**Section 1380.290 Professional Design Firm**

a) Persons who desire to practice professional engineering in this State in the form of a corporation, professional service corporation, partnership, professional limited liability company, limited liability company, limited liability partnership, or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) shall, in accordance with Section 23 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

1) For Corporations or Professional Service Corporations (registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12]):

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional.

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or certificate of authority shall designate that the corporation is authorized to provide professional engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.

C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in Illinois. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships:

A) General

i) A copy of the signed and dated partnership agreement authorizing the partnership to provide professional engineering services. The agreement shall contain the name of the partnership, its business address and the names of all general partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.

ii) A signed and dated resolution of the general partners designating a regular full-time employee of the partnership who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in this State. The license number of the managing agent shall be included in the resolution.

iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide professional engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.

ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed professional engineer in this State as the managing agent in charge of the professional engineering services. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.

iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

3) For Professional Limited Liability Companies, Limited Liability Companies, or Limited Liability Partnerships:

A) An application containing the name of the professional limited liability company, limited liability company, or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed and the license number of each design professional who is a member or partner.

B) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in this State. The license number of the managing agent shall also be included in the resolution.

C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer professional engineering services.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the professional limited liability company, limited liability company, or partnership, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

4) For Sole Proprietorships with an Assumed Name:

A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the professional engineer who owns and operates the business.

B) A letter or certificate from the county clerk where an assumed name has been filed.

5) A list of all Illinois office locations at which the corporation, professional service corporation, professional limited liability company, limited liability company/partnership, partnership or sole proprietorship provides engineering services.

6) The fee required in Section 1380.275.

b) A professional design firm may designate more than one managing agent in charge of professional engineering activities. However, a licensee designated as the managing agent may not serve as a managing agent for more than one corporation, professional service corporation, professional limited liability company, limited liability company/partnership, or partnership doing business in Illinois.

c) Upon receipt of the documents listed in subsection (a) and review of the application, the Division shall issue a registration authorizing the corporation, professional service corporation, professional limited liability company, limited liability company/partnership, partnership, or sole proprietorship to engage in the practice of professional engineering or notify the applicant of the reason for the denial of the application.

d) Each corporation, professional service corporation, professional limited liability company, limited liability company/partnership, partnership, or sole proprietorship shall be responsible for notifying the Division within 30 days after any changes in:

1) The membership of the board of directors, members/partners of the professional limited liability company, limited liability company/partnership, or the general partners;

2) The licensure status of the general partners, members/partners of the professional limited liability company, limited liability company/partnership, or any of the licensed design professional members of the board of directors; and

3) An assumed name.

e) Each corporation, professional service corporation, professional limited liability company, limited liability company/partnership, or partnership shall be responsible for notifying the Division, in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, professional limited liability company, limited liability company/partnership, or partnership, if it has so informed the Division, has 30 days to notify the Division of the name and license number of the professional engineer licensed in Illinois who is the newly designated managing agent.

f) Any failure to notify the Division as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, professional limited liability company, limited liability company/partnership, or partnership to continue to comply with the requirements of Section 23 of the Act will subject the corporation, limited liability company or partnership to the loss of its registration to practice professional engineering in Illinois.

g) Sole Proprietorships. A sole proprietorship who is conducting or transacting business under the real name of the professional engineer who has an active Illinois license will not be required to file an application and comply with the requirements set forth in this Section. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed professional engineer shall be prohibited from offering professional engineering services to the public.

h) In addition to the seal requirements in Section 14 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Division.

(Source: Amended at 47 Ill. Reg. 876, effective January 5, 2023)