



Rep. Jay Hoffman

Filed: 5/20/2019

10100SB0654ham002

LRB101 04415 AMC 60877 a

1 AMENDMENT TO SENATE BILL 654

2 AMENDMENT NO. _____. Amend Senate Bill 654, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Regulatory Sunset Act is amended by
6 changing Section 4.30 and by adding Section 4.40 as follows:

7 (5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020.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9 Acts are repealed on January 1, 2020:

10 The Auction License Act.

11 The Community Association Manager Licensing and
12 Disciplinary Act.

13 The Illinois Architecture Practice Act of 1989.

14 The Illinois Landscape Architecture Act of 1989.

15 The Illinois Professional Land Surveyor Act of 1989.

16 The Orthotics, Prosthetics, and Pedorthics Practice Act.

1 The Perfusionist Practice Act.

2 The Pharmacy Practice Act.

3 ~~The Professional Engineering Practice Act of 1989.~~

4 The Real Estate License Act of 2000.

5 The Structural Engineering Practice Act of 1989.

6 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
7 100-863, eff. 8-14-18.)

8 (5 ILCS 80/4.40 new)

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 Act repealed on January 1, 2030.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10 Act is repealed on January 1, 2030:

11 The Professional Engineering Practice Act of 1989.

12 Section 10. The Professional Engineering Practice Act of
13 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10,
14 11, 12, 14, 15, 16, 17, 17.5, 18, 19, 20, 23, 24, 25, 26, 27,
15 27.5, 29, 32, 33, 34, 37, 41, 44, 45, 47, and 48 and by adding
16 Sections 4.5, 18.5, 20.5, 20.10, and 31.5 as follows:

17 (225 ILCS 325/3) (from Ch. 111, par. 5203)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 3. Application of ~~the Act~~; exemptions ~~Exemptions~~.

20 (a) Nothing in this Act shall be construed to prevent the
21 practice of structural engineering as defined in the Structural
22 Engineering Practice Act of 1989 or the practice of
23 architecture as defined in the Illinois Architecture Practice

1 Act of 1989 or the regular and customary practice of
2 construction contracting and construction management as
3 performed by construction contractors.

4 (b) Nothing in this Act shall be construed to prevent the
5 regular and customary practice of a private alarm contractor
6 licensed pursuant to the Private Detective, Private Alarm,
7 Private Security, Fingerprint Vendor, and Locksmith Act of
8 2004.

9 (c) Nothing in this Act shall be construed to prevent a
10 fire sprinkler contractor licensed under the Fire Sprinkler
11 Contractor Licensing Act from providing fire protection system
12 layout documents. For the purpose of this subsection (c), "fire
13 protection system layout documents" means layout drawings,
14 catalog information on standard products, and other
15 construction data that provide detail on the location of
16 risers, cross mains, branch lines, sprinklers, piping per
17 applicable standard, and hanger locations. Fire protection
18 system layout documents serve as a guide for fabrication and
19 installation of a fire sprinkler system.

20 (d) A building permit for a building that requires a fire
21 suppression system shall not be issued without the submission
22 of a technical submission prepared and sealed by a licensed
23 design professional. Fire protection system layout documents
24 do not require an engineering seal if prepared by a technician
25 who holds a valid NICET level 3 or 4 certification in fire
26 protection technology, automatic sprinkler system layout. An

1 authority having jurisdiction may not accept fire protection
2 system layout documents in lieu of technical submissions. Fire
3 protection system layout documents may be submitted as
4 supporting documents to supplement technical submissions.
5 However, in the event the fire protection system layout
6 documents materially alter the technical submissions, the
7 authority having jurisdiction shall return both the fire
8 protection layout documents and technical submissions to the
9 licensed design professional for review.

10 (e) Nothing in this Act shall prevent:

11 (1) Employees, including project representatives, of
12 professional engineers lawfully practicing as sole owners,
13 partnerships or corporations under this Act, from acting
14 under the direct supervision of their employers.

15 (2) The employment of owner's representatives by the
16 owner during the constructing, adding to, or altering of a
17 project, or any parts thereof, provided that such owner's
18 representative shall not have the authority to deviate from
19 the technical submissions without the prior approval of the
20 professional engineer for the project.

21 (3) The practice of officers and employees of the
22 Government of the United States while engaged within this
23 State in the practice of the profession of engineering for
24 the Government.

25 (4) Services performed by employees of a business
26 organization engaged in utility, telecommunications,

1 industrial, or manufacturing operations, or by employees
2 of laboratory research affiliates of such business
3 organization ~~that~~ ~~which~~ are rendered in connection with the
4 fabrication or production, sale, and installation of
5 products, systems, or nonengineering services of the
6 business organization or its affiliates.

7 (5) Inspection, maintenance and service work done by
8 employees of the State of Illinois, any political
9 subdivision thereof or any municipality.

10 (6) The activities performed by those ordinarily
11 designated as chief engineer of plant operation, chief
12 operating engineer, locomotive, stationary, marine, power
13 plant or hoisting and portable engineers, electrical
14 maintenance or service engineers, personnel employed in
15 connection with construction, operation or maintenance of
16 street lighting, traffic control signals, police and fire
17 alarm systems, waterworks, steam, electric, and sewage
18 treatment and disposal plants, or the services ordinarily
19 performed by any worker regularly employed as a locomotive,
20 stationary, marine, power plant, or hoisting and portable
21 engineer or electrical maintenance or service engineer for
22 any corporation, contractor or employer.

23 (7) The activities performed by a person ordinarily
24 designated as a supervising engineer or supervising
25 electrical maintenance or service engineer who supervises
26 the operation of, or who operates, machinery or equipment,

1 or who supervises construction or the installation of
2 equipment within a plant that ~~which~~ is under such person's
3 immediate supervision.

4 (8) The services, for private use, of contractors or
5 owners in the construction of engineering works or the
6 installation of equipment.

7 ~~(f) No officer, board, commission, or other public entity~~
8 ~~charged with the enforcement of codes and ordinances involving~~
9 ~~a professional engineering project shall accept for filing or~~
10 ~~approval any technical submissions that do not bear the seal~~
11 ~~and signature of a professional engineer licensed under this~~
12 ~~Act.~~

13 (Source: P.A. 96-626, eff. 8-24-09.)

14 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

16 Sec. 4. Definitions. As used in this Act:

17 (a) "Address of record" means the designated address
18 recorded by the Department in the applicant's or licensee's
19 application file or license file maintained by the Department's
20 licensure maintenance unit. ~~It is the duty of the applicant or~~
21 ~~licensee to inform the Department of any change of address, and~~
22 ~~such changes must be made either through the Department's~~
23 ~~website or by directly contacting the Department.~~

24 (a-5) "Approved engineering curriculum" means an
25 engineering curriculum or program of 4 academic years or more

1 that ~~which~~ meets the standards established by the rules of the
2 Department.

3 (b) "Board" means the State Board of Professional Engineers
4 of the Department.

5 (c) "Department" means the Department of Financial and
6 Professional Regulation.

7 (d) "Design professional" means an architect, structural
8 engineer, or professional engineer practicing in conformance
9 with the Illinois Architecture Practice Act of 1989, the
10 Structural Engineering Practice Act of 1989 or the Professional
11 Engineering Practice Act of 1989.

12 (e) (Blank).

13 (f) "Direct supervision/responsible charge" means work
14 prepared under the control of a licensed professional engineer
15 or that work as to which that professional engineer has
16 detailed professional knowledge. The Department may further
17 define this term by rule.

18 (f-5) "Email address of record" means the designated email
19 address of record by the Department in the applicant's
20 application file or the licensee's license file as maintained
21 by the Department's licensure maintenance unit.

22 (g) "Engineering college" means a school, college,
23 university, department of a university or other educational
24 institution, reputable and in good standing in accordance with
25 rules prescribed by the Department, and which grants
26 baccalaureate degrees in engineering.

1 (h) "Engineering system or facility" means a system or
2 facility whose design is based upon the application of the
3 principles of science for the purpose of modification of
4 natural states of being.

5 (i) "Engineer intern" means a person who is a candidate for
6 licensure as a professional engineer and who has been enrolled
7 as an engineer intern.

8 (j) "Enrollment" means an action by the Department to
9 record those individuals who have met the Department's
10 requirements for an engineer intern.

11 (k) "License" means an official document issued by the
12 Department to an individual, a corporation, a partnership, a
13 professional service corporation, a limited liability company,
14 or a sole proprietorship, signifying authority to practice.

15 (l) "Negligence in the practice of professional
16 engineering" means the failure to exercise that degree of
17 reasonable professional skill, judgment and diligence normally
18 rendered by professional engineers in the practice of
19 professional engineering.

20 (m) "Professional engineer" means a person licensed under
21 the laws of the State of Illinois to practice professional
22 engineering.

23 (n) "Professional engineering" means the application of
24 science to the design of engineering systems and facilities
25 using the knowledge, skills, ability and professional judgment
26 developed through professional engineering education, training

1 and experience.

2 (o) "Professional engineering practice" means the
3 consultation on, conception, investigation, evaluation,
4 planning, and design of, and selection of materials to be used
5 in, administration of construction contracts for, or site
6 observation of, an engineering system or facility, where such
7 consultation, conception, investigation, evaluation, planning,
8 design, selection, administration, or observation requires
9 extensive knowledge of engineering laws, formulae, materials,
10 practice, and construction methods. A person shall be construed
11 to practice or offer to practice professional engineering,
12 within the meaning and intent of this Act, who practices, or
13 who, by verbal claim, sign, advertisement, letterhead, card, or
14 any other way, is represented to be a professional engineer, or
15 through the use of the initials "P.E." or the title "engineer"
16 or any of its derivations or some other title implies licensure
17 as a professional engineer, or holds himself or herself out as
18 able to perform any service which is recognized as professional
19 engineering practice.

20 Examples of the practice of professional engineering
21 include, but are not ~~need not be~~ limited to, transportation
22 facilities and publicly owned utilities for a region or
23 community, railroads, railways, highways, subways, canals,
24 harbors, river improvements; land development; stormwater
25 detention, retention, and conveyance, excluding structures
26 defined under Section 5 of the Structural Engineering Practice

1 Act of 1989 (~~225 ILCS 340/5~~); irrigation works; aircraft and
2 airports; traffic engineering; waterworks, piping systems,
3 sewers, sewage disposal works, storm sewer, sanitary sewer and
4 water system modeling; plants for the generation of power;
5 devices for the utilization of power; boilers; refrigeration
6 plants, air conditioning systems and plants; heating systems
7 and plants; plants for the transmission or distribution of
8 power; electrical plants which produce, transmit, distribute,
9 or utilize electrical energy; works for the extraction of
10 minerals from the earth; plants for the refining, alloying or
11 treating of metals; chemical works and industrial plants
12 involving the use of chemicals and chemical processes; plants
13 for the production, conversion, or utilization of nuclear,
14 chemical, or radiant energy; forensic engineering,
15 geotechnical engineering including, subsurface investigations;
16 soil and rock classification, geology and geohydrology,
17 incidental to the practice of professional engineering;
18 geohydrological investigations, migration pathway analysis
19 (including evaluation of building and site elements), soil and
20 groundwater management zone analysis and design; energy
21 analysis, environmental risk assessments, corrective action
22 plans, design, remediation, protection plans and systems,
23 hazardous waste mitigation and control, and environmental
24 control or remediation systems; recognition, measurement,
25 evaluation and control of environmental systems and emissions;
26 control systems, evaluation and design of engineered barriers,

1 excluding structures defined under Section 5 of the Structural
2 Engineering Practice Act of 1989 ~~(225 ILCS 340/5)~~; modeling of
3 pollutants in water, soil, and air; engineering surveys of
4 sites, facilities, and topography specific to a design project,
5 not including land boundary establishment; automated building
6 management systems; control or remediation systems; computer
7 controlled or integrated systems; automatic fire notification
8 and suppression systems; investigation and assessment of
9 indoor air inhalation exposures and design of abatement and
10 remediation systems; or the provision of professional
11 engineering site observation of the construction of works and
12 engineering systems. In the performance of any of the foregoing
13 functions, a licensee shall adhere to the standards of
14 professional conduct enumerated in 68 Ill. Adm. Code 1380.300.
15 Nothing contained in this Section imposes upon a person
16 licensed under this Act the responsibility for the performance
17 of any of the foregoing functions unless such person
18 specifically contracts to provide it. Nothing in this Section
19 shall preclude an employee from acting under the direct
20 supervision or responsible charge of a licensed professional
21 engineer.

22 (p) "Project representative" means the professional
23 engineer's representative at the project site who assists in
24 the administration of the construction contract.

25 (q) "Registered" means the same as "licensed" for purposes
26 of this Act.

1 (r) "Related science curriculum" means a 4-year ~~4-year~~
2 program of study, the satisfactory completion of which results
3 in a Bachelor of Science degree, and which contains courses
4 from such areas as life, earth, engineering and computer
5 sciences, including, but not limited to, physics and chemistry.
6 In the study of these sciences, the objective is to acquire
7 fundamental knowledge about the nature of its phenomena,
8 including quantitative expression, appropriate to particular
9 fields of engineering.

10 (s) "Rules" means the ~~these~~ rules adopted ~~promulgated~~
11 pursuant to this Act.

12 (t) "Seal" means the seal in compliance with Section 14 of
13 this Act.

14 (t-5) "Secretary" means the Secretary of ~~the Department of~~
15 Financial and Professional Regulation.

16 (u) "Site observation" means ~~is~~ visitation of the
17 construction site for the purpose of reviewing, as available,
18 the quality and conformance of the work to the technical
19 submissions as they relate to design.

20 (v) "Support design professional" means a professional
21 engineer practicing in conformance with the Professional
22 Engineering Practice Act of 1989, who provides services to the
23 design professional who has contract responsibility.

24 ~~(w) "Technical submissions" are the designs, drawings, and~~
25 ~~specifications which establish the scope and standard of~~
26 ~~quality for materials, workmanship, equipment, and systems.~~

1 ~~"Technical submissions" also includes, but are not limited to,~~
2 ~~studies, analyses, calculations, and other technical reports~~
3 ~~prepared in the course of the practice of professional~~
4 ~~engineering or under the direct supervision and responsible~~
5 ~~charge of a licensed professional engineer.~~

6 (Source: P.A. 96-626, eff. 8-24-09.)

7 (225 ILCS 325/4.5 new)

8 Sec. 4.5. Address of record; email address of record. All
9 applicants and licensees shall:

10 (1) provide a valid address and email address to the
11 Department, which shall serve as the address of record and
12 email address of record, respectively, at the time of
13 application for licensure or renewal of a license; and

14 (2) inform the Department of any change of address of
15 record or email address of record within 14 days after such
16 change either through the Department's website or by
17 contacting the Department's licensure maintenance unit.

18 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

20 Sec. 5. Powers and duties of the Department. ~~The Subject to~~
21 ~~the provisions of this Act,~~ the Department shall exercise,
22 subject to the provisions of this Act, the following functions,
23 powers, and duties:

24 (a) Authorize examinations to ascertain the fitness

1 and qualifications of applicants for licensure and pass
2 upon the qualifications and fitness of applicants for
3 licensure by endorsement. ~~To pass upon the qualifications~~
4 ~~and conduct examinations of applicants for licensure as~~
5 ~~professional engineers or enrollment as engineer interns~~
6 ~~and pass upon the qualifications of applicants by~~
7 ~~endorsement and issue a license or enrollment to those who~~
8 ~~are found to be fit and qualified.~~

9 (b) Adopt rules required for the administration of this
10 Act. ~~To prescribe rules for the method, conduct and grading~~
11 ~~of the examination of applicants.~~

12 (c) Conduct hearings on proceedings to refuse to issue
13 or renew, restore, revoke, or suspend licenses or place on
14 probation or reprimand persons or entities licensed under
15 the provisions of this Act. ~~To register corporations,~~
16 ~~partnerships, professional service corporations, limited~~
17 ~~liability companies, and sole proprietorships for the~~
18 ~~practice of professional engineering and issue a~~
19 ~~certificate of registration to those who qualify.~~

20 (d) Issue licenses to those who meet the requirements
21 of this Act. ~~To conduct investigations and hearings~~
22 ~~regarding violations of this Act and take disciplinary or~~
23 ~~other actions as provided in this Act as a result of the~~
24 ~~proceedings.~~

25 (e) Adopt ~~To prescribe~~ rules as to what shall
26 constitute a ~~an~~ professional engineering or related

1 science curriculum ~~and to determine if a specific~~
2 ~~engineering curriculum is in compliance with the rules, and~~
3 ~~to terminate the approval of a specific engineering~~
4 ~~curriculum for non-compliance with such rules.~~

5 (f) Adopt rules for what constitutes professional
6 engineering experience. ~~To promulgate rules required for~~
7 ~~the administration of this Act, including rules of~~
8 ~~professional conduct.~~

9 (g) Maintain ~~To maintain~~ membership in the National
10 Council of Examiners for Engineering and Surveying and
11 participate in activities of the Council by designation of
12 individuals for the various classifications of membership,
13 the appointment of delegates for attendance at zone and
14 national meetings of the Council, and the funding of the
15 delegates for attendance at the meetings of the Council.

16 (h) Adopt rules for standards of professional conduct.

17 (i) Obtain ~~To obtain~~ written recommendations from the
18 Board regarding qualifications of individuals for
19 licensure and enrollment, definitions of curriculum
20 content and approval of engineering curricula, standards
21 of professional conduct and formal disciplinary actions,
22 and the adoption ~~promulgation~~ of the rules affecting these
23 matters.

24 Upon the issuance of any final decision or order that
25 deviates from any report or recommendation of the Board
26 relating to the qualification of applicants, discipline of

1 licensees or registrants, or adoption of rules, the
2 Secretary shall notify the Board on any such deviation and
3 shall specify with particularity the reasons for the action
4 in the final decision or order. ~~Prior to issuance of any~~
5 ~~final decision or order that deviates from any report or~~
6 ~~recommendations of the Board relating to the qualification~~
7 ~~of applicants, discipline of licensees or registrants, or~~
8 ~~promulgation of rules, the Secretary shall notify the Board~~
9 ~~in writing with an explanation of any such deviation.~~ The
10 Department may at any time seek the expert advice and
11 knowledge of the Board on any matter relating to the
12 enforcement of this Act.

13 (i) Post ~~To post~~ on the Department's website, a
14 newsletter describing the most recent changes in this Act
15 and the rules adopted under this Act and containing
16 information of any final disciplinary action that has been
17 ordered under this Act since the date of the last
18 newsletter.

19 (j) Review ~~To review~~ such applicant qualifications to
20 sit for the examination or for licensure as the Board
21 designates pursuant to Section 7 of this Act.

22 (k) Conduct investigations related to possible
23 violations of this Act.

24 (Source: P.A. 96-626, eff. 8-24-09.)

25 (225 ILCS 325/6) (from Ch. 111, par. 5206)

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

2 Sec. 6. Board. Composition, qualifications and terms of the
3 Board.

4 (a) The Secretary shall appoint a Professional Engineering
5 Board. The Board shall consist of 10 members who shall serve in
6 an advisory capacity to the Secretary. All shall be residents
7 of Illinois. 9 members shall (i) currently hold a valid
8 professional engineering license in Illinois and shall have
9 held the license under this Act for the previous 10-year period
10 and (ii) have not been disciplined within the last 10-year
11 period under this Act. In addition to the 9 professional
12 engineers, there shall be one public member. The public member
13 shall be a voting member and shall not be licensed under this
14 Act or any other design profession licensing Act that the
15 Department administers.

16 (b) Board members shall serve 5-year terms and until their
17 successors are appointed and qualified.

18 (c) In appointing members to the Board, the Secretary shall
19 give due consideration to recommendations by members and
20 organizations of the professional engineering profession.

21 (d) The membership of the Board should reasonably reflect
22 representation from the geographic areas in this State.

23 (e) No member shall be reappointed to the Board for a term
24 which would cause his or her continuous service on the Board to
25 be longer than 2 consecutive 5-year terms.

26 (f) Appointments to fill vacancies shall be made in the

1 same manner as original appointments for the unexpired portion
2 of the vacated term.

3 (g) Six members shall constitute a quorum. A quorum is
4 required for Board decisions.

5 (h) The Secretary may remove any member of the Board for
6 misconduct, incompetence, or neglect of duty or for reasons
7 prescribed by law for removal of State officials. The Secretary
8 may remove a member of the Board who does not attend 2
9 consecutive meetings.

10 (i) Notice of proposed rulemaking shall be transmitted to
11 the Board, and the Department shall review the response of the
12 Board and any recommendations made therein.

13 (j) Members of the Board shall not be liable for damages in
14 any action or proceeding as a result of activities performed as
15 members of the Board, except upon proof of actual malice.

16 (k) Members of the Board shall be reimbursed for all
17 legitimate, necessary, and authorized expenses.

18 ~~(a) The Board shall be appointed by the Secretary and shall~~
19 ~~consist of 10 members, one of whom shall be a public member and~~
20 ~~9 of whom shall be professional engineers licensed under this~~
21 ~~Act. In addition each member who is a professional engineer~~
22 ~~shall:~~

23 ~~(1) be a citizen of the United States, and~~

24 ~~(2) be a resident of this State.~~

25 ~~(b) In addition, each member who is a professional engineer~~
26 ~~shall:~~

1 ~~(1) have not less than 12 years of experience in the~~
2 ~~practice of professional engineering, and shall hold an~~
3 ~~active license as a professional engineer in Illinois;~~

4 ~~(2) have been in charge of professional engineering~~
5 ~~work for at least 5 years. For the purposes of this~~
6 ~~Section, any period in which a person has been in charge of~~
7 ~~teaching engineering in an engineering college with the~~
8 ~~rank of assistant professor or higher shall be considered~~
9 ~~as time in which such person was in charge of professional~~
10 ~~engineering work.~~

11 ~~The terms for all members shall be for 5 years. On the~~
12 ~~expiration of the term of any member or in the event of a~~
13 ~~vacancy, the Secretary shall appoint a member who shall hold~~
14 ~~office until the expiration of the term for which the member is~~
15 ~~appointed and until a successor has been appointed and~~
16 ~~qualified.~~

17 ~~No member shall be reappointed to the Board for a term~~
18 ~~which would cause that individual's lifetime service on the~~
19 ~~Board to be longer than 15 years.~~

20 ~~In implementing the 5 year terms, the Secretary shall vary~~
21 ~~the terms to enable the Board to have no more than 2 terms~~
22 ~~expire in any one year.~~

23 ~~The public member shall be a voting member and shall not~~
24 ~~hold a license as an architect, professional engineer,~~
25 ~~structural engineer, or a land surveyor. The public member~~
26 ~~shall be an Illinois resident and a citizen of the United~~

1 ~~States.~~

2 ~~In making appointments to the Board, the Secretary shall~~
3 ~~give due consideration to recommendations by members of the~~
4 ~~profession and by organizations therein.~~

5 ~~The Secretary may remove any member of the Board for~~
6 ~~misconduct, incompetence, neglect of duty or for reasons~~
7 ~~prescribed by law for removal of State officials.~~

8 ~~The Secretary may remove a member of the Board who does not~~
9 ~~attend 2 consecutive meetings.~~

10 ~~A quorum of the Board shall consist of 6 Board members. A~~
11 ~~quorum is required for Board decisions.~~

12 ~~Each member of the Board may receive compensation as~~
13 ~~determined by the Secretary and shall be reimbursed for all~~
14 ~~actual traveling expenses.~~

15 ~~Members of the Board shall be immune from suit in any~~
16 ~~action based upon any disciplinary proceedings or other~~
17 ~~activities performed in good faith as members of the Board.~~

18 ~~Persons holding office as members of the Board immediately~~
19 ~~prior to the effective date of this Act under the Act repealed~~
20 ~~herein shall continue as members of the Board until the~~
21 ~~expiration of the term for which they were appointed and until~~
22 ~~their successors are appointed and qualified.~~

23 (Source: P.A. 96-626, eff. 8-24-09.)

24 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

1 Sec. 7. Powers and duties of the Board. Subject to the
2 provisions of this Act, the Board shall exercise the following
3 functions, powers, and duties:

4 (a) The Board shall hold at least 3 regular meetings
5 each year. ~~Review applicant qualifications to sit for the~~
6 ~~examination or for licensure and shall make~~
7 ~~recommendations to the Department except for those~~
8 ~~applicant qualifications that the Board designates as~~
9 ~~routinely acceptable;~~

10 (b) The Board shall annually elect a chairperson and a
11 vice chairperson who shall be Illinois licensed
12 professional engineers. ~~The Board may appoint a~~
13 ~~subcommittee to serve as a Complaint Committee to recommend~~
14 ~~the disposition of case files according to procedures~~
15 ~~established by rule in 68 Ill. Adm. Code 1380.305, and any~~
16 ~~changes and amendments thereto;~~

17 (c) The Board, upon request by the Department, may make
18 a curriculum evaluation to approve a professional engineer
19 program, a non-approved engineering program, and related
20 science curriculum and submit to the Secretary a written
21 recommendation of acceptability of a curriculum. ~~Conduct~~
22 ~~hearings regarding disciplinary actions and submit a~~
23 ~~written report and recommendations to the Secretary as~~
24 ~~required by this Act and to provide a Board member at~~
25 ~~informal conferences;~~

26 (d) The Department may at any time seek the expert

1 advice and knowledge of the Board on any matter relating to
2 the enforcement of this Act. ~~Make visits to universities or~~
3 ~~colleges to evaluate engineering curricula or to otherwise~~
4 ~~evaluate engineering curricula and submit to the Secretary~~
5 ~~a written recommendation of acceptability of a curriculum;~~

6 (e) The Board may appoint a subcommittee to serve as a
7 Complaint Committee to recommend the disposition of case
8 files according to procedures established by rule. ~~Submit a~~
9 ~~written recommendation to the Secretary concerning~~
10 ~~promulgation of rules as required in Section 5 and to~~
11 ~~recommend to the Secretary any rules or amendments thereto~~
12 ~~for the administration of this Act;~~

13 (f) The Board shall assist the Department in conducting
14 oral interviews, disciplinary conferences, informal
15 conferences, and formal evidentiary hearings. ~~Hold at~~
16 ~~least 3 regular meetings each year;~~

17 (g) The Board shall review applicant qualifications to
18 sit for the examination or for licensure and shall make
19 recommendations to the Department except for those
20 applicant qualifications that the Board designates as
21 routinely acceptable. ~~Elect annually a chairperson and a~~
22 ~~vice chairperson who shall be professional engineers; and~~

23 ~~(h) Submit written comments to the Secretary within 30~~
24 ~~days from notification of any final decision or order from~~
25 ~~the Secretary that deviates from any report or~~
26 ~~recommendation of the Board relating to the qualification~~

1 ~~of applicants, discipline of licensees or registrants, or~~
2 ~~promulgation of rules.~~

3 (Source: P.A. 96-626, eff. 8-24-09.)

4 (225 ILCS 325/8) (from Ch. 111, par. 5208)

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

6 Sec. 8. Applications for licensure.

7 (a) Applications for original licenses shall be made to the
8 Department in writing on forms or electronically as prescribed
9 by the Department and shall be accompanied by the required fee,
10 which shall not be refundable. All applications shall contain
11 information that, in the judgment of the Department, will
12 enable the Department to pass on the qualifications of the
13 applicant for a license as a professional engineer or engineer
14 intern. The Department may require an applicant, at the
15 applicant's expense, to have an evaluation of the applicant's
16 education in a foreign country by a nationally recognized
17 evaluation service approved by the Department in accordance
18 with rules adopted by the Department. ~~Applications for~~
19 ~~licensure shall (1) be on forms prescribed and furnished by the~~
20 ~~Department, (2) contain statements made under oath showing the~~
21 ~~applicant's education and a detailed summary of the applicant's~~
22 ~~technical work, and (3) contain references as required by the~~
23 ~~Department.~~

24 (b) Applicants have 3 years from the date of application to
25 complete the application process. If the process has not been

1 completed in 3 years, the application shall be denied, the fee
2 shall be forfeited, and the applicant must reapply and meet the
3 requirements in effect at the time of reapplication. Applicants
4 ~~shall have obtained the education and experience as required in~~
5 ~~Section 10 or Section 11 prior to submittal of application for~~
6 ~~licensure. Allowable experience shall commence at the date of~~
7 ~~the baccalaureate degree, except:~~

8 ~~(1) Credit for one year of experience shall be given~~
9 ~~for a graduate of a baccalaureate curriculum providing a~~
10 ~~cooperative program, which is supervised industrial or~~
11 ~~field experience of at least one academic year which~~
12 ~~alternates with periods of full time academic training,~~
13 ~~when such program is certified by the university, or~~

14 ~~(2) Partial credit may be given for professional~~
15 ~~engineering experience as defined by rule for employment~~
16 ~~prior to receipt of a baccalaureate degree if the~~
17 ~~employment is full time while the applicant is a part time~~
18 ~~student taking fewer than 12 hours per semester or 8 hours~~
19 ~~per quarter to earn the degree concurrent with the~~
20 ~~full-time engineering experience.~~

21 ~~(3) If an applicant files an application and supporting~~
22 ~~documents containing a material misstatement of~~
23 ~~information or a misrepresentation for the purpose of~~
24 ~~obtaining licensure or enrollment or if an applicant~~
25 ~~performs any fraud or deceit in taking any examination to~~
26 ~~qualify for licensure or enrollment under this Act, the~~

1 ~~Department may issue a rule of intent to deny licensure or~~
2 ~~enrollment and may conduct a hearing in accordance with~~
3 ~~Sections 26 through 33 and Sections 37 and 38 of this Act.~~

4 ~~The Board may conduct oral interviews of any applicant~~
5 ~~under Sections 10, 11, or 19 to assist in the evaluation of the~~
6 ~~qualifications of the applicant.~~

7 ~~It is the responsibility of the applicant to supplement the~~
8 ~~application, when requested by the Board, by provision of~~
9 ~~additional documentation of education, including transcripts,~~
10 ~~course content and credentials of the engineering college or~~
11 ~~college granting related science degrees, or of work experience~~
12 ~~to permit the Board to determine the qualifications of the~~
13 ~~applicant. The Department may require an applicant, at the~~
14 ~~applicant's expense, to have an evaluation of the applicant's~~
15 ~~education in a foreign country by a nationally recognized~~
16 ~~evaluating service approved by the Department.~~

17 ~~An applicant who graduated from an engineering program~~
18 ~~outside the United States or its territories and whose first~~
19 ~~language is not English shall submit certification of passage~~
20 ~~of the Test of English as a Foreign Language (TOEFL) and a test~~
21 ~~of spoken English as defined by rule. However, any such~~
22 ~~applicant who subsequently earns an advanced degree from an~~
23 ~~accredited educational institution in the United States or its~~
24 ~~territories shall not be subject to this requirement.~~

25 (Source: P.A. 98-993, eff. 1-1-15.)

1 (225 ILCS 325/9) (from Ch. 111, par. 5209)

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

3 Sec. 9. ~~Licensure qualifications; Examinations; Failure or~~
4 ~~refusal to take examinations.~~

5 (a) The Department shall authorize examinations of
6 applicants for a license under this Act at such times and
7 places as it may determine by rule. The examinations shall be
8 of a character to give a fair test of the qualifications of the
9 applicant to practice as a professional engineer or engineer
10 intern.

11 (b) Applicants for examination are required to pay, either
12 to the Department or the designated testing service, a fee
13 covering the cost of providing the examination. Failure to
14 appear for the examination on the scheduled date, at the time
15 and place specified, after the applicant's application for
16 examination has been received and acknowledged by the
17 Department or the designated testing service, shall result in
18 the forfeiture of the examination fee.

19 (c) If an applicant fails to pass an examination for
20 licensure under this Act within 3 years after filing the
21 application, the application shall be denied. However, such
22 applicant may thereafter make a new application for examination
23 accompanied by the required fee and must furnish proof of
24 meeting the qualifications for examination in effect at the
25 time of new application.

26 ~~Examinations provided for by this Act shall be conducted under~~

1 ~~rules prescribed by the Department. Examinations shall be held~~
2 ~~not less frequently than semi-annually, at times and places~~
3 ~~prescribed by the Department, of which applicants shall be~~
4 ~~notified by the Department in writing.~~

5 ~~Examinations of the applicants who seek to practice~~
6 ~~professional engineering shall ascertain: (a) if the applicant~~
7 ~~has an adequate understanding of the basic and engineering~~
8 ~~sciences, which shall embrace subjects required of candidates~~
9 ~~for an approved baccalaureate degree in engineering, and (b) if~~
10 ~~the training and experience of the applicant have provided a~~
11 ~~background for the application of the basic and engineering~~
12 ~~sciences to the solution of engineering problems. The~~
13 ~~Department may by rule prescribe additional subjects for~~
14 ~~examination. If an applicant neglects, fails to take, or~~
15 ~~refuses to take the next available examination offered for~~
16 ~~licensure under this Act within 3 years after filing the~~
17 ~~application, the fee paid by the applicant shall be forfeited~~
18 ~~and the application denied. If an applicant fails to pass an~~
19 ~~examination for licensure under this Act within 3 years after~~
20 ~~filing the application, the application shall be denied.~~
21 ~~However, such applicant may thereafter make a new application~~
22 ~~for examination, accompanied by the required fee.~~

23 (Source: P.A. 96-626, eff. 8-24-09.)

24 (225 ILCS 325/10) (from Ch. 111, par. 5210)

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

1 Sec. 10. Minimum standards for licensure as professional
2 engineer.

3 (a) To qualify for licensure as a professional engineer,
4 each applicant shall be:

5 (1) ~~(a)~~ a graduate of an approved engineering
6 curriculum of at least 4 years who submits acceptable
7 evidence to the Board of an additional 4 years or more of
8 experience in engineering work of a grade and character
9 that ~~which~~ indicate that the individual may be competent to
10 practice professional engineering, and who has passed an
11 examination in the fundamentals of engineering as defined
12 by rule and an examination in the principles and practice
13 of engineering as defined by rule. Upon submitting an
14 application with proof of passing both examinations, the
15 applicant, if otherwise qualified, shall be granted a
16 license to practice professional engineering in this
17 State; or

18 (2) ~~(b)~~ a graduate of a non-approved engineering
19 curriculum or a related science curriculum of at least 4
20 years and which meets the requirements as set forth by rule
21 by submitting an application to the Department for its
22 review and approval, who submits acceptable evidence to the
23 Board of an additional 8 years or more of experience in
24 engineering work of a grade and character which indicate
25 that the individual may be competent to practice
26 professional engineering, and who has passed an

1 examination in the fundamentals of engineering as defined
2 by rule and an examination in the principles and practice
3 of engineering as defined by rule. Upon submitting the
4 application with proof of passing both examinations, the
5 applicant, if otherwise qualified, shall be granted a
6 license to practice professional engineering in this
7 State; or

8 (3) ~~(e)~~ an Illinois engineer intern, by application and
9 payment of the required fee, may then take an examination
10 in the principles and practice of engineering as defined by
11 rule. If the applicant passes that examination and submits
12 evidence to the Board that meets the experience
13 qualification of paragraph (1) or (2) ~~subsection (a) or (b)~~
14 ~~of this Section~~, the applicant, if otherwise qualified,
15 shall be granted a license to practice professional
16 engineering in this State.

17 (b) Allowable experience for licensure shall commence at
18 the date of the baccalaureate degree, except for experience
19 gained while the applicant is a part-time student taking fewer
20 than 12 hours per semester or 8 hours per quarter to earn the
21 degree concurrent with the full-time engineering experience.

22 (c) When considering an applicant's qualifications for
23 licensure under this Act, the Department may take into
24 consideration whether an applicant has engaged in conduct or
25 actions that would constitute a violation of the Standards of
26 Professional Conduct for this Act as provided ~~for~~ by

1 administrative rules.

2 (Source: P.A. 97-333, eff. 8-12-11; 98-713, eff. 7-16-14.)

3 (225 ILCS 325/11) (from Ch. 111, par. 5211)

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

5 Sec. 11. Minimum standards for examination for enrollment
6 as engineer intern. Each of the following is considered a
7 minimum standard that an applicant must satisfy to qualify for
8 enrollment as an engineer intern:

9 (a) A graduate of an approved engineering curriculum of
10 at least 4 years, who has passed an examination in the
11 fundamentals of engineering as defined by rule, shall be
12 enrolled as an engineer intern, if the applicant is
13 otherwise qualified; or

14 (b) An applicant in the last year of an approved
15 engineering curriculum who passes an examination in the
16 fundamentals of engineering as defined by rule and
17 furnishes proof that the applicant graduated within a
18 12-month ~~12-month~~ period following the examination shall be
19 enrolled as an engineer intern, if the applicant is
20 otherwise qualified; or

21 (c) A graduate of a non-approved engineering
22 curriculum or a related science curriculum of at least 4
23 years and which meets the requirements as set forth by rule
24 by submitting an application to the Department for its
25 review and approval, who submits acceptable evidence to the

1 Board of an additional 4 years or more of progressive
2 experience in engineering work, and who has passed an
3 examination in the fundamentals of engineering as defined
4 by rule shall be enrolled as an engineer intern, if the
5 applicant is otherwise qualified.

6 (Source: P.A. 98-713, eff. 7-16-14; 99-78, eff. 7-20-15.)

7 (225 ILCS 325/12) (from Ch. 111, par. 5212)

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

9 Sec. 12. Educational credits or teaching as equivalent of
10 experience.

11 (a) After earning an acceptable baccalaureate degree as
12 required by paragraph (1) or (2) of subsection (a) ~~or (b)~~ of
13 Section 10 in engineering or related science and upon
14 completion of a Master's degree in engineering, the applicant
15 may receive one year of experience credit. Upon completion of a
16 Ph.D. in engineering, an applicant may receive an additional
17 year experience credit for a maximum of 2 years.

18 (b) Teaching engineering subjects in an engineering
19 college at a rank of assistant professor ~~instructor~~ or above is
20 considered experience in engineering.

21 (c) (Blank).

22 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

23 (225 ILCS 325/14) (from Ch. 111, par. 5214)

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

1 Sec. 14. Seal. Every professional engineer shall have a
2 reproducible seal ~~or stamp~~, which may be computer generated,
3 the imprint of which shall ~~the print of which shall be~~
4 ~~reproducible and~~ contain the name of the professional engineer,
5 the professional engineer's license number, and the words
6 "Licensed Professional Engineer of Illinois". Any reproducible
7 stamp heretofore authorized under the laws of this State ~~state~~
8 for use by a professional engineer, including those with the
9 words "Registered Professional Engineer of Illinois", shall
10 serve the same purpose as the seal provided for by this Act.
11 The engineer shall be responsible for his or her seal and
12 signature as defined by rule. When technical submissions are
13 prepared utilizing a computer or other electronic means, the
14 seal may be generated by the computer. The licensee may
15 provide, at his or her sole discretion, an original signature
16 in the licensee's handwriting, a scanned copy of the technical
17 submission bearing an original signature, or a signature
18 generated by a computer.

19 The use of a professional engineer's seal on technical
20 submissions constitutes a representation by the professional
21 engineer that the work has been prepared by or under the
22 personal supervision of the professional engineer or developed
23 in conjunction with the use of accepted engineering standards.
24 The use of the seal further represents that the work has been
25 prepared and administered in accordance with the standards of
26 reasonable professional skill and diligence.

1 ~~It is unlawful to affix one's seal to technical submissions~~
2 ~~if it masks the true identity of the person who actually~~
3 ~~exercised direction, control and supervision of the~~
4 ~~preparation of such work. A professional engineer who seals and~~
5 ~~signs technical submissions is not responsible for damage~~
6 ~~caused by subsequent changes to or uses of those technical~~
7 ~~submissions, where the subsequent changes or uses, including~~
8 ~~changes or uses made by State or local governmental agencies,~~
9 ~~are not authorized or approved by the professional engineer who~~
10 ~~originally sealed and signed the technical submissions.~~

11 (Source: P.A. 98-289, eff. 1-1-14.)

12 (225 ILCS 325/15) (from Ch. 111, par. 5215)

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

14 Sec. 15. Technical submissions.

15 (a) Technical submissions are the designs, drawings, and
16 specifications that establish the scope of the professional
17 engineering project, the standard of quality for materials,
18 workmanship, equipment, and constructions systems, and the
19 studies and other technical reports and calculations prepared
20 in the course of the practice of professional engineering. All
21 technical submissions prepared by or under the personal
22 supervision of a professional engineer shall bear that
23 professional engineer's seal, signature, and license
24 expiration date. The licensee's written signature and date of
25 signing, along with the date of license expiration, shall be

1 placed adjacent to the seal. ~~Computer generated signatures are~~
2 ~~not permitted.~~

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

13 (c) No officer, board, commission, or other public entity
14 that receives technical submissions shall accept for filing or
15 approval any technical submissions relating to services
16 requiring the involvement of a professional engineer that do
17 not bear the seal and signature of a professional engineer
18 licensed under this Act.

19 (d) It is unlawful to affix one's seal to technical
20 submissions if it masks the true identity of the person who
21 actually exercised responsible control of the preparation of
22 such work. A professional engineer who seals and signs
23 technical submissions is not responsible for damage caused by
24 subsequent changes to or uses of those technical submissions
25 where the subsequent changes or uses, including changes or uses
26 made by State or local governmental agencies, are not

1 authorized or approved in writing by the professional engineer
2 who originally sealed and signed the technical submissions.

3 (e) The professional engineer who has contract
4 responsibility shall seal a cover sheet of the technical
5 submissions, and those individual portions of the technical
6 submissions for which the professional engineer is legally and
7 professionally responsible. The professional engineer
8 practicing as the support design professional shall seal those
9 individual portions of technical submissions for which the
10 professional engineer is legally and professionally
11 responsible.

12 ~~All technical submissions intended for use in construction~~
13 ~~in the State of Illinois shall be prepared and administered in~~
14 ~~accordance with standards of reasonable professional skill and~~
15 ~~diligence. Care shall be taken to reflect the requirements of~~
16 ~~State statutes and, where applicable, county and municipal~~
17 ~~ordinances in such documents. In recognition that professional~~
18 ~~engineers are licensed for the protection of the public health,~~
19 ~~safety and welfare, documents shall be of such quality and~~
20 ~~scope, and be so administered as to conform to professional~~
21 ~~standards.~~

22 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

23 (225 ILCS 325/16) (from Ch. 111, par. 5216)

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

25 Sec. 16. Display ~~Issuance~~ of license. ~~Whenever the~~

1 ~~provisions of this Act have been complied with the Department~~
2 ~~may issue a license as a professional engineer and enroll the~~
3 ~~engineer intern.~~ Every holder of a license under this Act ~~as a~~
4 ~~professional engineer~~ shall display the license in a
5 conspicuous place in his or her ~~the professional engineer's~~
6 principal office, place of business, or place of employment.

7 ~~It is the professional engineer's and engineer intern's~~
8 ~~responsibility to inform the Department of any change of~~
9 ~~address.~~

10 (Source: P.A. 96-626, eff. 8-24-09.)

11 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

13 Sec. 17. Renewal, reinstatement, or restoration of
14 license; persons in military service ~~Licensure; Renewal;~~
15 ~~Restoration; Person in military service; Retired.~~

16 (a) The expiration date and renewal period for each
17 professional engineer license issued under this Act shall be
18 set by the Department by rule. The holder of a license may
19 renew such license during the month preceding the expiration
20 date by paying the required fee. ~~The enrollment of an engineer~~
21 ~~intern shall not expire.~~

22 (b) A professional engineer who has permitted his or her
23 license to expire or has had his or her license placed on
24 inactive status may have his or her ~~Any person whose license~~
25 ~~has expired or whose license is on inactive status may have~~

1 ~~such~~ license restored by making application to the Department
2 and filing proof acceptable to the Department of his or her
3 ~~that person's~~ fitness to have his or her ~~such~~ license restored,
4 including, but not limited to, which may include sworn evidence
5 certifying to active practice in another jurisdiction
6 satisfactory to the Department and by paying the required
7 restoration fee as determined by rule. ~~If the person has not~~
8 ~~maintained an active practice in another jurisdiction~~
9 ~~satisfactory to the Department, the Board shall determine, by~~
10 ~~an evaluation program established by rule, the person's fitness~~
11 ~~to resume active status and may require the person to complete~~
12 ~~a period of evaluated experience and may require successful~~
13 ~~completion of the principles and practice examination.~~

14 (c) A professional engineer whose license has expired while
15 engaged (1) in federal service on active duty with the Armed
16 Forces of the United States or the State Militia called into
17 service or training, or (2) in training or education under the
18 supervision of the United States before induction into the
19 military service, may have the license restored or reinstated
20 without paying any lapsed reinstatement, renewal, or
21 restoration fees if within 2 years after termination other than
22 by dishonorable discharge of such service, training, or
23 education and the Department is furnished with satisfactory
24 evidence that the licensee has been so engaged in the practice
25 of professional engineering and that such service, training, or
26 education has been so terminated. ~~However, any person whose~~

1 ~~license expired while that person was (1) in Federal Service on~~
2 ~~active duty with the Armed Forces of the United States, or the~~
3 ~~State Militia called into service or training, or (2) in~~
4 ~~training or education under the supervision of the United~~
5 ~~States preliminary to induction into the military service, may~~
6 ~~have such license renewed or restored without paying any lapsed~~
7 ~~renewal fees if, within 2 years after honorable termination of~~
8 ~~such service, training, or education, except under conditions~~
9 ~~other than honorable, the Department is furnished with~~
10 ~~satisfactory evidence that the person has been so engaged and~~
11 ~~has maintained professional competence and that such service,~~
12 ~~training or education has been so terminated.~~

13 (d) The enrollment of an engineer intern does not expire.

14 ~~Each application for renewal shall contain the original~~
15 ~~seal and signature of the professional engineer. Applicants for~~
16 ~~renewal or restoration shall certify that all conditions of~~
17 ~~their license meet the requirements of the Illinois~~
18 ~~Professional Engineering Practice Act of 1989.~~

19 ~~Any person who has been duly licensed as a professional~~
20 ~~engineer by the Department and who chooses to deactivate or not~~
21 ~~renew his or her license may use the title "Professional~~
22 ~~Engineer, Retired". Those persons using the title~~
23 ~~"Professional Engineer, Retired" may request restoration to~~
24 ~~active status under the applicable provisions of Sections 17,~~
25 ~~17.5, and 18 of this Act.~~

26 ~~The use of the title "Professional Engineer, Retired" shall~~

1 ~~not constitute representation of current licensure. Any person~~
2 ~~without an active license shall not be permitted to practice~~
3 ~~engineering as defined in this Act.~~

4 ~~Nothing in this Section shall be construed to require the~~
5 ~~Department to issue any certificate, credential, or other~~
6 ~~document indicating that a person has been granted the title,~~
7 ~~"Professional Engineer, Retired".~~

8 (Source: P.A. 96-626, eff. 8-24-09.)

9 (225 ILCS 325/17.5)

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

11 Sec. 17.5. Continuing education. The Department may adopt
12 ~~promulgate~~ rules of continuing education for persons licensed
13 under this Act. The Department shall consider the
14 recommendations of the Board in establishing the guidelines for
15 the continuing education requirements. The requirements of
16 this Section apply to any person seeking renewal or restoration
17 under Section 17 ~~or 18~~ of this Act. For the purposes of this
18 Act, continuing education shall also be known as professional
19 development.

20 (Source: P.A. 91-92, eff. 1-1-00.)

21 (225 ILCS 325/18) (from Ch. 111, par. 5218)

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

23 Sec. 18. Inactive status. A person licensed under this Act
24 who notifies the Department, in writing on forms prescribed by

1 the Department, may ~~elect to~~ place his or her ~~that person's~~
2 license on ~~an~~ inactive status and shall, ~~subject to rules,~~ be
3 excused from payment of renewal fees until the Department is
4 notified in writing of that person's desire to resume active
5 status.

6 Any professional engineer whose license is in inactive
7 status shall not practice professional engineering in the State
8 of Illinois.

9 ~~Any person requesting restoration from inactive status is~~
10 ~~required to pay the current renewal fee and is required to seek~~
11 ~~restoration of license as provided in Section 17 of this Act.~~
12 ~~Any professional engineer whose license is in an inactive~~
13 ~~status shall not practice professional engineering in the State~~
14 ~~of Illinois.~~

15 (Source: P.A. 86-667.)

16 (225 ILCS 325/18.5 new)

17 Sec. 18.5. Professional Engineer, Retired.

18 (a) Under Section 2105-15 of the Department of Professional
19 Regulation Law of the Civil Administrative Code of Illinois,
20 the Department may grant the title "Professional Engineer,
21 Retired" to any person who has been duly licensed as a
22 professional engineer by the Department and who has chosen to
23 place on inactive status or not renew his or her license. Those
24 persons granted the title "Professional Engineer, Retired" may
25 request restoration to active status under the applicable

1 provisions of this Act.

2 (b) The use of the title "Professional Engineer, Retired"
3 shall not constitute representation of current licensure. Any
4 person without an active license shall not be permitted to
5 practice professional engineering as defined in this Act.

6 (c) Nothing in this Section shall be construed to require
7 the Department to issue any certificate, credential, or other
8 official document indicating that a person has been granted the
9 title "Professional Engineer, Retired".

10 (225 ILCS 325/19) (from Ch. 111, par. 5219)

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

12 Sec. 19. Endorsement.

13 (a) The Department may, upon application in writing on
14 forms or electronically accompanied by ~~the recommendation of~~
15 ~~the Board, license as a professional engineer, on payment of~~
16 the required fee, issue a license as a professional engineer to
17 an applicant already ~~who is a professional engineer registered~~
18 ~~or~~ licensed under the laws of another state, the District of
19 Columbia, ~~or~~ a territory of the United States, ~~or the District~~
20 ~~of Columbia~~ or a party parties to the North American Free Trade
21 Agreement ~~if the applicant qualifies under Section 8 and~~
22 ~~Section 10 of this Act, or~~ if the requirements for licensure in
23 that ~~qualifications of the applicant were at the time of~~
24 ~~registration or licensure in another jurisdiction were~~, at the
25 time of original licensure, substantially equivalent ~~equal~~ to

1 the requirements then in force in this State ~~on that date~~.

2 ~~The Department may refuse to endorse the applicants from~~
3 ~~any state, District of Columbia or territory if the~~
4 ~~requirements for registration or licensure in such~~
5 ~~jurisdiction are not substantially equal to the requirements of~~
6 ~~this Act.~~

7 (b) If the accuracy of any submitted documentation or
8 relevance or sufficiency of the course work or experience is
9 questioned by the Department or the Board because of a lack of
10 information, discrepancies, or conflicts in information given
11 or a need for clarification, the applicant seeking licensure
12 may be required to provide additional information.

13 (c) Applicants have 3 years from the date of application to
14 complete the application process. If the process has not been
15 completed during the 3-year ~~3-year~~ time frame, the application
16 shall be denied, the fee forfeited, and the applicant must
17 reapply and meet the requirements in effect at the time of
18 reapplication.

19 (Source: P.A. 96-626, eff. 8-24-09.)

20 (225 ILCS 325/20) (from Ch. 111, par. 5220)

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

22 Sec. 20. Fees.

23 (a) The Department shall provide by rule for a schedule of
24 fees to be paid for licenses by all applicants. All fees are
25 not refundable.

1 (b) The fees for the administration and enforcement of this
2 Act, including but not limited to original licensure, renewal,
3 and restoration, shall be set by rule by the Department.

4 (c) All the fees and fines collected as authorized under
5 this Act ~~pursuant to this Section~~ shall be deposited into in
6 the Design Professionals Administration and Investigation
7 Fund. Of the moneys deposited into the Design Professionals
8 Administration and Investigation Fund, the Department may use
9 such funds as necessary and available to produce and distribute
10 newsletters to persons licensed under this Act.

11 (Source: P.A. 91-92, eff. 1-1-00.)

12 (225 ILCS 325/20.5 new)

13 Sec. 20.5. Returned checks; fines. Any person who delivers
14 a check or other payment to the Department that is returned to
15 the Department unpaid by the financial institution upon which
16 it is drawn shall pay to the Department, in addition to the
17 amount already owed to the Department, a fine of \$50. The fines
18 imposed by this Section are in addition to any other discipline
19 provided under this Act for unlicensed practice or practice on
20 a nonrenewed license. The Department shall notify the person
21 that payment of fees and fines shall be paid to the Department
22 by certified check or money order within 30 calendar days of
23 the notification. If, after the expiration of 30 days from the
24 date of the notification, the person has failed to submit the
25 necessary remittance, the Department shall automatically

1 terminate the license or deny the application, without hearing.
2 If, after termination or denial, the person seeks a license, he
3 or she shall apply to the Department for restoration or
4 issuance of the license and pay all fees and fines due to the
5 Department. The Department may establish a fee for the
6 processing of an application for restoration of a license to
7 pay all expenses of processing this application. The Secretary
8 may waive the fines due under this Section in individual cases
9 where the Secretary finds that the fines would be unreasonable
10 or unnecessarily burdensome.

11 (225 ILCS 325/20.10 new)

12 Sec. 20.10. Unlicensed practice; violation; civil penalty.

13 (a) Any person who practices, offers to practice, attempts
14 to practice, or holds himself or herself out to practice as a
15 professional engineer or engineer intern without being
16 licensed or exempt under this Act shall, in addition to any
17 other penalty provided by law, pay a civil penalty to the
18 Department in an amount not to exceed \$10,000 for each offense,
19 as determined by the Department. The civil penalty shall be
20 assessed by the Department after a hearing is held in
21 accordance with this Act regarding the provision of a hearing
22 for the discipline of a licensee.

23 (b) A firm or business that offers design services under
24 this Act without being registered as a professional design firm
25 or exempt under this Act shall, in addition to any other

1 penalty provided by law, pay a civil penalty to the Department
2 in an amount not to exceed \$10,000 for each offense, as
3 determined by the Department. The civil penalty shall be
4 assessed by the Department after a hearing is held in
5 accordance with this Act regarding the provision of a hearing
6 for the discipline of a licensee.

7 (c) The Department may investigate any actual, alleged, or
8 suspected unlicensed activity.

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

14 (e) A person or entity not licensed or registered under
15 this Act that has violated any provision of this Act or its
16 rules is guilty of a Class A misdemeanor for the first offense
17 and a Class 4 felony for a second and subsequent offenses.

18 (225 ILCS 325/23) (from Ch. 111, par. 5223)

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

20 Sec. 23. Professional design firm registration.

21 (a) Nothing in this Act shall prohibit the formation, under
22 the provisions of the Professional Service Corporation Act, ~~as~~
23 ~~amended,~~ of a corporation to practice professional
24 engineering.

25 Any business, including a Professional Service

1 Corporation, that includes within its stated purposes or
2 practices, or holds itself out as available to practice,
3 professional engineering shall be registered with the
4 Department pursuant to the provisions set forth in this
5 Section.

6 Any sole proprietorship not owned and operated by an
7 Illinois licensed design professional licensed under this Act
8 shall be prohibited from offering professional engineering
9 services to the public. Any sole proprietorship owned and
10 operated by a professional engineer with an active license
11 issued under this Act and conducting or transacting such
12 business under an assumed name in accordance with the
13 provisions of the Assumed Business Name Act shall comply with
14 the registration requirements of a professional design firm.
15 Any sole proprietorship owned and operated by a professional
16 engineer with an active license issued under this Act and
17 conducting or transacting such business under the real name of
18 the sole proprietor is exempt from the registration
19 requirements of a professional design firm. "Illinois licensed
20 design professional" means a person who holds an active license
21 as a professional engineer under this Act, as an architect
22 under the Illinois Architecture Practice Act of 1989, or as a
23 structural engineer under the Structural Engineering Practice
24 Act of 1989.

25 (b) Any professional design firm seeking to be registered
26 pursuant to the provisions of this Section shall not be

1 registered unless one or more managing agents in charge of
2 professional engineering activities in this State are
3 designated by the professional design firm. Each managing agent
4 must at all times maintain a valid, active license to practice
5 professional engineering in Illinois.

6 No individual whose license to practice professional
7 engineering in this State is currently in a suspended or
8 revoked status shall act as a managing agent for a professional
9 design firm.

10 (c) Any business seeking to be registered under this
11 Section shall make application on a form provided by the
12 Department and shall provide such information as requested by
13 the Department, which shall include, but not be limited to:

14 (1) the name and license number of the person
15 designated as the managing agent in responsible charge of
16 the practice of professional engineering in Illinois. In
17 the case of a corporation, the corporation shall also
18 submit a certified copy of the resolution by the board of
19 directors designating the managing agent. In the case of a
20 limited liability company, the company shall submit a
21 certified copy of either its articles of organization or
22 operating agreement designating the managing agent;

23 (2) the names and license numbers of the directors, in
24 the case of a corporation, the members, in the case of a
25 limited liability company, or general partners, in the case
26 of a partnership;

1 (3) a list of all office locations at which the
2 professional design firm provides professional engineering
3 services to the public; and

4 (4) a list of all assumed names of the business.
5 Nothing in this Section shall be construed to exempt a
6 professional design firm, sole proprietorship, or
7 professional service corporation from compliance with the
8 requirements of the Assumed Business Name Act.

9 It is the responsibility of the professional design firm to
10 provide the Department notice, in writing, of any changes in
11 the information requested on the application.

12 (d) The Department shall issue to each business a
13 certificate of registration to practice professional
14 engineering or offer the services of its licensees in this
15 State upon submittal of a proper application for registration
16 and payment of fees. The expiration date and renewal period for
17 each registration and renewal procedures shall be established
18 by rule.

19 (e) In the event a managing agent is terminated or
20 terminates his or her status as managing agent of the
21 professional design firm, the managing agent and the
22 professional design firm shall notify the Department of this
23 fact in writing, by regular ~~certified~~ mail or email, within 10
24 business days of such termination. Thereafter, the
25 professional design firm, if it has so informed the Department,
26 shall have 30 days in which to notify the Department of the

1 name and license number of a newly designated managing agent.
2 If a corporation, the corporation shall also submit a certified
3 copy of a resolution by the board of directors designating the
4 new managing agent. If a limited liability company, the company
5 shall also submit a certified copy of either its articles of
6 organization or operating agreement designating the new
7 managing agent. The Department may, upon good cause shown,
8 extend the original 30-day ~~30-day~~ period.

9 If the professional design firm has not notified the
10 Department in writing, by regular ~~certified~~ mail or email
11 within the specified time, the registration shall be terminated
12 without prior hearing. Notification of termination shall be
13 sent by regular ~~certified~~ mail or email to the last known
14 address of the business. If the professional design firm
15 continues to operate and offer professional engineering
16 services after the termination, the Department may seek
17 prosecution under Sections 21 and 24, ~~39, and 40~~ of this Act
18 for the unlicensed practice of professional engineering.

19 (f) No professional design firm shall be relieved of
20 responsibility for the conduct or acts of its agent, employees,
21 members, managers, or officers by reason of its compliance with
22 this Section, nor shall any individual practicing professional
23 engineering be relieved of the responsibility for professional
24 services performed by reason of the individual's employment or
25 relationship with a professional design firm registered under
26 this Section.

1 (g) Disciplinary action against a professional design firm
2 registered under this Section shall be administered in the same
3 manner and on the same grounds as disciplinary action against a
4 licensed professional engineer. All disciplinary action taken
5 or pending against a corporation or partnership before the
6 effective date of this amendatory Act of 1993 shall be
7 continued or remain in effect without the Department filing
8 separate actions.

9 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,
10 eff. 6-28-01.)

11 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

13 Sec. 24. Grounds for ~~Rules of professional conduct,~~
14 ~~disciplinary or administrative~~ action.

15 (a) The Department may refuse to issue or renew a license
16 or registration, or may revoke, suspend, place on probation,
17 reprimand, or take other disciplinary or non-disciplinary
18 action as the Department may deem proper, including fines not
19 to exceed \$10,000 per violation, with regard to any license
20 issued under this Act, for any one or a combination of the
21 following reasons: ~~The Department shall adopt rules setting~~
22 ~~standards of professional conduct and establish appropriate~~
23 ~~penalties for the breach of such rules.~~

24 ~~(a 1) The Department may, singularly or in combination,~~
25 ~~refuse to issue, renew, or restore a license or may revoke,~~

1 ~~suspend, place on probation, reprimand, or take other~~
2 ~~disciplinary or non-disciplinary action with regard to a person~~
3 ~~licensed under this Act, including but not limited to, the~~
4 ~~imposition of a fine not to exceed \$10,000 per violation upon~~
5 ~~any person, corporation, partnership, or professional design~~
6 ~~firm licensed or registered under this Act, for any one or~~
7 ~~combination of the following causes:~~

8 (1) Material misstatement in furnishing information to
9 the Department.

10 (2) Negligence, incompetence, or misconduct in the
11 practice of professional engineering. ~~Violations of this~~
12 ~~Act or any of its rules.~~

13 (3) Failure to comply with any provisions of this Act
14 or any of its rules. ~~Conviction of or entry of a plea of~~
15 ~~guilty or nolo contendere to any crime that is a felony~~
16 ~~under the laws of the United States or any state or~~
17 ~~territory thereof, or that is a misdemeanor, an essential~~
18 ~~element of which is dishonesty, or any crime that is~~
19 ~~directly related to the practice of engineering.~~

20 (4) Fraud or any misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal or restoration of a license under this
23 Act. ~~Making any misrepresentation for the purpose of~~
24 ~~obtaining, renewing, or restoring a license or violating~~
25 ~~any provision of this Act or the rules promulgated under~~
26 ~~this Act pertaining to advertising.~~

1 (5) Purposefully making false statements or signing
2 false statements, certificates, or affidavits to induce
3 payment. Willfully making or signing a false statement,
4 certificate, or affidavit to induce payment.

5 (6) Conviction of or entry of a plea of guilty or nolo
6 contendere, finding of guilt, jury verdict, or entry of
7 judgment or sentencing, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge or first offender probation under
10 the laws of any jurisdiction of the United States that is
11 (i) a felony or (ii) a misdemeanor, an essential element of
12 which is dishonesty, that is directly related to the
13 practice of the profession of professional engineering.
14 ~~Negligence, incompetence or misconduct in the practice of~~
15 ~~professional engineering as a licensed professional~~
16 ~~engineer or in working as an engineer intern.~~

17 (7) Aiding or assisting another person in violating any
18 provision of this Act or its rules.

19 (8) Failing to provide information in response to a
20 written request made by the Department within 60 ~~30~~ days
21 after receipt of such written request.

22 (9) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (10) Habitual or excessive use or abuse of drugs
26 defined in law as controlled substances, of alcohol,

1 narcotics, stimulants, or any other substances that
2 results in the inability to practice with reasonable
3 judgment, skill, or safety. ~~Inability to practice the~~
4 ~~profession with reasonable judgment, skill, or safety as a~~
5 ~~result of a physical illness, including, but not limited~~
6 ~~to, deterioration through the aging process or loss of~~
7 ~~motor skill, or mental illness or disability.~~

8 (11) A finding by the Department that an applicant or
9 licensee has failed to pay a fine imposed by the
10 Department. ~~Discipline by the United States Government,~~
11 ~~another state, District of Columbia, territory, foreign~~
12 ~~nation or government agency, if at least one of the grounds~~
13 ~~for the discipline is the same or substantially equivalent~~
14 ~~to those set forth in this Act.~~

15 (12) A finding by the Department that the licensee,
16 after having his or her license placed on probationary
17 status, has violated the terms of probation or failed to
18 comply with such terms. ~~Directly or indirectly giving to or~~
19 ~~receiving from any person, firm, corporation, partnership~~
20 ~~or association any fee, commission, rebate or other form of~~
21 ~~compensation for any professional services not actually or~~
22 ~~personally rendered.~~

23 (13) Inability to practice the profession with
24 reasonable judgment, skill, or safety as a result of
25 physical illness, including, but not limited to,
26 deterioration through the aging process, loss of motor

1 skill, mental illness, or disability. ~~A finding by the~~
2 ~~Department that an applicant or registrant has failed to~~
3 ~~pay a fine imposed by the Department, a registrant whose~~
4 ~~license has been placed on probationary status has violated~~
5 ~~the terms of probation, or a registrant has practiced on an~~
6 ~~expired, inactive, suspended, or revoked license.~~

7 (14) Discipline by another state, territory, foreign
8 country, the District of Columbia, the United States
9 government, or any other government agency if at least one
10 of the grounds for discipline is the same or substantially
11 equivalent to those set forth in this Act. ~~Signing,~~
12 ~~affixing the professional engineer's seal or permitting~~
13 ~~the professional engineer's seal to be affixed to any~~
14 ~~technical submissions not prepared as required by Section~~
15 ~~14 or completely reviewed by the professional engineer or~~
16 ~~under the professional engineer's direct supervision.~~

17 (15) The making of any willfully false oath or
18 affirmation in any matter or proceeding where an oath or
19 affirmation is required by this Act. ~~Inability to practice~~
20 ~~the profession with reasonable judgment, skill or safety as~~
21 ~~a result of habitual or excessive use or addiction to~~
22 ~~alcohol, narcotics, stimulants, or any other chemical~~
23 ~~agent or drug.~~

24 (16) Using or attempting to use an expired, inactive,
25 suspended, or revoked license or the certificate or seal of
26 another or impersonating another licensee. ~~The making of a~~

1 ~~statement pursuant to the Environmental Barriers Act that a~~
2 ~~plan for construction or alteration of a public facility or~~
3 ~~for construction of a multi-story housing unit is in~~
4 ~~compliance with the Environmental Barriers Act when such~~
5 ~~plan is not in compliance.~~

6 (17) Directly or indirectly giving to or receiving from
7 any person or entity any fee, commission, rebate, or other
8 form of compensation for any professional service not
9 actually or personally rendered. (Blank).

10 (18) Signing or affixing the professional engineer's
11 seal or permitting the seal to be affixed to any technical
12 submissions not prepared by the professional engineer or
13 under the professional engineer's supervision and control.

14 (19) Making a statement pursuant to the Environmental
15 Barriers Act that a plan for construction or alteration of
16 a public facility or for construction of a multi-story
17 housing unit is in compliance with the Environmental
18 Barriers Act when such plan is not in compliance.

19 ~~(a 2) The Department shall deny a license or renewal~~
20 ~~authorized by this Act to a person who has failed to file a~~
21 ~~return, to pay the tax, penalty, or interest shown in a filed~~
22 ~~return, or to pay any final assessment of tax, penalty, or~~
23 ~~interest as required by any tax Act administered by the~~
24 ~~Department of Revenue, until such time as the requirements of~~
25 ~~the tax Act are satisfied in accordance with subsection (g) of~~
26 ~~Section 2105 15 of the Department of Professional Regulation~~

1 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
2 ~~2105/2105-15).~~

3 ~~(a-3) (Blank).~~

4 ~~(a-4) In cases where the Department of Healthcare and~~
5 ~~Family Services (formerly the Department of Public Aid) has~~
6 ~~previously determined that a licensee or a potential licensee~~
7 ~~is more than 30 days delinquent in the payment of child support~~
8 ~~and has subsequently certified the delinquency to the~~
9 ~~Department, the Department shall refuse to issue or renew or~~
10 ~~shall revoke or suspend that person's license or shall take~~
11 ~~other disciplinary action against that person based solely upon~~
12 ~~the certification of delinquency made by the Department of~~
13 ~~Healthcare and Family Services in accordance with subdivision~~
14 ~~(a)(5) of Section 2105-15 of the Department of Professional~~
15 ~~Regulation Law of the Civil Administrative Code of Illinois (20~~
16 ~~ILCS 2105/2105-15).~~

17 (a-5) In enforcing this Section, the Department or Board,
18 upon a showing of a possible violation, may order a licensee or
19 applicant to submit to a mental or physical examination, or
20 both, at the expense of the Department. The Department or Board
21 may order the examining physician to present testimony
22 concerning his or her examination of the licensee or applicant.
23 No information shall be excluded by reason of any common law or
24 statutory privilege relating to communications between the
25 licensee or applicant and the examining physician. The
26 examining physicians shall be specifically designated by the

1 Board or Department. The licensee or applicant may have, at his
2 or her own expense, another physician of his or her choice
3 present during all aspects of the examination. Failure of a
4 licensee or applicant to submit to any such examination when
5 directed, without reasonable cause as defined by rule, shall be
6 grounds for either the immediate suspension of his or her
7 license or immediate denial of his or her application.

8 If the Secretary immediately suspends the license of a
9 licensee for his or her failure to submit to a mental or
10 physical examination when directed, a hearing must be convened
11 by the Department within 15 days after the suspension and
12 completed without appreciable delay.

13 If the Secretary otherwise suspends a license pursuant to
14 the results of the licensee's mental or physical examination, a
15 hearing must be convened by the Department within 15 days after
16 the suspension and completed without appreciable delay. The
17 Department and Board shall have the authority to review the
18 licensee's record of treatment and counseling regarding the
19 relevant impairment or impairments to the extent permitted by
20 applicable federal statutes and regulations safeguarding the
21 confidentiality of medical records.

22 Any licensee suspended under this subsection (a-5) shall be
23 afforded an opportunity to demonstrate to the Department or
24 Board that he or she can resume practice in compliance with the
25 acceptable and prevailing standards under ~~the provisions of~~ his
26 or her license.

1 (b) The determination by a circuit court that a registrant
2 is subject to involuntary admission or judicial admission as
3 provided in the Mental Health and Developmental Disabilities
4 Code, ~~as now or hereafter amended,~~ operates as an automatic
5 suspension. Such suspension will end only upon a finding by a
6 court that the patient is no longer subject to involuntary
7 admission or judicial admission, the issuance of an order so
8 finding and discharging the patient, and the recommendation of
9 the Board to the Secretary ~~Director~~ that the registrant be
10 allowed to resume practice.

11 (c) In cases where the Department of Healthcare and Family
12 Services (formerly the Department of Public Aid) has previously
13 determined that a licensee or a potential licensee is more than
14 30 days delinquent in the payment of child support and has
15 subsequently certified the delinquency to the Department, the
16 Department shall refuse to issue or renew or shall revoke or
17 suspend that person's license or shall take other disciplinary
18 action against that person based solely upon the certification
19 of delinquency made by the Department of Healthcare and Family
20 Services in accordance with paragraph (5) of subsection (a) of
21 Section 2105-15 of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois.

23 (d) The Department shall refuse to issue or renew or shall
24 revoke or suspend a person's license or shall take other
25 disciplinary action against that person for his or her failure
26 to file a return, to pay the tax, penalty, or interest shown in

1 a filed return, or to pay any final assessment of tax, penalty,
2 or interest as required by any tax Act administered by the
3 Department of Revenue, until the requirements of the tax Act
4 are satisfied in accordance with subsection (g) of Section
5 2105-15 of the Department of Professional Regulation Law of the
6 Civil Administrative Code of Illinois.

7 (Source: P.A. 100-872, eff. 8-14-18.)

8 (225 ILCS 325/25) (from Ch. 111, par. 5225)

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

10 Sec. 25. ~~Violations;~~ Injunction; cease ~~Cease~~ and desist
11 order.

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

1 by this Act.

2 (b) (Blank). ~~If any person practices as a professional~~
3 ~~engineer or holds himself out as such, without being licensed~~
4 ~~under the provisions of this Act, then any professional~~
5 ~~engineer, or any interested party or any person injured thereby~~
6 ~~may, in addition to the Director, petition for relief as~~
7 ~~provided in this Section.~~

8 (c) (Blank)

9 (d) Whenever in the opinion of the Department, any person
10 or ~~other~~ entity violates any provision of this Act, the
11 Department may issue a notice to show cause why an order to
12 cease and desist should not be entered against that person or
13 ~~other~~ entity. The rule shall clearly set forth the grounds
14 relied upon by the Department and shall provide a period of 7
15 days from the date of the rule to file an answer to the
16 satisfaction of the Department. Failure to answer to the
17 satisfaction of the Department shall cause an order to cease
18 and desist to be issued immediately.

19 (Source: P.A. 88-428; 88-595, eff. 8-26-94.)

20 (225 ILCS 325/26) (from Ch. 111, par. 5226)

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

22 Sec. 26. Investigations; notice and hearing.

23 (a) The Department may investigate the actions of any
24 applicant or of any person or entity holding or claiming to
25 hold a license or registration under this Act.

1 (b) Before the initiation of a formal complaint, the matter
2 shall be reviewed by a subcommittee of the Board according to
3 procedures established by rule for the Complaint Committee. If
4 a subcommittee has not been formed, the matter shall proceed
5 through the process as stated in subsection (c) of this
6 Section.

7 (c) The Department shall, before disciplining an applicant
8 or licensee, at least 30 days before the date set for the
9 hearing, (i) notify in writing the applicant or licensee of the
10 charges made and the time and place for the hearing on the
11 charges, (ii) direct the applicant or licensee to file a
12 written answer to the charges under oath within 20 days after
13 the service of the notice, and (iii) inform the applicant or
14 licensee that failure to file a written answer to the charges
15 will result in a default being entered against the applicant or
16 licensee.

17 (d) Written or electronic notice, and any notice in the
18 subsequent proceeding, may be served by personal delivery, by
19 email, or by mail to the applicant or licensee at his or her
20 address of record or email address of record.

21 (e) At the time and place fixed in the notice, the Board or
22 hearing officer appointed by the Secretary shall proceed to
23 hear the charges, and the parties or their counsel shall be
24 accorded ample opportunity to present any statement,
25 testimony, evidence, and argument as may be pertinent to the
26 charges or to their defense. The Board or hearing officer may

1 continue the hearing from time to time.

2 (f) In case the licensee or applicant, after receiving the
3 notice, fails to file an answer, the license or application
4 may, in the discretion of the Secretary, having first received
5 the recommendation of the Board, be suspended, revoked, or
6 placed on probationary status, or be subject to whatever
7 disciplinary action the Secretary considers proper, including
8 limiting the scope, nature, or extent of the person's practice
9 or imposition of a fine, without hearing, if the act or acts
10 charged constitute sufficient grounds for the action under this
11 Act.

12 ~~The Department may investigate the actions of any applicant or~~
13 ~~of any person or entity holding or claiming to hold a license~~
14 ~~or registration or offering professional engineering services.~~
15 ~~Before the initiation of an investigation, the matter shall be~~
16 ~~reviewed by a subcommittee of the Board according to procedure~~
17 ~~established by rule for the Complaint Committee. The Department~~
18 ~~shall, before refusing to issue, restore or renew a license or~~
19 ~~registration or otherwise discipline a licensee or registrant,~~
20 ~~at least 30 days prior to the date set for the hearing, notify~~
21 ~~in writing the applicant for, or holder of, a license or~~
22 ~~registration of the nature of the charges, that a hearing will~~
23 ~~be held on the date designated, and direct the applicant or~~
24 ~~entity or licensee or registrant to file a written answer to~~
25 ~~the Department under oath within 20 days after the service of~~
26 ~~the notice and inform the applicant or entity or licensee or~~

1 ~~registrant that failure to file an answer will result in~~
2 ~~default being taken against the applicant or entity or licensee~~
3 ~~or registrant and that the license or certificate may be~~
4 ~~suspended, revoked, placed on probationary status, or other~~
5 ~~disciplinary action may be taken, including limiting the scope,~~
6 ~~nature or extent of practice, as the Secretary may deem proper.~~
7 ~~Written notice may be served by personal delivery or certified~~
8 ~~or registered mail to the respondent at the address of record.~~
9 ~~In case the person or entity fails to file an answer after~~
10 ~~receiving notice as provided in this Section, his or her~~
11 ~~license or certificate may, in the discretion of the~~
12 ~~Department, be suspended, revoked, or placed on probationary~~
13 ~~status, or the Department may take whatever disciplinary action~~
14 ~~deemed proper, including limiting the scope, nature, or extent~~
15 ~~of the person's practice or the imposition of a fine, without a~~
16 ~~hearing, if the act or acts charged constitute sufficient~~
17 ~~grounds for such action under this Act. At the time and place~~
18 ~~fixed in the notice, the Board shall proceed to hear the~~
19 ~~charges and the parties or their counsel shall be accorded~~
20 ~~ample opportunity to present such statements, testimony,~~
21 ~~evidence and argument as may be pertinent to the charges or to~~
22 ~~their defense. The Board may continue the hearing from time to~~
23 ~~time.~~

24 (Source: P.A. 96-626, eff. 8-24-09.)

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

2 Sec. 27. Record of proceedings ~~Stenographer; transcript.~~

3 (a) The Department, at its expense, shall provide a
4 certified shorthand reporter to take down the testimony and
5 preserve a record of all proceedings at the hearing of any case
6 in which a license may be revoked or suspended or in which a
7 licensee may be placed on probationary status, reprimanded,
8 fined, or subjected to other disciplinary action with reference
9 to the license when a disciplinary action is authorized under
10 this Act and its rules. 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 the
13 testimony, the report of the Board, and the orders of the
14 Department shall be the record of the proceedings. The record
15 may be made available to any person interested in the hearing
16 upon payment of the fee required by Section 2105-115 of the
17 Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois.

19 (b) The Department may contract for court reporting
20 services, and, if it does so, the Department shall provide the
21 name and contact information for the certified shorthand
22 reporter who transcribed the testimony at a hearing to any
23 person interested, who may obtain a copy of the transcript of
24 any proceedings at a hearing upon payment of the fee specified
25 by the certified shorthand reporter.

26 ~~The Department, at its expense, shall preserve a record of all~~

1 ~~proceedings at the formal hearing of any case involving the~~
2 ~~refusal to issue, restore or renew a license or otherwise~~
3 ~~discipline a registrant. The notice of hearing, complaint and~~
4 ~~all other documents in the nature of pleadings and written~~
5 ~~motions filed in the proceedings, the transcript of testimony,~~
6 ~~the report of the Board and orders of the Department shall be~~
7 ~~in the record of the proceeding. The Department shall furnish a~~
8 ~~transcript of the record to any person interested in the~~
9 ~~hearing upon payment of the fee required under Section 2105-115~~
10 ~~of the Department of Professional Regulation Law (20 ILCS~~
11 ~~2105/2105-115).~~

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

13 (225 ILCS 325/27.5)

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

15 Sec. 27.5. Subpoenas; depositions; oaths.

16 (a) The Department has the power to subpoena documents,
17 books, records, or other materials, to bring before it any
18 person, and to take testimony either orally or by deposition,
19 or take written interrogatories, or any combination thereof,
20 with the same fees and mileage and in the same manner
21 prescribed in civil cases in courts of this State.

22 (b) The Secretary, the designated hearing officer, and
23 every member of the Board has the power to administer oaths to
24 witnesses at any hearing that the Department is authorized to
25 conduct and any other oaths authorized in any Act administered

1 by the Department.

2 (Source: P.A. 96-626, eff. 8-24-09.)

3 (225 ILCS 325/29) (from Ch. 111, par. 5229)

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

5 Sec. 29. Hearing; motion for rehearing ~~Notice of hearing;~~
6 ~~Findings and recommendations.~~

7 (a) The Board or hearing officer appointed by the Secretary
8 shall hear evidence in support of the formal charges and
9 evidence produced by the licensee. At the conclusion of the
10 hearing, the Board or hearing officer shall present to the
11 Secretary a written report of its findings of fact, conclusions
12 of law, and recommendations. If the Board fails to present its
13 report, the applicant or licensee may request in writing a
14 direct appeal to the Secretary, in which case the Secretary may
15 issue an order based upon the report of the hearing officer and
16 the record of the proceedings or issue an order remanding the
17 matter back to the hearing officer for additional proceedings
18 in accordance with the order.

19 (b) At the conclusion of the hearing, a copy of the Board
20 or hearing officer's report shall be served upon the applicant
21 or licensee, either personally or as provided in this Act for
22 the service of the notice of hearing. Within 20 calendar days
23 after such service, the applicant or licensee may present to
24 the Department a motion, in writing, for a rehearing which
25 shall specify the particular grounds for rehearing. The

1 Department may respond to the motion for rehearing within 20
2 calendar days after its service on the Department. If no motion
3 for rehearing is filed, then upon the expiration of the time
4 specified for filing such a motion, or upon denial of a motion
5 for rehearing, the Secretary may enter an order in accordance
6 with the recommendations of the Board or hearing officer. If
7 the applicant or licensee orders from the reporting service and
8 pays for a transcript of the record within the time for filing
9 a motion for rehearing, the 20 calendar day period within which
10 a motion may be filed shall commence upon delivery of the
11 transcript to the applicant or licensee.

12 (c) If the Secretary disagrees in any regard with the
13 report of the Board, the Secretary may issue an order contrary
14 to the report. The Secretary shall notify the Board on any such
15 deviation and shall specify with particularity the reasons for
16 such action in the final order.

17 (d) Whenever the Secretary is not satisfied that
18 substantial justice has been done, the Secretary may order a
19 hearing by the same or another hearing officer.

20 (e) At any point in any investigation or disciplinary
21 proceeding provided for in this Act, both parties may agree to
22 a negotiated consent order. The consent order shall be final
23 upon signature of the Secretary.

24 ~~At the conclusion of the hearing, the Board shall present to~~
25 ~~the Secretary a written report of its finding and~~
26 ~~recommendations. The report shall contain a finding whether or~~

1 ~~not the accused person violated this Act or its rules or failed~~
2 ~~to comply with the conditions required in this Act or its~~
3 ~~rules. The Board shall specify the nature of the violation or~~
4 ~~failure to comply, and shall make its recommendations to the~~
5 ~~Secretary. The Board may take into consideration in making its~~
6 ~~recommendations for discipline all facts and circumstances~~
7 ~~bearing upon the reasonableness of the conduct of the~~
8 ~~respondent and the potential for future harm to the public,~~
9 ~~including but not limited to previous discipline by the~~
10 ~~Department, intent, degree of harm to the public and likelihood~~
11 ~~of harm in the future, any restitution made, and whether the~~
12 ~~incident or incidents complained of appear to be isolated or a~~
13 ~~pattern of conduct. In making its recommendations for~~
14 ~~discipline, the Board shall endeavor to ensure that the~~
15 ~~severity of the discipline recommended bears some reasonable~~
16 ~~relationship to the severity of the violation. The report of~~
17 ~~findings of fact, conclusions of law and recommendation of the~~
18 ~~Board shall be the basis for the Department's order refusing to~~
19 ~~issue, restore or renew a license, or otherwise discipline a~~
20 ~~registrant. If the Secretary disagrees in any regard with the~~
21 ~~report of the Board, the Secretary may issue an order in~~
22 ~~contravention thereof, following the procedures set forth in~~
23 ~~Section 7. The Secretary shall provide a written report to the~~
24 ~~Board on any deviation, and shall specify with particularity~~
25 ~~the reasons for said action. The finding is not admissible in~~
26 ~~evidence against the person in a criminal prosecution brought~~

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

4 (Source: P.A. 96-626, eff. 8-24-09.)

5 (225 ILCS 325/31.5 new)

6 Sec. 31.5. Confidentiality. All information collected by
7 the Department in the course of an examination or investigation
8 of a licensee or applicant, including, but not limited to, any
9 complaint against a licensee filed with the Department and
10 information collected to investigate any such complaint, shall
11 be maintained for the confidential use of the Department and
12 shall not be disclosed. The Department may not disclose the
13 information to anyone other than law enforcement officials,
14 other regulatory agencies that have an appropriate regulatory
15 interest as determined by the Secretary, or a party presenting
16 a lawful subpoena to the Department. Information and documents
17 disclosed to a federal, State, county, or local law enforcement
18 agency shall not be disclosed by the agency for any purpose to
19 any other agency or person. A formal complaint filed against a
20 licensee by the Department or any order issued by the
21 Department against a licensee or applicant shall be a public
22 record, except as otherwise prohibited by law.

23 (225 ILCS 325/32) (from Ch. 111, par. 5232)

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

1 Sec. 32. Hearing Appointment of a hearing officer.
2 Notwithstanding any provision in this Act, the Secretary has
3 the authority to appoint an attorney duly licensed to practice
4 law in the State of Illinois to serve as the hearing officer in
5 any action for refusal to issue or renew a license or
6 discipline a licensee. The Board may have at least one member
7 present at any hearing conducted by the hearing officer. The
8 hearing officer shall have full authority to conduct the
9 hearing. The hearing officer shall report his or her findings
10 of fact, conclusions of law, and recommendations to the Board
11 and to the Secretary. If Notwithstanding the provisions of
12 ~~Section 26, the Secretary has the authority to appoint any~~
13 ~~attorney duly registered to practice law in the State of~~
14 ~~Illinois to serve as the hearing officer in any action for~~
15 ~~refusal to issue, restore or renew a license or to discipline a~~
16 ~~registrant. The hearing officer has full authority to conduct~~
17 ~~the hearing. The hearing officer shall report the findings and~~
18 ~~recommendations to the Board and the Secretary. The Board has~~
19 ~~60 days from receipt of the report to review the report of the~~
20 ~~hearing officer and present its findings of fact, conclusions~~
21 ~~of law and recommendations to the Secretary. If the Board fails~~
22 ~~to present its report within the 60 day period, the Secretary~~
23 ~~shall issue an order based on the report of the hearing officer~~
24 ~~except as herein noted. However, if the Secretary disagrees in~~
25 any regard with the report of the Board or hearing officer, the
26 Secretary may issue an order in contravention thereof,

1 following the procedures set forth in Section 7. The Secretary
2 shall provide a written report to the Board on any deviation,
3 and shall specify with particularity the reasons for said
4 action.

5 (Source: P.A. 96-626, eff. 8-24-09.)

6 (225 ILCS 325/34) (from Ch. 111, par. 5234)

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

8 Sec. 34. Restoration from disciplinary status ~~of suspended~~
9 ~~or revoked license.~~

10 (a) At any time after the successful completion of a term
11 of probation, suspension, or revocation, ~~or probation~~ of any
12 license under this Act, the Department may restore the license
13 ~~it~~ to the licensee ~~accused person~~, ~~after review and~~ upon the
14 written recommendation of the Board, unless after an
15 investigation and a hearing, the Department determines that
16 restoration is not in the public interest.

17 (b) Where circumstances of suspension or revocation so
18 indicate, the Department may require an examination of the
19 licensee prior to restoring his or her license.

20 (c) No person whose license has been revoked as authorized
21 in this Act may apply for restoration of that license until
22 such time as provided for in the Department of Professional
23 Regulation Law of the Civil Administrative Code of Illinois.

24 (d) A license that has been suspended or revoked shall be
25 considered nonrenewed for purposes of restoration and a

1 licensee restoring his or her license from suspension or
2 revocation must comply with the requirements for restoration as
3 set forth in Section 17 and any related rules adopted.

4 (Source: P.A. 96-626, eff. 8-24-09.)

5 (225 ILCS 325/37) (from Ch. 111, par. 5237)

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

7 Sec. 37. Administrative review; ~~Venue.~~

8 (a) All final administrative decisions of the Department
9 are subject to judicial review pursuant to the provisions of
10 the Administrative Review Law and all rules adopted pursuant
11 thereto. The term "administrative decision" is defined as in
12 Section 3-101 of the Code of Civil Procedure.

13 (b) Proceedings for judicial review shall be commenced in
14 the circuit court of the county in which the party applying for
15 review resides, but if the party is not a resident of this
16 State, the venue shall be in Sangamon County.

17 (c) The Department shall not be required to certify any
18 record to the court or file any answer in court or to otherwise
19 appear in any court in a judicial review proceeding until the
20 Department has received from the plaintiff payment of the costs
21 of furnishing and certifying the record, which costs shall be
22 determined by the Department.

23 (d) Failure on the part of the plaintiff to file a receipt
24 in court shall be grounds for dismissal of the action.

25 (e) During the pendency and hearing of any and all judicial

1 proceedings incident to a disciplinary action, the sanctions
2 imposed upon the accused by the Department shall remain in full
3 force and effect.

4 (Source: P.A. 86-667.)

5 (225 ILCS 325/41) (from Ch. 111, par. 5241)

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

7 Sec. 41. Violation; political subdivisions, county, city
8 or town; construction ~~Political subdivisions, County, City or~~
9 ~~Town; Construction~~ without professional engineer. It is
10 unlawful for the State or any of its political subdivisions, or
11 any county, city or town to engage in the construction of any
12 public work involving professional engineering, unless the
13 engineering plan, specifications, and estimates have been
14 prepared by, and the construction is executed under, the
15 guidance of a professional engineer licensed under this Act.

16 (Source: P.A. 86-667.)

17 (225 ILCS 325/44) (from Ch. 111, par. 5244)

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

19 Sec. 44. Fund; appropriations; investments; audits. Moneys
20 deposited into ~~in~~ the Design Professionals Administration and
21 Investigation Fund shall be appropriated to the Department
22 exclusively for expenses of the Department and the Board in the
23 administration of this Act, the Illinois Professional Land
24 Surveyor Act of 1989, the Illinois Architecture Practice Act,

1 and the Structural Engineering Practice Act of 1989. The
2 expenses of the Department under this Act shall be limited to
3 the ordinary and contingent expenses of the Design
4 Professionals Dedicated Employees within the Department as
5 established under Section 2105-75 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois ~~(20 ILCS 2105/2105-75)~~ and other expenses related to
8 the administration and enforcement 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 Professional Regulation~~. Moneys in the Fund may
12 be transferred to the Professions Indirect Cost Fund as
13 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 Moneys in the Design Professionals Administration and
17 Investigation Fund may be invested and reinvested with all
18 earnings received from the investments to be deposited into ~~in~~
19 the Design Professionals Administration and Investigation Fund
20 and used for the same purposes as fees deposited into ~~in~~ the
21 Fund.

22 All fines and penalties under Sections ~~Section~~ 21 and 24
23 ~~Section 39, Section 42, and Section 43~~ shall be deposited into
24 ~~in~~ the Design Professionals Administration and Investigation
25 Fund.

26 Upon the completion of any audit of the Department as

1 prescribed by the Illinois State Auditing Act that ~~audit~~
2 includes an audit of the Design Professionals Administration
3 and Investigation Fund, the Department shall make the audit
4 report open to inspection by any interested person. The copy of
5 the audit report required to be submitted to the Department by
6 this Section is in addition to copies of audit reports required
7 to be submitted to other State officers and agencies by Section
8 3-14 of the Illinois State Auditing Act.

9 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 91-239,
10 eff. 1-1-00; 92-16, eff. 6-28-01.)

11 (225 ILCS 325/45) (from Ch. 111, par. 5245)

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

13 Sec. 45. Illinois Administrative Procedure Act;
14 application. The Illinois Administrative Procedure Act is
15 hereby expressly adopted and incorporated herein as if all of
16 the provisions of Act were included in this Act, except that
17 the provision of subsection (d) of Section 10-65 of the
18 Illinois Administrative Procedure Act that provides that at
19 hearings the registrant has the right to show compliance with
20 all lawful requirements for retention, continuation or renewal
21 of the license is specifically excluded. For the purpose of
22 this Act the notice required under Section 10-25 of the
23 Illinois Administrative Procedure Act is deemed sufficient
24 when mailed to the ~~last known~~ address of record or emailed to
25 the email address of record ~~of a party~~.

1 (Source: P.A. 88-45.)

2 (225 ILCS 325/47) (from Ch. 111, par. 5247)

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

4 Sec. 47. Practice of structural engineering or
5 architecture.

6 (a) No professional engineer may practice structural
7 engineering as defined in the Structural Engineering Practice
8 Act of 1989 unless he or she is licensed under the provisions
9 of that Act.

10 (b) No professional engineer may practice architecture as
11 defined in the Illinois Architecture Practice Act of 1989
12 unless he or she is licensed under the provisions of that Act.

13 (Source: P.A. 91-91, eff. 1-1-00; 92-16, eff. 6-28-01.)

14 (225 ILCS 325/48) (from Ch. 111, par. 5248)

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

16 Sec. 48. Construction of Act; existing ~~Existing~~
17 injunctions. The provisions of this Act, insofar as they are
18 the same or substantially the same as those of any prior law,
19 shall be construed as a continuation of such prior law and not
20 as a new enactment.

21 Any existing injunction or temporary restraining order
22 validly obtained under The Illinois Professional Engineering
23 Act, approved July 20, 1945, as amended, which prohibits
24 unlicensed practice of professional engineering or prohibits

1 or requires any other conduct in connection with the practice
2 of professional engineering shall not be invalidated by the
3 enactment of this Act and shall continue to have full force and
4 effect on and after the effective date of this Act.

5 (Source: P.A. 86-667.)

6 (225 ILCS 325/21 rep.)

7 (225 ILCS 325/30 rep.)

8 (225 ILCS 325/31 rep.)

9 (225 ILCS 325/38 rep.)

10 (225 ILCS 325/39 rep.)

11 (225 ILCS 325/40 rep.)

12 (225 ILCS 325/42 rep.)

13 (225 ILCS 325/43 rep.)

14 Section 15. The Professional Engineering Practice Act of
15 1989 is amended by repealing Sections 21, 30, 31 38, 39, 40, 42
16 and, 43.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."