

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 Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020: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 Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030: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 Illinois Architecture Practice Act of 1989.

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 4, 6, 8, 9, 10, 11, 12, 13, 14, 16, 17, 17.5, 18, 19, 20, 21, 22, 23, 23.5, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 37 and by adding Section 4.1 as follows:

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Definitions. In this Act:

"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.~~

"Architect, Retired" means a person who has been duly licensed as an architect by the Department and who chooses to place on inactive status or not renew his or her license pursuant to Section 17.5 ~~of this Act.~~

"Architectural associate intern" means an unlicensed

person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act and may use the title "architectural associate intern", but may not independently engage in the practice of architecture.

"Board" means the Illinois Architecture Licensing Board appointed by the Secretary.

"Department" means the Department of Financial and Professional Regulation.

"Design build" or ~~and~~ "design build entity" means the project delivery process defined in 68 Ill. Adm. Code 1150.85, and any amendments or changes thereto.

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

"Public health" as related to the practice of architecture means the state of the well-being of the body or mind of the building user.

"Public safety" as related to the practice of architecture means the state of being reasonably free from risk of danger, damage, or injury.

"Public welfare" as related to the practice of architecture means the well-being of the building user resulting from the state of a physical environment that accommodates human

activity.

"Secretary" means the Secretary of Financial and Professional Regulation.

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

(225 ILCS 305/4.1 new)

Sec. 4.1. 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 305/6) (from Ch. 111, par. 1306)

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

~~Sec. 6. Technical submissions. All technical submissions intended for use in construction in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal building ordinances in such submissions. In recognition that architects 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.~~

(a) Technical submissions are the designs, drawings, and specifications that ~~which~~ establish the scope of the architecture to be constructed, 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 architecture.

(b) All technical submissions intended for use in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal ordinances in such submissions. In recognition that architects 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 who receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of an architect that do not bear the seal and signature of an architect 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. An architect 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 architect who originally sealed and signed the technical submissions.

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

(225 ILCS 305/8) (from Ch. 111, par. 1308)

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

Sec. 8. Powers and duties of the Department.

(a) ~~The (1) Subject to the provisions of this Act, the~~ Department shall, subject to the provisions of this Act, exercise the following functions, powers, and duties:

(1) Authorize ~~(a) conduct~~ examinations to ascertain the qualifications and fitness of applicants for licensure ~~as architects,~~ and pass upon the qualifications and fitness of applicants for licensure by endorsement. ~~†~~

(2) Adopt ~~(b) prescribe~~ rules for a method of examination of candidates. ~~†~~

(3) Adopt ~~(c) prescribe~~ rules defining what constitutes an approved architectural program. ~~a school, college or university, or department of a university, or other institution, reputable and in good standing, to~~

~~determine whether or not a school, college or university, or department of a university, or other institution is reputable and in good standing by reference to compliance with such rules, and to terminate the approval of such school, college or university or department of a university or other institution that refuses admittance to applicants solely on the basis of race, color, creed, sex or national origin.~~ The Department may adopt, as its own rules relating to education requirements, those guidelines published from time to time by the National Architectural Accrediting Board.+

(4) Adopt ~~(d) prescribe~~ rules for diversified professional training.+

(5) Conduct hearings on proceedings to refuse to issue, renew, or restore licenses or registrations, revoke licenses or registrations, suspend licenses or registrations, or place on probation or reprimand persons or entities licensed or registered under the provisions of this Act. ~~(e) conduct oral interviews, disciplinary conferences and formal evidentiary hearings on proceedings to impose fines or to suspend, revoke, place on probationary status, reprimand, and refuse to issue or restore any license issued under the provisions of this Act for the reasons set forth in Section 22 of this Act;~~

(6) Issue ~~(f) issue~~ licenses and registrations to those who meet the requirements of this Act.+

(7) Adopt ~~(g) formulate and publish~~ rules necessary or appropriate to carrying out the provisions of this Act;

(8) Maintain ~~(h) maintain~~ membership in the National Council of Architectural Registration Boards and participate in activities of the Council by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the Council. 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, ~~and~~

(9) Review ~~(i) review~~ such applicant qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 10 ~~of this Act.~~

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

(11) 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.

(b) (2) 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 ~~promulgation~~ of rules, the Secretary shall notify the Board on any such deviation and

shall specify with particularity the reasons for the action in
~~with an explanation of the deviation and provide a reasonable~~
~~time for the Board to submit comments to the Secretary~~
~~regarding~~ 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.

(c) ~~(3)~~ The Department may in its discretion, but shall not
be required to, employ or utilize the legal services of outside
counsel and the investigative services of outside personnel to
assist the Department. However, no attorney employed or used by
the Department shall prosecute a matter or provide legal
services to the Department or Board with respect to the same
matter.

(Source: P.A. 98-976, eff. 8-15-14.)

(225 ILCS 305/9) (from Ch. 111, par. 1309)

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

Sec. 9. ~~Creation of the~~ Board. The Secretary ~~Director~~ shall
appoint an Architecture Licensing Board consisting ~~which will~~
~~consist~~ of 7 ~~6~~ members who shall serve in an advisory capacity
to the Secretary. All members of the Board shall be residents
of Illinois. Six ~~Five~~ members shall (i) hold a valid
architecture license in Illinois and have held the license
under this Act for the preceding 10 years, and (ii) not have
been disciplined within the preceding 10 years under this Act.
One architect ~~be architects, one of whom~~ shall be a tenured

member of the architectural faculty of an Illinois ~~public~~ university accredited by the National Architectural Accrediting Board. ~~The other 4 shall be architects, residing in this State, who have been engaged in the practice of architecture at least 10 years.~~ In addition to the 6 ~~5~~ architects, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers ~~not hold a license as an architect, professional engineer, structural engineer or land surveyor.~~

Board members shall serve 5-year ~~5-year~~ terms and until their successors are appointed and qualified. In appointing members ~~making the designation of persons~~ to the Board, the Secretary ~~Director~~ shall give due consideration to recommendations by members and organizations of the architecture profession.

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

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 ~~10 successive years~~.

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

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

The Secretary ~~Director~~ may remove any member of the Board for misconduct, incompetence, or neglect of duty~~7~~, or for reasons prescribed by law for removal of State officials.

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

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.

Members of the Board are not liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice. ~~are immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.~~

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

(Source: P.A. 98-976, eff. 8-15-14.)

(225 ILCS 305/10) (from Ch. 111, par. 1310)

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

Sec. 10. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) The Board shall hold at least 3 regular meetings each year, conducted in accordance with the Open Meetings Act.

(b) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be Illinois licensed architects.

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

~~(d) The Board shall assist the Department in conducting oral interviews, disciplinary conferences and formal evidentiary hearings.~~

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

(e) ~~(f)~~ The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule in 68 Ill. Adm. Code 1150.95, and any amendments or changes thereto.

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

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make

recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. ~~The Department shall review the Board's recommendations on applicant qualifications. The Secretary shall notify the Board with an explanation of any deviation from the Board's recommendation on applicant qualifications. After review of the Secretary's explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Secretary's decision.~~

~~(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 qualifications of applicants, unlicensed practice, discipline of licensees or registrants, or promulgation of rules.~~

(h) ~~(i)~~ The Board may recommend that the Department contract with an individual or a corporation or other business entity to assist in the providing of investigative, legal, prosecutorial, and other services necessary to perform its duties pursuant to subsection (c) ~~(3)~~ of Section 8 of this Act.

(Source: P.A. 98-976, eff. 8-15-14.)

(225 ILCS 305/11) (from Ch. 111, par. 1311)

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

Sec. 11. Application for licensure ~~original license~~.

(a) Applications for original licenses licensure 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 is not 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 an architect. Any such application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant to practice architecture. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluation service approved by the Department Board 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 has graduated from an architectural 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 305/12) (from Ch. 111, par. 1312)

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

~~Sec. 12. Examinations; subjects; failure or refusal to take examination.~~

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine. The examination shall be of a character to give a fair test of the qualifications of the applicant to practice as an architect.

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

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination

accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of the new application.

~~The Department shall authorize examination of applicants as architects at such times and places as it may determine. The examination shall be in English and shall be written or written and graphic. It shall include at a minimum the following subjects:~~

~~(a) pre design (environmental analysis, architectural programming, and application of principles of project management and coordination);~~

~~(b) site planning (site analysis, design and development, parking, and application of zoning requirements);~~

~~(c) building planning (conceptual planning of functional and space relationships, building design, interior space layout, barrier free design, and the application of the life safety code requirements and principles of energy efficient design);~~

~~(d) building technology (application of structural systems, building components, and mechanical and electrical systems);~~

~~(e) general structures (identification, resolution, and incorporation of structural systems and the long span design on the technical aspects of the design of buildings and the process and construction);~~

~~(f) lateral forces (identification and resolution of the effects of lateral forces on the technical aspects of the design of buildings and the process of construction);~~

~~(g) mechanical and electrical systems (as applied to the design of buildings, including plumbing and acoustical systems);~~

~~(h) materials and methods (as related to the design of buildings and the technical aspects of construction); and~~

~~(i) construction documents and services (conduct of architectural practice as it relates to construction documents, bidding, and construction administration and contractual documents from beginning to end of a building project).~~

~~It shall be the responsibility of the applicant to be familiar with this Act and its rules.~~

Examination subject matter headings and bases on which examinations are graded shall be indicated in rules pertaining to this Act. The Department may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. ~~Content of any particular examination shall not be considered public record under the Freedom of Information Act.~~

~~If an applicant neglects without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited. If an applicant fails to pass an examination for~~

~~licensure under this Act within 3 years after filing an application, the application shall be denied. The applicant may, however, 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 the new application.~~

(d) An applicant shall have 5 years from the passage of the first examination to successfully complete all examinations required by rule of the Department.

~~The Department may by rule prescribe additional subjects for examination.~~

(e) An applicant has one year from the date of notification of successful completion of all the examination and experience requirements to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination, unless the Department, upon recommendation of the Board, determines that there is sufficient cause for the delay that is not due to the fault of the applicant.

(Source: P.A. 98-976, eff. 8-15-14.)

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

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

Sec. 13. Qualifications of applicants. Any person who is of good moral character may apply for licensure if he or she is a graduate with a first professional degree in architecture from

a program accredited by the National Architectural Accrediting Board, has completed the examination requirements set forth under Section 12 ~~of this Act,~~ and has completed such diversified professional training, including academic training, as is required by rules of the Department. ~~Until January 1, 2016, in lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department.~~ The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the ~~fiduciary~~ duties of an architect to that person's client and to the public in a manner that ~~which~~ protects health, safety, and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 22. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds

for discipline under this Act.

(Source: P.A. 98-288, eff. 8-9-13.)

(225 ILCS 305/14) (from Ch. 111, par. 1314)

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

Sec. 14. Seal ~~Display of license; seal.~~ ~~Every holder of a license as an architect shall display it in a conspicuous place in the principal office of the architect.~~ Every architect shall have a reproducible seal, or facsimile, the impression print of which shall contain the name of the architect, the license number, and the words "Licensed Architect, State of Illinois". The architect shall affix the signature, current date, date of license expiration, and seal to the first sheet of any bound set or loose sheets of technical submissions used ~~utilized~~ as contract documents between the parties to the contract or prepared for the review and approval of any governmental or public authority having jurisdiction by that architect or under that architect's responsible control. The sheet of technical submissions in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply. The seal and dates may be electronically affixed. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer. All technical submissions issued by any corporation, partnership, professional service corporation, or professional

design firm as registered under this Act shall contain the corporate or assumed business name and design firm registration number, in addition to any other seal requirements as set forth in this Section.

"Responsible control" means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by architects applying the required professional standard of care. Merely reviewing or reviewing and correcting the technical submissions or any portion thereof prepared by those not in the regular employment of the office where the architect is resident without control over the content of such work throughout its preparation does not constitute responsible control.

An architect licensed under this Act ~~the laws of this jurisdiction~~ shall not sign and seal technical submissions that were not prepared by or under the responsible control of the architect except that:

(1) the architect may sign and seal those portions of the technical submissions that were prepared by or under the responsible control of persons who hold a license under this Act, and who ~~shall~~ have signed and sealed the documents, if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work;

(2) the architect may sign and seal portions of the

professional work that are not required by this Act to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work; and

(3) a partner or corporate officer of a professional design firm registered in Illinois who is licensed under the architecture licensing laws of this State, and who has professional knowledge of the content of the technical submissions and intends to be responsible for the adequacy of the technical submissions, may sign and seal technical submissions that are prepared by or under the responsible control of architects who are licensed in this State and who are in the regular employment of the professional design firm.

The architect exercising responsible control under which the technical submissions ~~documents~~ or portions of the technical submissions ~~documents~~ were prepared shall be identified on the technical submissions ~~documents~~ or portions of the technical submissions ~~documents~~ by name and Illinois license number.

Any architect who signs and seals technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident shall maintain and make available to the board upon request for at least 5 years

following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed professional knowledge of such technical submissions throughout their preparation.

(Source: P.A. 98-289, eff. 1-1-14; 98-976, eff. 8-15-14.)

(225 ILCS 305/16) (from Ch. 111, par. 1316)

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

Sec. 16. Renewal, reinstatement, or restoration of license; persons ~~Licenses; renewal; restoration; architects~~ 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 such license during the month preceding the expiration date thereof by paying the required fee.

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

~~If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board~~

~~shall determine, by an evaluation program established by rule, that person's fitness to resume active status and may require that person to successfully complete an examination.~~

~~Any person whose license has been expired for more than 3 years may have his license restored by making application to the Department and filing proof acceptable to the Department of his fitness to have his license restored, including sworn evidence certifying to active practice in another jurisdiction, and by paying the required restoration fee.~~

(c) An architect ~~However, any person~~ whose license has expired while ~~he has been~~ engaged (1) in federal service on active duty with the Armed Forces 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 a ~~his~~ license restored or reinstated without paying any lapsed reinstatement, renewal, fees or restoration fees ~~fee~~ if within 2 years after termination other than by dishonorable discharge of such service, training, or education and the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of architecture and that such service, training, or education has been so terminated ~~other than by dishonorable discharge~~ he furnishes the Department with an affidavit to the effect that he has been so engaged and that

~~his service, training or education has been so terminated.~~

(Source: P.A. 98-976, eff. 8-15-14.)

(225 ILCS 305/17) (from Ch. 111, par. 1317)

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

Sec. 17. Inactive status, ~~restoration~~. A person licensed under this Act ~~Any architect,~~ who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

~~Any architect requesting restoration from inactive status shall be required to pay the current renewal fee and shall have his or her license restored as provided in Section 16 of this Act.~~

Any architect whose license is in an inactive status shall not practice architecture in the State of Illinois.

(Source: P.A. 98-976, eff. 8-15-14.)

(225 ILCS 305/17.5)

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

Sec. 17.5. Architect, Retired.

(a) Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, ~~the Department may grant~~ the title "Architect,

Retired" may be used by ~~to~~ any person who has been duly licensed as an architect under this Act ~~by the Department~~ and who has chosen to place on inactive status or not renew his or her license. Those persons using ~~granted~~ the title "Architect, Retired" may request restoration to active status under the applicable provisions of this Act.

(b) The use of the title "Architect, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice architecture 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 may use ~~has been granted~~ the title "Architect, Retired".

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

(225 ILCS 305/18) (from Ch. 111, par. 1318)

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

Sec. 18. Endorsement.

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as an architect to an applicant licensed under the laws of another state, the District of Columbia, or a territory of the United States if the requirements for licensure in that jurisdiction were, on the date of original licensure, substantially equivalent to the requirements then in force in

this State.

(b) If the accuracy of any submitted documentation or relevance or sufficiency of the coursework 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.

~~The Department may, in its discretion, license as an architect, without examination on payment of the required fee, an applicant who is an architect licensed under the laws of another state or territory, if the requirements for licensure in the state or territory in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.~~

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

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

(225 ILCS 305/19) (from Ch. 111, par. 1319)

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

Sec. 19. 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 Act, including, but not limited to, original licensure, firm registration, renewal, and restoration, shall be set by rule by the Department.

(c) All of the fees and fines collected as authorized under this Act pursuant to this Section shall be deposited 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.

~~Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without~~

~~hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.~~

(Source: P.A. 91-133, eff. 1-1-00; 92-146, eff. 1-1-02.)

(225 ILCS 305/20) (from Ch. 111, par. 1320)

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

Sec. 20. Roster of licensees and registrants. The Department shall maintain a roster showing the address of record of individuals and entities who hold licenses or registrations under this Act. ~~A roster showing the names and addresses of all architects, architectural corporations and partnerships and professional design firms licensed or registered under this Act shall be prepared by the Department each year. This roster shall be organized by discipline and available by discipline upon written request and payment of the required fee.~~

(Source: P.A. 94-543, eff. 8-10-05.)

(225 ILCS 305/21) (from Ch. 111, par. 1321)

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

Sec. 21. Professional design firm registration; conditions.

(a) Nothing in this Act shall prohibit the formation, under ~~the provisions of~~ the Professional Service Corporation Act, of a corporation to offer the practice of architecture.

Any business, including, but not limited to, a Professional Service Corporation, that includes the practice of architecture within its stated purposes, practices architecture, or holds itself out as available to practice architecture shall register with the Department under this Section. Any professional service corporation, sole proprietorship, or professional design firm offering architectural services must have a resident architect in responsible charge of the architectural practices in each location in which architectural services are provided who shall be designated as a managing agent.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act is prohibited from offering architectural services to the public. "Illinois licensed design professional" means a person who holds an active license as an architect under this Act, as a structural engineer under the Structural Engineering Practice Act of 1989, as a professional engineer under the Professional Engineering Practice Act of 1989, or as a

professional land surveyor under the Professional Land Surveyor Act of 1989. Any sole proprietorship owned and operated by an architect 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 an architect 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.

(b) Any business corporation, including, but not limited to, a Professional Service Corporation, partnership, limited liability company, or professional design firm seeking to be registered under this Section shall not be registered as a professional design firm unless:

(1) two-thirds of the board of directors, in the case of a corporation, or two-thirds of the general partners, in the case of a partnership, or two-thirds of the members, in the case of a limited liability company, are licensed under the laws of any State to practice architecture, professional engineering, land surveying, or structural engineering; and

(2) a managing agent is (A) a sole proprietor or a director in the case of a corporation, a general partner in

the case of a partnership, or a member in the case of a limited liability company, and (B) holds a license under this Act.

Any corporation, limited liability company, professional service corporation, or partnership qualifying under this Section and practicing in this State shall file with the Department any information concerning its officers, directors, members, managers, partners or beneficial owners as the Department may, by rule, require.

(c) No business shall offer the practice or hold itself out as available to offer the practice of architecture until it is registered with the Department as a professional design firm. Every entity registered as a professional design firm shall display its certificate of registration or a facsimile thereof in a conspicuous place in each office offering architectural services.

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

(1) The name and architect's license number of at least one person designated as a managing agent. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating at least one managing agent. If a limited

liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating at least one managing agent.

(2) The names and architect's, professional engineer's, structural engineer's, or land surveyor's 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 architectural services.

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a business from compliance with the requirements of the Assumed Business Name Act.

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

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

Thereafter, the professional design firm, if it has so informed the Department, has 30 days in which to notify the

Department of the name and architect's license number of the architect who is the newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30-day ~~30-day~~ period.

If the professional design firm has not notified the Department in writing, by regular ~~certified~~ mail or email, within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular ~~certified~~ mail to the address of record. If the professional design firm continues to operate and offer architectural services after the termination, the Department may seek prosecution under Sections ~~22, 36,~~ and 23.5 ~~36a~~ of ~~this Act~~ for the unlicensed practice of architecture.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this Section, nor shall any individual practicing architecture 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 architect. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 98-976, eff. 8-15-14.)

(225 ILCS 305/22) (from Ch. 111, par. 1322)

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

Sec. 22. Grounds for disciplinary action ~~Refusal, suspension and revocation of licenses, causes.~~

(a) The Department may, ~~singularly or in combination,~~ refuse to issue or, renew a license ~~or restore,~~ or may ~~suspend,~~ revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action the Department may deem proper ~~as deemed appropriate,~~ including fines not to exceed \$10,000 for each violation, ~~but not limited to, the imposition of fines not to exceed \$10,000 for each violation,~~ ~~as the Department may deem proper,~~ with regard to any ~~a~~ license issued under this Act, for any one or a combination of the following reasons ~~causes~~:

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

(2) Negligence ~~negligence,~~ incompetence, ~~or~~ misconduct

in the practice of architecture.†

(3) Failure ~~failure~~ to comply with any of the provisions of this Act or any of the rules. †

(4) Fraud or ~~making~~ 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. ~~for the purpose of obtaining licensure.~~†

(5) Purposefully ~~purposefully~~ making false statements or signing false statements, certificates or affidavits to induce payment.†

(6) Conviction ~~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 ~~to any crime that is a felony~~ under the laws of any jurisdiction of the United States or any state or territory thereof ~~or~~ that is (i) a misdemeanor, an essential element of which is dishonesty, ~~or any crime that is directly related to the practice of the profession of architecture~~ or (ii) a felony.†

(7) Aiding ~~aiding~~ or assisting another ~~person~~ in violating any provision of this Act or the ~~its~~ rules adopted under this Act.†

(8) Failing to provide information in response to a

written request made by the Department within 60 days after receipt of the written request. ~~signing, affixing the architect's seal or permitting the architect's seal to be affixed to any technical submission not prepared by the architect or under that architect's responsible control,~~

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

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

(11) Making ~~making~~ a statement of compliance pursuant to the Environmental Barriers Act that technical submissions prepared by the architect or prepared under the architect'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. ~~†~~

(12) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department. ~~a finding by the Board that an applicant or registrant has failed to pay a fine imposed by the Department or a registrant, whose license has been placed~~

~~on probationary status, has violated the terms of probation;~~

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

(14) 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;~~

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

~~inability to practice the profession with reasonable judgment, skill, and safety, including without limitation deterioration through the aging process, mental illness, or disability.~~

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

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

(19) Signing, affixing, or allowing the architect's seal to be affixed to any technical submission not prepared by the architect or under the architect's responsible control.

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

(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 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 as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding.

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

(225 ILCS 305/23) (from Ch. 111, par. 1323)

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

Sec. 23. Injunction ~~Violations; injunction;~~ cease and

desist order.

(a) If any person or entity violates a provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, 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 or entity 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 or entity practices as an architect or holds himself, herself, or itself out as an architect or professional design firm without being licensed or registered under the provisions of this Act, then any architect, any interested party or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection (a) of this Section.

(c) If, ~~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 the person or entity ~~him~~. 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. 98-976, eff. 8-15-14.)

(225 ILCS 305/23.5)

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

Sec. 23.5. Unlicensed practice; violation; civil penalty.

(a) Use of the title "architect" 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 ~~oneself~~ out to practice as an architect 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 design services under this Act without being registered as a professional design firm or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department

in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

~~(a 5) Any entity that advertises architecture services in a telecommunications directory must include its architecture firm registration number or, in the case of a sole proprietor, his or her individual license number. Nothing in this subsection (a 5) requires the publisher of a telecommunications directory to investigate or verify the accuracy of the registration or license number provided by the advertiser of architecture services.~~

(c) ~~(b)~~ The Department may ~~has the authority and power to~~ investigate any actual, alleged, or suspected ~~and all~~ unlicensed activity.

(d) ~~(e)~~ 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.

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

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

(225 ILCS 305/24) (from Ch. 111, par. 1324)

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

Sec. 24. Investigations; notice and hearing.

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

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

(c) The Department shall, before disciplining an applicant, licensee, or registrant ~~refusing to restore, issue or renew a license or registration, or discipline a licensee or registrant~~, at least 30 days prior to the date set for the hearing, (i) notify in writing the accused applicant for, or holder of, a license or registrant of the nature of the charges made and the time and place for the hearing on the charges, (ii) and that a hearing will be held on the date designated, ~~and~~ direct the applicant, registrant, ~~or entity~~ or licensee ~~or registrant~~ to file a written answer to the charges ~~Board~~ under oath within 20 days after the service of the notice, and (iii) inform the applicant, or entity or licensee, or registrant that failure to file a written an answer to the charges will result

~~in a default being entered against the applicant, licensee, or registrant. 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 Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record with the Department. 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 person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.~~

(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

his or her address of record or email address of record.

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

(f) If the applicant, licensee, 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 imposing a fine, without hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

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

(225 ILCS 305/25) (from Ch. 111, par. 1325)

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

Sec. 25. Record of proceedings ~~Stenographer; transcript.~~

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case

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

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

~~The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to restore, issue or renew a license, or the discipline of a licensee. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record~~

~~of the proceedings. A transcript of 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 (20 ILCS 2105/2105-115).~~

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

(225 ILCS 305/26) (from Ch. 111, par. 1326)

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

Sec. 26. Subpoenas; depositions; oaths.

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

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

(225 ILCS 305/27) (from Ch. 111, par. 1327)

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

Sec. 27. Compelling testimony ~~Procedure to compel attendance of witnesses.~~ Any circuit court, upon the

application of the accused person or complainant 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 in any hearing relative to the application for or refusal, recall, suspension or revocation of a license, or the discipline of a licensee, and the court may compel obedience to its order by proceedings for contempt.

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

(225 ILCS 305/28) (from Ch. 111, par. 1328)

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

Sec. 28. Hearing; motion for rehearing ~~Report of Board;~~
~~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 licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant, 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. The Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order.

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

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

~~After the hearing, the Board shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered or certified mail as provided in this Act for the service of the notice. Within 20 days after such service, the accused person may present to the Department his 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 before such transcript is ready for delivery to him shall not be counted as part of such 20 days.~~

~~Whenever the Director 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 Director has the right to take the action recommended by the Board.~~

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

(225 ILCS 305/29) (from Ch. 111, par. 1329)

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

Sec. 29. Hearing officer. Notwithstanding ~~the provisions of Section 28 of this Act,~~ the Secretary ~~Director~~ has the

authority to appoint an ~~any~~ attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or registration or discipline an applicant, licensee, or registrant ~~under Section 24~~. The Board may have at least one member present at any hearing conducted by the hearing officer. ~~The Director shall notify the Board of any such appointment.~~ The hearing officer shall have ~~has~~ full authority to conduct the hearing. ~~The Board has the right to have at least one member present at any hearing conducted by such hearing officer.~~ The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary ~~Director~~. ~~The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary may issue an order based on the report of the hearing officer.~~ If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall notify the Board on any such deviation⁷ and shall specify with particularity the reasons for such action in the final order.

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

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

Sec. 30. Order to be prima facie proof. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

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

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

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

Such proof may be rebutted.

(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 305/31) (from Ch. 111, par. 1331)

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

Sec. 31. Restoration from disciplinary status ~~of suspended or revoked license~~.

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

(b) If the 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.

(c) A person whose license or registration has been revoked under this Act may not apply for restoration of that license or registration until authorized to do so under the Civil Administrative Code of Illinois.

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

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

(225 ILCS 305/32) (from Ch. 111, par. 1332)

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

Sec. 32. 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 has the right to seize the license or registration.

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

(225 ILCS 305/33) (from Ch. 111, par. 1333)

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

Sec. 33. Temporary suspension of a license. The Secretary ~~Director~~ may temporarily suspend the license or registration of an architect without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 24 ~~of this Act~~, if the Secretary ~~Director~~ finds that evidence in the Department's ~~his~~ possession indicates that an architect's continuation in practice would constitute an imminent danger to the public. If ~~In the event that~~ the Secretary ~~Director~~ temporarily suspends the license or registration of an architect without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred.

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

(225 ILCS 305/34) (from Ch. 111, par. 1334)

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

Sec. 34. ~~Review under Administrative~~ review ~~Review Law;~~
~~Venue.~~

(a) All final administrative decisions of the Department hereunder are subject to judicial review pursuant to ~~the provisions of~~ the Administrative Review Law, ~~as now or hereafter amended,~~ and all ~~the~~ 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 of the county in which the party applying for review resides, but if the ~~such~~ party is not a resident of this State, the venue shall be in Sangamon County.

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

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

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

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

(225 ILCS 305/37) (from Ch. 111, par. 1337)

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

Sec. 37. Illinois Administrative Procedure Act; application. 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

Public Act 101-0346

SB1684 Enrolled

LRB101 08690 JRG 53775 b

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 to the last known address of record ~~a party~~.

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

(225 ILCS 305/4.5 rep.)

(225 ILCS 305/35 rep.)

(225 ILCS 305/36 rep.)

Section 15. The Illinois Architecture Practice Act of 1989 is amended by repealing Sections 4.5, 35, and 36.

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