



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2926

Introduced 2/14/2018, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Landscape Architecture Act of 1989. Changes the title of the Act to the Illinois Landscape Architecture Practice Act (and makes conforming changes in various other Acts). Allows an unlicensed person who has completed the educational requirements, is actively participating in the diversified professional training, and maintains a training record with good standing to use the title "landscape architectural associate", but prohibits that person from independently engaging in the practice of landscape architecture. Requires an applicant for licensure as a landscape architect to pass an examination that includes the Landscape Architect Registration Examination and makes other changes in provisions concerning qualifications for licensure. Adds provisions concerning public policy, exemptions, application of the Act, and technical submissions. Makes changes in provisions concerning definitions, use of titles without a license, continuing education, and civil and criminal penalties for violation of the Act. Makes other changes.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Regulatory Sunset Act is amended by changing
5 Section 4.30 as follows:

6 (5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Practice Act ~~of 1989~~.

14 The Illinois Professional Land Surveyor Act of 1989.

15 The Orthotics, Prosthetics, and Pedorthics Practice Act.

16 The Perfusionist Practice Act.

17 The Pharmacy Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
22 revised 10-18-17.)

1 Section 10. The Park District Code is amended by changing
2 Section 8-50 as follows:

3 (70 ILCS 1205/8-50)

4 Sec. 8-50. Definitions. For the purposes of Sections 8-50
5 through 8-57, the following terms shall have the following
6 meanings, unless the context requires a different meaning:

7 "Delivery system" means the design and construction
8 approach used to develop and construct a project.

9 "Design-bid-build" means the traditional delivery system
10 used on public projects that incorporates the Local Government
11 Professional Services Selection Act and the principles of
12 competitive selection.

13 "Design-build" means a delivery system that provides
14 responsibility within a single contract for the furnishing of
15 architecture, engineering, land surveying, and related
16 services as required, and the labor, materials, equipment, and
17 other construction services for the project.

18 "Design-build contract" means a contract for a public
19 project under this Act between any park district and a
20 design-build entity to furnish architecture, engineering, land
21 surveying, landscape architecture, and related services as
22 required, and to furnish the labor, materials, equipment, and
23 other construction services for the project. The design-build
24 contract may be conditioned upon subsequent refinements in
25 scope and price and may allow the park district to make

1 modifications in the project scope without invalidating the
2 design-build contract.

3 "Design-build entity" means any individual, sole
4 proprietorship, firm, partnership, joint venture, corporation,
5 professional corporation, or other entity that proposes to
6 design and construct any public project under this Act. A
7 design-build entity and associated design-build professionals
8 shall conduct themselves in accordance with the laws of this
9 State and the related provisions of the Illinois Administrative
10 Code, as referenced by the licensed design professionals Acts
11 of this State.

12 "Design professional" means any individual, sole
13 proprietorship, firm, partnership, joint venture, corporation,
14 professional corporation, or other entity that offers services
15 under the Illinois Architecture Practice Act of 1989, the
16 Professional Engineering Practice Act of 1989, the Structural
17 Engineering Practice Act of 1989, or the Illinois Professional
18 Land Surveyor Act of 1989.

19 "Evaluation criteria" means the requirements for the
20 separate phases of the selection process for design-build
21 proposals as defined in this Act and may include the
22 specialized experience, technical qualifications and
23 competence, capacity to perform, past performance, experience
24 with similar projects, assignment of personnel to the project,
25 and other appropriate factors. Price may not be used as a
26 factor in the evaluation of Phase I proposals.

1 "Landscape architect design professional" means any
2 person, sole proprietorship, or entity including, but not
3 limited to, a partnership, professional service corporation,
4 or corporation that offers services under the Illinois
5 Landscape Architecture Practice Act ~~of 1989~~.

6 "Proposal" means the offer to enter into a design-build
7 contract as submitted by a design-build entity in accordance
8 with this Act.

9 "Request for proposal" means the document used by the park
10 district to solicit proposals for a design-build contract.

11 "Scope and performance criteria" means the requirements
12 for the public project, including, but not limited to: the
13 intended usage, capacity, size, scope, quality, and
14 performance standards; life-cycle costs; and other
15 programmatic criteria that are expressed in performance
16 oriented and quantifiable specifications and drawings that can
17 be reasonably inferred and are suited to allow a design-build
18 entity to develop a proposal.

19 (Source: P.A. 97-349, eff. 8-12-11.)

20 Section 15. The Chicago Park District Act is amended by
21 changing Section 26.10-4 as follows:

22 (70 ILCS 1505/26.10-4)

23 Sec. 26.10-4. Definitions. The following terms, whenever
24 used or referred to in this Act, have the following meaning

1 unless the context requires a different meaning:

2 "Delivery system" means the design and construction
3 approach used to develop and construct a project.

4 "Design-bid-build" means the traditional delivery system
5 used on public projects that incorporates the Local Government
6 Professional Services Selection Act (50 ILCS 510/) and the
7 principles of competitive selection.

8 "Design-build" means a delivery system that provides
9 responsibility within a single contract for the furnishing of
10 architecture, engineering, land surveying and related services
11 as required, and the labor, materials, equipment, and other
12 construction services for the project.

13 "Design-build contract" means a contract for a public
14 project under this Act between the Chicago Park District and a
15 design-build entity to furnish architecture, engineering, land
16 surveying, landscape architecture, and related services as
17 required, and to furnish the labor, materials, equipment, and
18 other construction services for the project. The design-build
19 contract may be conditioned upon subsequent refinements in
20 scope and price and may allow the Chicago Park District to make
21 modifications in the project scope without invalidating the
22 design-build contract.

23 "Design-build entity" means any individual, sole
24 proprietorship, firm, partnership, joint venture, corporation,
25 professional corporation, or other entity that proposes to
26 design and construct any public project under this Act. A

1 design-build entity and associated design-build professionals
2 shall conduct themselves in accordance with the laws of this
3 State and the related provisions of the Illinois Administrative
4 Code, as referenced by the licensed design professionals Acts
5 of this State.

6 "Design professional" means any individual, sole
7 proprietorship, firm, partnership, joint venture, corporation,
8 professional corporation, or other entity that offers services
9 under the Illinois Architecture Practice Act of 1989 (225 ILCS
10 305/), the Professional Engineering Practice Act of 1989 (225
11 ILCS 325/), the Structural Engineering Practice Act of 1989
12 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act
13 of 1989 (225 ILCS 330/).

14 "Landscape architect design professional" means any
15 person, sole proprietorship, or entity such as a partnership,
16 professional service corporation, or corporation that offers
17 services under the Illinois Landscape Architecture Practice
18 Act ~~of 1989~~.

19 "Evaluation criteria" means the requirements for the
20 separate phases of the selection process for design-build
21 proposals as defined in this Act and may include the
22 specialized experience, technical qualifications and
23 competence, capacity to perform, past performance, experience
24 with similar projects, assignment of personnel to the project,
25 and other appropriate factors. Price may not be used as a
26 factor in the evaluation of Phase I proposals.

1 "Proposal" means the offer to enter into a design-build
2 contract as submitted by a design-build entity in accordance
3 with this Act.

4 "Request for proposal" means the document used by the
5 Chicago Park District to solicit proposals for a design-build
6 contract.

7 "Scope and performance criteria" means the requirements
8 for the public project, including but not limited to, the
9 intended usage, capacity, size, scope, quality and performance
10 standards, life-cycle costs, and other programmatic criteria
11 that are expressed in performance-oriented and quantifiable
12 specifications and drawings that can be reasonably inferred and
13 are suited to allow a design-build entity to develop a
14 proposal.

15 "Guaranteed maximum price" means a form of contract in
16 which compensation may vary according to the scope of work
17 involved but in any case may not exceed an agreed total amount.
18 (Source: P.A. 96-777, eff. 8-28-09; 96-1000, eff. 7-2-10.)

19 Section 20. The Illinois Landscape Architecture Act of 1989
20 is amended by changing Sections 2, 3, 4, 6.5, 11, 12, 12.5, 13,
21 16, and 18 and by adding Sections 2.1, 2.2, 3.10, 18.2, and
22 30.5 as follows:

23 (225 ILCS 315/2) (from Ch. 111, par. 8102)

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

1 Sec. 2. Short Title. This Act may be cited as the Illinois
2 Landscape Architecture Practice Act ~~of 1989~~.

3 (Source: P.A. 86-932; 86-1475.)

4 (225 ILCS 315/2.1 new)

5 Sec. 2.1. Declaration of public policy. The practice of
6 landscape architecture in the State of Illinois is hereby
7 declared to affect the public health, safety, and welfare and
8 to be subject to regulation and control in the public interest.
9 It is further declared to be a matter of public interest and
10 concern that the practice of landscape architecture, as defined
11 in this Act, merit and receive the confidence of the public and
12 that only qualified persons be authorized to practice landscape
13 architecture in the State of Illinois. This Act shall be
14 liberally construed to best carry out these subjects and
15 purposes.

16 (225 ILCS 315/2.2 new)

17 Sec. 2.2. Exemptions. Nothing in this Act shall be deemed
18 or construed to prevent the practice of architecture as defined
19 in the Illinois Architecture Practice Act of 1989, the practice
20 of structural engineering as defined in the Structural
21 Engineering Practice Act of 1989, the practice of professional
22 engineering as defined in the Professional Engineering
23 Practice Act of 1989, or the practice of land surveying as
24 defined in the Illinois Professional Land Surveyor Act of 1989.

1 Nothing contained in this Act shall prevent the draftsmen,
2 students, project representatives, and other employees of
3 those lawfully practicing as landscape architects under the
4 provisions of this Act from acting under the responsible
5 control of their employers, prevent the employment of project
6 representatives for enlargement or alteration of site
7 development or any parts thereof, or prevent such project
8 representatives from acting under the responsible control of
9 the landscape architect by whom the construction documents,
10 including drawings and specifications, of any such site
11 development, enlargement, or alteration were prepared.

12 The involvement of a landscape architect is not required
13 for the following:

14 (1) Residential landscape design, consisting of
15 landscape design services for single-family and
16 multi-family residential properties of 4 or fewer units not
17 including common areas.

18 (2) The design of irrigation systems by professionals
19 qualified by appropriate experience or certification.

20 (3) Landscape installation and construction services,
21 including, but not limited to, all contracting services not
22 within the scope of the practice of landscape architecture.

23 However, when an ordinance of a unit of local government
24 requires the involvement of a landscape architect for any site
25 development included in paragraphs (1) through (3) of this
26 Section, the requirements of this Act shall apply. All site

1 development not included in paragraphs (1) through (3) of this
2 Section are subject to the requirements of this Act. Exterior
3 site alterations resulting in life safety issues are subject to
4 the requirements of this Act.

5 (225 ILCS 315/3) (from Ch. 111, par. 8103)

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

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Board" means the Illinois Landscape Architect
9 Registration Board.

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

12 (c) "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 (d) "Landscape architect ~~Architect~~" ~~or~~ ~~"Landscape~~
15 ~~Architect Design Professional"~~ means a person who, based on
16 education, experience, and examination in the field of
17 landscape architecture, is licensed under this Act.

18 (d-5) "Landscape architectural associate" means an
19 unlicensed person who has completed the educational
20 requirements, is actively participating in the diversified
21 professional training, and maintains in good standing a
22 training record as required for licensure under this Act.

23 (e) "Landscape architecture ~~Architecture~~" means the art
24 and science of arranging land, together with the spaces and
25 objects upon it, for the purpose of creating a safe, efficient,

1 ~~healthful, and aesthetically pleasing~~ physical environment for
2 the public for human use and enjoyment, as performed by
3 landscape architects.

4 (f) "Landscape architectural practice ~~Architectural~~
5 ~~Practice~~" includes ~~means~~ the offering or furnishing of
6 professional services, such as consultations, investigations,
7 reconnaissance, research, planning, design, or responsible
8 supervision, in connection with projects involving the
9 arranging of land and the elements thereon for public and
10 private use, including: ~~in connection with a landscape~~
11 ~~architecture project that do not require the seal of an~~
12 ~~architect, land surveyor, professional engineer, or structural~~
13 ~~engineer. Such services may include, but are not limited to,~~
14 providing preliminary studies; developing design concepts;
15 planning for the relationships of physical improvements and
16 intended uses of the site; environmental analysis; location of
17 buildings, service areas, parking areas, plazas, trails,
18 walkways, steps, ramps, pools, and other structures;
19 establishing form and aesthetic elements; grading of land and
20 drainage; erosion control; reforestation; planting and ground
21 cover; green roof and amenity deck design; analyzing and
22 providing for life safety requirements; technical submissions
23 consisting of drawings and specifications and other documents
24 required in the construction process, administration of
25 construction contracts, project representation, and
26 construction management, in connection with the construction

1 of any private or public site that are exclusive of any
2 building or structure developing those construction details on
3 the site which are exclusive of any building or structure;
4 preparing and coordinating technical submissions; and
5 conducting site observation of a landscape architecture
6 project.

7 (g) "Person" means any person, sole proprietorship, or
8 entity such as a partnership, professional service
9 corporation, or corporation.

10 (h) "Professional design firm" means any business that
11 includes the practice of landscape architecture within its
12 stated purpose, practices or holds itself out as available to
13 practice landscape architecture.

14 (i) "Public health" means the state of the well-being of
15 the body or mind of the user.

16 (j) "Public safety" means the state of being reasonably
17 free from risk of danger, damage, or injury.

18 (k) "Public welfare" means the well-being of the user
19 resulting from the state of a physical environment that
20 accommodates human activity.

21 (Source: P.A. 96-730, eff. 8-25-09.)

22 (225 ILCS 315/3.10 new)

23 Sec. 3.10. Technical submissions. As used in this Section,
24 "technical submissions" means the designs, drawings, and
25 specifications that establish the scope of the landscape

1 architecture to be constructed, the standard of quality for
2 materials, workmanship, equipment, and construction systems,
3 and the studies and other technical reports and calculations
4 prepared in the course of the practice of landscape
5 architecture.

6 All technical submissions intended for use in construction
7 in the State of Illinois shall be prepared and administered in
8 accordance with standards of reasonable professional skill and
9 diligence. Care shall be taken to reflect the requirements of
10 State statutes and, where applicable, county and municipal
11 building ordinances in such submissions. In recognition that
12 landscape architects are licensed for the protection of the
13 public health, safety, and welfare, submissions shall be of
14 such quality and scope, and be so administered, as to conform
15 to professional standards.

16 No officer, board, commission, or other public entity who
17 receives technical submissions shall accept for filing or
18 approval any technical submissions relating to services
19 requiring the involvement of a landscape architect that do not
20 bear the seal and signature of a landscape architect licensed
21 under this Act.

22 It is unlawful to affix one's seal to technical submissions
23 if it masks the true identity of the person who actually
24 exercised responsible control of the preparation of such work.
25 A landscape architect who seals and signs technical submissions
26 is not responsible for damage caused by subsequent changes to

1 or uses of those technical submissions where the subsequent
2 changes or uses, including changes or uses made by State or
3 local governmental agencies, are not authorized or approved in
4 writing by the landscape architect who originally sealed and
5 signed the technical submissions.

6 (225 ILCS 315/4) (from Ch. 111, par. 8104)

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

8 Sec. 4. License required; use ~~Use~~ of title.

9 (a) No person shall engage in the practice of landscape
10 architecture or ~~may~~ represent himself to be a landscape
11 architect, use the title "landscape architect", "registered
12 landscape architect", "licensed landscape architect",
13 "landscape architect design professional", or any other title
14 which includes the words "landscape architect" or "landscape
15 architecture", unless licensed under this Act.

16 (b) A landscape architectural associate may use the title
17 "landscape architectural associate", but may not independently
18 engage in the practice of landscape architecture.

19 (c) No business shall hold itself out as available to
20 practice landscape architecture until it is registered with the
21 Department.

22 (Source: P.A. 96-730, eff. 8-25-09.)

23 (225 ILCS 315/6.5)

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

1 Sec. 6.5. Display of license; seal.

2 (a) Every holder of a landscape architect license shall
3 display his or her certificate of licensure in a conspicuous
4 place in his or her principal office. A certificate of
5 registration issued under this Act that is in good standing on
6 the effective date of this amendatory Act of the 96th General
7 Assembly shall be deemed to be a certificate of licensure and
8 the Department shall not be required to issue a new certificate
9 of licensure to replace it.

10 (b) Every landscape architect shall have a seal, approved
11 by the Department and the Board, which shall contain the name
12 of the landscape architect, the number of his or her license,
13 and the legend "Landscape Architect, State of Illinois" and
14 other words or figures as the Department deems necessary.
15 Plans, specifications, and reports related to landscape
16 architectural practice and prepared by the landscape
17 architect, or under his or her supervision, shall be stamped
18 with his or her seal when filed. ~~Notwithstanding the~~
19 ~~requirements of this Section, an architect, land surveyor,~~
20 ~~professional engineer, or structural engineer shall be~~
21 ~~permitted to affix his or her professional seal or stamp to any~~
22 ~~plans, specifications, and reports prepared by or under his or~~
23 ~~her responsible control in connection with the incidental~~
24 ~~practice of landscape architecture.~~

25 (c) A landscape architect who endorses a document with his
26 or her seal while his or her license is suspended, expired, or

1 has been revoked, who has been placed on probation or inactive
2 status, or who endorses a document that the landscape architect
3 did not actually prepare or supervise the preparation of, is
4 subject to the penalties prescribed in Section 18.1.

5 (Source: P.A. 96-730, eff. 8-25-09.)

6 (225 ILCS 315/11) (from Ch. 111, par. 8111)

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

8 Sec. 11. Licensure Qualifications.

9 (a) Every person applying to the Department for licensure
10 shall do so on forms approved by the Department and shall pay
11 the required fee. No person shall receive a license under the
12 provisions of this Act until such person has passed an
13 examination that includes the Landscape Architect Registration
14 Examination established by the Council of Landscape
15 Architectural Registration Boards for examination of
16 candidates for licensure as landscape architects. Any person
17 who has completed the course of study in and has graduated from
18 a college or school of landscape architecture accredited by the
19 Landscape Architectural Accreditation Board may apply for such
20 examination, provided that the person submits evidence of a
21 minimum of 2 years' practical experience under the direct
22 supervision of a licensed landscape architect. In lieu of such
23 graduation from an accredited college or school of landscape
24 architecture and such practical experience, an applicant may be
25 admitted to the examination upon presenting evidence of: (1)

1 having graduated with at least a bachelor's degree in a
2 discipline related to landscape architecture, and (2) a minimum
3 of 6 years of practical experience satisfactory to the Board
4 under the direct supervision of the licensed landscape
5 architect. An applicant without a Landscape Architectural
6 Accreditation Board accredited degree or degree in a related
7 discipline may be admitted to the examination upon presenting
8 evidence of a minimum of 10 years of practical experience
9 satisfactory to the Board under the direct supervision of a
10 licensed landscape architect. ~~Every person applying to the~~
11 ~~Department for licensure shall submit, with his application,~~
12 ~~satisfactory evidence that the person holds an approved~~
13 ~~professional degree in landscape architecture from an approved~~
14 ~~and accredited program, as such terms are defined by the rules~~
15 ~~and regulations of the Department, and that he has had such~~
16 ~~practical experience in landscape architectural work as shall~~
17 ~~be required by the rules and regulations of the Department.~~
18 ~~Every applicant for initial licensure must have an approved~~
19 ~~professional degree.~~ If an applicant is qualified the
20 Department shall, by means of a written examination, examine
21 the applicant on such technical and professional subjects as
22 shall be required by the rules and regulations of the
23 Department.

24 (b) The Department shall ~~may~~ exempt from such written
25 examination an applicant who holds a certificate of
26 qualification issued by the ~~National~~ Council of Landscape

1 Architectural ~~Architecture~~ Registration Boards, or who holds a
2 registration or license in another state which has equivalent
3 or substantially equivalent requirements as the State of
4 Illinois.

5 (c) The Department shall adopt rules determining
6 requirements for practical training and education. The
7 Department may also adopt the examinations and recommended
8 grading procedures of the ~~National~~ Council of Landscape
9 Architectural Registration Boards and the accreditation
10 procedures of the Landscape Architectural Accrediting Board.
11 The Department shall issue a certificate of licensure to each
12 applicant who satisfies the requirements set forth in this
13 Section. Such licensure shall be effective upon issuance.

14 (d) If an applicant neglects, fails without an approved
15 excuse, or refuses to take an examination or fails to pass an
16 examination to obtain a certificate of licensure under this Act
17 within 3 years after filing the application, the application
18 shall be denied. However, such applicant may thereafter submit
19 a new application accompanied by the required fee.

20 (e) The licensure qualifications in this Section shall have
21 no bearing to current licensed landscape architects in good
22 standing. ~~For a period of 2 years after the effective date of~~
23 ~~this amendatory Act of the 96th General Assembly, persons~~
24 ~~demonstrating to the Department that they have been engaged in~~
25 ~~landscape architectural practice for a period of 10 years and~~
26 ~~have an accredited degree and license in urban or regional~~

1 ~~planning, architecture, or civil engineering are eligible to~~
2 ~~achieve licensure through examination.~~

3 (Source: P.A. 96-730, eff. 8-25-09.)

4 (225 ILCS 315/12) (from Ch. 111, par. 8112)

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

6 Sec. 12. Registration, Renewal, Restoration.

7 (a) The expiration date and renewal period for each
8 registration issued under this Act shall be prescribed by the
9 rules and regulations of the Department.

10 (b) Any person who has permitted his or her registration to
11 expire or who has had his or her registration on inactive
12 status may have his or her registration restored by applying to
13 the Department, filing proof acceptable to the Department of
14 his or her fitness to have the registration restored, which may
15 include sworn evidence certifying to active practice in another
16 jurisdiction satisfactory to the Department and paying the
17 required restoration fee.

18 (c) If the person has not maintained an active practice in
19 another jurisdiction satisfactory to the Department, the Board
20 shall determine, by an evaluation program established by rule,
21 the person's fitness to resume active status and may require
22 the successful completion of an examination.

23 (d) However, any person whose registration has expired
24 while he or she has been engaged: (1) in Federal Service on
25 active duty with the Armed Forces of the United States or the

1 State Militia called into service or training; or (2) in
2 training or education under the supervision of the United
3 States preliminary to induction into the military service, may
4 have his or her registration renewed or restored without paying
5 any lapsed renewal fees if, within 2 years after termination of
6 such service, training or education other than by dishonorable
7 discharge, he or she furnishes the Department with satisfactory
8 evidence to the effect that he or she has been so engaged and
9 that the service, training or education has been so terminated.

10 (e) Each application for renewal shall contain the
11 signature of the landscape architect.

12 (Source: P.A. 86-932.)

13 (225 ILCS 315/12.5)

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

15 Sec. 12.5. Continuing education. The Department shall ~~may~~
16 adopt rules of continuing education for persons licensed under
17 this Act. The Department shall consider the recommendations of
18 the Board in establishing the guidelines for the continuing
19 education requirements. Rules adopted under this Section apply
20 to any person seeking renewal or restoration of licensure under
21 this Act. The continuing education shall consist of at least 24
22 ~~6~~ hours every 2-year pre-renewal period ~~per year~~ and may
23 include relevant educational activities and courses offered in
24 various formats or mediums. A minimum of 20 continuing
25 education hours shall be structured educational activities as

1 defined and described by the Department.

2 (Source: P.A. 96-730, eff. 8-25-09.)

3 (225 ILCS 315/13) (from Ch. 111, par. 8113)

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

5 Sec. 13. Inactive Status.

6 (a) Any landscape architect who notifies the Department in
7 writing on forms prescribed by the Department may elect to
8 place his or her license on an inactive status and shall be
9 excused from payment of renewal fees until he or she notifies
10 the Department in writing of his or her desire to resume active
11 status.

12 (b) Any person whose license has been expired for more than
13 3 years may have his or her license restored by making
14 application to the Department and filing proof acceptable to
15 the Department of his or her fitness to have his or her license
16 restored, including evidence certifying to active practice in
17 another jurisdiction, and by paying the required restoration
18 fee.

19 (c) Any landscape architect whose license is in an inactive
20 status, has been suspended or revoked, or has expired shall not
21 represent himself or herself to be a landscape architect or use
22 the title "landscape architect", "registered landscape
23 architect", "professional landscape architect", "licensed
24 landscape architect", or any other title which includes the
25 words "landscape architect" or "landscape architecture".

1 (Source: P.A. 96-730, eff. 8-25-09.)

2 (225 ILCS 315/16) (from Ch. 111, par. 8116)

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

4 Sec. 16. Database. Roster. The Department shall maintain an
5 electronic database ~~a roster~~ of the names and addresses of all
6 licensed landscape architects. This database ~~roster~~ shall be
7 available upon written request and payment of the required fee.

8 (Source: P.A. 96-730, eff. 8-25-09.)

9 (225 ILCS 315/18) (from Ch. 111, par. 8118)

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

11 Sec. 18. Violation; injunction; cease and desist order.

12 (a) If any person violates the provisions of this Act, the
13 Secretary may, in the name of the People of the State of
14 Illinois, through the Attorney General of the State of Illinois
15 or the State's Attorney of any county in which the action is
16 brought, petition for an order enjoining such violation and for
17 an order enforcing compliance with this Act. Upon the filing of
18 a verified petition in court, the court may issue a temporary
19 restraining order, without notice or bond, and may
20 preliminarily and permanently enjoin such violation. If it is
21 established that such person has violated or is violating the
22 injunction, the Court may punish the offender for contempt of
23 court. Proceedings under this Section shall be in addition to,
24 and not in lieu of, all other remedies and penalties provided

1 by this Act.

2 (b) If any person shall hold himself or herself out as a
3 "landscape architect", "licensed landscape architect",
4 "professional landscape architect", or "registered landscape
5 architect", or use any other title that includes the words
6 "landscape architect" or "landscape architecture" without
7 being licensed under the provisions of this Act, then any
8 licensed landscape architect, any interested party or any
9 person injured thereby may, in addition to the Secretary,
10 petition for relief as provided in subsection (a) of this
11 Section.

12 (c) Whoever holds himself or herself out as a "landscape
13 architect", "licensed landscape architect", or "registered
14 landscape architect", or uses any other title that includes the
15 words "landscape architect" or "landscape architecture" in
16 this State without being licensed under this Act shall be
17 guilty of a Class A misdemeanor, and for each subsequent
18 conviction shall be guilty of a Class 4 felony. Each instance
19 of offering to practice landscape architecture without a
20 license as a landscape architect or registration as a
21 professional design firm constitutes a separate offense.

22 (d) A person who makes any willfully false oath or
23 affirmation in any matter or proceeding where an oath or
24 affirmation is required by this Act shall be guilty of a Class
25 A misdemeanor, and for each subsequent conviction shall be
26 guilty of a Class 4 felony.

1 (e) A person who affixes a landscape architect's seal to
2 any technical submissions that have not been prepared by that
3 landscape architect or under the landscape architect's
4 responsible control shall be guilty of a Class A misdemeanor,
5 and for each subsequent conviction shall be guilty of a Class 4
6 felony.

7 (f) ~~(d)~~ Whenever, in the opinion of the Department, a
8 person violates any provision of this Act, the Department may
9 issue a rule to show cause why an order to cease and desist
10 should not be entered against that person. The rule shall
11 clearly set forth the grounds relied upon by the Department and
12 shall allow the person at least 7 days from the date of the
13 rule to file an answer that is satisfactory to the Department.
14 Failure to answer to the satisfaction of the Department shall
15 cause an order to cease and desist to be issued.

16 (Source: P.A. 96-730, eff. 8-25-09.)

17 (225 ILCS 315/18.2 new)

18 Sec. 18.2. Unlicensed practice; violation; civil penalty.

19 (a) Any person who practices, offers to practice, attempts
20 to practice, or holds oneself out to practice as a landscape
21 architect without being licensed under this Act shall, in
22 addition to any other penalty provided by law, pay a civil
23 penalty to the Department in an amount not to exceed \$10,000
24 for each offense as determined by the Department. The civil
25 penalty shall be assessed by the Department after a hearing is

1 held in accordance with the provisions set forth in this Act
2 regarding the provision of a hearing for the discipline of a
3 licensee.

4 (b) The Department has the authority and power to
5 investigate any and all unlicensed activity.

6 (c) The civil penalty shall be paid within 60 days after
7 the effective date of the order imposing the civil penalty. The
8 order shall constitute a judgment and may be filed and
9 execution had thereon in the same manner as any judgment from
10 any court of record.

11 (225 ILCS 315/5 rep.)

12 Section 25. The Illinois Landscape Architecture Act of 1989
13 is amended by repealing Section 5.

14 Section 30. The Professional Geologist Licensing Act is
15 amended by changing Section 20 as follows:

16 (225 ILCS 745/20)

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

18 Sec. 20. Exemptions. Nothing in this Act shall be construed
19 to restrict the use of the title "geologist" or similar words
20 by any person engaged in a practice of geology exempted under
21 this Act, provided the person does not hold himself or herself
22 out as being a Licensed Professional Geologist or does not
23 practice professional geology in a manner requiring licensure

1 under this Act. Performance of the following activities does
2 not require licensure as a licensed professional geologist
3 under this Act:

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

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

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

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

21 (e) The practice of professional geology exclusively
22 in the exploration for or development of energy resources
23 or base, precious and nonprecious minerals, including
24 sand, gravel, and aggregate, that does not require, by law,
25 rule, or ordinance, the submission of reports, documents,
26 or oral or written testimony to public agencies. Public

1 agencies may, by law or by rule, allow required oral or
2 written testimony, reports, permit applications, or other
3 documents based on the science of geology to be submitted
4 to them by persons not licensed under this Act. Unless
5 otherwise required by State or federal law, public agencies
6 may not require that the geology-based aspects of
7 testimony, reports, permits, or other documents so
8 exempted be reviewed by, approved, or otherwise certified
9 by any person who is not a Licensed Professional Geologist.
10 Licensure is not required for the submission and review of
11 reports or documents or the provision of oral or written
12 testimony made under the Well Abandonment Act, the Illinois
13 Oil and Gas Act, the Surface Coal Mining Land Conservation
14 and Reclamation Act, or the Surface-Mined Land
15 Conservation and Reclamation Act.

16 (f) The practice of professional engineering as
17 defined in the Professional Engineering Practice Act of
18 1989.

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

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

23 (i) The practice of land surveying as defined in the
24 Illinois Professional Land Surveyor Act of 1989.

25 (j) The practice of landscape architecture as defined
26 in the Illinois Landscape Architecture Practice Act ~~of~~

1 ~~1989.~~

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

13 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

14 Section 35. The Unified Code of Corrections is amended by
15 changing Section 5-5-5 as follows:

16 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

17 Sec. 5-5-5. Loss and Restoration of Rights.

18 (a) Conviction and disposition shall not entail the loss by
19 the defendant of any civil rights, except under this Section
20 and Sections 29-6 and 29-10 of The Election Code, as now or
21 hereafter amended.

22 (b) A person convicted of a felony shall be ineligible to
23 hold an office created by the Constitution of this State until
24 the completion of his sentence.

1 (c) A person sentenced to imprisonment shall lose his right
2 to vote until released from imprisonment.

3 (d) On completion of sentence of imprisonment or upon
4 discharge from probation, conditional discharge or periodic
5 imprisonment, or at any time thereafter, all license rights and
6 privileges granted under the authority of this State which have
7 been revoked or suspended because of conviction of an offense
8 shall be restored unless the authority having jurisdiction of
9 such license rights finds after investigation and hearing that
10 restoration is not in the public interest. This paragraph (d)
11 shall not apply to the suspension or revocation of a license to
12 operate a motor vehicle under the Illinois Vehicle Code.

13 (e) Upon a person's discharge from incarceration or parole,
14 or upon a person's discharge from probation or at any time
15 thereafter, the committing court may enter an order certifying
16 that the sentence has been satisfactorily completed when the
17 court believes it would assist in the rehabilitation of the
18 person and be consistent with the public welfare. Such order
19 may be entered upon the motion of the defendant or the State or
20 upon the court's own motion.

21 (f) Upon entry of the order, the court shall issue to the
22 person in whose favor the order has been entered a certificate
23 stating that his behavior after conviction has warranted the
24 issuance of the order.

25 (g) This Section shall not affect the right of a defendant
26 to collaterally attack his conviction or to rely on it in bar

1 of subsequent proceedings for the same offense.

2 (h) No application for any license specified in subsection
3 (i) of this Section granted under the authority of this State
4 shall be denied by reason of an eligible offender who has
5 obtained a certificate of relief from disabilities, as defined
6 in Article 5.5 of this Chapter, having been previously
7 convicted of one or more criminal offenses, or by reason of a
8 finding of lack of "good moral character" when the finding is
9 based upon the fact that the applicant has previously been
10 convicted of one or more criminal offenses, unless:

11 (1) there is a direct relationship between one or more
12 of the previous criminal offenses and the specific license
13 sought; or

14 (2) the issuance of the license would involve an
15 unreasonable risk to property or to the safety or welfare
16 of specific individuals or the general public.

17 In making such a determination, the licensing agency shall
18 consider the following factors:

19 (1) the public policy of this State, as expressed in
20 Article 5.5 of this Chapter, to encourage the licensure and
21 employment of persons previously convicted of one or more
22 criminal offenses;

23 (2) the specific duties and responsibilities
24 necessarily related to the license being sought;

25 (3) the bearing, if any, the criminal offenses or
26 offenses for which the person was previously convicted will

1 have on his or her fitness or ability to perform one or
2 more such duties and responsibilities;

3 (4) the time which has elapsed since the occurrence of
4 the criminal offense or offenses;

5 (5) the age of the person at the time of occurrence of
6 the criminal offense or offenses;

7 (6) the seriousness of the offense or offenses;

8 (7) any information produced by the person or produced
9 on his or her behalf in regard to his or her rehabilitation
10 and good conduct, including a certificate of relief from
11 disabilities issued to the applicant, which certificate
12 shall create a presumption of rehabilitation in regard to
13 the offense or offenses specified in the certificate; and

14 (8) the legitimate interest of the licensing agency in
15 protecting property, and the safety and welfare of specific
16 individuals or the general public.

17 (i) A certificate of relief from disabilities shall be
18 issued only for a license or certification issued under the
19 following Acts:

20 (1) the Animal Welfare Act; except that a certificate
21 of relief from disabilities may not be granted to provide
22 for the issuance or restoration of a license under the
23 Animal Welfare Act for any person convicted of violating
24 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
25 Care for Animals Act or Section 26-5 or 48-1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012;

- 1 (2) the Illinois Athletic Trainers Practice Act;
- 2 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
3 and Nail Technology Act of 1985;
- 4 (4) the Boiler and Pressure Vessel Repairer Regulation
5 Act;
- 6 (5) the Boxing and Full-contact Martial Arts Act;
- 7 (6) the Illinois Certified Shorthand Reporters Act of
8 1984;
- 9 (7) the Illinois Farm Labor Contractor Certification
10 Act;
- 11 (8) the Interior Design Title Act;
- 12 (9) the Illinois Professional Land Surveyor Act of
13 1989;
- 14 (10) the Illinois Landscape Architecture Practice Act
15 ~~of 1989~~;
- 16 (11) the Marriage and Family Therapy Licensing Act;
- 17 (12) the Private Employment Agency Act;
- 18 (13) the Professional Counselor and Clinical
19 Professional Counselor Licensing and Practice Act;
- 20 (14) the Real Estate License Act of 2000;
- 21 (15) the Illinois Roofing Industry Licensing Act;
- 22 (16) the Professional Engineering Practice Act of
23 1989;
- 24 (17) the Water Well and Pump Installation Contractor's
25 License Act;
- 26 (18) the Electrologist Licensing Act;

- 1 (19) the Auction License Act;
- 2 (20) the Illinois Architecture Practice Act of 1989;
- 3 (21) the Dietitian Nutritionist Practice Act;
- 4 (22) the Environmental Health Practitioner Licensing
5 Act;
- 6 (23) the Funeral Directors and Embalmers Licensing
7 Code;
- 8 (24) (blank);
- 9 (25) the Professional Geologist Licensing Act;
- 10 (26) the Illinois Public Accounting Act; and
- 11 (27) the Structural Engineering Practice Act of 1989.
- 12 (Source: P.A. 100-534, eff. 9-22-17.)

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