

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 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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020: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.

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;  
22 100-863, eff. 8-14-18.)

1 (5 ILCS 80/4.40 new)

2 Sec. 4.40. Act repealed on January 1, 2030. The following

3 Act is repealed on January 1, 2030:

4 The Illinois Landscape Architecture Act of 1989.

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

9 (225 ILCS 315/2) (from Ch. 111, par. 8102)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 2. Short title ~~Title~~. This Act may be cited as the  
12 Illinois Landscape Architecture Act of 1989.

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

14 (225 ILCS 315/3) (from Ch. 111, par. 8103)

15 (Section scheduled to be repealed on January 1, 2020)

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

17 (a) "Board" means the Illinois Landscape Architect  
18 Registration Board.

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

21 (c) "Secretary" means the Secretary of Financial and  
22 Professional Regulation.

23 (d) "Landscape architect ~~Architect~~" or "landscape

1 architect design professional ~~Landscape Architect Design~~  
2 ~~Professional~~" means a person who, based on education,  
3 experience, and examination in the field of landscape  
4 architecture, is licensed under this Act.

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

10 (f) "Landscape architectural practice ~~Architectural~~  
11 ~~Practice~~" means the offering or furnishing of professional  
12 services in connection with a landscape architecture project  
13 that do not require the seal of an architect, land surveyor,  
14 professional engineer, or structural engineer. Such services  
15 may include, but are not limited to, providing preliminary  
16 studies; developing design concepts; planning for the  
17 relationships of physical improvements and intended uses of the  
18 site; establishing form and aesthetic elements; analyzing and  
19 providing for life safety requirements; developing those  
20 construction details on the site which are exclusive of any  
21 building or structure; preparing and coordinating technical  
22 submissions; and conducting site observation of a landscape  
23 architecture project.

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

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

2 (225 ILCS 315/4) (from Ch. 111, par. 8104)

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

4 Sec. 4. Use of title. No person may represent himself or  
5 herself to be a landscape architect, use the title "landscape  
6 architect", "registered landscape architect", "licensed  
7 landscape architect", "landscape architect design  
8 professional", or any other title which includes the words  
9 "landscape architect" or "landscape architecture", unless  
10 licensed under this Act.

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

12 (225 ILCS 315/5) (from Ch. 111, par. 8105)

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

14 Sec. 5. Title protection. ~~Practice without license. No~~  
15 ~~person shall hold himself or herself out as a landscape~~  
16 ~~architect without being so registered by the Department. This~~  
17 ~~is title protection and not licensure by the Department.~~  
18 ~~Nothing in this Act prevents any person from being engaged in~~  
19 ~~the practice of landscape architecture so long as he or she~~  
20 ~~does not represent himself or herself as, or use the titles of,~~  
21 ~~"landscape architect", "registered landscape architect",~~  
22 ~~"licensed landscape architect", "landscape architecture",~~  
23 ~~"landscape architect design professional", or "landscape~~  
24 ~~architecture design professional".~~

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

2 (225 ILCS 315/6) (from Ch. 111, par. 8106)

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

4 Sec. 6. Issuance of certificate ~~Certificate~~. ~~If Whenever~~ an  
5 applicant for licensure has complied with ~~the provisions of~~  
6 Section 11 ~~of this Act~~, the Department shall issue a  
7 certificate of licensure to the applicant as a licensed  
8 landscape architect subject to the provisions of this Act.

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

10 (225 ILCS 315/6.5)

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

12 Sec. 6.5. Display of license; seal.

13 (a) Every holder of a landscape architect license shall  
14 display his or her certificate of licensure in a conspicuous  
15 place in his or her principal office. ~~A certificate of~~  
16 ~~registration issued under this Act that is in good standing on~~  
17 ~~the effective date of this amendatory Act of the 96th General~~  
18 ~~Assembly shall be deemed to be a certificate of licensure and~~  
19 ~~the Department shall not be required to issue a new certificate~~  
20 ~~of licensure to replace it.~~

21 (b) Every landscape architect shall have a seal, approved  
22 by the Department ~~and the Board~~, which shall contain the name  
23 of the landscape architect, the number of his or her license,  
24 and the legend "Landscape Architect, State of Illinois" and

1 other words or figures as the Department deems necessary.  
2 Plans, specifications, and reports related to landscape  
3 architectural practice and prepared by the landscape  
4 architect, or under his or her supervision, shall be stamped  
5 with his or her seal when filed. Notwithstanding the  
6 requirements of this Section, an architect, land surveyor,  
7 professional engineer, or structural engineer shall be  
8 permitted to affix his or her professional seal or stamp to any  
9 plans, specifications, and reports prepared by or under his or  
10 her responsible control in connection with the incidental  
11 practice of landscape architecture.

12 (c) A landscape architect who endorses a document with his  
13 or her seal while his or her license is suspended, expired, or  
14 has been revoked, who has been placed on probation or inactive  
15 status, or who endorses a document that the landscape architect  
16 did not actually prepare or supervise the preparation of, is  
17 subject to the penalties prescribed in Section 18.1.

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

19 (225 ILCS 315/7) (from Ch. 111, par. 8107)

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

21 Sec. 7. Address of record; email address of record ~~Record~~.  
22 Every landscape architect shall maintain a current address and  
23 email address with the Department. It is the duty of every  
24 applicant and ~~or~~ licensee to inform the Department of any  
25 change of address or email address, and such changes must be

1 made either through the Department's website or by directly  
2 contacting the Department.

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

4 (225 ILCS 315/8) (from Ch. 111, par. 8108)

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

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

7 (a) The Department shall exercise the powers and duties  
8 prescribed by the Civil Administrative Code of Illinois for the  
9 administration of licensing acts and shall exercise such other  
10 powers and duties vested by this Act.

11 (b) The Department shall promulgate rules ~~and regulations~~  
12 consistent with ~~the provisions of~~ this Act for the  
13 administration and enforcement thereof which shall include  
14 standards and criteria for licensure and for the payment of  
15 fees connected therewith. The Department shall prescribe forms  
16 required for the administration of this Act.

17 (c) The Department shall consult the Landscape  
18 Architecture Board in promulgating rules ~~and regulations~~.  
19 Notice of proposed rulemaking shall be transmitted to the Board  
20 and the Department shall review the Board's response and any  
21 recommendations made therein. The Department shall notify the  
22 Board in writing of the explanation for any deviations from the  
23 Board's recommendations and response.

24 (d) The Department may at any time seek the advice and the  
25 expert knowledge of the Board on any matter relating to the

1 administration of this Act.

2 (e) (Blank). ~~The Department shall issue a quarterly report~~  
3 ~~to the Board setting forth the status of all complaints~~  
4 ~~received by the Department related to landscape architectural~~  
5 ~~practice.~~

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

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

10 (225 ILCS 315/9) (from Ch. 111, par. 8109)

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

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

13 (a) The Secretary shall appoint a Board consisting of 5  
14 persons who are residents of the State of Illinois and who  
15 shall be appointed by and shall serve in an advisory capacity  
16 to the Secretary. Four persons shall be individuals experienced  
17 in landscape architectural work who would qualify upon  
18 application to the Department under ~~the provisions of~~ this Act  
19 to be licensed landscape architects, one of whom shall be a  
20 ~~tenured~~ member of the landscape architecture faculty of a  
21 university located within this State that maintains an  
22 accredited school of landscape architecture and 3 of whom shall  
23 have engaged in landscape architectural work for at least 5  
24 years. The fifth person shall be a public member, not an  
25 employee of the State of Illinois, who is not licensed or



1 registered under this Act or a similar Act of another  
2 jurisdiction. The public member may not be elected or appointed  
3 as chairperson ~~chairman~~ of the Board or serve in such capacity  
4 in any other manner.

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

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

19 (d) The Secretary shall consider the recommendations of the  
20 Board on questions involving standards of professional  
21 conduct, discipline, and qualifications of applicants and  
22 licensees under this Act.

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

25 (f) The Board shall annually elect a chairperson and vice  
26 chairperson, both of whom shall be licensed landscape

1 architects.

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

3 (225 ILCS 315/9.5 new)

4 Sec. 9.5. Board immunity. Members of the Board shall have  
5 no liability in an action based upon disciplinary proceeding or  
6 other activity performed in good faith as a member of the  
7 Board.

8 (225 ILCS 315/10) (from Ch. 111, par. 8110)

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

10 Sec. 10. Application for registration ~~Registration~~. An  
11 application for registration shall be made to the Department in  
12 writing on forms or electronically as prescribed by the  
13 Department and shall be accompanied by the required fee, which  
14 is not refundable ~~shall not be returnable~~. The application  
15 shall require such information as, in the judgment of the  
16 Department, will enable the Department to pass on the  
17 qualifications of the applicant for registration.

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

19 (225 ILCS 315/11) (from Ch. 111, par. 8111)

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

21 Sec. 11. Licensure qualifications ~~Qualifications~~.

22 (a) Every person applying to the Department for licensure  
23 shall do so on forms approved by the Department and shall pay

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

15 (b) The Department may exempt from such written examination  
16 an applicant who holds a certificate of qualification issued by  
17 the National Council of Landscape Architecture Registration  
18 Boards, or who holds a registration or license in another state  
19 or U.S. jurisdiction which has equivalent or substantially  
20 equivalent requirements as the State of Illinois.

21 (c) The Department shall adopt rules determining  
22 requirements for practical training and education. The  
23 Department may also adopt the examinations and recommended  
24 grading procedures of the National Council of Landscape  
25 Architectural Registration Boards and the accreditation  
26 procedures of the Landscape Architectural Accrediting Board.

1 The Department shall issue a certificate of licensure to each  
2 applicant who satisfies the requirements set forth in this  
3 Section. Such licensure shall be effective upon issuance.

4 (d) If an applicant neglects, fails without an approved  
5 excuse, or refuses to take an examination or fails to pass an  
6 examination to obtain a certificate of licensure under this Act  
7 within 3 years after filing the application, the application  
8 shall be denied. However, such applicant may thereafter submit  
9 a new application accompanied by the required fee.

10 ~~(c) For a period of 2 years after the effective date of~~  
11 ~~this amendatory Act of the 96th General Assembly, persons~~  
12 ~~demonstrating to the Department that they have been engaged in~~  
13 ~~landscape architectural practice for a period of 10 years and~~  
14 ~~have an accredited degree and license in urban or regional~~  
15 ~~planning, architecture, or civil engineering are eligible to~~  
16 ~~achieve licensure through examination.~~

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

18 (225 ILCS 315/11.5)

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

20 Sec. 11.5. Professional liability.

21 (a) Any individual licensed under this Act as a landscape  
22 architect is liable for his or her negligent or willful acts,  
23 errors, and omissions and any shareholder, member, or partner  
24 of any entity that provides landscape architecture services  
25 through an individual licensed under this Act is liable for the

1 negligent or willful acts, errors, and omissions of the  
2 employees, members, and partners of the entity. Eligible claims  
3 of liability may be covered under a qualifying policy of  
4 professional liability insurance, as set forth in subsection  
5 (b) ~~of this Section~~, maintained by an individual or entity.

6 (b) A qualifying policy of professional liability  
7 insurance must insure an individual or entity against liability  
8 imposed upon it by law for damages arising out of the negligent  
9 acts, errors, and omissions of the individual or of the  
10 licensed and unlicensed employees, members, and partners of the  
11 entity. The policy may exclude coverage of the following:

12 (1) a dishonest, fraudulent, criminal, or malicious  
13 act or omission of the insured individual or entity or any  
14 stockholder, employee, member, or partner of the insured  
15 entity;

16 (2) the conducting of a business enterprise that is not  
17 landscape architectural practice by the insured individual  
18 or entity;

19 (3) the conducting of a business enterprise in which  
20 the insured individual or entity may be a partner or that  
21 may be controlled, operated, or managed by the individual  
22 or entity in its own or in a fiduciary capacity, including  
23 without limitation the ownership, maintenance, or use of  
24 property;

25 (4) bodily injury, sickness, disease, or death of a  
26 person; or

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

3 The policy may include any other reasonable provisions with  
4 respect to policy periods, territory, claims, conditions, and  
5 ministerial matters.

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

7 (225 ILCS 315/12) (from Ch. 111, par. 8112)

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

9 Sec. 12. Registration; renewal; restoration ~~, Renewal,~~  
10 ~~Restoration.~~

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

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

22 (c) If the person has not maintained an active practice in  
23 another jurisdiction satisfactory to the Department, the Board  
24 shall determine, by an evaluation program established by rule,  
25 the person's fitness to resume active status and may require

1 the successful completion of an examination.

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

15 (e) Each application for renewal shall contain the  
16 signature of the landscape architect. The signature may be  
17 written or electronically affixed.

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

19 (225 ILCS 315/15) (from Ch. 111, par. 8115)

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

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

24 ~~On January 1, 2000 the State Comptroller shall transfer the~~  
25 ~~balance of the monies in the Landscape Architects'~~

1 ~~Administration and Investigation Fund into the General~~  
2 ~~Professions Dedicated Fund. Amounts appropriated for fiscal~~  
3 ~~year 2000 out of the Landscape Architects' Administration and~~  
4 ~~Investigation Fund may be paid out of the General Professions~~  
5 ~~Dedicated Fund.~~

6 The moneys ~~monies~~ deposited into ~~in~~ the General Professions  
7 Dedicated Fund may be used for the expenses of the Department  
8 in the administration of this Act.

9 Moneys from the Fund may also be used for direct and  
10 allocable indirect costs related to the public purposes of the  
11 Department of Financial and Professional Regulation. Moneys in  
12 the Fund may be transferred to the Professions Indirect Cost  
13 Fund as authorized by Section 2105-300 of the Department of  
14 Professional Regulation Law of the Civil Administrative Code of  
15 Illinois ~~(20 ILCS 2105/2105-300)~~.

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

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

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

19 Sec. 17. Advertising. Any person licensed under this Act  
20 may advertise the availability of professional services in the  
21 public media or on the premises where such professional  
22 services are rendered if the ~~provided that such~~ advertising is  
23 truthful and not misleading.

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



1 (225 ILCS 315/18) (from Ch. 111, par. 8118)

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

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

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

18 (b) (Blank). ~~If any person shall hold himself or herself~~  
19 ~~out as a "landscape architect", "licensed landscape~~  
20 ~~architect", or "registered landscape architect", or use any~~  
21 ~~other title that includes the words "landscape architect" or~~  
22 ~~"landscape architecture" without being licensed under the~~  
23 ~~provisions of this Act, then any licensed landscape architect,~~  
24 ~~any interested party or any person injured thereby may, in~~  
25 ~~addition to the Secretary, petition for relief as provided in~~  
26 ~~subsection (a) of this Section.~~

1 (c) Whoever holds himself or herself out as a "landscape  
2 architect", "licensed landscape architect", or "registered  
3 landscape architect", or uses any other title that includes the  
4 words "landscape architect" or "landscape architecture" in  
5 this State without being licensed under this Act shall be  
6 guilty of a Class A misdemeanor, and for each subsequent  
7 conviction shall be guilty of a Class 4 felony.

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

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

18 (225 ILCS 315/18.1)

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

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

21 (a) The Department may refuse to issue or to renew, or may  
22 revoke, suspend, place on probation, reprimand, or take other  
23 disciplinary or non-disciplinary action as deemed appropriate  
24 including the imposition ~~impositions~~ of fines not to exceed  
25 \$10,000 for each violation, as the Department may deem proper

1 with regard to any license for any one or a combination of the  
2 following:

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

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

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

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

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

26 (6) Aiding or assisting another person in violating any

1 provision of this Act or any rules.

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

4 (8) Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud, or harm the public and violating the rules of  
7 professional conduct adopted by the Department.

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

12 (10) Discipline by another jurisdiction, if at least  
13 one of the grounds for the discipline is the same or  
14 substantially equivalent to those set forth in this  
15 Section.

16 (11) Directly or indirectly giving to or receiving from  
17 any person, firm, corporation, partnership, or association  
18 any fee, commission, rebate, or other form of compensation  
19 for any professional service not actually rendered.

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

23 (12.5) A finding by the Board that the licensee has  
24 failed to pay a fine imposed by the Department.

25 (13) Abandonment of a client.

26 (14) Willfully filing false reports relating to a

1 licensee's practice, including, but not limited to, false  
2 records filed with federal or State agencies or  
3 departments.

4 (15) Being named as a perpetrator in an indicated  
5 report by the Department of Children and Family Services  
6 under the Abused and Neglected Child Reporting Act, and  
7 upon proof by clear and convincing evidence that the  
8 licensee has caused a child to be an abused child or  
9 neglected child as defined in the Abused and Neglected  
10 Child Reporting Act.

11 (16) Physical or mental disability, including  
12 deterioration through the aging process or loss of  
13 abilities and skills that results in the inability to  
14 practice the profession with reasonable judgment, skill,  
15 or safety.

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

18 (18) Failure to file a return, or to pay the tax,  
19 penalty, or interest shown in a filed return, or to pay any  
20 final assessment of tax, penalty, or interest, as required  
21 by any tax Act administered by the Illinois Department of  
22 Revenue or any successor agency or the Internal Revenue  
23 Service or any successor agency.

24 (b) Any fines imposed under this Section shall not exceed  
25 \$10,000 for each violation.

26 (c) The determination by a court that a licensee is subject

1 to involuntary admission or judicial admission as provided in  
2 the Mental Health and Developmental Disabilities Code will  
3 result in an automatic suspension of his or her license. The  
4 suspension will end upon a finding by a court that the licensee  
5 is no longer subject to involuntary admission or judicial  
6 admission, the issuance of an order so finding and discharging  
7 the patient, and the recommendation of the Board to the  
8 Secretary that the licensee be allowed to resume professional  
9 practice.

10 (d) In enforcing this Section, the Board, upon a showing of  
11 a possible violation, may compel a person licensed under this  
12 Act or who has applied for licensure pursuant to this Act to  
13 submit to a mental or physical examination, or both, as  
14 required by and at the expense of the Department. The examining  
15 physicians shall be those specifically designated by the Board.  
16 The Board or the Department may order the examining physician  
17 to present testimony concerning this mental or physical  
18 examination of the licensee or applicant. No information shall  
19 be excluded by reason of any common law or statutory privilege  
20 relating to communications between the licensee or applicant  
21 and the examining physician. The person to be examined may  
22 have, at his or her own expense, another physician of his or  
23 her choice present during all aspects of the examination.  
24 Failure of any person to submit to a mental or physical  
25 examination when directed shall be grounds for suspension of a  
26 license until the person submits to the examination if the

1 Board finds, after notice and hearing, that the refusal to  
2 submit to the examination was without reasonable cause.

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

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

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

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

21 Sec. 19. Investigation; notice; ~~and~~ hearing. The  
22 Department may investigate the actions of any applicant or of  
23 any person or persons holding or claiming to hold a license.  
24 The Department shall, before suspending, revoking, placing on  
25 probationary status, or taking any other disciplinary action as

1 the Department may deem proper with regard to any license, at  
2 least 30 days prior to the date set for the hearing, notify the  
3 applicant or licensee in writing of any charges made and the  
4 time and place for a hearing of the charges before the Board,  
5 direct him or her to file his or her written answer thereto to  
6 the Board under oath within 20 days after the service on him or  
7 her of such notice and inform him or her that if he or she fails  
8 to file such answer, default will be taken against him or her  
9 and his or her license may be suspended, revoked, placed on  
10 probationary status, or have other disciplinary action,  
11 including limiting the scope, nature, or extent of his or her  
12 practice, as the Department may deem proper taken with regard  
13 thereto. Written or electronic notice may be served by personal  
14 delivery, email, or mail to the applicant or licensee at his or  
15 her address of record or email address of record. At the time  
16 and place fixed in the notice, the Department shall proceed to  
17 hear the charges and the parties or their counsel shall be  
18 accorded ample opportunity to present such statements,  
19 testimony, evidence, and argument as may be pertinent to the  
20 charges or to the defense thereto. The Department may continue  
21 such hearing from time to time. In case the applicant or  
22 licensee, after receiving notice, fails to file an answer, his  
23 or her license may in the discretion of the Secretary, having  
24 received first the recommendation of the Board, be suspended,  
25 revoked, or placed on probationary status or the Secretary may  
26 take whatever disciplinary action as he or she may deem proper,



1 including limiting the scope, nature, or extent of such  
2 person's practice, without a hearing, if the act or acts  
3 charged constitute sufficient grounds for such action under  
4 this Act. ~~The Department may investigate the actions or~~  
5 ~~qualifications of any applicant or person holding or claiming~~  
6 ~~to hold a license. The Department shall, before suspending or~~  
7 ~~revoking, placing on probation, reprimanding, or taking any~~  
8 ~~other disciplinary action under Section 18.1 of this Act, at~~  
9 ~~least 30 days before the date set for the hearing, notify the~~  
10 ~~applicant or licensee in writing of the nature of the charges~~  
11 ~~and that a hearing will be held on the date designated. The~~  
12 ~~written notice may be served by personal delivery or certified~~  
13 ~~or registered mail to the applicant or licensee at the address~~  
14 ~~of record with the Department. The Department shall direct the~~  
15 ~~applicant or licensee to file a written answer with the~~  
16 ~~Department, under oath, within 20 days after the service of the~~  
17 ~~notice, and inform the person that if he or she fails to file~~  
18 ~~an answer, his or her license may be revoked, suspended, placed~~  
19 ~~on probation, reprimanded, or the Department may take any other~~  
20 ~~additional disciplinary action including the issuance of~~  
21 ~~finest, not to exceed \$10,000 for each violation, as the~~  
22 ~~Department may consider necessary, without a hearing. At the~~  
23 ~~time and place fixed in the notice, the Board shall proceed to~~  
24 ~~hear the charges and the parties or their counsel. All parties~~  
25 ~~shall be accorded an opportunity to present any statements,~~  
26 ~~testimony, evidence, and arguments as may be pertinent to the~~

1 ~~charges or to their defense. The Board may continue the hearing~~  
2 ~~from time to time.~~

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

4 (225 ILCS 315/20) (from Ch. 111, par. 8120)

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

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

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

20 (225 ILCS 315/22) (from Ch. 111, par. 8122)

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

22 Sec. 22. Compelling testimony. Any court, upon the  
23 application of the Department, designated hearing officer, or  
24 the applicant or licensee against whom proceedings under

1 Section 18.1 ~~of this Act~~ are pending, may, enter an order  
2 requiring the attendance of witnesses and their testimony and  
3 the production of documents, papers, files, books, and records  
4 in connection with any hearing or investigation. The court may  
5 compel obedience to its order by proceedings for contempt.

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

7 (225 ILCS 315/22.1)

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

9 Sec. 22.1. Findings and recommendations. At the conclusion  
10 of the hearing, the Board shall present to the Secretary a  
11 written report of its findings of fact, conclusions of law, and  
12 recommendations. The report shall contain a finding whether the  
13 licensee violated this Act or failed to comply with the  
14 conditions required in this Act. The Board shall specify the  
15 nature of the violation or failure to comply, and shall make  
16 its recommendations to the Secretary.

17 The report of findings of fact, conclusions of law, and  
18 recommendation of the Board shall be the basis for the  
19 Department's order for refusal or for the granting of the  
20 license. If the Secretary disagrees with the recommendations of  
21 the Board, the Secretary may issue an order in contravention of  
22 the Board recommendations. ~~The Secretary shall provide a~~  
23 ~~written report to the Board on any disagreement and shall~~  
24 ~~specify the reasons for the action in the final order. The~~  
25 ~~findings are not admissible in evidence against the person in a~~

1 ~~riminal prosecution for violation of this Act, but the hearing~~  
2 ~~and findings are not a bar to a criminal prosecution for~~  
3 ~~violation of this Act.~~

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

5 (225 ILCS 315/23) (from Ch. 111, par. 8123)

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

7 Sec. 23. Board; rehearing ~~Rehearing~~. At the conclusion of  
8 the hearing, a copy of the Board's report shall be served upon  
9 the accused person, either personally or as provided in this  
10 Act for the service of the notice. Within 20 days after such  
11 service, the applicant or licensee may present to the  
12 Department a motion in writing for a rehearing which shall  
13 specify the particular grounds for rehearing. ~~If no motion for~~  
14 ~~a rehearing is filed, then upon the expiration of the time~~  
15 ~~specified for filing such a motion, or if a motion for~~  
16 ~~rehearing is denied, then upon the denial, the Secretary may~~  
17 ~~enter any order in accordance with recommendations of the~~  
18 ~~Board, except as provided in Section 120 of this Act.~~ If the  
19 applicant or licensee requests and pays for a transcript of the  
20 record within the time for filing a motion for rehearing, the  
21 20-day period within which a motion may be filed shall commence  
22 upon the delivery of the transcript to the applicant or  
23 licensee.

24 If ~~Whenever~~ the Secretary is not satisfied that substantial  
25 justice has been done, he or she may order a rehearing by the

1 same or another special board. At the expiration of the time  
2 specified for filing a motion for a rehearing the Secretary has  
3 the right to take the action recommended by the Board.

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

5 (225 ILCS 315/24) (from Ch. 111, par. 8124)

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

7 Sec. 24. Appointment of a hearing officer. ~~The Secretary~~  
8 ~~has the authority to appoint any attorney licensed to practice~~  
9 ~~law in the State of Illinois to serve as the hearing officer in~~  
10 ~~any action for refusal to issue or renew a license or permit or~~  
11 ~~to discipline a licensee. The Secretary shall notify the Board~~  
12 ~~of any such appointment.~~ The hearing officer has full authority  
13 to conduct the hearing. One ~~At least one~~ member of the Board  
14 may shall attend each hearing. The hearing officer shall report  
15 his or her findings of fact, conclusions of law and  
16 recommendations to the Board and the Secretary. The Board has  
17 60 days from receipt of the report to review it and present its  
18 findings of fact, conclusions of law and recommendations to the  
19 Secretary. If the Board fails to present its report within the  
20 60-day ~~60 day~~ period, the Secretary shall issue an order based  
21 on the report of the hearing officer. If the Secretary  
22 disagrees with the recommendation of the Board or hearing  
23 officer, the Secretary may issue an order in contravention of  
24 the recommendation. ~~The Secretary shall promptly provide a~~  
25 ~~written explanation to the Board on any disagreement.~~

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

2 (225 ILCS 315/26) (from Ch. 111, par. 8126)

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

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

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

20 (225 ILCS 315/27) (from Ch. 111, par. 8127)

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

22 Sec. 27. Surrender of certificate of registration ~~license.~~  
23 Upon the revocation or suspension of a certificate of  
24 registration, the registrant shall immediately surrender the

1 certificate of registration to the Department. If the  
2 registrant fails to do so, the Department shall have the right  
3 to seize the certificate of registration. Upon the revocation  
4 or suspension of any license, the licensee shall immediately  
5 surrender his or her license to the Department. If the licensee  
6 fails to do so, the Department has the right to seize the  
7 license.

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

9 (225 ILCS 315/28) (from Ch. 111, par. 8128)

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

11 Sec. 28. Summary suspension ~~of a license.~~ The Secretary may  
12 summarily suspend the registration of a landscape architect  
13 without a hearing, simultaneously with the institution of  
14 proceedings for a hearing provided for in Section 19, if the  
15 Secretary finds that evidence indicates that continuation in  
16 practice would constitute an imminent danger to the public. If  
17 the Secretary summarily suspends a registration without a  
18 hearing, a hearing by the Department shall be commenced within  
19 30 days after the suspension has occurred and shall be  
20 concluded as expeditiously as possible. ~~The Secretary may~~  
21 ~~summarily suspend the license of a landscape architect without~~  
22 ~~a hearing, simultaneously with the institution of proceedings~~  
23 ~~for a hearing provided for in Section 24 of this Act, if the~~  
24 ~~Secretary finds that evidence in the possession of the~~  
25 ~~Secretary indicates that the continuation in practice by the~~

1 ~~landscape architect would constitute an imminent danger to the~~  
2 ~~public. In the event that the Secretary temporarily suspends~~  
3 ~~the license of an individual without a hearing, a hearing must~~  
4 ~~be held within 30 days after such suspension has occurred.~~

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

6 (225 ILCS 315/30) (from Ch. 111, par. 8130)

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

8 Sec. 30. Certification of record; costs. The Department  
9 shall not be required to certify a record to the court or file  
10 an answer in court or otherwise appear in a court in a judicial  
11 review proceeding, unless and until the Department has received  
12 from the plaintiff payment of the costs of furnishing and  
13 certifying the record, which costs shall be determined by the  
14 Department. Exhibits shall be certified without cost. Failure  
15 on the part of the plaintiff to file a receipt in court shall  
16 be grounds for dismissal of the action. ~~The Department shall~~  
17 ~~not be required to certify any record to the court or file an~~  
18 ~~answer in court, or to otherwise appear in any court in a~~  
19 ~~judicial review proceeding, unless there is filed in the court~~  
20 ~~with the complaint a receipt from the Department acknowledging~~  
21 ~~payment of the costs of furnishing and certifying the record.~~  
22 ~~Failure on the part of the plaintiff to file such receipt in~~  
23 ~~court shall be grounds for dismissal of the action.~~

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



1 (225 ILCS 315/31) (from Ch. 111, par. 8131)

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

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

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

16 (225 ILCS 315/16 rep.)

17 Section 15. The Illinois Landscape Architecture Act of 1989  
18 is amended by repealing Section 16.

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