



Rep. William Davis

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10100HB2957ham001

LRB101 10809 AMC 57962 a

1 AMENDMENT TO HOUSE BILL 2957

2 AMENDMENT NO. _____. Amend House Bill 2957 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.30 and by adding Section 4.40 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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020: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 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.

1 The Pharmacy Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
6 100-863, eff. 8-14-18.)

7 (5 ILCS 80/4.40 new)

8 Sec. 4.40. Act repealed on January 1, 2030. The following
9 Act is repealed on January 1, 2030:

10 The Illinois Landscape Architecture Act of 1989.

11 Section 10. The Illinois Landscape Architecture Act of 1989
12 is amended by changing Sections 2, 3, 4, 4.5, 5, 6, 6.5, 7, 8,
13 9, 10, 11, 11.5, 12, 15, 17, 18, 18.1, 19, 20, 22, 22.1, 23, 24,
14 25, 26, 27, 28, 30, and 31 and by adding Section 9.5 as
15 follows:

16 (225 ILCS 315/2) (from Ch. 111, par. 8102)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 2. Short title ~~title~~. This Act may be cited as the
19 Illinois Landscape Architecture Act of 1989.

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

21 (225 ILCS 315/3) (from Ch. 111, par. 8103)

22 (Section scheduled to be repealed on January 1, 2020)

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

2 (a) "Board" means the Illinois Landscape Architect
3 Registration Board.

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

6 (c) "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 (d) "Landscape architect ~~Architect~~" or "landscape
9 architect design professional ~~Landscape Architect Design~~
10 ~~Professional~~" means a person who, based on education,
11 experience, and examination in the field of landscape
12 architecture, is licensed under this Act.

13 (e) "Landscape architecture ~~Architecture~~" means the art
14 and science of arranging land, together with the spaces and
15 objects upon it, for the purpose of creating a safe, efficient,
16 healthful, and aesthetically pleasing physical environment for
17 human use and enjoyment, as performed by landscape architects.

18 (f) "Landscape architectural practice ~~Architectural~~
19 ~~Practice~~" means the offering or furnishing of professional
20 services in connection with a landscape architecture project
21 that do not require the seal of an architect, land surveyor,
22 professional engineer, or structural engineer. Such services
23 may include, but are not limited to, providing preliminary
24 studies; developing design concepts; planning for the
25 relationships of physical improvements and intended uses of the
26 site; establishing form and aesthetic elements; analyzing and

1 providing for life safety requirements; developing those
2 construction details on the site which are exclusive of any
3 building or structure; preparing and coordinating technical
4 submissions; and conducting site observation of a landscape
5 architecture project.

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

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

10 (225 ILCS 315/4) (from Ch. 111, par. 8104)

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

12 Sec. 4. Use of title. No person may represent himself or
13 herself to be a landscape architect, use the title "landscape
14 architect", "registered landscape architect", "licensed
15 landscape architect", "landscape architect design
16 professional", or any other title which includes the words
17 "landscape architect" or "landscape architecture", unless
18 licensed under this Act.

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

20 (225 ILCS 315/5) (from Ch. 111, par. 8105)

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

22 Sec. 5. Title protection. Practice without license. No
23 person shall hold himself or herself out as a landscape
24 architect without being so registered by the Department. This

1 is title protection and not licensure by the Department.
2 ~~Nothing in this Act prevents any person from being engaged in~~
3 ~~the practice of landscape architecture so long as he or she~~
4 ~~does not represent himself or herself as, or use the titles of,~~
5 ~~"landscape architect", "registered landscape architect",~~
6 ~~"licensed landscape architect", "landscape architecture",~~
7 ~~"landscape architect design professional", or "landscape~~
8 ~~architecture design professional".~~

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

10 (225 ILCS 315/6) (from Ch. 111, par. 8106)

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

12 Sec. 6. Issuance of certificate ~~Certificate~~. If ~~Whenever~~ an
13 applicant for licensure has complied with ~~the provisions of~~
14 Section 11 ~~of this Act~~, the Department shall issue a
15 certificate of licensure to the applicant as a licensed
16 landscape architect subject to the provisions of this Act.

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

18 (225 ILCS 315/6.5)

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

20 Sec. 6.5. Display of license; seal.

21 (a) Every holder of a landscape architect license shall
22 display his or her certificate of licensure in a conspicuous
23 place in his or her principal office. ~~A certificate of~~
24 ~~registration issued under this Act that is in good standing on~~

1 ~~the effective date of this amendatory Act of the 96th General~~
2 ~~Assembly shall be deemed to be a certificate of licensure and~~
3 ~~the Department shall not be required to issue a new certificate~~
4 ~~of licensure to replace it.~~

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

20 (c) A landscape architect who endorses a document with his
21 or her seal while his or her license is suspended, expired, or
22 has been revoked, who has been placed on probation or inactive
23 status, or who endorses a document that the landscape architect
24 did not actually prepare or supervise the preparation of, is
25 subject to the penalties prescribed in Section 18.1.

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

1 (225 ILCS 315/7) (from Ch. 111, par. 8107)

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

3 Sec. 7. Address of record; email address of record ~~Record~~.

4 Every landscape architect shall maintain a current address and
5 email address with the Department. It is the duty of every
6 applicant and ~~or~~ licensee to inform the Department of any
7 change of address or email address, and such changes must be
8 made either through the Department's website or by directly
9 contacting the Department.

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

11 (225 ILCS 315/8) (from Ch. 111, par. 8108)

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

13 Sec. 8. Powers and duties ~~Duties~~ of the Department.

14 (a) The Department shall exercise the powers and duties
15 prescribed by the Civil Administrative Code of Illinois for the
16 administration of licensing acts and shall exercise such other
17 powers and duties vested by this Act.

18 (b) The Department shall promulgate rules ~~and regulations~~
19 consistent with ~~the provisions of~~ this Act for the
20 administration and enforcement thereof which shall include
21 standards and criteria for licensure and for the payment of
22 fees connected therewith. The Department shall prescribe forms
23 required for the administration of this Act.

24 (c) The Department shall consult the Landscape

1 Architecture Board in promulgating rules ~~and regulations~~.
2 Notice of proposed rulemaking shall be transmitted to the Board
3 and the Department shall review the Board's response and any
4 recommendations made therein. The Department shall notify the
5 Board in writing of the explanation for any deviations from the
6 Board's recommendations and response.

7 (d) The Department may at any time seek the advice and the
8 expert knowledge of the Board on any matter relating to the
9 administration of this Act.

10 (e) (Blank). ~~The Department shall issue a quarterly report~~
11 ~~to the Board setting forth the status of all complaints~~
12 ~~received by the Department related to landscape architectural~~
13 ~~practice.~~

14 (f) The Department shall maintain membership and
15 representation in the national body composed of state licensing
16 and testing boards for landscape architects.

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

18 (225 ILCS 315/9) (from Ch. 111, par. 8109)

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

20 Sec. 9. Composition, qualification, and terms of Board.

21 (a) The Secretary shall appoint a Board consisting of 5
22 persons who are residents of the State of Illinois and who
23 shall be appointed by and shall serve in an advisory capacity
24 to the Secretary. Four persons shall be individuals experienced
25 in landscape architectural work who would qualify upon

1 application to the Department under ~~the provisions of~~ this Act
2 to be licensed landscape architects, one of whom shall be a
3 ~~tenured~~ member of the landscape architecture faculty of a
4 university located within this State that maintains an
5 accredited school of landscape architecture and 3 of whom shall
6 have engaged in landscape architectural work for at least 5
7 years. The fifth person shall be a public member, not an
8 employee of the State of Illinois, who is not licensed or
9 registered under this Act or a similar Act of another
10 jurisdiction. The public member may not be elected or appointed
11 as chairperson ~~chairman~~ of the Board or serve in such capacity
12 in any other manner.

13 (b) Members of the Board shall serve 5-year ~~5-year~~ terms
14 and until their successors are appointed and qualified. No
15 member shall be reappointed to the Board for a term which would
16 cause that member's cumulative service on the Board to be
17 longer than 10 years. No member who is an initial appointment
18 to the Board shall be reappointed to the Board for a term which
19 would cause that member's cumulative service on the Board to be
20 longer than 13 years. Appointments to fill vacancies shall be
21 made in the same manner as original appointments for the
22 unexpired portion of the vacated term. Initial terms shall
23 begin upon the effective date of this Act.

24 (c) The Secretary may remove any member of the Board for
25 cause, which may include without limitation a member who does
26 not attend 2 consecutive meetings.

1 (d) The Secretary shall consider the recommendations of the
2 Board on questions involving standards of professional
3 conduct, discipline, and qualifications of applicants and
4 licensees under this Act.

5 (e) Three members of the Board shall constitute a quorum. A
6 quorum is required for Board decisions.

7 (f) The Board shall annually elect a chairperson and vice
8 chairperson, both of whom shall be licensed landscape
9 architects.

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

11 (225 ILCS 315/9.5 new)

12 Sec. 9.5. Board immunity. Members of the Board shall have
13 no liability in an action based upon disciplinary proceeding or
14 other activity performed in good faith as a member of the
15 Board.

16 (225 ILCS 315/10) (from Ch. 111, par. 8110)

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

18 Sec. 10. Application for registration ~~Registration~~. An
19 application for registration shall be made to the Department in
20 writing on forms or electronically as prescribed by the
21 Department and shall be accompanied by the required fee, which
22 is not refundable ~~shall not be returnable~~. The application
23 shall require such information as, in the judgment of the
24 Department, will enable the Department to pass on the

1 qualifications of the applicant for registration.

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

3 (225 ILCS 315/11) (from Ch. 111, par. 8111)

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

5 Sec. 11. Licensure qualifications ~~Qualifications~~.

6 (a) Every person applying to the Department for licensure
7 shall do so on forms approved by the Department and shall pay
8 the required fee. Every person applying to the Department for
9 licensure shall submit, with his or her application,
10 satisfactory evidence that the person holds an approved
11 professional degree in landscape architecture from an approved
12 and accredited program, as such terms are defined by the rules
13 ~~and regulations~~ of the Department, and that he or she has had
14 such practical experience in landscape architectural work as
15 shall be required by the rules ~~and regulations~~ of the
16 Department. Every applicant for initial licensure must have an
17 approved professional degree. If an applicant is qualified the
18 Department shall, by means of a written examination, examine
19 the applicant on such technical and professional subjects as
20 shall be required by the rules ~~and regulations~~ of the
21 Department.

22 (b) The Department may exempt from such written examination
23 an applicant who holds a certificate of qualification issued by
24 the National Council of Landscape Architecture Registration
25 Boards, or who holds a registration or license in another state

1 or U.S. jurisdiction which has equivalent or substantially
2 equivalent requirements as the State of Illinois.

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

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

18 ~~(e) For a period of 2 years after the effective date of~~
19 ~~this amendatory Act of the 96th General Assembly, persons~~
20 ~~demonstrating to the Department that they have been engaged in~~
21 ~~landscape architectural practice for a period of 10 years and~~
22 ~~have an accredited degree and license in urban or regional~~
23 ~~planning, architecture, or civil engineering are eligible to~~
24 ~~achieve licensure through examination.~~

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

1 (225 ILCS 315/11.5)

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

3 Sec. 11.5. Professional liability.

4 (a) Any individual licensed under this Act as a landscape
5 architect is liable for his or her negligent or willful acts,
6 errors, and omissions and any shareholder, member, or partner
7 of any entity that provides landscape architecture services
8 through an individual licensed under this Act is liable for the
9 negligent or willful acts, errors, and omissions of the
10 employees, members, and partners of the entity. Eligible claims
11 of liability may be covered under a qualifying policy of
12 professional liability insurance, as set forth in subsection
13 (b) ~~of this Section~~, maintained by an individual or entity.

14 (b) A qualifying policy of professional liability
15 insurance must insure an individual or entity against liability
16 imposed upon it by law for damages arising out of the negligent
17 acts, errors, and omissions of the individual or of the
18 licensed and unlicensed employees, members, and partners of the
19 entity. The policy may exclude coverage of the following:

20 (1) a dishonest, fraudulent, criminal, or malicious
21 act or omission of the insured individual or entity or any
22 stockholder, employee, member, or partner of the insured
23 entity;

24 (2) the conducting of a business enterprise that is not
25 landscape architectural practice by the insured individual
26 or entity;

1 (3) the conducting of a business enterprise in which
2 the insured individual or entity may be a partner or that
3 may be controlled, operated, or managed by the individual
4 or entity in its own or in a fiduciary capacity, including
5 without limitation the ownership, maintenance, or use of
6 property;

7 (4) bodily injury, sickness, disease, or death of a
8 person; or

9 (5) damage to or destruction of tangible property owned
10 by the insured individual or entity.

11 The policy may include any other reasonable provisions with
12 respect to policy periods, territory, claims, conditions, and
13 ministerial matters.

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

15 (225 ILCS 315/12) (from Ch. 111, par. 8112)

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

17 Sec. 12. Registration; renewal; restoration ~~, Renewal,~~
18 Restoration.

19 (a) The expiration date and renewal period for each
20 registration issued under this Act shall be prescribed by the
21 rules ~~and regulations~~ of the Department.

22 (b) Any person who has permitted his or her registration to
23 expire or who has had his or her registration on inactive
24 status may have his or her registration restored by applying to
25 the Department, filing proof acceptable to the Department of

1 his or her fitness to have the registration restored, which may
2 include sworn evidence certifying to active practice in another
3 jurisdiction satisfactory to the Department and paying the
4 required restoration fee.

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

10 (d) However, any person whose registration has expired
11 while he or she has been engaged: (1) in Federal Service on
12 active duty with the Armed Forces of the United States or the
13 State Militia called into service or training; or (2) in
14 training or education under the supervision of the United
15 States preliminary to induction into the military service, may
16 have his or her registration renewed or restored without paying
17 any lapsed renewal fees if, within 2 years after termination of
18 such service, training or education other than by dishonorable
19 discharge, he or she furnishes the Department with satisfactory
20 evidence to the effect that he or she has been so engaged and
21 that the service, training, or education has been so
22 terminated.

23 (e) Each application for renewal shall contain the
24 signature of the landscape architect. The signature may be
25 written or electronically affixed.

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

1 (225 ILCS 315/15) (from Ch. 111, par. 8115)

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

3 Sec. 15. Disposition of funds. All of the fees collected
4 pursuant to this Act shall be deposited into ~~in~~ the General
5 Professions Dedicated Fund.

6 ~~On January 1, 2000 the State Comptroller shall transfer the~~
7 ~~balance of the monies in the Landscape Architects'~~
8 ~~Administration and Investigation Fund into the General~~
9 ~~Professions Dedicated Fund. Amounts appropriated for fiscal~~
10 ~~year 2000 out of the Landscape Architects' Administration and~~
11 ~~Investigation Fund may be paid out of the General Professions~~
12 ~~Dedicated Fund.~~

13 The moneys ~~monies~~ deposited into ~~in~~ the General Professions
14 Dedicated Fund may be used for the expenses of the Department
15 in the administration of this Act.

16 Moneys from the Fund may also be used for direct and
17 allocable indirect costs related to the public purposes of the
18 Department of Financial and Professional Regulation. Moneys in
19 the Fund may be transferred to the Professions Indirect Cost
20 Fund as authorized by Section 2105-300 of the Department of
21 Professional Regulation Law of the Civil Administrative Code of
22 Illinois ~~(20 ILCS 2105/2105-300)~~.

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

24 (225 ILCS 315/17) (from Ch. 111, par. 8117)

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

2 Sec. 17. Advertising. Any person licensed under this Act
3 may advertise the availability of professional services in the
4 public media or on the premises where such professional
5 services are rendered if the ~~provided that such~~ advertising is
6 truthful and not misleading.

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

8 (225 ILCS 315/18) (from Ch. 111, par. 8118)

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

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

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

25 (b) (Blank). ~~If any person shall hold himself or herself~~

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

9 (c) Whoever holds himself or herself out as a "landscape
10 architect", "licensed landscape architect", or "registered
11 landscape architect", or uses any other title that includes the
12 words "landscape architect" or "landscape architecture" in
13 this State without being licensed under this Act shall be
14 guilty of a Class A misdemeanor, and for each subsequent
15 conviction shall be guilty of a Class 4 felony.

16 (d) ~~If Whenever~~, in the opinion of the Department, a person
17 violates any provision of this Act, the Department may issue a
18 rule to show cause why an order to cease and desist should not
19 be entered against that person. The rule shall clearly set
20 forth the grounds relied upon by the Department and shall allow
21 the person at least 7 days from the date of the rule to file an
22 answer that is satisfactory to the Department. Failure to
23 answer to the satisfaction of the Department shall cause an
24 order to cease and desist to be issued.

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

1 (225 ILCS 315/18.1)

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

3 Sec. 18.1. Grounds for discipline ~~Discipline~~.

4 (a) The Department may refuse to issue or to renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action as deemed appropriate
7 including the imposition ~~impositions~~ of fines not to exceed
8 \$10,000 for each violation, as the Department may deem proper
9 with regard to any license for any one or a combination of the
10 following:

11 (1) Material misstatement in furnishing information to
12 the Department or to any other State agency.

13 (2) Negligent or intentional disregard of this Act, or
14 violation of any rules under this Act.

15 (3) Conviction of, or entry of a plea of guilty or nolo
16 contendere, finding of guilt, jury verdict, or entry of
17 judgment or sentencing, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation under
20 the laws of the United States or any state that is (i) a
21 felony or (ii) a misdemeanor, an essential element of which
22 is dishonesty, or any crime that is directly related to the
23 practice of the profession. Conviction of or plea of guilty
24 or nolo contendere to any crime under the laws of the
25 United States or any state or territory thereof that is a
26 felony, or that is a misdemeanor, an essential element of

1 ~~which is dishonesty, or of any crime that is directly~~
2 ~~related to the practice of the profession.~~

3 (4) Making any misrepresentation for the purpose of
4 obtaining a license, or violating any provision of this Act
5 or its rules.

6 (5) Professional incompetence or gross negligence in
7 the rendering of landscape architectural services.

8 (6) Aiding or assisting another person in violating any
9 provision of this Act or any rules.

10 (7) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (8) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public and violating the rules of
15 professional conduct adopted by the Department.

16 (9) Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 that results in an inability to practice with reasonable
19 skill, judgment, or safety.

20 (10) Discipline by another jurisdiction, if at least
21 one of the grounds for the discipline is the same or
22 substantially equivalent to those set forth in this
23 Section.

24 (11) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate, or other form of compensation

1 for any professional service not actually rendered.

2 (12) A finding by the Board that the licensee, after
3 having the license placed on probationary status, has
4 violated the terms of probation.

5 (12.5) A finding by the Board that the licensee has
6 failed to pay a fine imposed by the Department.

7 (13) Abandonment of a client.

8 (14) Willfully filing false reports relating to a
9 licensee's practice, including, but not limited to, false
10 records filed with federal or State agencies or
11 departments.

12 (15) Being named as a perpetrator in an indicated
13 report by the Department of Children and Family Services
14 under the Abused and Neglected Child Reporting Act, and
15 upon proof by clear and convincing evidence that the
16 licensee has caused a child to be an abused child or
17 neglected child as defined in the Abused and Neglected
18 Child Reporting Act.

19 (16) Physical or mental disability, including
20 deterioration through the aging process or loss of
21 abilities and skills that results in the inability to
22 practice the profession with reasonable judgment, skill,
23 or safety.

24 (17) Solicitation of professional services by using
25 false or misleading advertising.

26 (18) Failure to file a return, or to pay the tax,

1 penalty, or interest shown in a filed return, or to pay any
2 final assessment of tax, penalty, or interest, as required
3 by any tax Act administered by the Illinois Department of
4 Revenue or any successor agency or the Internal Revenue
5 Service or any successor agency.

6 (b) Any fines imposed under this Section shall not exceed
7 \$10,000 for each violation.

8 (c) The determination by a court that a licensee is subject
9 to involuntary admission or judicial admission as provided in
10 the Mental Health and Developmental Disabilities Code will
11 result in an automatic suspension of his or her license. The
12 suspension will end upon a finding by a court that the licensee
13 is no longer subject to involuntary admission or judicial
14 admission, the issuance of an order so finding and discharging
15 the patient, and the recommendation of the Board to the
16 Secretary that the licensee be allowed to resume professional
17 practice.

18 (d) In enforcing this Section, the Board, upon a showing of
19 a possible violation, may compel a person licensed under this
20 Act or who has applied for licensure pursuant to this Act to
21 submit to a mental or physical examination, or both, as
22 required by and at the expense of the Department. The examining
23 physicians shall be those specifically designated by the Board.
24 The Board or the Department may order the examining physician
25 to present testimony concerning this mental or physical
26 examination of the licensee or applicant. No information shall

1 be excluded by reason of any common law or statutory privilege
2 relating to communications between the licensee or applicant
3 and the examining physician. The person to be examined may
4 have, at his or her own expense, another physician of his or
5 her choice present during all aspects of the examination.
6 Failure of any person to submit to a mental or physical
7 examination when directed shall be grounds for suspension of a
8 license until the person submits to the examination if the
9 Board finds, after notice and hearing, that the refusal to
10 submit to the examination was without reasonable cause.

11 If the Board finds a person unable to practice because of
12 the reasons set forth in this Section, the Board may require
13 that person to submit to care, counseling, or treatment by
14 physicians approved or designated by the Board as a condition,
15 term, or restriction for continued, reinstated, or renewed
16 licensure; or, in lieu of care, counseling, or treatment, the
17 Board may recommend that the Department file a complaint to
18 immediately suspend, revoke, or otherwise discipline the
19 license of the person. Any person whose license was granted,
20 continued, reinstated, renewed, disciplined, or supervised
21 subject to such terms, conditions, or restrictions and who
22 fails to comply with such terms, conditions, or restrictions
23 shall be referred to the Secretary for a determination as to
24 whether the person shall have his or her license suspended
25 immediately, pending a hearing by the Board.

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

1 (225 ILCS 315/19) (from Ch. 111, par. 8119)

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

3 Sec. 19. Investigation; notice; ~~and~~ hearing. The
4 Department may investigate the actions of any applicant or of
5 any person or persons holding or claiming to hold a license.
6 The Department shall, before suspending, revoking, placing on
7 probationary status, or taking any other disciplinary action as
8 the Department may deem proper with regard to any license, at
9 least 30 days prior to the date set for the hearing, notify the
10 applicant or licensee in writing of any charges made and the
11 time and place for a hearing of the charges before the Board,
12 direct him or her to file his or her written answer thereto to
13 the Board under oath within 20 days after the service on him or
14 her of such notice and inform him or her that if he or she fails
15 to file such answer, default will be taken against him or her
16 and his or her license may be suspended, revoked, placed on
17 probationary status, or have other disciplinary action,
18 including limiting the scope, nature, or extent of his or her
19 practice, as the Department may deem proper taken with regard
20 thereto. Written or electronic notice may be served by personal
21 delivery, email, or mail to the applicant or licensee at his or
22 her address of record or email address of record. At the time
23 and place fixed in the notice, the Department shall proceed to
24 hear the charges and the parties or their counsel shall be
25 accorded ample opportunity to present such statements,

1 testimony, evidence, and argument as may be pertinent to the
2 charges or to the defense thereto. The Department may continue
3 such hearing from time to time. In case the applicant or
4 licensee, after receiving notice, fails to file an answer, his
5 or her license may in the discretion of the Secretary, having
6 received first the recommendation of the Board, be suspended,
7 revoked, or placed on probationary status or the Secretary may
8 take whatever disciplinary action as he or she may deem proper,
9 including limiting the scope, nature, or extent of such
10 person's practice, without a hearing, if the act or acts
11 charged constitute sufficient grounds for such action under
12 this Act. ~~The Department may investigate the actions or~~
13 ~~qualifications of any applicant or person holding or claiming~~
14 ~~to hold a license. The Department shall, before suspending or~~
15 ~~revoking, placing on probation, reprimanding, or taking any~~
16 ~~other disciplinary action under Section 18.1 of this Act, at~~
17 ~~least 30 days before the date set for the hearing, notify the~~
18 ~~applicant or licensee in writing of the nature of the charges~~
19 ~~and that a hearing will be held on the date designated. The~~
20 ~~written notice may be served by personal delivery or certified~~
21 ~~or registered mail to the applicant or licensee at the address~~
22 ~~of record with the Department. The Department shall direct the~~
23 ~~applicant or licensee to file a written answer with the~~
24 ~~Department, under oath, within 20 days after the service of the~~
25 ~~notice, and inform the person that if he or she fails to file~~
26 ~~an answer, his or her license may be revoked, suspended, placed~~

1 ~~on probation, reprimanded, or the Department may take any other~~
2 ~~additional disciplinary action including the issuance of~~
3 ~~fining, not to exceed \$10,000 for each violation, as the~~
4 ~~Department may consider necessary, without a hearing. At the~~
5 ~~time and place fixed in the notice, the Board shall proceed to~~
6 ~~hear the charges and the parties or their counsel. All parties~~
7 ~~shall be accorded an opportunity to present any statements,~~
8 ~~testimony, evidence, and arguments as may be pertinent to the~~
9 ~~charges or to their defense. The Board may continue the hearing~~
10 ~~from time to time.~~

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

12 (225 ILCS 315/20) (from Ch. 111, par. 8120)

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

14 Sec. 20. Record of proceedings; transcript. The
15 Department, at its expense, shall preserve a record of all
16 proceedings at the formal hearing of any case involving the
17 refusal to restore, issue, or renew a license, or the
18 discipline of a licensee. The notice of hearing, complaint, and
19 all other documents in the nature of pleadings and written
20 motions filed in the proceedings, the transcript of testimony,
21 the report of the Board, and the orders of the Department shall
22 be the record of the proceedings. ~~The Department shall furnish~~
23 ~~a transcript of the record to any person interested in the~~
24 ~~hearing upon payment of the fee required under Section 2105-115~~
25 ~~of the Department of Professional Regulation Law (20 ILCS~~

1 ~~2105/2105-115).~~

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (225 ILCS 315/22) (from Ch. 111, par. 8122)

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

5 Sec. 22. Compelling testimony. Any court, upon the
6 application of the Department, designated hearing officer, or
7 the applicant or licensee against whom proceedings under
8 Section 18.1 ~~of this Act~~ are pending, may, enter an order
9 requiring the attendance of witnesses and their testimony and
10 the production of documents, papers, files, books, and records
11 in connection with any hearing or investigation. The court may
12 compel obedience to its order by proceedings for contempt.

13 (Source: P.A. 88-363.)

14 (225 ILCS 315/22.1)

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

16 Sec. 22.1. Findings and recommendations. At the conclusion
17 of the hearing, the Board shall present to the Secretary a
18 written report of its findings of fact, conclusions of law, and
19 recommendations. The report shall contain a finding whether the
20 licensee violated this Act or failed to comply with the
21 conditions required in this Act. The Board shall specify the
22 nature of the violation or failure to comply, and shall make
23 its recommendations to the Secretary.

24 The report of findings of fact, conclusions of law, and

1 recommendation of the Board shall be the basis for the
2 Department's order for refusal or for the granting of the
3 license. If the Secretary disagrees with the recommendations of
4 the Board, the Secretary may issue an order in contravention of
5 the Board recommendations. ~~The Secretary shall provide a~~
6 ~~written report to the Board on any disagreement and shall~~
7 ~~specify the reasons for the action in the final order. The~~
8 ~~findings are not admissible in evidence against the person in a~~
9 ~~criminal prosecution for violation of this Act, but the hearing~~
10 ~~and findings are not a bar to a criminal prosecution for~~
11 ~~violation of this Act.~~

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

13 (225 ILCS 315/23) (from Ch. 111, par. 8123)

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

15 Sec. 23. Board; rehearing ~~Rehearing~~. At the conclusion of
16 the hearing, a copy of the Board's report shall be served upon
17 the accused person, either personally or as provided in this
18 Act for the service of the notice. Within 20 days after such
19 service, the applicant or licensee may present to the
20 Department a motion in writing for a rehearing which shall
21 specify the particular grounds for rehearing. ~~If no motion for~~
22 ~~a rehearing is filed, then upon the expiration of the time~~
23 ~~specified for filing such a motion, or if a motion for~~
24 ~~rehearing is denied, then upon the denial, the Secretary may~~
25 ~~enter any order in accordance with recommendations of the~~

1 ~~Board, except as provided in Section 120 of this Act.~~ If the
2 applicant or licensee requests and pays for a transcript of the
3 record within the time for filing a motion for rehearing, the
4 20-day period within which a motion may be filed shall commence
5 upon the delivery of the transcript to the applicant or
6 licensee.

7 ~~If whenever~~ the Secretary is not satisfied that substantial
8 justice has been done, he or she may order a rehearing by the
9 same or another special board. At the expiration of the time
10 specified for filing a motion for a rehearing the Secretary has
11 the right to take the action recommended by the Board.

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

13 (225 ILCS 315/24) (from Ch. 111, par. 8124)

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

15 Sec. 24. Appointment of a hearing officer. ~~The Secretary~~
16 ~~has the authority to appoint any attorney licensed to practice~~
17 ~~law in the State of Illinois to serve as the hearing officer in~~
18 ~~any action for refusal to issue or renew a license or permit or~~
19 ~~to discipline a licensee. The Secretary shall notify the Board~~
20 ~~of any such appointment.~~ The hearing officer has full authority
21 to conduct the hearing. One ~~At least one~~ member of the Board
22 may shall attend each hearing. The hearing officer shall report
23 his or her findings of fact, conclusions of law and
24 recommendations to the Board and the Secretary. The Board has
25 60 days from receipt of the report to review it and present its

1 findings of fact, conclusions of law and recommendations to the
2 Secretary. If the Board fails to present its report within the
3 60-day ~~60-day~~ period, the Secretary shall issue an order based
4 on the report of the hearing officer. If the Secretary
5 disagrees with the recommendation of the Board or hearing
6 officer, the Secretary may issue an order in contravention of
7 the recommendation. ~~The Secretary shall promptly provide a~~
8 ~~written explanation to the Board on any disagreement.~~

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

10 (225 ILCS 315/26) (from Ch. 111, par. 8126)

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

12 Sec. 26. Restoration of registration from discipline
13 ~~suspended or revoked license. At any time after the successful~~
14 ~~completion of a term of indefinite probation, suspension, or~~
15 ~~revocation of a registration, the Department may restore the~~
16 ~~registration to active status unless, after an investigation~~
17 ~~and a hearing, the Secretary determines that restoration is not~~
18 ~~in the public interest. No person whose registration has been~~
19 ~~revoked as authorized in this Act may apply for restoration of~~
20 ~~that registration until such time as provided for in the~~
21 ~~Department of Professional Regulation Law of the Civil~~
22 ~~Administrative Code of Illinois. At any time after the~~
23 ~~suspension or revocation of any license, the Department may~~
24 ~~restore it to the licensee upon the written recommendation of~~
25 ~~the Board, unless after an investigation and hearing the Board~~

1 ~~determines that restoration is not in the public interest.~~

2 (Source: P.A. 88-363.)

3 (225 ILCS 315/27) (from Ch. 111, par. 8127)

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

5 Sec. 27. Surrender of certificate of registration ~~license~~.
6 Upon the revocation or suspension of a certificate of
7 registration, the registrant shall immediately surrender the
8 certificate of registration to the Department. If the
9 registrant fails to do so, the Department shall have the right
10 to seize the certificate of registration. ~~Upon the revocation~~
11 ~~or suspension of any license, the licensee shall immediately~~
12 ~~surrender his or her license to the Department. If the licensee~~
13 ~~fails to do so, the Department has the right to seize the~~
14 ~~license.~~

15 (Source: P.A. 88-363.)

16 (225 ILCS 315/28) (from Ch. 111, par. 8128)

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

18 Sec. 28. Summary suspension ~~of a license~~. The Secretary may
19 summarily suspend the registration of a landscape architect
20 without a hearing, simultaneously with the institution of
21 proceedings for a hearing provided for in Section 19, if the
22 Secretary finds that evidence indicates that continuation in
23 practice would constitute an imminent danger to the public. If
24 the Secretary summarily suspends a registration without a

1 hearing, a hearing by the Department shall be commenced within
2 30 days after the suspension has occurred and shall be
3 concluded as expeditiously as possible. ~~The Secretary may~~
4 ~~summarily suspend the license of a landscape architect without~~
5 ~~a hearing, simultaneously with the institution of proceedings~~
6 ~~for a hearing provided for in Section 24 of this Act, if the~~
7 ~~Secretary finds that evidence in the possession of the~~
8 ~~Secretary indicates that the continuation in practice by the~~
9 ~~landscape architect would constitute an imminent danger to the~~
10 ~~public. In the event that the Secretary temporarily suspends~~
11 ~~the license of an individual without a hearing, a hearing must~~
12 ~~be held within 30 days after such suspension has occurred.~~

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

14 (225 ILCS 315/30) (from Ch. 111, par. 8130)

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

16 Sec. 30. Certification of record; costs. The Department
17 shall not be required to certify a record to the court or file
18 an answer in court or otherwise appear in a court in a judicial
19 review proceeding, unless and until the Department has received
20 from the plaintiff payment of the costs of furnishing and
21 certifying the record, which costs shall be determined by the
22 Department. Exhibits shall be certified without cost. Failure
23 on the part of the plaintiff to file a receipt in court shall
24 be grounds for dismissal of the action. ~~The Department shall~~
25 ~~not be required to certify any record to the court or file an~~

1 ~~answer in court, or to otherwise appear in any court in a~~
2 ~~judicial review proceeding, unless there is filed in the court~~
3 ~~with the complaint a receipt from the Department acknowledging~~
4 ~~payment of the costs of furnishing and certifying the record.~~
5 ~~Failure on the part of the plaintiff to file such receipt in~~
6 ~~court shall be grounds for dismissal of the action.~~

7 (Source: P.A. 88-363.)

8 (225 ILCS 315/31) (from Ch. 111, par. 8131)

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

10 Sec. 31. Illinois Administrative Procedure Act. The
11 Illinois Administrative Procedure Act is hereby expressly
12 adopted and incorporated herein as if all of the provisions of
13 that Act were included in this Act, except that the provision
14 of subsection (d) of Section 10-65 of the Illinois
15 Administrative Procedure Act that provides that at hearings the
16 licensee has the right to show compliance with all lawful
17 requirements for retention, continuation or renewal of the
18 license is specifically excluded. For the purposes of this Act,
19 the notice required under Section 10-25 of the Illinois
20 Administrative Procedure Act is deemed sufficient when mailed
21 to the address of record of a party.

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

23 (225 ILCS 315/16 rep.)

24 Section 15. The Illinois Landscape Architecture Act of 1989

1 is amended by repealing Section 16.

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