

AN ACT concerning regulation.

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

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

(5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

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

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

(5 ILCS 80/4.40 new)

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 Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Structural Engineering Practice Act of 1989.

Section 10. The Structural Engineering Practice Act of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 14.5, 15, 16, 17, 18, 19, 20, 20.5, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, and 36 and by adding Sections 4.10, 5.5, 12.5, 15.5, 17.5, and 32.5 as follows:

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 1. The practice of structural engineering ~~Structural Engineering~~ in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of structural engineering, ~~Structural Engineering~~ as defined in this Act, merit and receive the confidence of the public, that only qualified persons be authorized to practice structural engineering ~~Structural Engineering~~ in the State of Illinois. This Act shall be liberally construed to best carry out these subjects and purposes.

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

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

(Section scheduled to be repealed on January 1, 2020)

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

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

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

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

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

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

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

Sec. 4. Definitions. In this Act:

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

~~website or by directly contacting the Department.~~

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

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

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

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

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

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

(h) "Email address of record" means the designated email address recorded by the Department in the applicant's file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

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

(225 ILCS 340/4.10 new)

Sec. 4.10. Address of record; email address of record. All

applicants and licensees shall:

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

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

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

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

Sec. 5. Practice of structural engineering. A person shall be regarded as practicing structural engineering within the meaning of this Act who is engaged in the design, analysis, or supervision of the construction, enlargement or alteration of structures, or any part thereof, for others, to be constructed by persons other than himself or herself. Structures within the meaning of this Act are all structures having as essential features foundations, columns, girders, trusses, arches or beams, with or without other parts, and in which safe design and construction require that loads and stresses must be computed and the size and strength of parts determined by mathematical calculations based upon scientific principles and engineering data. Nothing in this Section imposes upon a person licensed under this Act the responsibility for the performance

of any acts or practice unless such person specifically contracts to provide it. Nothing in this Section precludes an employee from acting under the direct supervision or responsible charge of a licensed structural engineer. A person shall also be regarded as practicing structural engineering within the meaning of this Act who is engaged as a principal in the design, analysis, or supervision of the construction of structures or of the structural part of edifices designed solely for the generation of electricity; or for the hoisting, cleaning, sizing or storing of coal, cement, sand, grain, gravel or similar materials; elevators; manufacturing plants; docks; bridges; blast furnaces; rolling mills; gas producers and reservoirs; smelters; dams; reservoirs; waterworks; sanitary works as applied to the purification of water; plants for waste and sewage disposal; round houses for locomotives; railroad shops; pumping or power stations for drainage districts; or power houses, even though such structures may come within the definition of "buildings" as defined in any Act in force in this State relating to the regulation of the practice of architecture.

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

(225 ILCS 340/5.5 new)

Sec. 5.5. Technical submissions.

(a) As used in this Section, "technical submissions" include the designs, drawings, and specifications that

establish the scope of the structural engineering project, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of structural engineering.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Prior to issuance of any final decision or order that~~

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

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

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

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

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

Sec. 7. Board.

(a) The Secretary shall appoint a Structural Engineering Board. The Board, which shall consist of 7 members who shall serve in an advisory capacity to the Secretary. All shall be residents of Illinois. Six members shall (i) currently hold a valid license as a be Illinois licensed structural engineer in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act engineers, who

~~have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. In addition to the 6 structural engineers, there shall be one public member.~~ The public member shall be a voting member and shall not hold a license under this Act or any other design profession licensing Act that the Department administers ~~as an architect, professional engineer, structural engineer or land surveyor.~~

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

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

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

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

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

~~Persons holding office as members of the Board under this~~

~~Act on the effective date of this Act shall serve as members of the Board under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified under this Act.~~

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

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings. ~~The Secretary may terminate the appointment of any member for cause which in the opinion of the Secretary reasonably justifies such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.~~

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. ~~The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.~~

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

Board.

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

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

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

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

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

(a) The Board shall hold at least 3 regular meetings each year; all meetings of the Board shall be conducted in accordance with the Open Meetings Act;

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

(c) The Board, upon request by the Department, may make a curriculum evaluation or utilize a nationally certified evaluation service to determine if courses conform to requirements of approved engineering programs;

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

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

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

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable, ~~and the Department shall review the Board's recommendations on applicant qualifications; and~~

~~(h) The Board may submit comments to the Secretary within a reasonable time from notification of any final decision or order from the Secretary that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, unlicensed practice, or promulgation of rules.~~

The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

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

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

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

Sec. 9. Application for licensure.

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

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

~~An applicant who graduated from a structural engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL)~~

~~and a test of spoken English as defined by rule. However, any such applicant who subsequently earns an advanced degree from an accredited educational institution in the United States or its territories shall not be subject to this requirement.~~

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

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

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

Sec. 10. Examinations.

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

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

(c) If an applicant fails to pass an examination for a license or enrollment ~~licensure~~ under this Act within 3 years

after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

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

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

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

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

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

(a-5) The applicant, if a structural engineer intern applicant, has met the minimum standards for enrollment as a structural engineer intern, which are as follows:

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

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

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

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

(2) is a graduate of a non-approved structural engineering or ~~an approved~~ related science curriculum of at least 4 years meeting the requirements as set forth by rule who submits evidence acceptable to the Department of an additional 8 years or more of progressive experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule.

(c) The applicant, if a structural engineer applicant,

has passed an examination authorized by the Department as determined by rule to determine his or her fitness to receive a license as a structural engineer.

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

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

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

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

If technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by a computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents

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

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

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the

work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they have been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

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

(225 ILCS 340/12.5 new)

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

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

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

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

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

(b) A licensed structural engineer who has permitted his or

her license to expire or has had his or her license ~~who~~ placed ~~his license~~ on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of fitness to have his or her ~~the~~ license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department ~~and by submitting evidence of knowledge in seismic design~~ and by paying the required ~~restoration~~ fee as determined by rule.

(c) A structural engineer whose license has expired while engaged (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training, or (2) in training or education under the supervision of the United States before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of structural engineering and that such service, training, or education has been so terminated.

~~If the licensed structural engineer has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, that person's fitness to resume active~~

~~status and may require the licensed structural engineer to complete an examination.~~

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

~~However, any licensed structural engineer whose license has expired while such engineer was engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored or reinstated without paying any lapsed renewal fees, reinstatement fee or restoration fee or passing any examination, if within 2 years after termination of such service, training or education other than by dishonorable discharge such person furnishes the Department with an affidavit to the effect that he has been so engaged and that the service, training or education has been so terminated.~~

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

(225 ILCS 340/14.5)

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

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

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

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

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

Sec. 15. Inactive status. A person licensed under this Act ~~Any structural engineer~~ who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of the desire to resume active status.

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

Any structural engineer whose license is on inactive status

shall not practice structural engineering in the State of Illinois.

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

(225 ILCS 340/15.5 new)

Sec. 15.5. Structural Engineer, Retired.

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

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

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

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

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

Sec. 16. Endorsement.

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

(b) All applications for endorsement shall provide proof of passage of the examinations as approved by the Department by rule.

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

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

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

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

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

Sec. 17. Fees.

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

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

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

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

(225 ILCS 340/17.5 new)

Sec. 17.5. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline

provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(225 ILCS 340/18) (from Ch. 111, par. 6618)

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

Sec. 18. Roster. The Department shall maintain a roster of all structural engineers licensed under this Act showing their names and addresses of record. ~~A roster showing the names and addresses of all structural engineers licensed under this Act shall be prepared by the Department.~~ This roster shall be available upon request and payment of the required fee.

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

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

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

Sec. 19. Professional design firm registration; conditions.

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

Any business, including, but not limited to, a Professional Service Corporation, that includes within its stated purposes, practices, or holds itself out as available to practice, structural engineering, shall be registered with the Department pursuant to the provisions of this Section.

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

Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

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

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

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

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

(d) Any business seeking to be registered under this

Section shall apply for a certificate of registration on a form provided by the Department and shall provide such information as requested by the Department, which shall include but shall not be limited to:

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

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

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

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

It shall be the responsibility of the professional design

firm to provide the Department notice, in writing, of any changes in the information requested on the application.

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

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

If the professional design firm fails to notify the Department in writing, by regular mail or by email, within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent to the address of record by regular mail or by email. If the professional design firm continues to operate and offer structural engineering services after the termination, the

Department may seek prosecution under Sections 20,~~34~~, and 20.5~~34a~~ of this Act for the unlicensed practice of structural engineering.

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

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

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

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

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

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

Sec. 20. Grounds for disciplinary action ~~Refusal, revocation, suspension.~~

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

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

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

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

(4) Fraud or any misrepresentation in applying for or procuring a license or registration under this Act or in connection with applying for renewal or restoration of a license or registration under this Act. ~~The affixing of a licensed structural engineer's seal to any plans,~~

~~specifications or drawings which have not been prepared by or under the immediate personal supervision of that licensed structural engineer or reviewed as provided in this Act;~~

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

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of structural engineering. ~~Making a statement of compliance pursuant to the Environmental Barriers Act, as now or hereafter amended, that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in~~

~~compliance;~~

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

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

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

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

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

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

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

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act ~~Physical illness, including but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability which results in the inability to practice the profession of structural engineering with reasonable~~

~~judgment, skill, or safety.~~

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

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

(17) Signing or affixing the structural engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the structural engineer or under the structural engineer's supervision and control or not sufficiently reviewed by the licensed structural engineer to ensure that the documents have met the standards of reasonable professional skill and diligence.

(18) Making a statement of compliance pursuant to the Environmental Barriers Act that technical submissions prepared by the structural engineer or prepared under the structural engineer's responsible control for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such technical submissions are not in compliance.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board

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

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

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

confidentiality of medical records.

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

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

(c) (Blank).

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

2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(e) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or entity's registration or shall take other disciplinary action against that person or entity for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until such time as the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.~~

(f) Persons who assist the Department in good faith as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as

a result of such assistance, ~~except upon proof of actual malice~~. The Attorney General of the State of Illinois shall defend such persons in any such action or proceeding at no cost to the person.

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

(225 ILCS 340/20.5)

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

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

(a) Use of the title "structural engineer" or any of its derivations is limited to those persons or entities licensed or registered under this Act. Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a structural engineer or structural engineer intern without being licensed, enrolled, or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions in this Act regarding the provision of a hearing for the discipline of a licensee. ~~Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice structural engineering without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to~~

~~exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.~~

(b) An entity or business that offers structural engineering services under this Act without being registered as a professional design firm or exempt under this Act shall, as determined by the Department, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions in this Act regarding the provision of a hearing for the discipline of a licensee. The Department has the authority and power to investigate any and all unlicensed activity.

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

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

any court of record.

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

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

(225 ILCS 340/21) (from Ch. 111, par. 6621)

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

Sec. 21. Injunction; cease and desist order.

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

(b) If any person practices as a licensed structural engineer or holds himself out as a structural engineer without being licensed under the provisions of this Act, then any

licensed structural engineer, any interested party or any person injured thereby may file a complaint with the Department that shall proceed through the process outlined in Section 22 of this Act, ~~in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.~~

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

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

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

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

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

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

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If

a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.

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

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

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

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

~~The Department may investigate the actions of any applicant or any person or entity holding or claiming to hold a license or registration or any person or entity practicing, or offering to practice structural engineering. Before the initiation of an investigation the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges and that a hearing will be held on the date designated. The Department shall direct the applicant or licensee or registrant or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant or~~

~~entity that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or their defense. The Board may continue a hearing from time to time.~~

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

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

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

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

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

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

~~The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of~~

~~hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of the proceedings.~~

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

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

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

Sec. 24. Subpoenas; depositions; oaths.

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

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

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

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

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

Sec. 25. Compelling testimony. Any circuit court, upon the application of the accused person or of the Department, may, by

order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department relative to the application for or refusal to issue, restore, renew, suspend, or revoke a license or discipline a licensee, and the court may compel obedience to its order by proceedings for contempt.

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

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

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

Sec. 26. Hearing; motion for rehearing.

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

(b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant,

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

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

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

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final

upon signature of the Secretary.

~~At the conclusion of the hearing, the Board shall present to the Secretary its written report of its findings and recommendations. A copy of the report shall be served upon the accused person, either personally or to the address of record. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. Within 20 days after such service, the accused person may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Section, the time elapsing after payment and before the transcript is ready for delivery shall not be counted as part of such 20 days. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then~~

~~upon such denial, the Secretary may enter an order in accordance with recommendations of the Board.~~

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

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

(225 ILCS 340/27) (from Ch. 111, par. 6627)

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

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

~~Notwithstanding the provisions of Section 26 of this Act, the~~

~~Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a licensee. The Director shall notify the Board of any such appointment. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer.~~ If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary may ~~shall~~ notify the Board on any such deviation.

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

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

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

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

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

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

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

Such proof may be rebutted.

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

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

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

Sec. 29. Restoration from disciplinary status.

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

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

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

Illinois.

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

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

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

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

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

Sec. 30. Surrender of license or registration. Upon the revocation or suspension of any license or registration, the licensee or professional design firm shall immediately surrender the license, ~~or~~ licenses, or registration to the Department and if the licensee or registrant fails to do so, the Department shall have the right to seize the license or registration.

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

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

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

Sec. 31. Temporary suspension of a license or registration.

The Secretary may temporarily suspend the license or registration of a structural engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 22 of this Act, if the Secretary finds that evidence in the Department's ~~his~~ possession indicates that a structural engineer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary temporarily suspends the license or registration of a structural engineer without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

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

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

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

Sec. 32. Administrative review.

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

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

the venue shall be in Sangamon County.

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

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

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

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

(225 ILCS 340/32.5 new)

Sec. 32.5. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting

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

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

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

Sec. 35. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record ~~a party~~.

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

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

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

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

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

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested, with all earnings received from the investments to be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund

and used for the same purposes as fees deposited into ~~in~~ the Fund.

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

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

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

(225 ILCS 340/4.5 rep.)

(225 ILCS 340/33 rep.)

(225 ILCS 340/34 rep.)

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

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