

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 4.36 and adding Section 4.41 as follows:

(5 ILCS 80/4.36)

Sec. 4.36. Acts repealed on January 1, 2026. The following Acts are repealed on January 1, 2026:

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Collection Agency Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Athletic Trainers Practice Act.

The Illinois Dental Practice Act.

~~The Illinois Roofing Industry Licensing Act.~~

The Illinois Physical Therapy Act.

~~The Professional Geologist Licensing Act.~~

The Respiratory Care Practice Act.

(Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15; 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15; 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff. 12-31-15; 99-642, eff. 7-28-16.)

(5 ILCS 80/4.41 new)

Sec. 4.41. Acts repealed on January 1, 2031. The following Acts are repealed on January 1, 2031:

The Illinois Roofing Industry Licensing Act.

The Professional Geologist Licensing Act.

Section 10. The Illinois Roofing Industry Licensing Act is amended by changing Sections 1, 2, 2.1, 3, 3.5, 4.5, 5.1, 5.5, 6, 7.1, 9, 9.1, 9.4, 9.7, 9.8, 10a, 11, 11.5, and 11.8 and by adding Sections 2.05, 4.6, and 11.5a as follows:

(225 ILCS 335/1) (from Ch. 111, par. 7501)

(Section scheduled to be repealed on January 1, 2026)

Sec. 1. Legislative purpose. It is hereby declared to be the public policy of this State that, in order to safeguard the life, health, property, and public welfare of its citizens, the business of roofing construction, reconstruction, alteration, maintenance and repair is a matter affecting the public interest, and any person desiring to obtain a license to engage in the business as herein defined shall be required to establish the person's ~~his or her~~ qualifications to be licensed as herein provided.

(Source: P.A. 90-55, eff. 1-1-98.)

(225 ILCS 335/2) (from Ch. 111, par. 7502)

(Section scheduled to be repealed on January 1, 2026)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

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

(c) "Secretary" means the Secretary of Financial and Professional Regulation or his or her designee.

(d) "Person" means any individual, partnership, corporation, business trust, professional limited liability company, limited liability company, or other legal entity.

(e) "Roofing contractor" is one who has the experience, knowledge, and skill to construct, reconstruct, alter, maintain, and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance, and repair of all kinds of roofing and waterproofing as related to roofing over an occupiable space, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees. "Roofing contractor" includes a corporation, professional limited liability company, limited liability company, limited partnership, partnership, business trust, or sole proprietorship.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual designated by

a roofing contracting business who is filing for licensure as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or manager of a professional limited liability company or limited liability company. ~~party of another legal entity,~~

"Qualifying party" means a person who, prior to and upon the roofing contractor's licensure, ~~who~~ is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day-to-day ~~day to day~~ activities of the business organization.

"Qualifying party" does not apply to a seller of roofing services ~~materials~~ or roofing materials ~~services~~ when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to roofing residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(j) "Seller of roofing ~~services or~~ materials" means a business entity primarily engaged in the sale of tangible

personal property at retail.

(k) "Building permit" means a permit issued by a unit of local government for work performed within the local government's jurisdiction that requires a license under this Act.

(l) "Address of record" means the designated street address recorded by the Department in the applicant's or licensee's application file or license file as 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 those changes must be made either through the Department's website or by contacting the Department.~~

(m) "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.

(n) "Roof repair" means reconstruction or renewal of any portion of an existing roof for the purpose of correcting damage or restoring the roof to pre-damage condition, ~~part of an existing roof for the purpose of its maintenance~~ but excludes circumstances when a torch technique is used by a licensed roofing contractor. "Roof repair" includes the use of:

(1) new material that is compatible with existing materials that are to remain in a specific roof section;

and

(2) new material that is at least as fire resistive as the material being replaced.

(o) "Roofing work" or "professional roofing services" means the construction, reconstruction, alteration, maintenance, and repair of a roof on residential, commercial, or industrial property and the use of materials and items in the construction, reconstruction, alteration, maintenance, and repair of roofing and waterproofing of roofs, all in a manner that complies with plans, specifications, codes, laws, rules, regulations, and current roofing industry standards for workmanlike performance applicable to the construction, reconstruction, alteration, maintenance, and repair of roofs on such properties.

(p) "Seller of roofing services" means a business or governmental entity that subcontracts professional roofing services to a licensed roofing contractor that serves as the subcontractor for a roofing project. "Seller of roofing services" includes a general contractor, real estate developer, or builder.

(q) "General contractor", "real estate developer", or "builder" means the person responsible for overseeing a building or construction project that includes a roof system.

(r) "Public member" means a consumer who is not a qualifying party or employee of a licensed roofing contractor. For purposes of board membership, the public member shall have

no connection or financial interest in the roofing or general contracting industries.

(s) "Subcontractor" means any person who is a licensed roofing contractor that has a direct contract with a seller of roofing services or a governmental entity to perform a portion of roofing work under a building or construction contract for a project that includes a roof system.

(t) "Roof system" means the components of a roof that include, but are not limited to, covering, framing, insulation, sheathing, ventilation, sealing, waterproofing, weatherproofing, related architectural sheet metal work, and roof coatings.

(u) "Roof section" means a separation or division of a roof area by existing expansion joints, parapet walls, flashing (excluding valley), difference of elevation (excluding hips and ridges), roof type, or legal description. "Roof section" does not include the roof area required for a proper tie-off with an existing system.

(v) "Roof recover" means installing an additional roof covering over a prepared existing roof covering without removing the existing roof covering. "Roof recover" does not include the following situations:

(1) if the existing roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing;

(2) if the existing roof covering is slate or tile; or
(3) if the existing roof has 2 or more applications of
roof covering unless the Department has received and
accepted a structural condition report, prepared by an
Illinois licensed architect or structural engineer,
confirming that the existing structure can support an
additional layer of roof covering.

(w) "Roof replacement" means removing the existing roof
covering, repairing any damaged substrate, and installing a
new roof covering. The new roof shall be installed in
accordance with the applicable provisions of the Illinois
Energy Conservation Code.

(Source: P.A. 99-469, eff. 8-26-15; 100-545, eff. 11-8-17.)

(225 ILCS 335/2.05 new)

Sec. 2.05. 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 the
change, either through the Department's website or by
contacting the Department's licensure maintenance unit.

(225 ILCS 335/2.1) (from Ch. 111, par. 7502.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 2.1. Administration of Act; rules and forms.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing Acts and shall exercise such other powers and duties necessary for effectuating the purposes of this Act.

(b) The Secretary may adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act and for the payment of fees connected with this Act and may prescribe forms that shall be issued in connection with this Act. The rules may include, but not be limited to, the standards and criteria for licensure and professional conduct and discipline and the standards and criteria used when determining fitness to practice. The Department may consult with the Board in adopting rules.

(c) The Department may, at any time, seek the advice and the expert knowledge of the Board and any member of the Board on any matter relating to the administration of this Act.

(d) (Blank).

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/3) (from Ch. 111, par. 7503)

(Section scheduled to be repealed on January 1, 2026)

Sec. 3. Application for roofing contractor license.

(1) To obtain a license, an applicant must indicate if the license is sought for a sole proprietorship, partnership, corporation, professional limited liability company, limited liability company, business trust, or other legal entity and whether the application is for a limited or unlimited roofing license. If the license is sought for a sole proprietorship, the license shall be issued to the sole proprietor who shall also be designated as the qualifying party. If the license is sought for a partnership, corporation, professional limited liability company, limited liability company, business trust, or other legal entity, the license shall be issued in the company name. At the time of application for licensure under the Act, a ~~A~~ company shall ~~must~~ designate one individual who will serve as a qualifying party. The qualifying party is the individual who must take the examination required under Section 3.5 on behalf of the company, and actively participate in the day-to-day operations of the company's business following the issuance of licensure. The company shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department. The application shall include, but shall not be limited to:

(a) the name and address of the individual ~~person~~ designated as the qualifying party responsible for the practice of professional roofing in Illinois;

(b) the name of the sole proprietorship and its sole

proprietor, the name of the partnership and its partners, the name of the corporation and its officers, shareholders, and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members and managers;

(c) evidence of compliance with any statutory requirements pertaining to such legal entity, including compliance with the Assumed Business Name Act; and

(d) a signed irrevocable uniform consent to service of process form provided by the Department.

(1.5) (Blank).

(2) An applicant for a roofing contractor license must submit satisfactory evidence that:

(a) the applicant ~~he or she~~ has obtained public liability and property damage insurance in such amounts and under such circumstances as may be determined by the Department;

(b) the applicant ~~he or she~~ has obtained Workers' Compensation insurance for roofing covering the applicant's ~~his or her~~ employees or is approved as a self-insurer of Workers' Compensation in accordance with Illinois law;

(c) the applicant ~~he or she~~ has an unemployment insurance employer account number issued by the Department of Employment Security, and the applicant ~~he or she~~ is not delinquent in the payment of any amount due under the

Unemployment Insurance Act;

(d) the applicant ~~he or she~~ has submitted a continuous bond to the Department in the amount of \$10,000 for a limited license and in the amount of \$25,000 for an unlimited license; and

(e) the ~~a~~ qualifying party has satisfactorily completed the examination required under Section 3.5.

(3) It is the ongoing responsibility of the licensee to provide to the Department notice in writing of any and all changes in the information required to be provided on the application, including, but not limited to, a change in the licensee's assumed name, if applicable.

(3.5) The qualifying party shall be an employee who receives compensation from and is under the supervision and control of the licensed roofing contractor business employer that regularly deducts the payroll tax under the Federal Insurance Contributions Act, deducts withholding tax, and provides workers' compensation as prescribed by law. The qualifying party shall not receive a Form 1099 from the licensed roofing contractor business.

(4) (Blank).

(5) Nothing in this Section shall apply to a seller of roofing services ~~materials~~ or roofing materials ~~services~~ when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a subcontractor or a person other than the seller or the

seller's employees.

(6) Applicants have 3 years from the date of application to complete the application process. If the application has not been completed within 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. 98-838, eff. 1-1-15; 99-469, eff. 8-26-15.)

(225 ILCS 335/3.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 3.5. Examinations.

(a) The Department shall authorize examinations for applicants for initial licensure at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Each applicant for limited licenses shall designate a qualifying party who shall take an examination, the technical portion of which shall cover current residential roofing practices. Each applicant for an unlimited license shall designate a qualifying party who shall take an examination, the technical portion of which shall cover current residential, commercial, and industrial roofing practices. Both examinations shall cover Illinois jurisprudence as it relates to roofing practice.

(b) An applicant for a limited license or an unlimited

license or a qualifying party designated by an applicant for a limited license or unlimited license shall pay, either to the Department or the designated testing service, a fee established by the Department to cover 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 forfeiture of the examination fee.

(c) The qualifying party for an applicant for a new license must have passed an examination authorized by the Department before the Department may issue a license.

(d) The application for a license as a corporation, business trust, or other legal entity submitted by a sole proprietor who is currently licensed under this Act and exempt from the examination requirement of this Section shall not be considered an application for initial licensure for the purposes of this subsection (d) if the sole proprietor is named in the application as the qualifying party and is the sole owner of the legal entity. Upon issuance of a license to the new legal entity, the sole proprietorship license is terminated.

The application for initial licensure as a partnership, corporation, professional limited liability company, limited liability company, business trust, or other legal entity submitted by a currently licensed partnership, corporation,

professional limited liability company, limited liability company, business trust, or other legal entity shall not be considered an application for initial licensure for the purposes of this subsection (d) if the entity's current qualifying party is exempt from the examination requirement of this Section, that qualifying party is named as the new legal entity's qualifying party, and the majority of ownership in the new legal entity remains the same as the currently licensed entity. Upon issuance of a license to the new legal entity under this subsection (d), the former license issued to the applicant is terminated.

(e) A roofing contractor applicant and a qualifying party ~~An applicant~~ have ~~has~~ 3 years after the date of application to complete the application process. If the process has not been completed within 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. 99-469, eff. 8-26-15.)

(225 ILCS 335/4.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4.5. Duties and responsibilities of qualifying party; acceptance ~~replacement~~; grounds for discipline.

(a) While named as and engaged as ~~or named as~~ a qualifying party for a roofing contractor licensee, no person may be the named qualifying party for any other licensee. However, the

person may act in the capacity of the qualifying party for one additional roofing contractor licensee of the same type of licensure only if one of the following conditions exists:

(1) the person has ~~there is~~ a common ownership or management interest of at least 25% of each licensed entity for which the person acts as a qualifying party; or

(2) the same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation, professional limited liability company, or limited liability company of which at least 25% is owned or managed by another roofing contractor licensee.

(b) At all times a licensed roofing contractor shall have one corresponding qualifying party actively engaged in the day-to-day activities of the roofing contractor's business, except for a change in qualifying party as set forth in Section 4.6 and the rules adopted under this Act ~~Upon the loss of a qualifying party who is not replaced, the qualifying party or the licensee, or both, shall notify the Department of the name and address of the newly designated qualifying party. The newly designated qualifying party must take and pass the examination prescribed in Section 3.5 of this Act. These requirements shall be met in a timely manner as established by rule of the Department.~~

(c) A qualifying party that is accepted by the Department shall be issued an appropriate credential and shall have and

exercise the authority to act for the licensed entity in all matters connected with its roofing contracting business and to supervise roofing installation operations. This authority shall not be deemed to be a license for purposes of this Act. Upon acceptance, the qualifying party shall act on behalf of the licensed roofing contractor entity only, except as provided for in subsection (a).

(d) Designation of a qualifying party by an applicant under this Section and Section 3 is subject to acceptance by the Department. The Department may refuse to accept a qualifying party (i) for failure to qualify as required under this Act and the rules adopted under this Act or (ii) after making a determination that the designated qualifying party has a history of acting illegally, fraudulently, incompetently, or with gross negligence in the roofing or construction business.

The qualifying party who has been accepted by the Department shall maintain the qualifying party's duties and responsibilities to the licensed roofing contractor as follows:

(1) The qualifying party may have a common ownership or management interest in the licensed roofing contractor entity, and, on behalf of the licensed entity, may serve as an estimator, salesperson, project manager, superintendent, or in a similar capacity as defined by rule;

(2) The qualifying party may delegate the qualifying party's supervising authority over the persons performing the onsite roofing work only to another employee of the licensed roofing contractor;

(3) While engaged as a qualifying party for a licensed roofing contractor, the qualifying party shall not accept other employment that would conflict with the individual's duties as a qualifying party or conflict with the individual's ability to supervise adequately the work performed by the licensed roofing contractor;

(4) The qualifying party shall not act on behalf of an unlicensed entity or a subcontractor that is not the qualifying party's licensee; and

(5) The qualifying party shall not use the qualifying party's credential for the benefit of an unlicensed person or a roofing contractor that has not designated the individual to qualify the contractor for licensure in accordance with this Act, unless the licensed roofing contractor affiliated with the qualifying party is a subcontractor or seller of roofing services pursuant to a bona fide contract for roofing contracting services.

(e) The Department may, at any time after giving appropriate notice and the opportunity for a hearing, suspend or revoke its acceptance of a qualifying party designated by a roofing contractor licensee and impose other discipline, including, but not limited to, fines not to exceed \$15,000 per

violation for any act or failure to act that gives rise to any ground for disciplinary action against that roofing contractor licensee under this Act and the rules adopted under this Act. If the Department suspends or revokes its acceptance of a qualifying party, the license of the roofing contractor licensee shall be deemed to be suspended until a new qualifying party has been designated by the roofing contractor licensee and accepted by the Department.

If acceptance of a qualifying party is suspended or revoked for action or inaction that constitutes a violation of this Act or the rules adopted under this Act, the Department may in addition take such other disciplinary or non-disciplinary action as it may deem proper against the licensee or qualifying party, including imposing a fine on the qualifying party, not to exceed \$15,000~~\$10,000~~ for each violation.

All administrative decisions of the Department under this subsection (e) are subject to judicial review pursuant to Section 9.7 of this Act. An order taking action against a qualifying party shall be deemed a final administrative decision of the Department for purposes of Section 9.7 of this Act.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/4.6 new)

Sec. 4.6. Qualifying party termination; succession;

inoperative status.

(a) The licensed roofing contractor shall provide information as requested by the Department, which shall include, but not be limited to, the name and contact information of the qualifying party.

(b) A qualifying party shall at all times maintain a valid, active credential only on behalf of the qualifying party's corresponding licensed roofing contractor.

(c) In the event a qualifying party is terminated or has an active status as the qualifying party of the licensed roofing contractor terminated, both the licensee and the qualifying party shall notify the Department of this disassociation in writing, by regular mail or email, within 30 business days after the date of disassociation. If such notice is not given in a timely manner, the license will be placed on inoperative status.

(d) Upon the termination, loss, or disassociation of the qualifying party, the licensed roofing contractor, if it has so informed the Department of the disassociation, shall notify the Department of the name and address of the newly designated qualifying party within 60 days after the date the licensee notifies the Department of the date of disassociation. If such notice is not given in a timely manner, the license will be placed on inoperative status.

(e) The Department shall determine the newly designated qualifying party's fitness to have the roofing contracting

license requalified, including, but not limited to, the application qualifications to sit for the examination.

(f) Within 7 months after approval by the Department, the newly designated qualifying party must take and pass the examination prescribed in Section 3.5 of this Act to requalify the roofing contracting license.

(g) If a licensed roofing contractor fails to requalify through the newly designated qualifying party within the time prescribed by the Department by rule, the license is automatically placed in inoperative status at the end of the time period until the licensee requalifies through another newly designated qualifying party. The requirements in this Section shall be met in a timely manner as established by rule of the Department.

(h) The license of any roofing contractor whose association with a qualifying party has terminated shall automatically become inoperative immediately upon such termination. An inoperative licensee under this Act shall not perform any roofing contracting services while the license is in inoperative status, unless the licensee meets all of the criteria outlined in this Section.

(225 ILCS 335/5.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 5.1. Commercial vehicles. Any entity offering services regulated by the Roofing Industry Licensing Act shall

affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles used in offering such services. An entity in violation of this Section shall be subject to a civil penalty of no less than \$250 and no more than \$1,000 ~~civil penalty~~. This Section may be enforced by the Department, the Attorney General, or local code enforcement officials employed by units of local government as it relates to roofing work being performed within the boundaries of their jurisdiction. For purposes of this Section, "code enforcement official" means an officer or other designated authority charged with the administration, interpretation, and enforcement of codes on behalf of a municipality or county. If the alleged violation has been corrected prior to or on the date of the hearing scheduled to adjudicate the alleged violation, the violation shall be dismissed.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/5.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 5.5. Contracts.

(a) A licensed roofing contractor, when signing a contract for professional roofing services, must include in the contract ~~provide a land-based phone number, and~~ a street address other than a post office box, and an email address at which the roofing contractor may be contacted.

(b) Prior to engaging in any roofing work, a roofing contractor shall provide a written contract to the property owner, signed by both the roofing contractor or the roofing contractor's designee and the property owner, stating at least the following terms:

(1) the scope of roofing services and materials to be provided;

(2) the approximate dates of service;

(3) for roof repair, the approximate costs of the services based on damages known at the time the contract is entered;

(4) the licensed roofing contractor's contact information, including a street address other than a post office box, email address, phone number, and any other contact information available for the roofing contractor;

(5) identification of the roofing contractor's surety and liability coverage insurer and the insurer's contact information, if applicable;

(6) the roofing contractor's policy regarding cancellation of the contract and refund of any deposit, including a rescission clause allowing the property owner to rescind the contract and obtain a full refund of any deposit within 72 hours after entering the contract and a written statement that the property owner may rescind a roofing contract; and

(7) a written statement that if the property owner

plans to use the proceeds of a property and casualty insurance policy issued to pay for the roofing work, the roofing contractor cannot pay, waive, rebate, or promise to pay, waive, or rebate all or part of any insurance deductible applicable to the insurance claim for payment for roofing work on the covered property.

(c) In addition to the contract terms required in subsection (b) of this Section, a licensed roofing contractor shall include, on the face of the contract, in bold-faced type, a statement indicating that the roofing contractor shall hold in trust any payment from the property owner until the roofing contractor has delivered roofing materials at the property site or has performed a majority of the roofing work on the property.

(d) The roofing contractor for a roofing project shall keep a fully executed copy of the contract for professional roofing services available for inspection by the Department.

(e) In awarding a contract for professional roofing services, if the property owner is the State or any municipality, county, incorporated area, or school district, the property owner or responsible public entity shall conduct a bona fide procurement process in accordance with applicable law in which the awarded vendor or a subcontractor holds the applicable verified active licenses and a qualifying party credential issued by the Department.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/6) (from Ch. 111, par. 7506)

(Section scheduled to be repealed on January 1, 2026)

Sec. 6. Expiration and renewal; inactive status; restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by the Department by rule.

(b) A licensee who has permitted the licensee's ~~his or her~~ license to expire or whose license is on inactive status may have the ~~his or her~~ license restored by making application to the Department in the form and manner prescribed by the Department.

(c) A licensee who notifies the Department in writing on forms prescribed by the Department may elect to place the ~~his or her~~ license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the licensee ~~he or she~~ notifies the Department in writing of the licensee's ~~his or her~~ desire to resume active status.

(d) A licensee whose license expired while the licensee's ~~qualifying party~~ ~~he or she~~ was (1) on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license

renewed or restored without paying any lapsed renewal fees if, within 2 years after termination of such service, training, or education, except under conditions other than honorable, the qualifying party ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the qualifying party ~~he or she~~ has been so engaged and that the qualifying party's ~~his or her~~ service, training, or education has been so terminated.

(e) A roofing contractor whose license is expired or on inactive status shall not practice under this Act in the State of Illinois.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/7.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 7.1. Applicant convictions.

(a) When reviewing a conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of an initial applicant, the Department may only deny a license or refuse to accept a designated qualifying party based upon consideration of mitigating factors provided in subsection (c) of this Section for a felony directly related to the practice of roofing contracting.

(b) The following crimes or similar offenses in any other jurisdiction are hereby deemed directly related to the

practice of roofing contracting:

- (1) first degree murder;
- (2) second degree murder;
- (3) drug induced homicide;
- (4) unlawful restraint;
- (5) aggravated unlawful restraint;
- (6) forcible detention;
- (7) involuntary servitude;
- (8) involuntary sexual servitude of a minor;
- (9) predatory criminal sexual assault of a child;
- (10) aggravated criminal sexual assault;
- (11) criminal sexual assault;
- (12) criminal sexual abuse;
- (13) aggravated kidnaping;
- (14) aggravated robbery;
- (15) armed robbery;
- (16) kidnapping;
- (17) aggravated battery;
- (18) aggravated vehicular hijacking;
- (19) home invasion;
- (20) terrorism;
- (21) causing a catastrophe;
- (22) possession of a deadly substance;
- (23) making a terrorist threat;
- (24) material support for terrorism;
- (25) hindering prosecution of terrorism;

(26) armed violence;

(27) any felony based on consumer fraud or deceptive business practices under the Consumer Fraud and Deceptive Business Practices Act;

(28) any felony requiring registration as a sex offender under the Sex Offender Registration Act;

(29) attempt of any the offenses set forth in paragraphs (1) through (28) of this subsection (b); and

(30) convictions set forth in subsection (e) of Section 5 or Section 9.8 of this Act.

(c) The Department shall consider any mitigating factors contained in the record, when determining the appropriate disciplinary sanction, if any, to be imposed. In addition to those set forth in Section 2105-130 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, mitigating factors shall include the following:

(1) the bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on the person's ~~his or her~~ fitness or ability to perform one or more such duties and responsibilities;

(2) the time that has elapsed since the criminal conviction; and

(3) the age of the person at the time of the criminal conviction.

(d) The Department shall issue an annual report by January 31, 2027 ~~2018~~ and by January 31 each year thereafter,

indicating the following:

(1) the number of initial applicants for a license under this Act within the preceding calendar year;

(2) the number of initial applicants for a license under this Act within the previous calendar year who had a conviction;

(3) the number of applicants with a conviction who were granted a license under this Act within the previous year;

(4) the number of applicants denied a license under this Act within the preceding calendar year; and

(5) the number of applicants denied a license under this Act solely on the basis of a conviction within the preceding calendar year.

(e) Nothing in this Section shall prevent the Department taking disciplinary or non-disciplinary action against a license as set forth in Section 9.1 of this Act.

(Source: P.A. 99-876, eff. 1-1-17.)

(225 ILCS 335/9) (from Ch. 111, par. 7509)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9. Licensure requirement.

(1) It is unlawful for any person to engage in the business of providing professional roofing services or act in the capacity of or hold himself, herself, or itself out in any manner as a roofing contractor or a qualifying party without

having been duly licensed or accepted by the Department under the provisions of this Act.

(2) No work involving the construction, reconstruction, alteration, maintenance, or repair of any kind of roofing or waterproofing may be done except by a roofing contractor or a qualifying party licensed or credentialed under this Act.

(3) Sellers of roofing services may subcontract the provision of those roofing services only to roofing contractors licensed under this Act. Subcontractors that are licensed roofing contractors shall have at all times updated assumed business names disclosed to the Department, if applicable.

(4) All persons performing roofing services under this Act shall be licensed as roofing contractors, except for qualifying parties and those persons who are deemed to be employees under Section 10 of the Employee Classification Act of a licensed roofing contractor.

(Source: P.A. 98-838, eff. 1-1-15; 99-469, eff. 8-26-15.)

(225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.1. Grounds for disciplinary action.

(1) The Department may refuse to issue, to accept, or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed

\$15,000 ~~\$10,000~~ for each violation, with regard to any license or credential for any one or combination of the following:

(a) violation of this Act or its rules;

(b) for licensees, conviction or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing of any crime, 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 or that is directly related to the practice of the profession and, for initial applicants, convictions set forth in Section 7.1 of this Act;

(c) fraud or any misrepresentation in applying for or procuring a license under this Act, or in connection with applying for renewal of a license under this Act;

(d) professional incompetence or gross negligence in the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee and that relates ~~relating~~ to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;

(e) (blank);

(f) aiding or assisting another person in violating any provision of this Act or its rules;

(g) failing, within 60 days, to provide information in response to a written request made by the Department;

(h) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(i) habitual or excessive use or abuse of controlled substances, as defined by the Illinois Controlled Substances Act, alcohol, or any other substance that results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another state, unit of government, or government agency, the District of Columbia, a territory, or a foreign country ~~nation~~, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section. This includes any adverse action taken by a State or federal agency that prohibits a roofing contractor or qualifying party from providing services to the agency's participants;

(k) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(l) a finding by the Department that any ~~the~~ licensee or individual with a qualifying party credential under this Act, after having the individual's ~~his or her~~ license or credential disciplined, has violated the terms of the discipline;

(m) a finding by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(n) willfully making or filing false records or reports in the practice of roofing contracting, including, but not limited to, false records filed with the State agencies or departments;

(o) practicing, attempting to practice, or advertising under a name other than the full name as shown on the license or credential or any other legally authorized name;

(p) gross and willful overcharging for professional services including filing false statements for collection of fees or monies for which services are not rendered;

(q) (blank);

(r) (blank);

(s) failure to continue to meet the requirements of this Act shall be deemed a violation;

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

(u) material misstatement in furnishing information to the Department or to any other State agency;

(v) (blank);

(w) advertising in any manner that is false, misleading, or deceptive;

(x) taking undue advantage of a customer, which results in the perpetration of a fraud;

(y) performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act;

(z) engaging in the practice of roofing contracting, as defined in this Act, with a suspended, revoked, canceled, nonrenewed, or otherwise inoperative ~~or cancelled~~ license or credential;

(aa) treating any person differently to the person's detriment because of race, color, creed, gender, age, religion, or national origin;

(bb) knowingly making any false statement, oral, written, or otherwise, of a character likely to influence, persuade, or induce others in the course of obtaining or performing roofing contracting services;

(cc) violation of any final administrative action of the Secretary;

(dd) allowing the use of the ~~his or her~~ roofing license or qualifying party credential by an unlicensed roofing contractor for the purposes of providing roofing or waterproofing services; or

(ee) (blank);

(ff) cheating or attempting to subvert a licensing examination administered under this Act; or

(gg) use of a license or credential to permit or enable an unlicensed person to provide roofing contractor services.

(2) The determination by a circuit court that a license or credential holder 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, an order by the court so finding and discharging the patient, and the recommendation of the Board to the Director of the Division of Professional Regulation that the license or credential holder be allowed to resume the license or credential holder's ~~his or her~~ practice.

(3) The Department may refuse to issue or take disciplinary action concerning the license or credential of any person who fails 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 any such tax Act are satisfied as determined by the Department of Revenue.

(4) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any individual who is licensed or credentialed under this Act or any individual who has applied for licensure or a credential to submit to a mental or physical examination or evaluation, or both, which may include a substance abuse or sexual offender evaluation, at the expense of the Department. The Department shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing

deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing.

(5) The Department may order the examining physician or any member of the multidisciplinary team to provide to the Department any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, qualifying party, or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at the individual's ~~his or her~~ own expense, another

physician of the individual's ~~his or her~~ choice present during all aspects of the examination.

(6) Failure of any individual to submit to mental or physical examination or evaluation, or both, when directed, shall result in an automatic suspension without hearing until such time as the individual submits to the examination. If the Department finds a licensee or qualifying party unable to practice because of the reasons set forth in this Section, the Department shall require the licensee or qualifying party to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition for continued, reinstated, or renewed licensure.

(7) When the Secretary immediately suspends a license or credential under this Section, a hearing upon such person's license or credential must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the licensee's or qualifying party's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

(8) Licensees and qualifying parties affected under this Section shall be afforded an opportunity to demonstrate to the Department that they can resume practice in compliance with acceptable and prevailing standards under the provisions of

their license.

(9) (Blank).

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

~~The changes to this Act made by this amendatory Act of 1997 apply only to disciplinary actions relating to events occurring after the effective date of this amendatory Act of 1997.~~

(Source: P.A. 99-469, eff. 8-26-15; 99-876, eff. 1-1-17; 100-872, eff. 8-14-18.)

(225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.4. Subpoenas; oaths. The Department has power to subpoena and bring before it any person in this State and to

take the oral or written testimony, or to compel the production of any books, papers, records, documents, exhibits, or other materials that the Secretary or the Secretary's ~~his or her~~ designee deems relevant or material to an investigation or hearing conducted by the Department, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in courts of this State.

The Secretary, the designated hearing officer, any member of the Board, or a certified shorthand court reporter may administer oaths to witnesses at any hearing that the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony or production of documents or records shall be in accordance with this Act.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/9.7) (from Ch. 111, par. 7509.7)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.7. Final administrative decisions. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, except that, if the party is not a resident

of this State, the venue shall be Sangamon County.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/9.8) (from Ch. 111, par. 7509.8)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.8. Criminal penalties. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor for the first offense and such violation may result in a sentence in accordance with subsection (a) of Section 5-4.5-55 of the Unified Code of Corrections and a fine not to exceed \$2,500. On conviction of a second or subsequent offense, the violator is guilty of a Class 4 felony, which may result in a sentence in accordance with subsection (a) of Section 5-4.5-45 of the Unified Code of Corrections and a fine of \$25,000. Each day of violation constitutes a separate offense. Fines for any and all criminal penalties imposed shall be payable to the Department.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/10a)

(Section scheduled to be repealed on January 1, 2026)

Sec. 10a. Unlicensed practice; violation; civil penalty.

(a) In addition to any other penalty provided by law, any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice roofing 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 \$15,000 ~~\$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) The Department has the authority and power to investigate any and all unlicensed activity.

(c) 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.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/11) (from Ch. 111, par. 7511)

(Section scheduled to be repealed on January 1, 2026)

Sec. 11. Application of Act.

(1) Nothing in this Act limits the power of a municipality, city, county, ~~or~~ incorporated area, or school district to regulate the quality and character of work performed by roofing contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of State and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this Act shall be construed to require a seller of roofing services ~~materials~~ or a seller of roofing materials ~~services~~ to be licensed as a roofing contractor when the construction, reconstruction, alteration, maintenance or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(3) Nothing in this Act shall be construed to require a person who performs roofing or waterproofing work to the person's ~~his or her~~ own property, or for no consideration, to be licensed as a roofing contractor.

(3.5) Nothing in this Act shall be construed to require an employee who performs roofing or waterproofing work to an ~~his or her~~ employer's residential property, where there exists an employee-employer relationship or for no consideration, to be licensed as a roofing contractor.

(4) Nothing in this Act shall be construed to require a person who performs roof repair or waterproofing work to an ~~his or her~~ employer's commercial or industrial property to be licensed as a roofing contractor, where there exists an employer-employee relationship. Nothing in this Act shall be construed to apply to the installation of plastics, glass or fiberglass to greenhouses and related horticultural structures, or to the repair or construction of farm buildings.

(5) Nothing in this Act limits the power of a municipality, city, county, ~~or~~ incorporated area, or school

district to collect occupational license and inspection fees for engaging in roofing contracting.

(6) Nothing in this Act limits the power of the municipalities, cities, counties, ~~or~~ incorporated areas, or school districts to adopt any system of permits requiring submission to and approval by the municipality, city, county, or incorporated area of plans and specifications for work to be performed by roofing contractors before commencement of the work.

(7) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is duly licensed before issuing the permit. The evidence shall consist only of the exhibition to him or her of current evidence of licensure.

(8) This Act applies to any roofing contractor performing work for the State or any municipality, city, county, ~~or~~ incorporated area, or school district. Officers of the State or any municipality, city, county, ~~or~~ incorporated area, or school district are required to determine compliance with this Act before awarding any contracts for construction, improvement, remodeling, or repair.

(9) If an incomplete contract exists at the time of death of a qualifying party or the dissolution of a roofing contractor licensee, the contract may be completed by any person even though not licensed or credentialed. Such person shall notify the Department within 30 days after the death of

the qualifying party or the dissolution of the roofing contractor of the person's ~~his or her~~ name and address. For ~~the~~ purposes of this subsection (9), an incomplete contract is one which has been awarded to, or entered into by, the licensee before the dissolution or the ~~his or her~~ death of the qualifying party or on which the licensee ~~he or she~~ was the low bidder and the contract is subsequently awarded to the roofing contractor ~~him or her~~ regardless of whether any actual work has commenced under the contract before the dissolution or the ~~his or her~~ death of the qualifying party.

(10) The State or any municipality, city, county, ~~or~~ incorporated area, or school district may require that bids submitted for roofing construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that that bidder holds an appropriate license issued pursuant to this Act.

(11) (Blank).

(12) Nothing in this Act shall prevent a municipality, city, county, ~~or~~ incorporated area, or school district from making laws or ordinances that are more stringent than those contained in this Act.

(13) Nothing in this Act shall be construed to prevent or limit the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989 or the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989.

(Source: P.A. 99-469, eff. 8-26-15; 100-545, eff. 11-8-17.)

(225 ILCS 335/11.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 11.5. Roofing Advisory Board. There is created within the Department a Roofing Advisory Board to be composed of persons: ~~The Roofing Advisory Board is created and shall consist of 8 persons~~

(a) Nine members, one of whom is a ~~knowledgeable~~ public member and 5 ~~7~~ of whom are each (i) designated as the qualifying party of a licensed roofing contractor or (ii) legally qualified to act for the business entity ~~organization~~ on behalf of the licensed roofing contractor ~~licensee~~ in all matters connected with its roofing contracting business, exercise ~~have~~ the authority to supervise roofing installation operations, and actively engaged in day-to-day activities of the business entity ~~organization~~ for a licensed roofing contractor. One shall represent ~~One of the 7 nonpublic members on the Board shall represent~~ a statewide association representing home builders, another shall represent ~~and another of the 7 nonpublic members shall represent~~ an association predominantly ~~predominately~~ representing retailers, and another shall represent the employees of licensed roofing contractors.

The public member shall not represent any association or be licensed or credentialed under this Act.

(b) Each member shall be appointed by the Secretary. The membership of the Board should represent racial, ethnic, and cultural diversity and reasonably reflect representation from the various geographic areas of the State. ~~Five members of the Board shall constitute a quorum. A quorum is required for all Board decisions.~~

(c) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board, unless the conduct that gave rise to the suit was willful and wanton misconduct.

(d) Terms for each member of the Board shall be for 4 years. A member shall serve until the member's successor is qualified and appointed. Partial terms over 2 years in length shall be considered as full terms. A member may be reappointed for a successive term, but no member shall serve more than 2 full terms. For any such reappointment, the second term shall begin the day after the end of the first full term. ~~The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. No member shall serve more than 2 complete 4 year terms.~~

(e) The Secretary may terminate or refuse the appointment of ~~shall have the authority to remove or suspend~~ any member of the Board for cause ~~at any time before the expiration of his or her term~~. The Secretary shall be the sole arbiter of cause.

(f) The Secretary shall fill a vacancy for the unexpired

portion of the term with an appointee who meets the same qualifications as the person whose position has become vacant. ~~The Board shall meet annually to elect one member as chairman and one member as vice chairman. No officer shall be elected more than twice in succession to the same office.~~

(g) The members of the Board shall be reimbursed ~~receive reimbursement~~ for all legitimate actual, necessary, and authorized expenses incurred in attending the meetings of the Board.

(Source: P.A. 99-469, eff. 8-26-15.)

(225 ILCS 335/11.5a new)

Sec. 11.5a. Roofing Advisory Board; powers and duties.

(a) The Board shall meet at least once per year or as otherwise called by the Secretary.

(b) Five members of the Board currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

(c) Each member, in exercising the member's duties on behalf of the Board, shall not engage in any self-interest, including, but not limited to, conduct contrary to an appropriate regulatory interest as determined by the Department.

(d) The Board shall annually elect a chairperson and a vice chairperson who shall be qualifying parties credentialed

under this Act. No officer shall be elected more than twice in succession to the same office unless there are extenuating circumstances.

(e) The Board shall elect a successor chairperson or vice chairperson in the event such officer position becomes vacant, and such successor shall serve the remainder of the vacating officer's term.

(f) Without limiting the power of the Department to conduct investigations, the Board may recommend to the Secretary that one or more credentialed qualifying parties be selected by the Secretary to conduct or assist in any investigation pursuant to this Act. Each such credentialed qualifying party may receive remuneration as determined by the Secretary.

(225 ILCS 335/11.8)

(Section scheduled to be repealed on January 1, 2026)

Sec. 11.8. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses or credential or credentials to the Department. If the licensee or qualifying party fails to do so, the Department shall have the right to seize the license or credential.

(Source: P.A. 99-469, eff. 8-26-15.)

Section 15. The Professional Geologist Licensing Act is

amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50, 54, 65, 75, 80, 85, 90, 110, 120, 125, 140, 160, and 180 and by adding Sections 18, 41, and 66 as follows:

(225 ILCS 745/15)

(Section scheduled to be repealed on January 1, 2026)

Sec. 15. Definitions. In this Act:

"Address of record" means the designated 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.

"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.

"Board" means the Board of Licensing for Professional Geologists.

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

"Geologist" means an individual who, by reason of the individual's ~~his or her~~ knowledge of geology, mathematics, and the physical and life sciences, acquired by education and practical experience as defined by this Act, is capable of practicing the science of geology.

"Geology" means the science that includes the treatment of the earth and its origin and history including, but not

limited to, (i) the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground waters, gases, and other materials that compose the earth as they may relate to geologic processes; (ii) the study of the natural agents, forces, and processes that cause changes in the earth; and (iii) the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes, for the benefit of humankind.

"Person" or "individual" means a natural person.

"Practice of professional geology" means the performance of, or the offer to perform, the services of a geologist, including consultation, investigation, evaluation, planning, mapping, inspection of geologic work, and other services that require extensive knowledge of geologic laws, formulas, principles, practice, and methods of data interpretation.

Any ~~A~~ person shall be construed to practice or offer to practice professional geology, within the meaning and intent of this Act, if the ~~that~~ person (i) by verbal claim, sign, advertisement, letterhead, card, or any other means, represents oneself ~~himself or herself~~ to be a Licensed Professional Geologist or through the use of some title implies that the person ~~he or she~~ is a Licensed Professional Geologist or is licensed under this Act or (ii) holds oneself ~~himself or herself~~ out as able to perform or does perform services or work defined in this Act as the practice of

professional geology.

Examples of the practice of professional geology include, but are not limited to, the conduct of, or responsible charge for, the following types of activities: (i) mapping, sampling, and analysis of earth materials, interpretation of data, and the preparation of oral or written testimony regarding the probable geological causes of events; (ii) planning, review, and supervision of data gathering activities, interpretation of geological data gathered by direct and indirect means, preparation and interpretation of geological maps, cross-sections, interpretive maps and reports for the purpose of determining regional or site specific geological conditions; (iii) the planning, review, and supervision of data gathering activities and interpretation of data on regional or site specific geological characteristics affecting groundwater; (iv) the interpretation of geological conditions on the surface of the Earth and at depth in the Earth for the purpose of determining whether those conditions correspond to a geologic map of the site or a legally specified geological requirement for the site; and (v) the conducting of environmental property audits.

"Licensed Professional Geologist" means an individual who is licensed under this Act to engage in the practice of professional geology in Illinois.

"Responsible charge" means the independent control and direction, by use of initiative, skill, and independent

judgment, of geological work or the supervision of that work.

"Rules" means the rules adopted pursuant to this Act.

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

"Seal" means the seal in compliance with Section 60 of this Act.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/18 new)

Sec. 18. 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 745/20)

(Section scheduled to be repealed on January 1, 2026)

Sec. 20. Exemptions. Nothing in this Act shall be construed to restrict the use of the title "geologist" or similar words by any person engaged in a practice of geology exempted under this Act, provided the person does not hold the

person ~~himself or herself~~ out as being a Licensed Professional Geologist or does not practice professional geology in a manner requiring licensure under this Act. Performance of the following activities does not require licensure as a licensed professional geologist under this Act:

(a) The practice of professional geology by an employee or a subordinate of a licensee under this Act, provided the work does not include responsible charge of geological work and is performed under the direct supervision of a Licensed Professional Geologist who is responsible for the work.

(b) The practice of professional geology by officers and employees of the United States government within the scope of their employment.

(c) The practice of professional geology as geologic research to advance basic knowledge for the purpose of offering scientific papers, publications, or other presentations (i) before meetings of scientific societies, (ii) internal to a partnership, corporation, proprietorship, or government agency, or (iii) for publication in scientific journals, or in books.

(d) The teaching of geology in schools, colleges, or universities, as defined by rule.

(e) The practice of professional geology exclusively in the exploration for or development of energy resources or base, precious and nonprecious minerals, including

sand, gravel, and aggregate, that does not require, by law, rule, or ordinance, the submission of reports, documents, or oral or written testimony to public agencies. Public agencies may, by law or by rule, allow required oral or written testimony, reports, permit applications, or other documents based on the science of geology to be submitted to them by persons not licensed under this Act. Unless otherwise required by State or federal law, public agencies may not require that the geology-based aspects of testimony, reports, permits, or other documents so exempted be reviewed by, approved, or otherwise certified by any person who is not a Licensed Professional Geologist. Licensure is not required for the submission and review of reports or documents or the provision of oral or written testimony made under the Well Abandonment Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land Conservation and Reclamation Act, or the Surface-Mined Land Conservation and Reclamation Act.

(f) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(g) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989.

(h) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(i) The practice of land surveying as defined in the

Illinois Professional Land Surveyor Act of 1989.

(j) The practice of landscape architecture as defined in the Landscape Architecture Registration Act.

(k) The practice of professional geology for a period not to exceed 9 months by any person pursuing a course of study leading to a degree in geology from an accredited college or university, as set forth in this Act and as established by rule, provided that (i) such practice constitutes a part of a supervised course of study, (ii) the person is under the supervision of a geologist licensed under this Act or a teacher of geology at an accredited college or university, and (iii) the person is designated by a title that clearly indicates the person's ~~his or her~~ status as a student or trainee.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 745/25)

(Section scheduled to be repealed on January 1, 2026)

Sec. 25. Restrictions and limitations. No person shall, without a valid license issued by the Department (i) in any manner hold oneself ~~himself or herself~~ out to the public as a Licensed Professional Geologist; (ii) attach the title "Licensed Professional Geologist" to the person's ~~his or her~~ name; or (iii) render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/30)

(Section scheduled to be repealed on January 1, 2026)

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as a Licensed Professional Geologist ~~or as a Licensed Specialty Geologist, as defined by the Board,~~ and pass upon the qualifications of applicants for licensure by endorsement.

(b) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, reprimand, or take any other disciplinary or non-disciplinary action against licenses issued under this Act.

(c) Formulate rules required for the administration of this Act.

(d) Obtain written recommendations from the Board regarding ~~(i)~~ definitions of curriculum content and approval of geological curricula, standards of professional conduct, and formal disciplinary actions and the formulation of rules affecting these matters ~~and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing.~~

(e) Issue licenses to applicants who meet the requirements of this Act. ~~Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked, denied renewal, or otherwise disciplined within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.~~

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/35)

(Section scheduled to be repealed on January 1, 2026)

Sec. 35. Board of Licensing for Professional Geologists; members; qualifications; duties.

(a) The Secretary shall appoint a Board of Licensing for Professional Geologists which shall serve in an advisory capacity to the Secretary. The Board shall be composed of 8 persons, 7 of whom shall be voting members appointed by the Secretary, who shall give due consideration to recommendations by members of the profession of geology and of geology organizations within the State. In addition, the State Geologist or the State Geologist's ~~his or her~~ designated representative, shall be an advisory, non-voting member of the Board.

(b) Insofar as possible, the geologists appointed to serve on the Board shall be generally representative of the occupational and geographical distribution of geologists

within this State.

(c) Of the 7 appointed voting members of the Board, 6 shall be geologists and one shall be a member of the general public with no family or business connection with the practice of geology.

(d) Each of the appointed geologist members of the Board shall be a Licensed Professional Geologist licensed under this Act with at least 10 years of experience and shall not have been disciplined within the last 10 years under this Act.

(e) Voting members shall be appointed to 4-year terms. Partial terms of over 2 years in length shall be considered full terms.

(f) Members shall hold office until the expiration of their terms or until their successors have been appointed and have qualified.

(g) No voting member of the Board shall serve more than 2 consecutive full terms.

(h) Vacancies in the membership of the Board shall be filled by appointment for the remainder of the unexpired term.

(i) The Secretary may remove or suspend any appointed member of the Board for cause at any time before the expiration of the member's ~~his or her~~ term. The Secretary shall be the sole arbiter of cause.

(j) The Board shall annually elect one of its members as chairperson and one of its members as vice-chair.

(k) The members of the Board shall be reimbursed for all

legitimate and necessary expenses authorized by the Department incurred in attending the meetings of the Board.

(l) The Board may make recommendations to the Secretary to establish the examinations and their method of grading.

(m) The Board may submit written recommendations to the Secretary concerning formulation of rules and a Code of Professional Conduct and Ethics. The Board may recommend or endorse revisions and amendments to the Code and to the rules from time to time.

(n) The Board may make recommendations on matters relating to continuing education of Licensed Professional Geologists, including the number of hours necessary for license renewal, waivers for those unable to meet that requirement, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking a license renewal.

(o) Four voting Board members constitute ~~constitutes~~ a quorum. A quorum is required for all Board decisions.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/40)

(Section scheduled to be repealed on January 1, 2026)

Sec. 40. Application for original license.

(a) Applications for original licenses shall be made to the Department on physical or electronic forms prescribed by the Department and accompanied by the required fee, which

shall not be refundable. All applications shall contain the information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license to practice as a Licensed Professional Geologist.

(b) The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

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

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/41 new)

Sec. 41. Social Security Number or Individual Taxpayer Identification Number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or Individual Taxpayer Identification Number, which shall be retained in the agency's records pertaining to the license. As

soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

(225 ILCS 745/45)

(Section scheduled to be repealed on January 1, 2026)

Sec. 45. Examination; failure or refusal to take the examination.

(a) The Department shall authorize examinations of applicants for original licensure as a Professional Geologist at such times and places as it may determine. The examination for licensure as a Licensed Professional Geologist shall be a 2-part examination, with one part fairly testing an applicant's knowledge of the fundamental theory and concepts of the science of geology, including subjects that are generally taught in geology curricula of accredited colleges and universities, and the other part testing the applicant's knowledge of the practical application and uses of the theory and science of geology. The 2 parts of the examination may be taken at separate times.

(b) Applicants for examinations shall pay, either to the Department or to 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 application for examination has

been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) If the applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years ~~6 years~~ after filing an application, the application shall be denied. However, the applicant may thereafter submit a new application accompanied by the required fee. The applicant shall meet the requirements in force at the time of making the new application.

(d) The Department may employ consultants for the purpose of preparing and conducting examinations.

(e) The Department shall have the authority to adopt or recognize, in part or in whole, examinations prepared, administered, or graded by other organizations that are determined appropriate to measure the qualifications of an applicant for licensure as a Licensed Professional Geologist.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/50)

(Section scheduled to be repealed on January 1, 2026)

Sec. 50. Qualifications for licensure.

(a) The Department may issue a license to practice as a Licensed Professional Geologist to any applicant who meets the following qualifications:

(1) The applicant has completed an application ~~form~~

and paid the required fees.

(2) The applicant is of good ethical character, including compliance with the Code of Professional Conduct and Ethics under this Act, and has not committed any act or offense in any jurisdiction that would constitute the basis for disciplining a Licensed Professional Geologist under this Act.

(3) The applicant has earned a degree in geology or a related science, as defined by rule, from an accredited college or university, as established by rule, with a minimum of 30 semester or 45 quarter hours of course credits in geology, of which 24 semester or 36 quarter hours are in upper level courses. The Department may, upon the recommendation of the Board, allow the substitution of appropriate experience as a geologist for prescribed educational requirements as established by rule.

(4) The applicant has a documented record of a minimum of 4 years of professional experience, obtained after completion of the education requirements specified in this Section, in geologic or directly related work, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensure as a Licensed Professional Geologist or such specialty of professional geology that the Board may recommend and the Department may recognize. The Department may require evidence acceptable to it that up to 2 years of

professional experience have been gained under the supervision of a person licensed under this Act or similar Acts in any other state, or under the supervision of others who, in the opinion of the Department, are qualified to have responsible charge of geological work under this Act.

(5) The applicant has passed both parts of the ~~an~~ examination authorized by the Department for practice as a Licensed Professional Geologist.

(6) The applicant has complied with all other requirements of this Act and rules established for the implementation of this Act.

(b) A license to practice as a Licensed Professional Geologist shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(c) The Department may establish by rule an intern process to, in part, allow (1) a graduate who has earned a degree in geology from an accredited college or university in accordance with this Act or (2) a student in a degree program at an accredited college or university who has completed the necessary course requirements established in this Section to request to take one or both parts of the examination required by the Department without first submitting a formal application to the Department for licensure as a Licensed

Professional Geologist. The Department may set by rule the criteria for the intern process, including, but not limited to, the educational requirements, exam requirements, experience requirements, remediation requirements, and any fees or applications required for the process. The Department may also set by rule provisions concerning disciplinary guidelines and the use of the title "intern" or "trainee" by a graduate or student who has passed the required examination.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/54)

(Section scheduled to be repealed on January 1, 2026)

Sec. 54. Endorsement ~~Previous qualification in other jurisdiction.~~ The Department may, ~~upon the recommendation of the Board,~~ issue a license by endorsement to any applicant who, upon applying to the Department and remitting the required application fee, meets all of the following qualifications:

(1) The applicant holds an active, valid license to practice professional geology in at least one jurisdiction in the United States in which the current requirements for licensure are substantially equivalent to or more stringent than those required by this Act.

(2) The applicant is of good ethical character as established by the Department in the Code of Professional Conduct and Ethics under this Act and has not committed

any act or offense in any jurisdiction that would constitute the basis for discipline under this Act.

(3) The applicant has met any other qualifications recommended to the Department by the Board.

An applicant has 3 years from the date of application to complete the application process. If the process has not been completed within this 3-year ~~3-year~~ period, then the application shall be denied, the fee shall be forfeited, and the applicant must re-apply and meet the requirements in effect at the time of re-application.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/65)

(Section scheduled to be repealed on January 1, 2026)

Sec. 65. Expiration and renewal of license. The expiration date and renewal period for each license shall be set by rule. A Licensed Professional Geologist whose license has expired may reinstate the ~~his or her~~ license or enrollment at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee. However, any Licensed Professional Geologist whose license expired while the Licensed Professional Geologist ~~he or she~~ was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may

have the ~~his or her~~ Licensed Professional Geologist license renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the Licensed Professional Geologist furnishes to the Department satisfactory evidence of the service, training, or education and that it has been terminated under honorable conditions.

Any Licensed Professional Geologist whose license has expired for more than 5 years may have it restored by making application to the Department, paying the required fee, and filing acceptable proof of fitness to have the license restored. The proof may include sworn evidence certifying active practice in another jurisdiction. If the geologist has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether that individual is fit to resume active status as a Licensed Professional Geologist. The Board may require the geologist to complete a period of evaluated professional experience and may require successful completion of an examination.

The Department may refuse to issue or may suspend the license of any person who fails to file a tax return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/66 new)

Sec. 66. Inactive status. A person licensed under this Act who notifies the Department in writing on forms prescribed by the Department may place the person's license on inactive status and shall be excused from the payment of renewal fees until the Department is notified in writing of the person's desire to resume active status.

Any licensed geologist whose license is in inactive status shall not practice professional geology in this State.

(225 ILCS 745/75)

(Section scheduled to be repealed on January 1, 2026)

Sec. 75. 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 calendar 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 a hearing. If, after termination or denial, the person seeks a license to practice as a Licensed Professional Geologist, the person ~~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.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/80)

(Section scheduled to be repealed on January 1, 2026)

Sec. 80. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the following:

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

(2) Violations of this Act, or of the rules promulgated under this Act.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, 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: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

(5) Professional incompetence.

(6) Malpractice.

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

(8) Failing, within 60 days, to provide information in response to a written request made by the Department.

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

(10) Habitual or excessive use or 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) Discipline by another state, the District of Columbia, a territory of the United States, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered.

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

(14) Willfully making or filing false records or reports in the person's ~~his or her~~ practice, including, but not limited to, false records filed with State agencies or departments.

(15) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(16) Solicitation of professional services other than permitted advertising.

(17) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act regulating narcotics.

(18) Failure to (i) file a tax return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

(19) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of professional geology, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(20) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(21) Practicing under a false or, except as provided by law, an assumed name.

(22) Fraud or misrepresentation in applying for, or procuring, a license to practice as a Licensed Professional Geologist under this Act or in connection with applying for renewal of a license under this Act.

(23) Cheating on or attempting to subvert the

licensing examination administered under this Act.

(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. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume the licensee's ~~his or her~~ practice.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/85)

(Section scheduled to be repealed on January 1, 2026)

Sec. 85. Injunctive action; cease and desist order.

(a) If any person violates the provisions of this Act, the Director, in the name of the People of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a

verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any ~~a~~ person practices as a Licensed Professional Geologist or holds oneself ~~himself or herself~~ out as a Licensed Professional Geologist in Illinois, without being licensed to do so under this Act, then any Licensed Professional Geologist, interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section.

(c) Whenever, in the opinion of the Department, a person 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. The rule shall clearly set forth the grounds relied upon by the Department and shall allow at least 7 days from the date of the rule to file an answer satisfactory to the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/90)

(Section scheduled to be repealed on January 1, 2026)

Sec. 90. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render geological services or any person holding or claiming to hold a license as a Licensed Professional Geologist. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 80 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer to the charges with the Board under oath within 20 days after the service on the accused ~~him or her~~ of the notice, and (iii) notify the accused that, if the accused ~~he or she~~ fails to answer, default will be taken against the accused ~~him or her~~, and that the ~~his or her~~ license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of the accused's ~~his or her~~ practice, as the Department may consider proper. 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 any pertinent statements, testimony, evidence, and arguments. The Board may continue the

hearing from time to time. In case the person, after receiving the notice, fails to file an answer, the person's ~~his or her~~ license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or subject to any other disciplinary action the Department considers 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 that action under this Act. The written notice may be served by personal delivery or by ~~certified mail~~ or by email to the licensee's address of record or email address of record.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/110)

(Section scheduled to be repealed on January 1, 2026)

Sec. 110. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Secretary. In making recommendations for any disciplinary actions, the Board may take into

consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including, but not limited to, previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or otherwise disciplining a licensee. If the Secretary disagrees with the recommendations of the Board, the Secretary may issue an order in contravention of the Board recommendations. ~~The Secretary shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order.~~ The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/120)

(Section scheduled to be repealed on January 1, 2026)

Sec. 120. Secretary; rehearing. Whenever the Secretary believes that justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or other discipline of an applicant or licensee, the Secretary ~~he or she~~ may order a rehearing by the same or other examiners.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/125)

(Section scheduled to be repealed on January 1, 2026)

Sec. 125. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist or to discipline a licensee. The hearing officer has full authority to conduct the hearing. Members of the Board may attend each hearing. The hearing officer shall report ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall have 60 calendar 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 does not 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 with the recommendation of the Board or of the hearing officer, the Secretary may issue an order in contravention of the recommendation. The Secretary shall promptly provide a written report to the Board on any deviation, and shall specify the reasons for the action in the final order.

(Source: P.A. 99-26, eff. 7-10-15.)

(225 ILCS 745/140)

(Section scheduled to be repealed on January 1, 2026)

Sec. 140. Surrender of license. Upon the revocation or suspension of a person's license to practice as a Licensed Professional Geologist, the licensee shall immediately surrender the person's ~~his or her~~ license to the Department and the licensee's name and address shall be added to the list of individuals whose licenses have been revoked, suspended, or denied renewal for cause. If the licensee fails to surrender the ~~his or her~~ license, the Department has the right to seize the license.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/160)

(Section scheduled to be repealed on January 1, 2026)

Sec. 160. Violations.

(a) Using or attempting to use an expired license is a Class A misdemeanor.

(b) Each of the following acts is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(1) A violation of any provision of this Act or its rules, except as noted in subsection (a) of this Section.

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

(3) Using or attempting to use an inactive, suspended, or revoked license or the license or seal of another, or impersonating another licensee, or practicing geology as a Licensed Professional Geologist in Illinois while one's license is inactive, suspended, or revoked.

(4) The practice, attempt to practice, or offer to practice professional geology in Illinois without a license as a Licensed Professional Geologist. Each day of practicing professional geology or attempting to practice professional geology, and each instance of offering to practice professional geology, without a license as a Licensed Professional Geologist constitutes a separate offense.

(5) Advertising or displaying any sign or card or other device that might indicate to the public that the

person or entity is entitled to practice as a Licensed Professional Geologist, unless that person holds an active license as a Licensed Professional Geologist in the State of Illinois.

(6) Fraud, misrepresentation, or concealment in applying for or procuring a license under this Act, or in connection with applying for the renewal of a license under this Act ~~Obtaining or attempting to obtain a license by fraud.~~

(7) The inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug.

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

(9) A violation of any provision of this Act or any rules adopted under this Act.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/180)

(Section scheduled to be repealed on January 1, 2026)

Sec. 180. 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 shall not disclose the information to anyone other than law enforcement officials, 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 or regulatory 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.

(Source: P.A. 99-26, eff. 7-10-15.)

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