 substance satisfactory to the Department and:

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

24 (a-5) The applicant, if a structural engineer intern  
25 applicant, has met the minimum standards for enrollment as

1 a structural engineer intern, which are as follows:

2 (1) is a graduate of an approved structural  
3 engineering curriculum of at least 4 years meeting the  
4 requirements as set forth by rule and passes a nominal  
5 examination as defined by rule in the fundamentals of  
6 engineering; or

7 (2) is a graduate of a non-approved or related  
8 science curriculum of at least 4 years meeting the  
9 requirements as set forth by rule and passes a nominal  
10 examination as defined by rule in the fundamentals of  
11 engineering.

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

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

23 (2) is a graduate of a non-approved or ~~an approved~~  
24 related science curriculum of at least 4 years meeting  
25 the requirements as set forth by rule who submits  
26 evidence acceptable to the Department of an additional

1           8 years or more of progressive experience in structural  
2           engineering work of a grade and character which  
3           indicates that the individual may be competent to  
4           practice structural engineering as set forth by rule.

5           (c) The applicant, if a structural engineer applicant,  
6           has passed an examination authorized by the Department as  
7           determined by rule to determine his or her fitness to  
8           receive a license as a structural engineer.

9           (Source: P.A. 98-713, eff. 7-16-14.)

10           (225 ILCS 340/12) (from Ch. 111, par. 6612)

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

12           Sec. 12. Seal. ~~Every holder of a license as a structural~~  
13 ~~engineer shall display it in a conspicuous place in the~~  
14 ~~holder's principal office, place of business or employment.~~  
15           Every licensed structural engineer shall have a reproducible  
16 seal, which may be computer generated, the impression ~~or~~  
17 ~~facsimile, the print~~ of which shall contain the name and  
18           license number of the structural engineer, and the words  
19           "Licensed Structural Engineer," "State of Illinois." The  
20           licensed structural engineer shall seal all plans, technical  
21 submissions, drawings, and specifications prepared by or under  
22           the engineer's supervision.

23           A licensed structural engineer may seal documents not  
24           produced by the licensed structural engineer when the documents  
25           have either been produced by others working under the licensed

1 structural engineer's personal supervision and control or when  
2 the licensed structural engineer has sufficiently reviewed the  
3 documents to ensure that they have met the standards of  
4 reasonable professional skill and diligence. In reviewing the  
5 work of others, the licensed structural engineer shall, where  
6 necessary, do calculations, redesign, or any other work  
7 necessary to be done to meet such standards and should retain  
8 evidence of having done such review. The documents sealed by  
9 the licensed structural engineer shall be of no lesser quality  
10 than if they had been produced by the licensed structural  
11 engineer. The licensed structural engineer who seals the work  
12 of others is obligated to provide sufficient supervision and  
13 review of such work so that the public is protected.

14 The licensed structural engineer shall affix the  
15 signature, current date, date of license expiration and seal to  
16 the first sheet of any bound set or loose sheets prepared by  
17 the licensed structural engineer or under that licensed  
18 structural engineer's immediate supervision.

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

20 (225 ILCS 340/12.5 new)

21 Sec. 12.5. Display of license. Every holder of a license  
22 under this Act shall display the license in a conspicuous place  
23 in his or her principal office, place of business, or place of  
24 employment.

1 (225 ILCS 340/14) (from Ch. 111, par. 6614)

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

3 Sec. 14. Renewal, reinstatement, or restoration of  
4 license; persons in military service.

5 (a) The expiration date and renewal period for each license  
6 issued under this Act shall be set by rule. The holder of a  
7 license may renew the license during the month preceding its  
8 expiration date by paying the required fee.

9 (b) A licensed structural engineer who has permitted his or  
10 her license to expire or has had his or her license ~~who~~ placed  
11 ~~his license~~ on inactive status may have his or her license  
12 restored by making application to the Department and filing  
13 proof acceptable to the Department of fitness to have his or  
14 her ~~the~~ license restored, including, but not limited to, sworn  
15 evidence certifying to active practice in another jurisdiction  
16 satisfactory to the Department ~~and by submitting evidence of~~  
17 ~~knowledge in seismic design~~ and by paying the required  
18 ~~restoration~~ fee as determined by rule.

19 (c) A structural engineer whose license has expired while  
20 engaged (1) in federal service on active duty with the Armed  
21 Forces of the United States or the State Militia called into  
22 service or training, or (2) in training or education under the  
23 supervision of the United States before induction into the  
24 military service, may have the license restored or reinstated  
25 without paying any lapsed reinstatement, renewal, or  
26 restoration fees if within 2 years after termination other than

1 by dishonorable discharge of such service, training, or  
2 education the Department is furnished with satisfactory  
3 evidence that the licensee has been so engaged in the practice  
4 of structural engineering and that such service, training, or  
5 education has been so terminated.

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

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

19 ~~However, any licensed structural engineer whose license~~  
20 ~~has expired while such engineer was engaged (1) in federal~~  
21 ~~service on active duty with the Army of the United States, the~~  
22 ~~United States Navy, the Marine Corps, the Air Force, the Coast~~  
23 ~~Guard, or the State Militia called into the service or training~~  
24 ~~of the United States of America, or (2) in training or~~  
25 ~~education under the supervision of the United States~~  
26 ~~preliminary to induction into the military service, may have~~

1 ~~his license restored or reinstated without paying any lapsed~~  
2 ~~renewal fees, reinstatement fee or restoration fee or passing~~  
3 ~~any examination, if within 2 years after termination of such~~  
4 ~~service, training or education other than by dishonorable~~  
5 ~~discharge such person furnishes the Department with an~~  
6 ~~affidavit to the effect that he has been so engaged and that~~  
7 ~~the service, training or education has been so terminated.~~

8 (Source: P.A. 96-610, eff. 8-24-09.)

9 (225 ILCS 340/14.5)

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

11 Sec. 14.5. Continuing education. The Department may adopt  
12 ~~promulgate~~ rules of continuing education for persons licensed  
13 under this Act. The Department shall consider the  
14 recommendations of the Board in establishing the guidelines for  
15 the continuing education requirements. The requirements of  
16 this Section apply to any person seeking renewal or restoration  
17 under Section 14 or 15 of this Act.

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

19 (225 ILCS 340/15) (from Ch. 111, par. 6615)

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

21 Sec. 15. Inactive status. A person licensed under this Act  
22 ~~Any structural engineer~~ who notifies the Department, in writing  
23 on forms prescribed by the Department, may elect to place his  
24 or her license on an inactive status and shall, subject to

1 rules of the Department, be excused from payment of renewal  
2 fees until he or she notifies the Department in writing of the  
3 desire to resume active status.

4 ~~Any structural engineer requesting restoration from~~  
5 ~~inactive status shall be required to pay the current renewal~~  
6 ~~fee. If the structural engineer otherwise qualifies, upon~~  
7 ~~payment, the Department shall restore his or her license, as~~  
8 ~~provided in Section 14 of this Act.~~

9 Any structural engineer whose license is on inactive status  
10 shall not practice structural engineering in the State of  
11 Illinois.

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

13 (225 ILCS 340/15.5 new)

14 Sec. 15.5. Structural Engineer, Retired.

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

24 (b) The use of the title "Structural Engineer, Retired"  
25 shall not constitute representation of current licensure. Any



1 person without an active license shall not be permitted to  
2 practice structural engineering as defined in this Act.

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

7 (225 ILCS 340/16) (from Ch. 111, par. 6616)

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

9 Sec. 16. Endorsement.

10 (a) The Department may, ~~in its discretion, license as a~~  
11 ~~structural engineer~~ upon application in writing on forms or  
12 electronically accompanied by ~~payment of~~ the required fee,  
13 issue a license as a structural engineer to an applicant who is  
14 a structural engineer licensed under the laws of another state,  
15 the District of Columbia, or territory,~~7~~ if the requirements for  
16 licensure in that jurisdiction ~~the state or territory~~ were, at  
17 the date of original licensure, substantially equivalent to the  
18 requirements in force in this State ~~on that date.~~

19 (b) An applicant applying for licensure as a structural  
20 engineer who has been licensed as a structural engineer in  
21 another United States jurisdiction for 10 consecutive years  
22 without discipline is not required to submit proof of  
23 qualifications other than a certified verification of  
24 licensure from the jurisdiction in which the applicant  
25 practiced that includes the applicant's disciplinary history.

1 The applicant must comply with all other licensing requirements  
2 and pay all required fees.

3 (c) All applications for endorsement shall provide proof of  
4 passage of the examinations as approved by the Department by  
5 rule.

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

12 (e) Applicants have 3 years from the date of application to  
13 complete the application process. If the process has not been  
14 completed in 3 years, the application shall be denied, the fee  
15 forfeited and the applicant must reapply and meet the  
16 requirements in effect at the time of reapplication.

17 (Source: P.A. 96-610, eff. 8-24-09.)

18 (225 ILCS 340/17) (from Ch. 111, par. 6617)

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

20 Sec. 17. Fees.

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

24 (b) The fees for the administration and enforcement of this  
25 ~~the~~ Act, including, but not limited to, original licensure,

1 renewal, and restoration, shall be set by rule by the  
2 Department.

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

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

11 (225 ILCS 340/17.5 new)

12 Sec. 17.5. Returned checks; fines. Any person who delivers  
13 a check or other payment to the Department that is returned to  
14 the Department unpaid by the financial institution upon which  
15 it is drawn shall pay to the Department, in addition to the  
16 amount already owed to the Department, a fine of \$50. The fines  
17 imposed by this Section are in addition to any other discipline  
18 provided under this Act for unlicensed practice or practice on  
19 a nonrenewed license. The Department shall notify the person  
20 that payment of fees and fines shall be paid to the Department  
21 by certified check or money order within 30 calendar days of  
22 the notification. If, after the expiration of 30 days from the  
23 date of the notification, the person has failed to submit the  
24 necessary remittance, the Department shall automatically  
25 terminate the license or deny the application, without hearing.

1 If, after termination or denial, the person seeks a license, he  
2 or she shall apply to the Department for restoration or  
3 issuance of the license and pay all fees and fines due to the  
4 Department. The Department may establish a fee for the  
5 processing of an application for restoration of a license to  
6 pay all expenses of processing this application. The Secretary  
7 may waive the fines due under this Section in individual cases  
8 where the Secretary finds that the fines would be unreasonable  
9 or unnecessarily burdensome.

10 (225 ILCS 340/19) (from Ch. 111, par. 6619)

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

12 Sec. 19. Professional design firm registration;  
13 conditions.

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

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

22 Any sole proprietorship not owned and operated by an  
23 Illinois licensed design professional licensed under this Act  
24 shall be prohibited from offering structural engineering  
25 services to the public. "Illinois licensed design

1 professional" means a person who holds an active license as a  
2 structural engineer under this Act, as an architect under the  
3 Illinois Architecture Practice Act of 1989, or as a  
4 professional engineer under the Professional Engineering  
5 Practice Act of 1989. Any sole proprietorship owned and  
6 operated by a structural engineer with an active license issued  
7 under this Act and conducting or transacting such business  
8 under an assumed name in accordance with the provisions of the  
9 Assumed Business Name Act shall comply with the registration  
10 requirements of a professional design firm. Any sole  
11 proprietorship owned and operated by a structural engineer with  
12 an active license issued under this Act and conducting or  
13 transacting such business under the real name of the sole  
14 proprietor is exempt from the registration requirements of a  
15 professional design firm.

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

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

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

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

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

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

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

26           (3) a list of all locations at which the professional

1 design firm provides structural engineering services to  
2 the public; and

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

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

11 (e) In the event a managing agent is terminated or  
12 terminates his or her status as managing agent of the  
13 professional design firm, such managing agent and the  
14 professional design firm shall notify the Department of this  
15 fact in writing, by regular ~~certified~~ mail or email, within 10  
16 business days of such termination.

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

1 period.

2 If the professional design firm fails to notify the  
3 Department in writing, by regular mail or by email, within the  
4 specified time, the registration shall be terminated without  
5 prior hearing. Notification of termination shall be sent to the  
6 address of record by regular mail or by email. If the  
7 professional design firm continues to operate and offer  
8 structural engineering services after the termination, the  
9 Department may seek prosecution under Sections 20, ~~34~~, and 20.5  
10 ~~34a~~ of this Act for the unlicensed practice of structural  
11 engineering.

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

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



1 separate actions.

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

9 (Source: P.A. 96-610, eff. 8-24-09.)

10 (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

12 Sec. 20. Grounds for disciplinary action ~~Refusal;~~  
13 ~~revocation; suspension.~~

14 (a) The Department may refuse to issue or renew a license,  
15 or may revoke, ~~a license, or may suspend~~, place on probation,  
16 reprimand ~~fine~~, or take other ~~any~~ disciplinary or  
17 non-disciplinary action as the Department may deem proper,  
18 including finest ~~a fine~~ not to exceed \$10,000 per ~~for each~~  
19 violation, with regard to any license issued under the  
20 provisions of this Act, ~~licensee~~ for any one or a combination  
21 of the following reasons:

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

24 (2) Negligence, incompetence or misconduct in the  
25 practice of structural engineering. ~~†~~

1           (3) Failure to comply with any provisions of this Act  
2 or any of its rules. Making any misrepresentation for the  
3 purpose of obtaining licensure;

4           (4) Fraud or any misrepresentation in applying for or  
5 procuring a license under this Act or in connection with  
6 applying for renewal or restoration of a license under this  
7 Act. The affixing of a licensed structural engineer's seal  
8 to any plans, specifications or drawings which have not  
9 been prepared by or under the immediate personal  
10 supervision of that licensed structural engineer or  
11 reviewed as provided in this Act;

12           (5) Purposefully making false statements or signing  
13 false statements, certificates, or affidavits to induce  
14 payment. Conviction of, or entry of a plea of guilty or  
15 nolo contendere to, any crime that is a felony under the  
16 laws of the United States or of any state or territory  
17 thereof, or that is a misdemeanor an essential element of  
18 which is dishonesty, or any crime that is directly related  
19 to the practice of the profession;

20           (6) Conviction of or entry of a plea of guilty or nolo  
21 contendere, finding of guilt, jury verdict, or entry of  
22 judgment or sentencing, including, but not limited to,  
23 convictions, preceding sentences of supervision,  
24 conditional discharge, or first offender probation under  
25 the laws of any jurisdiction of the United States that is  
26 (i) a felony or (ii) a misdemeanor, an essential element of

1       which is dishonesty, that is directly related to the  
2       practice of structural engineering. Making a statement of  
3       ~~compliance pursuant to the Environmental Barriers Act, as~~  
4       ~~now or hereafter amended, that a plan for construction or~~  
5       ~~alteration of a public facility or for construction of a~~  
6       ~~multi story housing unit is in compliance with the~~  
7       ~~Environmental Barriers Act when such plan is not in~~  
8       ~~compliance;~~

9           (7) Aiding or assisting another in violating any  
10       provision of this Act or its rules. Failure to comply with  
11       ~~any of the provisions of this Act or its rules;~~

12           (8) Failing to provide information in response to a  
13       written request made by the Department within 60 days after  
14       receipt of such written request. Aiding or assisting  
15       ~~another person in violating any provision of this Act or~~  
16       ~~its rules;~~

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

20           (10) Habitual or excessive use or abuse of drugs  
21       defined in law as controlled substances, of alcohol,  
22       narcotics, stimulants, or any other substances that  
23       results in the inability to practice with reasonable  
24       judgment, skill, or safety. Habitual or excessive use or  
25       ~~addiction to alcohol, narcotics, stimulants, or any other~~  
26       ~~chemical agent or drug that results in the inability to~~

1 ~~practice with reasonable judgment, skill, or safety;~~

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

8 (12) A finding by the Department that the licensee,  
9 after having his or her license placed on probationary  
10 status, has violated the terms of probation or failed to  
11 comply with such terms. ~~Discipline by another state,~~  
12 ~~territory, foreign country, the District of Columbia, the~~  
13 ~~United States government, or any other governmental~~  
14 ~~agency, if at least one of the grounds for discipline is~~  
15 ~~the same or substantially equivalent to those set forth in~~  
16 ~~this Section;~~

17 (13) Inability to practice the profession with  
18 reasonable judgment, skill, or safety as a result of  
19 physical illness, including, but not limited to,  
20 deterioration through the aging process, loss of motor  
21 skill, mental illness, or disability. ~~Failure to provide~~  
22 ~~information in response to a written request made by the~~  
23 ~~Department within 30 days after the receipt of such written~~  
24 ~~request; or~~

25 (14) Discipline by another state, territory, foreign  
26 country, the District of Columbia, the United States

1 government, or any other government agency if at least one  
2 of the grounds for discipline is the same or substantially  
3 equivalent to those set forth in this Act ~~Physical illness,~~  
4 ~~including but not limited to, deterioration through the~~  
5 ~~aging process or loss of motor skill, mental illness, or~~  
6 ~~disability which results in the inability to practice the~~  
7 ~~profession of structural engineering with reasonable~~  
8 ~~judgment, skill, or safety.~~

9 (15) The making of any willfully false oath or  
10 affirmation in any matter or proceeding where an oath or  
11 affirmation is required by this Act.

12 (16) Using or attempting to use an expired, inactive,  
13 suspended, or revoked license or the certificate or seal of  
14 another, or impersonating another licensee.

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

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

23 (19) Making a statement pursuant to the Environmental  
24 Barriers Act that a plan for construction or alteration of  
25 a public facility or for construction of a multi-story  
26 housing unit is in compliance with the Environmental

1           Barriers Act when such plan is not in compliance.

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

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

24           If the Secretary otherwise suspends a license pursuant to  
25 the results of the licensee's mental or physical examination, a  
26 hearing must be convened by the Department within 15 days after

1 the suspension and completed without appreciable delay. The  
2 Department and Board shall have the authority to review the  
3 licensee's record of treatment and counseling regarding the  
4 relevant impairment or impairments to the extent permitted by  
5 applicable federal statutes and regulations safeguarding the  
6 confidentiality of medical records.

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

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

21 (c) (Blank).

22 (d) In cases where the Department of Healthcare and Family  
23 Services (formerly the Department of Public Aid) has previously  
24 determined that a licensee or a potential licensee is more than  
25 30 days delinquent in the payment of child support and has  
26 subsequently certified the delinquency to the Department, the

1 Department shall refuse to issue or renew or shall revoke or  
2 suspend that person's license or shall take other disciplinary  
3 action against that person based solely upon the certification  
4 of delinquency made by the Department of Healthcare and Family  
5 Services in accordance with subdivision (a)(5) of Section  
6 2105-15 of the Department of Professional Regulation Law of the  
7 Civil Administrative Code of Illinois.

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

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

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



1 (225 ILCS 340/20.5)

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

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

4 (a) Any person who practices, offers to practice, attempts  
5 to practice, or holds himself or herself out to practice as a  
6 structural engineer or structural engineer intern without  
7 being licensed, enrolled, or exempt under this Act shall, in  
8 addition to any other penalty provided by law, pay a civil  
9 penalty to the Department in an amount not to exceed \$10,000  
10 for each offense, as determined by the Department. The civil  
11 penalty shall be assessed by the Department after a hearing is  
12 held in accordance with the provisions in this Act regarding  
13 the provision of a hearing for the discipline of a licensee.

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

24 (b) A firm or business that offers design services under  
25 this Act without being registered as a professional design firm  
26 or exempt under this Act shall, in addition to any other

1 penalty provided by law, pay a civil penalty to the Department  
2 in an amount not to exceed \$10,000 for each offense, as  
3 determined by the Department. The civil penalty shall be  
4 assessed by the Department after a hearing is held in  
5 accordance with the provisions in this Act regarding the  
6 provision of a hearing for the discipline of a licensee. The  
7 ~~Department has the authority and power to investigate any and~~  
8 ~~all unlicensed activity.~~

9 (c) The Department may investigate any actual, alleged, or  
10 suspected unlicensed activity. The civil penalty shall be paid  
11 ~~within 60 days after the effective date of the order imposing~~  
12 ~~the civil penalty. The order shall constitute a judgment and~~  
13 ~~may be filed and execution had thereon in the same manner as~~  
14 ~~any judgment from any court of record.~~

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

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

24 (Source: P.A. 96-610, eff. 8-24-09.)

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

2 Sec. 21. Injunction; cease and desist order.

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

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

23 (c) Whenever in the opinion of the Department any person or  
24 entity violates any provision of this Act, the Department may  
25 issue a rule to show cause why an order to cease and desist  
26 should not be entered against that person or entity. The rule

1 shall clearly set forth the grounds relied upon by the  
2 Department and shall provide a period of 7 days from the date  
3 of the rule to file an answer to the satisfaction of the  
4 Department. Failure to answer to the satisfaction of the  
5 Department shall cause an order to cease and desist to be  
6 issued immediately.

7 (Source: P.A. 96-610, eff. 8-24-09.)

8 (225 ILCS 340/22) (from Ch. 111, par. 6622)

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

10 Sec. 22. Investigations ~~Investigation~~; notice and hearing.

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

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

20 (c) The Department shall, before disciplining an applicant  
21 or licensee, at least 30 days prior to the date set for the  
22 hearing, (i) notify in writing the applicant or licensee of the  
23 charges made and the time and place for the hearing on the  
24 charges, (ii) direct the applicant or licensee to file a  
25 written answer to the charges under oath within 20 days after

1 the service of the notice, and (iii) inform the applicant or  
2 licensee that failure to file a written answer to the charges  
3 will result in a default being entered against the applicant or  
4 licensee.

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

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

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

25 ~~The Department may investigate the actions of any applicant or~~  
26 ~~any person or entity holding or claiming to hold a license or~~

1 ~~registration or any person or entity practicing, or offering to~~  
2 ~~practice structural engineering. Before the initiation of an~~  
3 ~~investigation the matter shall be reviewed by a subcommittee of~~  
4 ~~the Board according to procedures established by rule for the~~  
5 ~~Complaint Committee. The Department shall, before refusing to~~  
6 ~~issue, restore or renew a license or registration, or~~  
7 ~~discipline a licensee or registrant, at least 30 days prior to~~  
8 ~~the date set for the hearing, notify in writing the applicant~~  
9 ~~for, or holder of, a license or registration of the nature of~~  
10 ~~the charges and that a hearing will be held on the date~~  
11 ~~designated. The Department shall direct the applicant or~~  
12 ~~licensee or registrant or entity to file a written answer to~~  
13 ~~the Board under oath within 20 days after the service of the~~  
14 ~~notice and inform the applicant or licensee or registrant or~~  
15 ~~entity that failure to file an answer will result in default~~  
16 ~~being taken against the applicant or entity or licensee or~~  
17 ~~registrant and that the license or certificate may be~~  
18 ~~suspended, revoked, placed on probationary status, or other~~  
19 ~~disciplinary action may be taken, including limiting the scope,~~  
20 ~~nature or extent of practice, as the Secretary may deem proper.~~  
21 ~~Written notice may be served by personal delivery or certified~~  
22 ~~or registered mail to the respondent at the address of record.~~  
23 ~~In case the person or entity fails to file an answer after~~  
24 ~~receiving notice, his or her license or certificate may, in the~~  
25 ~~discretion of the Department, be suspended, revoked, or placed~~  
26 ~~on probationary status, or the Department may take whatever~~

1 ~~disciplinary action deemed proper, including limiting the~~  
2 ~~scope, nature, or extent of the practice or the imposition of a~~  
3 ~~fine, without a hearing, if the act or acts charged constitute~~  
4 ~~sufficient grounds for such action under this Act. At the time~~  
5 ~~and place fixed in the notice, the Board shall proceed to hear~~  
6 ~~the charges and the parties or their counsel shall be accorded~~  
7 ~~ample opportunity to present such statements, testimony,~~  
8 ~~evidence and argument as may be pertinent to the charges or~~  
9 ~~their defense. The Board may continue a hearing from time to~~  
10 ~~time.~~

11 (Source: P.A. 96-610, eff. 8-24-09.)

12 (225 ILCS 340/23) (from Ch. 111, par. 6623)

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

14 Sec. 23. Record of proceedings ~~, transcript.~~

15 (a) The Department, at its expense, shall provide a  
16 certified shorthand reporter to take down the testimony and  
17 preserve a record of all proceedings at the hearing of any case  
18 in which a license may be revoked or suspended or a licensee  
19 placed on probationary status, reprimanded, fined, or  
20 subjected to other disciplinary action with reference to the  
21 license when a disciplinary action is authorized under this Act  
22 and its rules. The notice of hearing, complaint, and all other  
23 documents in the nature of pleadings and written motions filed  
24 in the proceedings, the transcript of the testimony, the report  
25 of the Board or hearing officer, and the orders of the

1 Department shall be the record of the proceedings. The record  
2 may be made available to any person interested in the hearing  
3 upon payment of the fee required by Section 2105-115 of the  
4 Department of Professional Regulation Law of the Civil  
5 Administrative Code of Illinois.

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

13 ~~The Department, at its expense, shall preserve a record of all~~  
14 ~~proceedings at the formal hearing of any case. The notice of~~  
15 ~~hearing, complaint and all other documents in the nature of~~  
16 ~~pleadings and written motions filed in the proceedings, the~~  
17 ~~transcript of testimony, the report of the Board and the orders~~  
18 ~~of the Department shall be the record of the proceedings.~~

19 (Source: P.A. 96-610, eff. 8-24-09.)

20 (225 ILCS 340/24) (from Ch. 111, par. 6624)

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

22 Sec. 24. Subpoenas; depositions; oaths.

23 (a) The Department has the power to subpoena documents,  
24 books, records or other materials and to bring before it any  
25 person and to take testimony either orally or by deposition, or



1 take written interrogatories, or any combination thereof, with  
2 the same fees and mileage and in the same manner as is  
3 prescribed in civil cases in the courts of this State.

4 (b) The Secretary, the designated hearing officer, and any  
5 member of the Board shall each have the power to administer  
6 oaths to witnesses at any hearing which the Department is  
7 authorized by law to conduct, and any other oaths required or  
8 authorized in any Act administered by the Department.

9 (Source: P.A. 96-610, eff. 8-24-09.)

10 (225 ILCS 340/25) (from Ch. 111, par. 6625)

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

12 Sec. 25. Compelling testimony. Any circuit court, upon the  
13 application of the accused person or of the Department, may, by  
14 order duly entered, require the attendance of witnesses and the  
15 production of relevant books and papers before the Department  
16 relative to the application for or refusal to issue, restore,  
17 renew, suspend, or revoke a license or discipline a licensee,  
18 and the court may compel obedience to its order by proceedings  
19 for contempt.

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

21 (225 ILCS 340/26) (from Ch. 111, par. 6626)

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

23 Sec. 26. Hearing; motion for rehearing.

24 (a) The Board or hearing officer appointed by the Secretary

1 shall hear evidence in support of the formal charges and  
2 evidence produced by the licensee. At the conclusion of the  
3 hearing, the Board or hearing officer shall present to the  
4 Secretary a written report of its findings of fact, conclusions  
5 of law, and recommendations. If the Board fails to present its  
6 report, the applicant or licensee may request in writing a  
7 direct appeal to the Secretary, in which case the Secretary may  
8 issue an order based upon the report of the hearing officer and  
9 the record of the proceedings or issue an order remanding the  
10 matter back to the hearing officer for additional proceedings  
11 in accordance with the order.

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

1 a motion for rehearing, the 20 calendar day period within which  
2 a motion may be filed shall commence upon delivery of the  
3 transcript to the applicant or licensee.

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

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

10 (e) At any point in any investigation or disciplinary  
11 proceeding provided for in this Act, both parties may agree to  
12 a negotiated consent order. The consent order shall be final  
13 upon signature of the Secretary.

14 ~~At the conclusion of the hearing, the Board shall present to~~  
15 ~~the Secretary its written report of its findings and~~  
16 ~~recommendations. A copy of the report shall be served upon the~~  
17 ~~accused person, either personally or to the address of record.~~  
18 ~~The Board may take into consideration in making its~~  
19 ~~recommendations for discipline all facts and circumstances~~  
20 ~~bearing upon the reasonableness of the conduct of the~~  
21 ~~respondent and the potential for future harm to the public,~~  
22 ~~including but not limited to previous discipline by the~~  
23 ~~Department, intent, degree of harm to the public and likelihood~~  
24 ~~of harm in the future, any restitution made, and whether the~~  
25 ~~incident or incidents complained of appear to be isolated or a~~  
26 ~~pattern of conduct. In making its recommendations for~~

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

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

24 (Source: P.A. 96-610, eff. 8-24-09.)

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

2 Sec. 27. Hearing officer. Notwithstanding any provision in  
3 this Act, the Secretary has the authority to appoint an  
4 attorney duly licensed to practice law in the State of Illinois  
5 to serve as the hearing officer in any action for refusal to  
6 issue or renew a license or discipline a license. The Board may  
7 have least one member present at any hearing conducted by the  
8 hearing officer. The hearing officer shall have full authority  
9 to conduct the hearing. The hearing officer shall report his or  
10 her findings of fact, conclusions of law, and recommendations  
11 to the Board and to the Secretary.

12 ~~Notwithstanding the provisions of Section 26 of this Act, the~~  
13 ~~Secretary shall have the authority to appoint any attorney duly~~  
14 ~~licensed to practice law in the State of Illinois to serve as~~  
15 ~~the hearing officer in any action for discipline of a licensee.~~  
16 ~~The Director shall notify the Board of any such appointment.~~  
17 ~~The hearing officer has full authority to conduct the hearing.~~  
18 ~~The Board has the right to have at least one member present at~~  
19 ~~any hearing conducted by such hearing officer. The hearing~~  
20 ~~officer shall report his findings of fact, conclusions of law~~  
21 ~~and recommendations to the Board and the Secretary. The Board~~  
22 ~~shall have 60 days from receipt of the report to review the~~  
23 ~~report of the hearing officer and present their findings of~~  
24 ~~fact, conclusions of law and recommendations to the Secretary.~~  
25 ~~If the Board fails to present its report within the 60 day~~  
26 ~~period, the Secretary shall issue an order based on the report~~

1 ~~of the hearing officer. If the Secretary disagrees in any~~  
2 ~~regard with the report of the Board or hearing officer, he may~~  
3 ~~issue an order in contravention thereof. The Secretary shall~~  
4 ~~notify the Board on any such deviation.~~

5 (Source: P.A. 96-610, eff. 8-24-09.)

6 (225 ILCS 340/28) (from Ch. 111, par. 6628)

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

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

12 (1) ~~1.~~ the signature is the genuine signature of the  
13 Secretary;

14 (2) ~~2.~~ the Secretary is duly appointed and qualified;  
15 and

16 (3) ~~3.~~ the Board and the members thereof are qualified  
17 to act.

18 Such proof may be rebutted.

19 (Source: P.A. 96-610, eff. 8-24-09.)

20 (225 ILCS 340/29) (from Ch. 111, par. 6629)

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

22 Sec. 29. Restoration from disciplinary status.

23 (a) At any time after the successful completion of a term  
24 of probation, suspension, or revocation of any license under

1 this Act, the Department may restore the license to the  
2 licensee upon the written recommendation of the Board, unless  
3 after an investigation and a hearing the Department determines  
4 that restoration is not in the public interest.

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

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

12 (d) A license that has been suspended or revoked shall be  
13 considered nonrenewed for purposes of restoration and a  
14 licensee restoring his or her license from suspension or  
15 revocation must comply with the requirements for restoration as  
16 set forth in Section 14 and any related rules adopted.

17 ~~At any time after the refusal to issue, restore, renew or~~  
18 ~~suspend or revoke of any license, the Department may issue or~~  
19 ~~restore it to the accused person without examination, upon the~~  
20 ~~written recommendation of the Board.~~

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

22 (225 ILCS 340/30) (from Ch. 111, par. 6630)

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

24 Sec. 30. Surrender of license. Upon the revocation or  
25 suspension of any license, the licensee shall immediately

1 surrender the license or licenses to the Department and if the  
2 licensee fails to do so, the Department shall have the right to  
3 seize the license.

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

5 (225 ILCS 340/31) (from Ch. 111, par. 6631)

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

7 Sec. 31. Temporary suspension of a license. The Secretary  
8 may temporarily suspend the license of a structural engineer  
9 without a hearing, simultaneously with the institution of  
10 proceedings for a hearing provided for in Section 22 of this  
11 Act, if the Secretary finds that evidence in his or her  
12 possession indicates that a structural engineer's continuation  
13 in practice would constitute an imminent danger to the public.  
14 In the event that the Secretary temporarily suspends the  
15 license of a structural engineer without a hearing, a hearing  
16 by the Board must be commenced within 30 days after such  
17 suspension has occurred.

18 (Source: P.A. 96-610, eff. 8-24-09.)

19 (225 ILCS 340/32) (from Ch. 111, par. 6632)

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

21 Sec. 32. Administrative review.

22 (a) All final administrative decisions of the Department  
23 under this Act are subject to judicial review pursuant to the  
24 provisions of the Administrative Review Law, ~~as now or~~



1 ~~hereafter amended,~~ and its rules. The term "administrative  
2 decision" is defined as in Section 3-101 of the Code of Civil  
3 Procedure.

4 (b) Proceedings ~~Such proceedings~~ for judicial review shall  
5 be commenced in the circuit court ~~Circuit Court~~ of the county  
6 in which the party applying for review resides, but if the  
7 ~~provided, that if such~~ party is not a resident of this State,  
8 the venue shall be in Sangamon County.

9 (c) The Department shall not be required to certify any  
10 record to the court or file any answer in court or to otherwise  
11 appear in any court in a judicial review proceeding unless the  
12 Department has received from the plaintiff payment of the costs  
13 of furnishing and certifying the record, which costs shall be  
14 determined by the Department.

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

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

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

22 (225 ILCS 340/32.5 new)

23 Sec. 32.5. Confidentiality. All information collected by  
24 the Department in the course of an examination or investigation  
25 of a licensee or applicant, including, but not limited to, any

1 complaint against a licensee filed with the Department and  
2 information collected to investigate any such complaint, shall  
3 be maintained for the confidential use of the Department and  
4 shall not be disclosed. The Department may not disclose the  
5 information to anyone other than law enforcement officials,  
6 other regulatory agencies that have an appropriate regulatory  
7 interest as determined by the Secretary, or a party presenting  
8 a lawful subpoena to the Department. Information and documents  
9 disclosed to a federal, State, county, or local law enforcement  
10 agency shall not be disclosed by the agency for any purpose to  
11 any other agency or person. A formal complaint filed against a  
12 licensee by the Department or any order issued by the  
13 Department against a licensee or applicant shall be a public  
14 record, except as otherwise prohibited by law.

15 (225 ILCS 340/35) (from Ch. 111, par. 6635)

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

17 Sec. 35. Illinois Administrative Procedure Act. The  
18 Illinois Administrative Procedure Act is hereby expressly  
19 adopted and incorporated herein as if all of the provisions of  
20 that Act were included in this Act, except that the provision  
21 of subsection (d) of Section 10-65 of the Illinois  
22 Administrative Procedure Act that provides that at hearings the  
23 licensee has the right to show compliance with all lawful  
24 requirements for retention, continuation or renewal of the  
25 license is specifically excluded. For the purposes of this Act,

1 the notice required under Section 10-25 of the Illinois  
2 Administrative Procedure Act is deemed sufficient when mailed  
3 or emailed to the last known address of record a party.

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

5 (225 ILCS 340/36) (from Ch. 111, par. 6636)

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

7 Sec. 36. Fund; appropriations; investments; audits. Moneys  
8 collected under this Act and deposited into ~~in~~ the Design  
9 Professionals Administration and Investigation Fund shall be  
10 appropriated to the Department exclusively for expenses of the  
11 Department and the Board in the administration of this Act, the  
12 Illinois Professional Land Surveyor Act of 1989, the  
13 Professional Engineering Practice Act of 1989, and the Illinois  
14 Architecture Practice Act. The expenses of the Department under  
15 this Act shall be limited to the ordinary and contingent  
16 expenses of the Design Professionals Dedicated Employees  
17 within the Department as established under Section 2105-75 of  
18 the Department of Professional Regulation Law of the Civil  
19 Administrative Code of Illinois ~~(20 ILCS 2105/2105-75)~~ and  
20 other expenses related to the administration and enforcement of  
21 this Act.

22 Moneys from the Fund may also be used for direct and  
23 allocable indirect costs related to the public purposes of the  
24 Department of Professional Regulation. Moneys in the Fund may  
25 be transferred to the Professions Indirect Cost Fund as

1 authorized by Section 2105-300 of the Department of  
2 Professional Regulation Law of the Civil Administrative Code of  
3 Illinois (~~20 ILCS 2105/2105-300~~).

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

10 All fines and penalties under Sections 20 and 20.5 ~~34~~ shall  
11 be deposited into ~~in~~ the Design Professionals Administration  
12 and Investigation Fund.

13 Upon the completion of any audit of the Department, as  
14 prescribed by the Illinois State Auditing Act, that includes an  
15 audit of the Design Professionals Administration and  
16 Investigation Fund, the Department shall make the audit open to  
17 inspection by any interested person. The copy of the audit  
18 report required to be submitted to the Department by this  
19 Section is in addition to copies of audit reports required to  
20 be submitted to other State officers and agencies by Section  
21 3-14 of the Illinois State Auditing Act.

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

23 (225 ILCS 340/4.5 rep.)

24 (225 ILCS 340/18 rep.)

25 (225 ILCS 340/33 rep.)

1 (225 ILCS 340/34 rep.)

2 Section 15. The Structural Engineering Practice Act of 1989  
3 is amended by repealing Sections 4.5, 18, 33, and 34.

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