



Rep. Richard T. Bradley

Filed: 03/29/04

09300HB5892ham001

LRB093 19335 AMC 49257 a

1 AMENDMENT TO HOUSE BILL 5892

2 AMENDMENT NO. _____. Amend House Bill 5892 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-75 as follows:

7 (20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

8 Sec. 2105-75. Design professionals designated ~~Dedicated~~
9 employees. There are established within the Department certain
10 design professionals designated ~~dedicated~~ employees. These
11 employees shall be devoted primarily ~~exclusively~~ to the
12 administration and enforcement of the Illinois Architecture
13 Practice Act, the Illinois Professional Land Surveyor Act of
14 1989, the Professional Engineering Practice Act of 1989, and
15 the Structural Engineering Practice Act of 1989. The design
16 professionals designated ~~dedicated~~ employees that the Director
17 shall employ, in conformity with the Personnel Code, shall
18 include but not be limited to ~~at a minimum shall consist of~~ one
19 full-time Design Licensing Manager ~~Coordinator~~, one full-time
20 Assistant Licensing Manager ~~Coordinator~~, 4 full-time licensing
21 clerks, one full-time attorney, and 2 full-time investigators.
22 These employees shall work primarily ~~exclusively~~ in the
23 licensing and enforcement of the design profession Acts set
24 forth in this Section and may ~~shall not~~ be used, when

1 available, for ~~for the licensing and enforcement of any other~~
2 ~~Act or~~ other duties in the Department subject to the
3 authorization of the Department.

4 (Source: P.A. 91-91, eff. 7-9-99; 91-239, eff. 1-1-00; 91-357,
5 eff. 7-29-99; 92-16, eff. 6-28-01.)".

6 Section 10. The Illinois Architecture Practice Act of 1989
7 is amended by changing Sections 3, 4, 13, and 36 as follows:

8 (225 ILCS 305/3) (from Ch. 111, par. 1303)

9 (Section scheduled to be repealed on January 1, 2010)

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

23 Nothing contained in this Act shall prevent the draftsmen,
24 students, project representatives and other employees of those
25 lawfully practicing as licensed architects under the
26 provisions of this Act, from acting under the direct
27 supervision and control of their employers, or to prevent the
28 employment of project representatives for enlargement or
29 alteration of buildings or any parts thereof, or prevent such
30 project representatives from acting under the direct
31 supervision and control of the licensed architect by whom the
32 construction documents including drawings and specifications

1 of any such building, enlargement or alteration were prepared.

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

7 The involvement of a licensed architect is not required for
8 the following ~~This Act does not apply to any of the following:~~

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

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

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

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

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

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

1 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

3 Sec. 4. Definitions. In this Act:

4 (a) "Department" means the Department of Professional
5 Regulation.

6 (b) "Director" means the Director of Professional
7 Regulation.

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

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

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

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

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

21 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

23 Sec. 13. Qualifications of applicants. Any person who is of
24 good moral character may take an examination for licensure if
25 he or she is a graduate with a first professional degree in
26 architecture from a program accredited by the National
27 Architectural Accrediting Board and has completed such
28 diversified professional training, including academic
29 training, as is required by rules of the Department. Until
30 January 1, 2010, in ~~in~~ lieu of the requirement of graduation
31 with a first professional degree in architecture from a program
32 accredited by the National Architectural Accrediting Board,

1 the Department may admit an applicant who is a graduate with a
2 pre-professional 4 year baccalaureate degree accepted for
3 direct entry into a first professional master of architecture
4 degree program, and who has completed such additional
5 diversified professional training, including academic
6 training, as is required by rules of the Department. The
7 Department may adopt, as its own rules relating to diversified
8 professional training, those guidelines published from time to
9 time by the National Council of Architectural Registration
10 Boards.

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

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

21 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

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

26 (a) the practice, attempt to practice or offer to
27 practice architecture, or the advertising or putting out of
28 any sign or card or other device which might indicate to
29 the public that the person is entitled to practice
30 architecture, without a license as a licensed architect, or
31 registration as a professional design firm issued by the
32 Department. Each day of practicing architecture or
33 attempting to practice architecture, and each instance of

1 offering to practice architecture, without a license as a
2 licensed architect or registration as a professional
3 design firm constitutes a separate offense;

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

7 (c) the affixing of a licensed architect's seal to any
8 construction documents which have not been prepared by that
9 architect or under the architect's direct supervision and
10 control;

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

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

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

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

33 An unlicensed person who has completed the education
34 requirements, is actively participating in the diversified

1 professional training, and maintains in good standing a
2 training record as required for licensure by this Act may use
3 the title "architectural intern", but may not engage in the
4 practice of architecture.
5 (Source: P.A. 88-428.)".