



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4894

Introduced 2/18/2020, by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

210 ILCS 5/10g	from Ch. 111 1/2, par. 157-8.10g
210 ILCS 45/3-711	from Ch. 111 1/2, par. 4153-711
210 ILCS 46/3-711	
210 ILCS 47/3-711	
210 ILCS 85/7	from Ch. 111 1/2, par. 148
210 ILCS 115/22	from Ch. 111 1/2, par. 732
210 ILCS 125/19	from Ch. 111 1/2, par. 1219
225 ILCS 207/20	
225 ILCS 225/13	from Ch. 111 1/2, par. 116.313
225 ILCS 235/15	from Ch. 111 1/2, par. 2215
225 ILCS 320/19	from Ch. 111, par. 1118
410 ILCS 45/12.2	

Amends the Mobile Home Park Act, the Illinois Plumbing License Law, the Private Sewage Disposal Licensing Act, the Nursing Home Care Act, the MC/DD Act, the ID/DD Community Care Act, the Commercial and Public Building Asbestos Abatement Act, the Lead Poisoning Prevention Act, the Structural Pest Control Act, the Swimming Facility Act, the Ambulatory Surgical Treatment Center Act, and the Hospital Licensing Act. Provides that the procedures governing hearings authorized under the Acts shall be in accordance with rules adopted by the Department of Public Health. Requires a full and complete record to be kept of all contested proceedings by the Department. Removes language requiring the Department, at its expense, to provide a stenographer to take the testimony, or otherwise record the testimony, and preserve a record of proceedings. Makes other changes. Effective January 1, 2021.

LRB101 18342 CPF 67789 b

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 Ambulatory Surgical Treatment Center Act is
5 amended by changing Section 10g as follows:

6 (210 ILCS 5/10g) (from Ch. 111 1/2, par. 157-8.10g)

7 Sec. 10g. Notice of administrative actions; hearing
8 procedures.

9 (a) Notice of all administrative actions taken under this
10 Act shall be effected by registered mail, certified mail, or
11 personal service and shall set forth the particular reasons for
12 the proposed action and provide the applicant or licensee with
13 an opportunity to request a hearing. If a hearing request is
14 not received within 10 days, the right to a hearing is waived.

15 (b) ~~The procedure governing hearings authorized by this~~
16 ~~Section shall be in accordance with rules promulgated by the~~
17 ~~Department consistent with this Act.~~ A hearing shall be
18 conducted by the Director or by an individual designated in
19 writing by the Director as hearing officer. The procedures
20 governing contested hearings authorized under this Act shall be
21 in accordance with rules adopted by the Department. A full and
22 complete record shall be kept of all contested proceedings by
23 the Department. ~~A full and complete record shall be kept of all~~

1 ~~proceedings, including notice of hearing, complaint, and all~~
2 ~~other documents in the nature of pleadings, written motions~~
3 ~~filed in the proceedings, and the report and orders of the~~
4 ~~Director and hearing officer. All testimony shall be reported~~
5 ~~but need not be transcribed unless the decision is appealed~~
6 ~~pursuant to Section 11 of this Act. A copy or copies of the~~
7 ~~transcript may be obtained by any interested party on payment~~
8 ~~of the cost of preparing such copy or copies.~~

9 (c) The Director or hearing officer shall, upon his own
10 motion or on the written request of any party to the
11 proceeding, issue subpoenas requiring the attendance and
12 testimony of witnesses and subpoenas duces tecum requiring the
13 production of books, papers, records or memoranda. The fees of
14 witnesses for attendance and travel shall be the same as the
15 fees of witnesses before any circuit court of this State. Such
16 fees shall be paid when the witness is excused from further
17 attendance. When the witness is subpoenaed at the instance of
18 the Director or hearing officer, such fees shall be paid in the
19 same manner as other expenses of the Department. When the
20 witness is subpoenaed at the instance of any other party to a
21 proceeding, the Department may require that the cost of service
22 of the subpoena or subpoena duces tecum and the fee of the
23 witness be borne by the party at whose instance the witness is
24 summoned. In such case, the Department, in its discretion, may
25 require a deposit to cover the cost of such service and witness
26 fees. A subpoena or subpoena duces tecum issued under this

1 Section shall be served in the same manner as a subpoena issued
2 by a court.

3 (d) Any circuit court of this State, upon the application
4 of the Director or the application of any other party to the
5 proceeding, may, in its discretion, compel the attendance of
6 witnesses, the production of books, papers, records or
7 memoranda, and the giving of testimony before the Director or
8 hearing officer conducting an investigation or holding a
9 hearing authorized by this Act, by an attachment for contempt,
10 or otherwise, in the same manner as production of evidence may
11 be compelled before the court.

12 (e) The Director or hearing officer, or any party in a
13 hearing before the Department, may cause the deposition of
14 witnesses within the State to be taken in the manner prescribed
15 by law for depositions in civil actions in courts of this
16 State, and may compel the attendance of witnesses and the
17 production of books, papers, records or memoranda.

18 (f) The Director or Hearing Officer shall make findings of
19 fact in such hearing and the Director shall render his decision
20 within 60 days after the termination or waiving of the hearing
21 unless additional time is required by him for a proper
22 disposition of the matter. When the hearing has been conducted
23 by a hearing officer, the Director shall review the record and
24 findings of fact before rendering a decision. A copy of the
25 findings of fact and decision of the Director shall be served
26 upon the applicant or licensee in person, by registered mail,

1 or by certified mail in the same manner as the service of the
2 notice of hearing. The decision denying, suspending, or
3 revoking a license shall become final 35 days after it is
4 mailed or served, unless the applicant or licensee, within the
5 35-day period, petitions for review pursuant to Section 11 of
6 this Act.

7 (Source: P.A. 86-1292.)

8 Section 10. The Nursing Home Care Act is amended by
9 changing Section 3-711 as follows:

10 (210 ILCS 45/3-711) (from Ch. 111 1/2, par. 4153-711)

11 Sec. 3-711. Hearing procedures. The procedures governing
12 hearings authorized under this Act shall be in accordance with
13 rules adopted by the Department. A full and complete record
14 shall be kept of all proceedings, including the notice of
15 hearing, complaint, and all other documents in the nature of
16 pleadings, written motions filed in the proceedings, and the
17 report and orders of the Director and hearing officer. All
18 testimony shall be recorded but need not be transcribed, unless
19 the final administrative decision is appealed under Section
20 3-713. A copy or copies of the transcript may be obtained by
21 any interested party upon payment of the cost of preparing the
22 copy or copies. The Department may employ a court reporter and
23 any party may arrange to have a court reporter attend the
24 hearing at that party's expense. ~~The Department, at its~~

1 ~~expense, shall provide a stenographer to take the testimony, or~~
2 ~~otherwise record the testimony, and preserve a record of all~~
3 ~~proceedings under this Section. The notice of hearing, the~~
4 ~~complaint and all other documents in the nature of pleadings~~
5 ~~and written motions filed in the proceedings, the transcript of~~
6 ~~testimony, and the findings and decision shall be the record of~~
7 ~~the proceedings. The Department shall furnish a transcript of~~
8 ~~such record to any person interested in such hearing upon~~
9 ~~payment therefor of 70 cents per page for each original~~
10 ~~transcript and 25 cents per page for each certified copy~~
11 ~~thereof. However, the charge for any part of such transcript~~
12 ~~ordered and paid for previous to the writing of the original~~
13 ~~record shall be 25 cents per page.~~

14 (Source: P.A. 81-223.)

15 Section 15. The MC/DD Act is amended by changing Section
16 3-711 as follows:

17 (210 ILCS 46/3-711)

18 Sec. 3-711. Hearing procedures ~~Record of hearing,~~
19 ~~transcript.~~ The procedures governing contested hearings
20 authorized under this Act shall be in accordance with rules
21 adopted by the Department. A full and complete record shall be
22 kept of all contested proceedings by the Department. ~~The~~
23 ~~Department, at its expense, shall provide a stenographer to~~
24 ~~take the testimony, or otherwise record the testimony, and~~

1 ~~preserve a record of all proceedings under this Section. The~~
2 ~~notice of hearing, the complaint and all other documents in the~~
3 ~~nature of pleadings and written motions filed in the~~
4 ~~proceedings, the transcript of testimony, and the findings and~~
5 ~~decision shall be the record of the proceedings. The Department~~
6 ~~shall furnish a transcript of such record to any person~~
7 ~~interested in such hearing upon payment therefor of 70 cents~~
8 ~~per page for each original transcript and 25 cents per page for~~
9 ~~each certified copy thereof. However, the charge for any part~~
10 ~~of such transcript ordered and paid for previous to the writing~~
11 ~~of the original record shall be 25 cents per page.~~

12 (Source: P.A. 99-180, eff. 7-29-15.)

13 Section 20. The ID/DD Community Care Act is amended by
14 changing Section 3-711 as follows:

15 (210 ILCS 47/3-711)

16 Sec. 3-711. Hearing procedures ~~Record of hearing,~~
17 ~~transcript.~~ The procedures governing contested hearings
18 authorized under this Act shall be in accordance with rules
19 adopted by the Department. A full and complete record shall be
20 kept of all contested proceedings by the Department. ~~The~~
21 ~~Department, at its expense, shall provide a stenographer to~~
22 ~~take the testimony, or otherwise record the testimony, and~~
23 ~~preserve a record of all proceedings under this Section. The~~
24 ~~notice of hearing, the complaint and all other documents in the~~

~~nature of pleadings and written motions filed in the proceedings, the transcript of testimony, and the findings and decision shall be the record of the proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of 70 cents per page for each original transcript and 25 cents per page for each certified copy thereof. However, the charge for any part of such transcript ordered and paid for previous to the writing of the original record shall be 25 cents per page.~~

(Source: P.A. 96-339, eff. 7-1-10.)

Section 25. The Hospital Licensing Act is amended by changing Section 7 as follows:

(210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

Sec. 7. Administrative actions; notice; hearing procedures.

(a) The Director after notice and opportunity for hearing to the applicant or licensee may deny, suspend, or revoke a permit to establish a hospital or deny, suspend, or revoke a license to open, conduct, operate, and maintain a hospital in any case in which he finds that there has been a substantial failure to comply with the provisions of this Act, the Hospital Report Card Act, or the Illinois Adverse Health Care Events Reporting Law of 2005 or the standards, rules, and regulations established by virtue of any of those Acts. The Department may

1 impose fines on hospitals, not to exceed \$500 per occurrence,
2 for failing to (1) initiate a criminal background check on a
3 patient that meets the criteria for hospital-initiated
4 background checks or (2) report the death of a person known to
5 be a resident of a facility licensed under the ID/DD Community
6 Care Act or the MC/DD Act to the coroner or medical examiner
7 within 24 hours as required by Section 6.09a of this Act. In
8 assessing whether to impose such a fine for failure to initiate
9 a criminal background check, the Department shall consider
10 various factors including, but not limited to, whether the
11 hospital has engaged in a pattern or practice of failing to
12 initiate criminal background checks. Money from fines shall be
13 deposited into the Long Term Care Provider Fund.

14 (b) Such notice shall be effected by registered mail or by
15 personal service setting forth the particular reasons for the
16 proposed action and fixing a date, not less than 15 days from
17 the date of such mailing or service, at which time the
18 applicant or licensee shall be given an opportunity for a
19 hearing. Such hearing shall be conducted by the Director or by
20 an employee of the Department designated in writing by the
21 Director as Hearing Officer to conduct the hearing. On the
22 basis of any such hearing, or upon default of the applicant or
23 licensee, the Director shall make a determination specifying
24 his findings and conclusions. In case of a denial to an
25 applicant of a permit to establish a hospital, such
26 determination shall specify the subsection of Section 6 under

1 which the permit was denied and shall contain findings of fact
2 forming the basis of such denial. A copy of such determination
3 shall be sent by registered mail or served personally upon the
4 applicant or licensee. The decision denying, suspending, or
5 revoking a permit or a license shall become final 35 days after
6 it is so mailed or served, unless the applicant or licensee,
7 within such 35 day period, petitions for review pursuant to
8 Section 13.

9 (c) The procedures governing contested hearings authorized
10 by this Section shall be in accordance with rules adopted by
11 the Department. A full and complete record shall be kept of all
12 contested proceedings by the Department. ~~The procedure~~
13 ~~governing hearings authorized by this Section shall be in~~
14 ~~accordance with rules promulgated by the Department and~~
15 ~~approved by the Hospital Licensing Board. A full and complete~~
16 ~~record shall be kept of all proceedings, including the notice~~
17 ~~of hearing, complaint, and all other documents in the nature of~~
18 ~~pleadings, written motions filed in the proceedings, and the~~
19 ~~report and orders of the Director and Hearing Officer. All~~
20 ~~testimony shall be reported but need not be transcribed unless~~
21 ~~the decision is appealed pursuant to Section 13. A copy or~~
22 ~~copies of the transcript may be obtained by any interested~~
23 ~~party on payment of the cost of preparing such copy or copies.~~

24 (d) The Director or Hearing Officer shall upon his own
25 motion, or on the written request of any party to the
26 proceeding, issue subpoenas requiring the attendance and the

1 giving of testimony by witnesses, and subpoenas duces tecum
2 requiring the production of books, papers, records, or
3 memoranda. All subpoenas and subpoenas duces tecum issued under
4 the terms of this Act may be served by any person of full age.
5 The fees of witnesses for attendance and travel shall be the
6 same as the fees of witnesses before the Circuit Court of this
7 State, such fees to be paid when the witness is excused from
8 further attendance. When the witness is subpoenaed at the
9 instance of the Director, or Hearing Officer, such fees shall
10 be paid in the same manner as other expenses of the Department,
11 and when the witness is subpoenaed at the instance of any other
12 party to any such proceeding the Department may require that
13 the cost of service of the subpoena or subpoena duces tecum and
14 the fee of the witness be borne by the party at whose instance
15 the witness is summoned. In such case, the Department in its
16 discretion, may require a deposit to cover the cost of such
17 service and witness fees. A subpoena or subpoena duces tecum
18 issued as aforesaid shall be served in the same manner as a
19 subpoena issued out of a court.

20 (e) Any Circuit Court of this State upon the application of
21 the Director, or upon the application of any other party to the
22 proceeding, may, in its discretion, compel the attendance of
23 witnesses, the production of books, papers, records, or
24 memoranda and the giving of testimony before the Director or
25 Hearing Officer conducting an investigation or holding a
26 hearing authorized by this Act, by an attachment for contempt,

1 or otherwise, in the same manner as production of evidence may
2 be compelled before the court.

3 (f) The Director or Hearing Officer, or any party in an
4 investigation or hearing before the Department, may cause the
5 depositions of witnesses within the State to be taken in the
6 manner prescribed by law for like depositions in civil actions
7 in courts of this State, and to that end compel the attendance
8 of witnesses and the production of books, papers, records, or
9 memoranda.

10 (Source: P.A. 99-180, eff. 7-29-15.)

11 Section 30. The Mobile Home Park Act is amended by changing
12 Section 22 as follows:

13 (210 ILCS 115/22) (from Ch. 111 1/2, par. 732)

14 Sec. 22. Administrative actions; hearing procedures. Any
15 person refused a permit to construct or alter a park or a
16 license, or whose license is suspended or revoked, shall have
17 the right to a hearing before the Department. A written notice
18 of a request for such a hearing shall be served upon the
19 Department within 20 days of such refusal of a permit to
20 construct or alter or refusal of a license or suspension or
21 revocation thereof. The Director shall give written notice of
22 such decision, by registered mail, to the park operator or the
23 applicant, as the case may be, within 5 days of such refusal,
24 suspension or revocation.

1 The hearing shall be conducted by the Director, or a duly
2 qualified employee of the Department designated in writing by
3 the Director as a Hearing Officer.

4 The Director or Hearing Officer may compel by subpoena or
5 subpoena duces tecum the attendance and testimony of witnesses
6 and the production of books and papers, and administer oaths to
7 witnesses. The hearing shall be conducted at such place as
8 designated by the Department, except that hearings concerning
9 the establishment, operation or licensing of a park in a county
10 of 1,000,000 or more inhabitants shall be conducted in such
11 county. The Director shall give written notice of the time and
12 place of hearing, by registered mail, to the park operator or
13 license applicant, as the case may be, at least 10 days prior
14 to such hearing.

15 The Director or Hearing Officer shall permit the applicant
16 or licensee to appear in person and to be represented by
17 counsel at the hearing at which time the applicant or licensee
18 shall be afforded an opportunity to present all relevant matter
19 in support of his application for license or renewal of license
20 or in resisting the revocation thereof.

21 In the event of the inability of any party, or the
22 Department, to procure the attendance of witnesses to give
23 testimony or produce books and papers, such party or the
24 Department may take the deposition of witnesses in accordance
25 with the law pertaining to the taking of depositions in civil
26 cases in the circuit courts of this State. The procedures

1 governing contested hearings authorized under this Section
2 shall be in accordance with rules adopted by the Department. A
3 full and complete record shall be kept of all contested
4 proceedings by the Department. All testimony taken at a hearing
5 ~~shall be reduced to writing, and all such testimony and other~~
6 ~~evidence introduced at the hearing shall constitute a part of~~
7 ~~the record of the hearing.~~

8 The Director shall make findings of fact in such hearing,
9 and the Director shall render his or her decision within 30
10 days after the termination of the hearing, unless additional
11 time is required by him or her for a proper disposition of the
12 matter. When the hearing has been conducted by a Hearing
13 Officer, the Director shall review the record before rendering
14 a decision. It shall be the duty of the Director to forward a
15 copy of his or her decision, by registered mail, to the park
16 operator or applicant, as the case may be, within 5 days of
17 rendering such decision.

18 Technical errors in the proceeding before the Director or
19 Hearing Officer or their failure to observe the technical rules
20 of evidence shall not constitute grounds for the reversal of
21 any administrative decision unless it appears to the court that
22 such error or failure materially affects the rights of any
23 party and results in substantial injustice to him.

24 All subpoenas issued by the Director or Hearing Officer may
25 be served as provided for in civil actions. The fees of
26 witnesses for attendance and travel shall be the same as the

1 fees for witnesses before the Circuit Court and shall be paid
2 by the party to such proceeding at whose request the subpoena
3 is issued. If such subpoena is issued at the request of the
4 Department, the witness fee shall be paid as an administrative
5 expense.

6 In cases of refusal of a witness to attend or testify, or
7 to produce books or papers, concerning any matter upon which he
8 might be lawfully examined, the Circuit Court of the county
9 wherein the hearing is held, upon application of any party to
10 the proceeding, may compel obedience by proceeding for contempt
11 as in cases of a like refusal to obey a similar order of the
12 Court.

13 The Department shall not be required to certify any record
14 or file any answer or otherwise appear in any proceeding for
15 judicial review unless the party filing the complaint deposits
16 with the clerk of the court the sum of 95 cents per page
17 representing costs of such certification. Failure on the part
18 of the plaintiff to make such deposit shall be grounds for
19 dismissal of the action.

20 (Source: P.A. 83-334.)

21 Section 35. The Swimming Facility Act is amended by
22 changing Section 19 as follows:

23 (210 ILCS 125/19) (from Ch. 111 1/2, par. 1219)

24 Sec. 19. Hearing procedures. The procedures governing

1 contested hearings authorized under this Act shall be in
2 accordance with rules adopted by the Department. A full and
3 complete record shall be kept of all contested proceedings by
4 the Department. ~~The Director shall make findings of fact in~~
5 ~~such hearing, and the Director shall render his decision within~~
6 ~~30 days after the termination of the hearing, unless additional~~
7 ~~time is required by him for a proper disposition of the matter.~~
8 ~~When the hearing has been conducted by a Hearing Officer, the~~
9 ~~Director shall review the findings of fact and recommendations~~
10 ~~of the Hearing Officer, and the transcribed record if a party~~
11 ~~has requested and paid for such record before rendering a~~
12 ~~decision.~~ It shall be the duty of the Director to forward a
13 copy of the ~~his~~ decision by ~~registered or~~ certified mail, to
14 the owner, operator, licensee, or applicant ~~within 5 days of~~
15 ~~rendition of such decision.~~ Technical errors in the proceeding
16 before the Director ~~or Hearing Officer~~ or the Director's ~~their~~
17 failure to observe the technical rules of evidence shall not be
18 grounds for the reversal of any administrative decision unless
19 it appears to the court that such error or failure materially
20 affects the rights of any party and results in substantial
21 injustice to him.

22 (Source: P.A. 78-1149.)

23 Section 40. The Commercial and Public Building Asbestos
24 Abatement Act is amended by changing Section 20 as follows:

1 (225 ILCS 207/20)

2 Sec. 20. Powers and Duties of the Department.

3 (a) The Department is empowered to promulgate any rules
4 necessary to ensure proper implementation and administration
5 of this Act, and compliance with the federal Asbestos School
6 Hazard Abatement Reauthorization Act of 1990.

7 (b) Rules promulgated by the Department shall include, but
8 not be limited to, rules relating to the correct and safe
9 performance of response action services, rules for the
10 assessment of civil penalties for violations of this Act or
11 rules promulgated under it, and rules providing for the
12 training and licensing of persons and firms (i) to perform
13 asbestos inspection, (ii) to perform abatement work, and (iii)
14 to serve as asbestos abatement contractors, response action
15 contractors, and asbestos workers. The Department is empowered
16 to inspect activities regulated by this Act to ensure
17 compliance.

18 Except as otherwise provided by Department rule, on and
19 after the effective date of this amendatory Act of the 98th
20 General Assembly, any licensing requirement adopted pursuant
21 to this Section that may be satisfied by an industrial
22 hygienist licensed pursuant to the Industrial Hygienists
23 Licensure Act repealed in this amendatory Act may be satisfied
24 by a Certified Industrial Hygienist certified by the American
25 Board of Industrial Hygiene.

26 (c) In carrying out its responsibilities under this Act,

1 the Department shall:

2 (1) Publish a list of response action contractors
3 licensed under this Act, except that the Department shall
4 not be required to publish a list of licensed asbestos
5 workers; and

6 (2) Adopt rules for the collection of fees for training
7 course approval and for the licensing of inspectors,
8 project designers, contractors, supervisors, and workers.

9 (d) The provisions of the Illinois Administrative
10 Procedure Act are hereby expressly adopted and shall apply to
11 all administrative rules and procedures of the Department of
12 Public Health under this Act, except that in case of conflict
13 between the Illinois Administrative Procedure Act and this Act
14 the provisions of this Act shall control, and except that
15 Section 5-35 of the Illinois Administrative Procedure Act
16 relating to procedures for rulemaking does not apply to the
17 adoption of any rule required by federal law in connection with
18 which the Department is precluded by law from exercising any
19 discretion.

20 (e) All final administrative decisions of the Department
21 under this Act shall be subject to judicial review pursuant to
22 the provisions of the Administrative Review Law and the rules
23 adopted under it. The term "administrative decision" has the
24 meaning ascribed to it in Section 3-101 of the Code of Civil
25 Procedure.

26 (f) The Director, after notice and opportunity for hearing

1 to the applicant or license holder, may deny, suspend, or
2 revoke a license or expunge such person from the State list in
3 any case in which he or she finds that there has been a
4 substantial failure to comply with the provisions of this Act
5 or the standards or rules established under it. Notice shall be
6 provided by certified mail, return receipt requested, or by
7 personal service setting forth the particular response for the
8 proposed action and fixing a date, not less than 15 days from
9 the date of such mailing or service, at which time the
10 applicant, asbestos abatement contractor, or license holder
11 shall be given an opportunity to request hearing.

12 The hearing shall be conducted by the Director or by an
13 individual designated in writing by the Director as Hearing
14 Officer to conduct the hearing. On the basis of any such
15 hearing, or upon default of the asbestos abatement contractor,
16 applicant or license holder, the Director shall make a
17 determination specifying his or her findings and conclusions. A
18 copy of the determination shall be sent by certified mail,
19 return receipt requested, or served personally upon the
20 applicant, contractor, or license holder.

21 The procedure governing hearings authorized by this
22 Section shall be in accordance with rules promulgated by the
23 Department. The procedures governing contested hearings
24 authorized under this Section shall be in accordance with rules
25 adopted by the Department. A full and complete record shall be
26 kept of all contested proceedings by the Department. ~~A full and~~

1 ~~complete record shall be kept of all proceedings, including the~~
2 ~~notice of hearing, complaint, and all other documents in the~~
3 ~~nature of pleadings, written motions filed in the proceedings,~~
4 ~~and the report and orders of the Director and Hearing Officer.~~
5 ~~All testimony shall be reported but need not be transcribed~~
6 ~~unless the decision is sought to be reviewed under the~~
7 ~~Administrative Review Law. A copy or copies of the transcript~~
8 ~~may be obtained by any interested party on payment of the cost~~
9 ~~of preparing the copy or copies.~~ The Director or Hearing
10 Officer shall, upon his or her own motion or on the written
11 request of any party to the proceeding, issue subpoenas
12 requiring the attendance and the giving of testimony by
13 witnesses, and subpoenas duces tecum requiring the production
14 of books, papers, records, or memoranda. All subpoenas and
15 subpoenas duces tecum issued under this Act may be served by
16 any person of legal age. The fees of witnesses for attendance
17 and travel shall be the same as the fees of witnesses before
18 the courts of this State, such fees to be paid when the witness
19 is excused from further attendance. When the witness is
20 subpoenaed at the instance of the Director or Hearing Officer,
21 such fees shall be paid in the same manner as other expenses of
22 the Department, and when the witness is subpoenaed at the
23 instance of any other party to any such proceeding the
24 Department may require that the cost of service of the subpoena
25 or subpoena duces tecum and the fee of the witness be borne by
26 the party at whose instance the witness is summoned. In such

1 case, the Department in its discretion may require a deposit to
2 cover the cost of such service and witness fees. A subpoena or
3 subpoena duces tecum so issued as above stated shall be served
4 in the same manner as a subpoena issued by a circuit court.

5 Any circuit court of this State, upon the application of
6 the Director, or upon the application of any other party to the
7 proceeding, may, in its discretion, compel the attendance of
8 witnesses, the production of books, papers, records, or
9 memoranda and the giving of testimony before the Director or
10 Hearing Officer conducting an investigation or holding a
11 hearing authorized by this Act, by an attachment for contempt
12 or otherwise, in the same manner as production of evidence may
13 be compelled before the court.

14 The Director or Hearing Officer, or any party in an
15 investigation or hearing before the Department, may cause the
16 depositions of witnesses within this State to be taken in the
17 manner prescribed by law for like depositions in civil actions
18 in courts of this State, and, to that end, compel the
19 attendance of witnesses and the production of books, papers,
20 records, or memoranda.

21 The Department shall not be required to certify any record,
22 file any answer, or otherwise appear in any proceeding for
23 judicial review unless the party filing the complaint deposits
24 with the clerk of the court the sum of 95 cents per page
25 representing costs of such certification. Failure on the part
26 of the filing party to make such deposit shall be grounds for

1 dismissal of the action.

2 (Source: P.A. 98-78, eff. 7-15-13.)

3 Section 45. The Private Sewage Disposal Licensing Act is
4 amended by changing Section 13 as follows:

5 (225 ILCS 225/13) (from Ch. 111 1/2, par. 116.313)

6 Sec. 13. Notice of administrative actions; hearing
7 procedures. The Department shall give written notice by
8 certified or registered mail to any person refused a license or
9 whose license is suspended or revoked, or an approved unit of
10 local government whose approval is denied, suspended or revoked
11 or any person in violation of the Act, rules and regulations.
12 Such person has a right to a hearing before the Department;
13 however, a written notice of a request for such a hearing must
14 be served on the Department within 10 days of notice of such
15 refusal of a license or suspension or revocation thereof or
16 notice of violation. The hearing shall be conducted by the
17 Director, or a Hearing Officer designated in writing by the
18 Director, to conduct the hearing. ~~A stenographic record shall~~
19 ~~be made of the hearing and the cost borne by the Department;~~
20 ~~however, a transcription of the hearing will be made only if a~~
21 ~~person requests it and shall be transcribed at the cost of such~~
22 ~~person.~~

23 The hearing shall be conducted at such place as designated
24 by the Department. The Director shall give written notice of

1 the time and place of hearing, by registered or certified mail,
2 to the owner, operator, licensee, or applicant, as the case may
3 be, at least 20 days before such hearing. The Director or
4 Hearing Officer shall permit the licensee, applicant, person,
5 or unit of local government to appear in person or to be
6 represented by counsel at the hearing at which time such party
7 shall be afforded an opportunity to present all relevant matter
8 in reference thereto.

9 The procedures governing contested hearings authorized
10 under this Section shall be in accordance with rules adopted by
11 the Department. A full and complete record shall be kept of all
12 contested proceedings by the Department.

13 (Source: P.A. 84-670.)

14 Section 50. The Structural Pest Control Act is amended by
15 changing Section 15 as follows:

16 (225 ILCS 235/15) (from Ch. 111 1/2, par. 2215)

17 (Section scheduled to be repealed on December 31, 2029)

18 Sec. 15. Administrative hearing. The Department shall give
19 written notice by certified or registered mail to any
20 applicant, licensee, registrant or certified technician of the
21 Department's intent to suspend, revoke, or refuse to issue a
22 license, registration, or certificate or to assess a fine. Such
23 person has a right to a hearing before the Department; however,
24 a written notice of a request for such a hearing shall be

1 served on the Department within 10 days of notice of such
2 refusal, suspension, or revocation of a license, registration,
3 or certification, or imposition of a fine. The hearing shall be
4 conducted by the Director, or a Hearing Officer designated in
5 writing by the Director, to conduct the hearing. The procedures
6 governing contested hearings authorized under this Section
7 shall be in accordance with rules adopted by the Department. A
8 full and complete record shall be kept of all contested
9 proceedings by the Department. ~~A stenographic record shall be~~
10 ~~made of the hearing and the cost borne by the Department;~~
11 ~~however, a transcription of the hearing will be made only if a~~
12 ~~person requests and shall be transcribed at the cost of such~~
13 ~~person.~~

14 The hearing shall be conducted at such place as designated
15 by the Department.

16 (Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

17 Section 55. The Illinois Plumbing License Law is amended by
18 changing Section 19 as follows:

19 (225 ILCS 320/19) (from Ch. 111, par. 1118)

20 Sec. 19. Administrative actions; notice; hearing
21 procedures. The Director, after notice and opportunity for
22 hearing to the applicant, license holder, or registrant, may
23 deny, suspend, or revoke a license or registration in any case
24 in which he or she finds that there has been a substantial

1 failure to comply with the provisions of this Act or the
2 standards, rules, and regulations established under this Act.

3 Notice shall be provided by certified mail or by personal
4 service setting forth the particular reasons for the proposed
5 action and fixing a date, not less than 20 days from the date
6 of the mailing or service, within which time the applicant or
7 license holder must request in writing a hearing. Failure to
8 serve upon the Department a request for hearing in writing
9 within the time provided in the notice shall constitute a
10 waiver of the person's right to an administrative hearing.

11 The hearing shall be conducted by the Director or by an
12 individual designated in writing by the Director as a hearing
13 officer to conduct the hearing. The Director or hearing officer
14 shall give written notice of the time and place of the hearing,
15 by certified mail or personal service, to the applicant,
16 license holder, or registrant at least 10 days prior to the
17 hearing. On the basis of the hearing, or upon default of the
18 applicant, license holder, or registrant, the Director shall
19 make a determination specifying his or her findings and
20 conclusions. A copy of the determination shall be sent by
21 certified mail or served personally upon the applicant, license
22 holder, or registrant. The decision of the Director shall be
23 final on issues of fact and final in all respects unless
24 judicial review is sought as provided in this Act.

25 The procedure governing hearings authorized by this
26 Section shall be in accordance with rules promulgated by the

1 Department. A full and complete record shall be kept of all
2 proceedings, including the notice of hearing, complaint, and
3 all other documents in the nature of pleadings, written motions
4 filed in the proceedings, and the report and orders of the
5 Director and hearing officer.

6 ~~The Department at its expense shall provide a court~~
7 ~~reporter to take testimony.~~ Technical error in the proceedings
8 before the Department or hearing officer or their failure to
9 observe the technical rules of evidence shall not be grounds
10 for the reversal of any administrative decision unless it
11 appears to the Court that such error or failure materially
12 affects the rights of any party and results in substantial
13 injustice to them.

14 The Department or hearing officer, or any parties in an
15 investigation or hearing before the Department, may cause the
16 depositions of witnesses within the State to be taken in the
17 manner prescribed by law for depositions in civil actions in
18 courts of this State, and compel the attendance of witnesses
19 and the production of books, papers, records, or memoranda.

20 The procedures governing contested hearings authorized
21 under this Section shall be in accordance with rules adopted by
22 the Department. A full and complete record shall be kept of all
23 contested proceedings by the Department.

24 The Department shall not be required to certify any record
25 to the Court or file any answer in Court or otherwise appear in
26 any Court in a judicial review proceeding, unless there is

1 filed in the Court with the complaint a receipt from the
2 Department acknowledging payment of the costs of furnishing and
3 certifying the record. Such cost shall be paid by the party
4 requesting a copy of the record. Failure on the part of the
5 person requesting a copy of the record to pay the cost shall be
6 grounds for dismissal of the action.

7 (Source: P.A. 91-678, eff. 1-26-00.)

8 Section 60. The Lead Poisoning Prevention Act is amended by
9 changing Section 12.2 as follows:

10 (410 ILCS 45/12.2)

11 Sec. 12.2. Violations and enforcement.

12 (a) The following provisions shall apply concerning
13 criminal sanctions:

14 (1) Violation of any Section of this Act other than
15 Section 6.01 or Section 7 shall be punishable as a Class A
16 misdemeanor. A violation of Section 6.01 shall cause the
17 Department to issue a written warning for a first offense
18 and shall be a petty offense for a second or subsequent
19 offense if the violation occurs at the same location within
20 12 months after the first offense.

21 (2) Any person who knowingly violates this Act or the
22 rules adopted by the Department or who knowingly violates
23 any determination or order of the Department under this Act
24 shall be guilty of a Class 4 felony. A person who, after

1 being convicted under this paragraph, knowingly violates
2 this paragraph a second or subsequent time commits a Class
3 3 felony.

4 (3) Any person who knowingly makes a false statement,
5 orally or in writing, to the Department related to or
6 required by this Act, a rule adopted under this Act, any
7 federal law or rule for which the Department has
8 responsibility, or any determination or order of the
9 Department under this Act, or any permit, term, or
10 condition thereof, commits a Class 4 felony, and each such
11 statement or writing shall be considered a separate Class 4
12 felony. A person who, after being convicted under this
13 paragraph, knowingly violates this paragraph a second or
14 subsequent time commits a Class 3 felony.

15 (4) Any criminal action brought under this Section
16 shall be brought by the State's Attorney of the county in
17 which the violation occurred or by the Attorney General and
18 shall be conducted in accordance with the applicable
19 provisions of the Code of Criminal Procedure of 1963.

20 (5) For an offense described in this subsection (a),
21 the period for commencing prosecution prescribed by the
22 statute of limitations shall not begin to run until the
23 offense is discovered by or reported to a State or local
24 agency having the authority to investigate violations of
25 this Act.

26 (6) In addition to any other penalty provided under

1 this Act, the court in a criminal action brought under this
2 subsection (a) may impose upon any person who violates this
3 Act or the rules adopted under this Act or who does not
4 comply with a notice of deficiency and a mitigation order
5 issued under subsection (7) of Section 9 of this Act or who
6 fails to comply with subsection (3) or subsection (5) of
7 Section 9 of this Act a penalty not to exceed \$5,000 for
8 each violation. Each day a violation exists constitutes a
9 separate violation. In assessing a criminal penalty under
10 this Section, the court shall consider any civil fines the
11 person has paid which were imposed pursuant to subsection
12 (b) of this Section. Any penalties collected in a court
13 proceeding shall be deposited into a delegated county lead
14 poisoning screening, prevention, and abatement fund or, if
15 no delegated county or lead poisoning screening,
16 prevention, and abatement fund exists, into the Lead
17 Poisoning Screening, Prevention, and Abatement Fund
18 established under Section 7.2 of this Act.

19 (b) The Department is authorized to assess administrative
20 civil fines against any licensee or any other person who
21 violates this Act or the rules adopted under this Act. These
22 fines may be assessed in addition to or in lieu of license
23 suspensions or revocations and in addition to or in lieu of
24 criminal sanctions. The amount of the administrative civil fine
25 shall be determined by rules adopted by the Department. Each
26 day a violation exists shall constitute a separate violation.

1 The minimum civil fine shall be \$50 per violation per day and
2 the maximum civil fine shall be \$5,000 per violation per day.
3 Any civil fines so collected shall be deposited into the Lead
4 Poisoning Screening, Prevention, and Abatement Fund
5 established under Section 7.2 of this Act.

6 (c) The Director, after notice and opportunity for hearing,
7 may deny, suspend, or revoke a license of a licensee or fine a
8 licensee or any other person who has violated this Act or the
9 rules adopted under this Act. Notice shall be provided by
10 certified mail, return receipt requested, or by personal
11 service, fixing a date, not less than 15 days from the date of
12 such mailing or service, at which time the person shall be
13 given an opportunity to request a hearing. Failure to request a
14 hearing within that time period constitutes a waiver of the
15 right to a hearing. The hearing shall be conducted by the
16 Director or by an individual designated in writing by the
17 Director as a hearing officer to conduct the hearing. On the
18 basis of any such hearing or upon default of the respondent,
19 the Director shall make a determination specifying his or her
20 findings and conclusions. A copy of the determination shall be
21 sent by certified mail, return receipt requested, or served
22 personally upon the respondent.

23 (d) The procedures governing contested hearings authorized
24 under this Section shall be in accordance with rules adopted by
25 the Department. A full and complete record shall be kept of all
26 contested proceedings by the Department. ~~The procedure~~

1 ~~governing hearings authorized by this Section shall be in~~
2 ~~accordance with rules adopted by the Department. A full and~~
3 ~~complete record shall be kept of all proceedings, including the~~
4 ~~notice of hearing, complaint, and all other documents in the~~
5 ~~nature of pleadings, written motions filed in the proceedings,~~
6 ~~and the report and orders of the Director and hearing officer.~~
7 ~~All testimony shall be reported, but need not be transcribed~~
8 ~~unless the decision is sought to be reviewed under the~~
9 ~~Administrative Review Law. A copy or copies of the transcript~~
10 ~~may be obtained by any interested party on payment of the cost~~
11 ~~of preparing the copy or copies.~~ The Director or hearing
12 officer shall, upon his or her own motion or on the written
13 request of any party to the proceeding, issue subpoenas
14 requiring the attendance and the giving of testimony by
15 witnesses and subpoenas duces tecum requiring the production of
16 books, papers, records, or memoranda. All subpoenas and
17 subpoenas duces tecum issued under this Act may be served by
18 any person of legal age. The fees of witnesses for attendance
19 and travel shall be the same as the fees of witnesses before
20 the courts of this State, such fees to be paid when the witness
21 is excused from further attendance. When the witness is
22 subpoenaed at the instance of the Director or hearing officer,
23 the fees shall be paid in the same manner as other expenses of
24 the Department, and when the witness is subpoenaed at the
25 instance of any other party to any such proceeding the
26 Department may require that the cost of service of the subpoena

1 or subpoena duces tecum and the fee of the witness be borne by
2 the party at whose instance the witness is summoned. In such
3 case, the Department in its discretion may require a deposit to
4 cover the cost of such service and witness fees. A subpoena or
5 subpoena duces tecum so issued pursuant to this subsection (d)
6 shall be served in the same manner as a subpoena issued by a
7 circuit court.

8 (e) Any circuit court of this State, upon the application
9 of the Director or upon the application of any other party to
10 the proceeding, may, in its discretion, compel the attendance
11 of witnesses, the production of books, papers, records, or
12 memoranda, and the giving of testimony before the Director or
13 hearing officer conducting an investigation or holding a
14 hearing authorized by this Act, by an attachment for contempt
15 or otherwise, in the same manner as production of evidence may
16 be compelled before the court.

17 (f) All final administrative decisions of the Department
18 under this Act shall be subject to judicial review pursuant to
19 the provisions of the Administrative Review Law and the rules
20 adopted under it. "Administrative decision" has the meaning
21 ascribed to it in Section 3-101 of the Code of Civil Procedure.
22 The Department is not required to certify any record or file
23 any answer or otherwise appear in any proceeding for judicial
24 review unless the party filing the complaint deposits with the
25 clerk of the court the sum of \$2 per page representing the
26 costs of the certification. Failure on the part of the

1 plaintiff to make such deposit shall be grounds for dismissal
2 of the action.

3 (g) The State's Attorney of the county in which the
4 violation occurred or the Attorney General shall bring such
5 actions in the name of the people of the State of Illinois and
6 may, in addition to other remedies provided in this Act, bring
7 action for an injunction to restrain such violation, impose
8 civil penalties, and enjoin the operation of any such person or
9 establishment.

10 (Source: P.A. 98-690, eff. 1-1-15.)

11 Section 99. Effective date. This Act takes effect January
12 1, 2021.