

HB3730



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3730

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

225 ILCS 447/10-5
225 ILCS 447/10-25

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Removes a provision allowing an individual or sole proprietor that does not employ anyone other than himself from operating under a "doing business as" or assumed name certification without having to obtain an agency license if the assumed name is registered with the Department of Financial and Professional Regulation. Provides that the Department shall issue an identification card to a licensee, except an agency licensee, that includes a photograph of the licensee. Requires the licensee to carry the card at all times while actually engaged in his or her profession.

LRB100 10516 SMS 20732 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 10-5 and 10-25 as follows:

7 (225 ILCS 447/10-5)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 10-5. Requirement of license.

10 (a) It is unlawful for a person to act as or provide the
11 functions of a private detective, private security contractor,
12 private alarm contractor, fingerprint vendor, or locksmith or
13 to advertise or to assume to act as any one of these, or to use
14 these or any other title implying that the person is engaged in
15 any of these activities unless licensed as such by the
16 Department. ~~An individual or sole proprietor who does not~~
17 ~~employ any employees other than himself or herself may operate~~
18 ~~under a "doing business as" or assumed name certification~~
19 ~~without having to obtain an agency license, so long as the~~
20 ~~assumed name is first registered with the Department.~~

21 (b) It is unlawful for a person, firm, corporation, or
22 other legal entity to act as an agency licensed under this Act,
23 to advertise, or to assume to act as a licensed agency or to

1 use a title implying that the person, firm, or other entity is
2 engaged in the practice as a private detective agency, private
3 security contractor agency, private alarm contractor agency,
4 fingerprint vendor agency, or locksmith agency unless licensed
5 by the Department.

6 (c) No agency shall operate a branch office without first
7 applying for and receiving a branch office license for each
8 location.

9 (d) Beginning 12 months after the adoption of rules
10 providing for the licensure of fingerprint vendors under this
11 Act, it is unlawful for a person to operate live scan
12 fingerprint equipment or other equipment designed to obtain
13 fingerprint images for the purpose of providing fingerprint
14 images and associated demographic data to the Department of
15 State Police, unless he or she has successfully completed a
16 fingerprint training course conducted or authorized by the
17 Department of State Police and is licensed as a fingerprint
18 vendor.

19 (e) Beginning 12 months after the adoption of rules
20 providing for the licensure of canine handlers and canine
21 trainers under this Act, no person shall operate a canine
22 training facility unless licensed as a private detective agency
23 or private security contractor agency under this Act, and no
24 person shall act as a canine trainer unless he or she is
25 licensed as a private detective or private security contractor
26 or is a registered employee of a private detective agency or

1 private security contractor agency approved by the Department.

2 (Source: P.A. 95-613, eff. 9-11-07.)

3 (225 ILCS 447/10-25)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 10-25. Issuance of license; renewal; fees.

6 (a) The Department shall, upon the applicant's
7 satisfactory completion of the requirements set forth in this
8 Act and upon receipt of the fee, issue the license indicating
9 the name and business location of the licensee and the date of
10 expiration. The Department shall issue an identification card
11 to a licensee, except for an agency licensee, in a form the
12 Department prescribes, that includes a photograph of the
13 licensee. The licensee shall carry the card at all times while
14 actually engaged in his or her profession.

15 (b) An applicant may, upon satisfactory completion of the
16 requirements set forth in this Act and upon receipt of fees
17 related to the application and testing for licensure, elect to
18 defer the issuance of the applicant's initial license for a
19 period not longer than 3 years. An applicant who fails to
20 request issuance of his or her initial license or agency
21 license and to remit the fees required for that license within
22 3 years shall be required to resubmit an application together
23 with all required fees.

24 (c) The expiration date, renewal period, and conditions for
25 renewal and restoration of each license, permanent employee

1 registration card, canine handler authorization card, canine
2 trainer authorization card, and firearm control card shall be
3 set by rule. The holder may renew the license, permanent
4 employee registration card, canine handler authorization card,
5 canine trainer authorization card, or firearm control card
6 during the 30 days preceding its expiration by paying the
7 required fee and by meeting conditions that the Department may
8 specify. Any license holder who notifies the Department on
9 forms prescribed by the Department may place his or her license
10 on inactive status for a period of not longer than 3 years and
11 shall, subject to the rules of the Department, be excused from
12 payment of renewal fees until the license holder notifies the
13 Department, in writing, of an intention to resume active
14 status. Practice while on inactive status constitutes
15 unlicensed practice. A non-renewed license that has lapsed for
16 less than 3 years may be restored upon payment of the
17 restoration fee and all lapsed renewal fees. A license that has
18 lapsed for more than 3 years may be restored by paying the
19 required restoration fee and all lapsed renewal fees and by
20 providing evidence of competence to resume practice
21 satisfactory to the Department and the Board, which may include
22 passing a written examination. All restoration fees and lapsed
23 renewal fees shall be waived for an applicant whose license
24 lapsed while on active duty in the armed forces of the United
25 States if application for restoration is made within 12 months
26 after discharge from the service.

1 Any person seeking renewal or restoration under this
2 subsection (c) shall be subject to the continuing education
3 requirements established pursuant to Section 10-27 of this Act.

4 (d) Any permanent employee registration card expired for
5 less than one year may be restored upon payment of lapsed
6 renewal fees. Any permanent employee registration card expired
7 for one year or more may be restored by making application to
8 the Department and filing proof acceptable to the Department of
9 the licensee's fitness to have the permanent employee
10 registration card restored, including verification of
11 fingerprint processing through the Department of State Police
12 and Federal Bureau of Investigation and paying the restoration
13 fee.

14 (Source: P.A. 98-253, eff. 8-9-13.)