



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0246

Introduced 1/29/2021, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.41 new

70 ILCS 1205/8-50

70 ILCS 1505/26.10-4

225 ILCS 745/20

730 ILCS 5/5-5-5

from Ch. 38, par. 1005-5-5

Creates the Landscape Architecture Registration Act. Provides that no person shall use the title "registered landscape architect" or "landscape architect" without being registered by the Department of Financial and Professional Regulation. Creates the Registered Landscape Architecture Registration Board. Provides for the membership, meetings, and powers of the Board. Provides that the Department may seek the expert advice and knowledge of the Board on any matter relating to the enforcement of the Act, including qualifications of applicants for registration. Provides that the Department may issue certificates of registration to those who meet the requirements of the Act. Provides that the Department may authorize examinations to ascertain the fitness and qualifications of applicants for registration. Provides that the Department may conduct investigations and hearings to refuse to issue, renew, or restore registrations, revoke, suspend, place on probation, or reprimand persons registered under provisions of the Act. Provides that the Department may take disciplinary action with regard to any certificate of registration issued under the Act. Makes corresponding changes in the Park District Code, the Chicago Park District Act, the Professional Geologist Licensing Act, and the Unified Code of Corrections. Amends the Regulatory Sunset Act to repeal the Landscape Architecture Registration Act on January 1, 2032.

LRB102 10452 SPS 15780 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Landscape Architecture Registration Act.

6 Section 5. Purpose. It is the purpose of this Act to
7 provide for the registration of landscape architects. This Act
8 shall be liberally construed to carry out these objectives and
9 purposes.

10 Section 10. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's application file or
13 registrant's registration file as maintained by the
14 Department.

15 "Department" means the Department of Financial and
16 Professional Regulation.

17 "Email address of record" means the designated email
18 address of record by the Department in the applicant's
19 application file or registrant's registration file as
20 maintained by the Department.

21 "Landscape architecture" means the art and science of
22 arranging land, together with the spaces and objects upon it,

1 for the purpose of creating a safe, efficient, healthful, and
2 aesthetically pleasing physical environment for human use and
3 enjoyment, as performed by landscape architects.

4 "Landscape architectural practice" means the offering or
5 furnishing of professional services in connection with a
6 landscape architecture project that do not require the seal of
7 an architect, land surveyor, professional engineer, or
8 structural engineer. These services may include, but are not
9 limited to, providing preliminary studies; developing design
10 concepts; planning for the relationships of physical
11 improvements and intended uses of the site; establishing form
12 and aesthetic elements; developing those technical details on
13 the site that are exclusive of any building or structure;
14 preparing and coordinating technical submissions; and
15 conducting site observation of a landscape architecture
16 project.

17 "Registered landscape architect" means a person who, based
18 on education, experience, and examination in the field of
19 landscape architecture, is registered under this Act.

20 "Secretary" means the Secretary of Financial and
21 Professional Regulation. The Secretary may designate his or
22 her duties under this Act to a designee of his or her choice,
23 including, but not limited to, the Director of Professional
24 Regulation.

25 Section 15. Title.

1 (a) No person shall use the title "registered landscape
2 architect" or "landscape architect" without being so
3 registered by the Department.

4 (b) Nothing in this Act shall be construed as preventing
5 or restricting the offering, advertising, or providing of
6 services defined as landscape architecture practice under this
7 Act by an individual not registered under this Act.

8 Section 20. Seal.

9 (a) Every registered landscape architect shall have a
10 reproducible seal, which may be computer generated, the
11 impression of which shall contain the name of the registered
12 landscape architect, the registered landscape architect's
13 registration number, and the words "Registered Landscape
14 Architect, State of Illinois". The registered landscape
15 architect shall be responsible for his or her seal and
16 signature as defined by rule.

17 (b) Notwithstanding the requirements of this Section, an
18 architect, land surveyor, professional engineer, or structural
19 engineer licensed by the Department shall be permitted to
20 affix his or her seal to any plans, specifications, and
21 reports prepared by or under his or her supervision in
22 connection with the incidental practice of landscape
23 architecture.

24 Section 23. Technical submissions.

1 (a) As used in this Section, "technical submissions"
2 includes the designs, drawings, and specifications that
3 establish the scope of a landscape architecture project; the
4 standard of quality for materials, workmanship, equipment, and
5 systems; and the studies and other technical reports and
6 calculations prepared in the course of the practice of
7 landscape architecture.

8 (b) A registered landscape architect shall not exercise
9 authority in preparing technical submissions that require the
10 involvement of an architect, professional engineer, structural
11 engineer, or professional land surveyor licensed in Illinois.

12 (c) The registered landscape architect who has contract
13 responsibility shall seal a cover sheet of the technical
14 submissions and those individual portions of the technical
15 submissions for which the registered landscape architect is
16 legally and professionally responsible.

17 Section 25. Display of registration. Every holder of a
18 registered landscape architect registration shall display his
19 or her certificate of registration in a conspicuous place in
20 his or her principal office, place of business, or place of
21 employment.

22 Section 30. Address of record; email address of record.
23 All applicants and registrants shall:

24 (1) provide a valid address and email address to the

1 Department, which shall serve as the address of record and
2 email address of record, respectively, at the time of
3 application for registration or renewal of registration;
4 and

5 (2) inform the Department of any change of address of
6 record or email address of record within 14 days after
7 such change either through the Department's website or by
8 contacting the Department.

9 Section 33. Registered Landscape Architecture Registration
10 Board.

11 (a) The Secretary shall appoint a Registered Landscape
12 Architecture Registration Board. The Board shall consist of 5
13 persons who shall serve in an advisory capacity to the
14 Secretary. All members of the Board shall be residents of
15 Illinois. Four members shall be registered under this Act and
16 have not been disciplined within the last 10-year period under
17 this Act or the Illinois Landscape Architecture Act of 1989.
18 In addition to the 4 registered landscape architects, there
19 shall be one public member. The public member shall be a voting
20 member and shall not be registered under this Act or licensed
21 under any other design profession licensing Act that the
22 Department administers.

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

25 (c) In appointing members to the Board, the Secretary

1 shall give due consideration to recommendations by members and
2 organizations of the landscape architecture profession.

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

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

8 (f) An appointment to fill a vacancy for the unexpired
9 portion of the vacated term shall be made in the same manner as
10 an initial appointment.

11 (g) Three members shall constitute a quorum. A quorum is
12 required for Board decisions.

13 (h) The Secretary may terminate the appointment of any
14 member for cause that, in the opinion of the Secretary,
15 reasonably justified such termination, which may include, but
16 is not limited to, a Board member who does not attend 2
17 consecutive meetings.

18 (i) Members of the Board may be reimbursed for all
19 legitimate, necessary, and authorized expenses.

20 (j) The Department may at any time seek the expert advice
21 and knowledge of the Board on any matter relating to the
22 enforcement of this Act.

23 Section 34. Powers and duties of the Board.

24 (a) The Board shall hold at least one meeting each year,
25 conducted in accordance with the Open Meetings Act.

1 (b) The Board shall annually elect a chairperson and a
2 vice chairperson who shall be registered landscape architects.

3 (c) The Department may, at any time, seek the expert
4 advice and knowledge of the Board on any matter relating to the
5 enforcement of this Act, including qualifications of
6 applicants for registration.

7 Section 35. Powers and duties of the Department. The
8 Department shall exercise, subject to the provisions of this
9 Act, the following functions, powers, and duties:

10 (1) Authorize examinations to ascertain the fitness
11 and qualifications of applicants for registration and pass
12 upon the qualifications and fitness of applicants for
13 registration by endorsement.

14 (2) Adopt rules and regulations required for the
15 administration of this Act.

16 (3) Conduct hearings on proceedings to refuse to
17 issue, renew, or restore registrations, revoke, suspend,
18 place on probation, or reprimand persons registered under
19 provisions of this Act.

20 (4) Adopt rules to establish what constitutes an
21 approved landscape architecture program.

22 (5) Adopt rules to establish what constitutes
23 landscape architecture experience.

24 (6) Issue certificates of registration to those who
25 meet the requirements of this Act.

1 (7) Conduct investigations related to possible
2 violations of this Act.

3 Section 40. Application for registration.

4 (a) Applications for registration shall be made to the
5 Department in writing on forms or electronically as prescribed
6 by the Department and shall be accompanied by the required
7 fee, which shall not be refundable. All applications shall
8 contain information that, in the judgment of the Department,
9 enables the Department to pass on the qualifications of the
10 applicant for registration as a registered landscape
11 architect. The Department may require an applicant, at the
12 applicant's expense, to have an evaluation of the applicant's
13 education in a foreign country by a nationally recognized
14 evaluation service approved by the Department in accordance
15 with rules adopted by the Department.

16 (b) Applicants have 3 years from the date of application
17 to complete the application process. If the process has not
18 been completed in 3 years, the application shall be denied,
19 the fee shall be forfeited, and the applicant must reapply and
20 meet the requirements in effect at the time of reapplication.

21 Section 45. Qualifications for registration.

22 (a) To qualify for registration as a registered landscape
23 architect, each applicant shall:

24 (1) provide proof of graduation from an approved

1 landscape architecture program as approved by rule;

2 (2) provide proof of experience for registration as
3 approved by rule; and

4 (3) provide proof of successful passage of an
5 examination as approved by rule.

6 (b) Upon payment of the required fee and meeting other
7 requirements as determined by rule, an applicant who is
8 actively registered or licensed as a landscape architect under
9 the laws of another jurisdiction of the United States may,
10 without examination, be granted registration as a registered
11 landscape architect by the Department.

12 Section 50. Registration, renewal, and restoration.

13 (a) The expiration date and renewal period for each
14 certificate of registration issued under this Act shall be
15 established by rule. A registrant may renew a certificate of
16 registration during the month preceding its expiration date by
17 paying the required fee.

18 (b) A registered landscape architect who has permitted his
19 or her registration to expire or has had his or her
20 registration placed on inactive status may have his or her
21 registration restored by making application to the Department
22 and filing proof acceptable to the Department of his or her
23 fitness to have his or her registration restored, including,
24 but not limited to, sworn evidence certifying active lawful
25 practice in another jurisdiction satisfactory to the

1 Department and by paying the required fee as determined by
2 rule.

3 (c) A registered landscape architect whose registration
4 expired while engaged (1) in federal service on active duty
5 with the Armed Forces of the United States or the State Militia
6 called into service or training or (2) in training or
7 education under the supervision of the United States
8 preliminary to induction into the military service, may have a
9 registration restored or reinstated without paying any lapsed
10 reinstatement, renewal, or restoration fees if within 2 years
11 after termination other than by dishonorable discharge of such
12 service, training, or education and the Department is
13 furnished with satisfactory evidence that the registrant has
14 been so engaged in the practice of landscape architecture and
15 that such service, training, or education has been so
16 terminated.

17 Section 55. Prior registrations under the Illinois
18 Landscape Architecture Act of 1989. A person who was actively
19 registered under the Illinois Landscape Architecture Act of
20 1989 and had renewed his or her registration before January 1,
21 2020, may have his or her registration restored without fee
22 upon the effective date of the rules adopted under this Act.

23 Section 60. Inactive status.

24 (a) A person registered under this Act who notifies the

1 Department in writing on forms or electronically as prescribed
2 by the Department may elect to place his or her registration on
3 inactive status and shall, subject to rules of the Department,
4 be excused from payment of renewal fees until he or she
5 notifies the Department in writing on forms or electronically
6 as prescribed by the Department of his or her desire to resume
7 active status.

8 (b) Any registrant whose registration is on inactive
9 status shall not use the title "registered landscape
10 architect" or "landscape architect" in the State of Illinois.

11 (c) Any registrant who uses the title "registered
12 landscape architect" or "landscape architect" while his or her
13 registration is inactive shall be considered to be using the
14 title without a registration that shall be grounds for
15 discipline under this Act.

16 Section 65. Fees. The Department shall establish by rule a
17 schedule of fees for the administration and maintenance of
18 this Act. These fees are not refundable.

19 Section 70. Disposition of funds. All of the fees
20 collected as authorized under this Act shall be deposited into
21 the General Professions Dedicated Fund. The moneys deposited
22 into the General Professions Dedicated Fund may be used for
23 the expenses of the Department in the administration of this
24 Act. Moneys from the Fund may also be used for direct and

1 allocable indirect costs related to the public purposes of the
2 Department of Financial and Professional Regulation. Moneys in
3 the Fund may be transferred to the Professions Indirect Cost
4 Fund as authorized by Section 2105-300 of the Department of
5 Professional Regulation Law.

6 Section 75. Advertising. Any person registered under this
7 Act may advertise the availability of professional services in
8 the public media or on the premises where such professional
9 services are rendered provided that such advertising is
10 truthful and not misleading.

11 Section 80. Violation; injunction; cease and desist order.

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

1 penalties provided by this Act.

2 (b) Whoever holds himself or herself out as a "registered
3 landscape architect", "landscape architect", or any other name
4 or designation that would in any way imply that he or she is
5 able to use the title "registered landscape architect" or
6 "landscape architect" without being registered under this Act
7 shall be guilty of a Class A misdemeanor, and for each
8 subsequent conviction shall be guilty of a Class 4 felony.

9 Section 85. Grounds for discipline.

10 (a) The Department may refuse to issue or to renew a
11 certificate of registration, or may revoke, suspend, place on
12 probation, reprimand, or take other disciplinary or
13 nondisciplinary action the Department may deem proper,
14 including fines not to exceed \$10,000 for each violation, with
15 regard to any certificate of registration issued under this
16 Act, for any one or combination of the following reasons:

17 (1) Material misstatement in furnishing information.

18 (2) Negligent or intentional disregard of this Act or
19 rules adopted under this Act.

20 (3) Conviction of or plea of guilty or nolo
21 contendere, finding of guilt, jury verdict, or entry of
22 judgment or sentencing, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation under
25 the laws of any jurisdiction of the United States that is

1 (i) a felony, (ii) a misdemeanor, an essential element of
2 which is dishonesty, or (iii) any crime that is directly
3 related to the practice of landscape architecture.

4 (4) Making any misrepresentations for the purpose of
5 obtaining a certificate of registration.

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

8 (6) Aiding or assisting another person in violating
9 any provision of this Act or any rules and regulations
10 issued pursuant to this Act.

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

13 (8) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (9) Habitual or excessive use or abuse of drugs
17 defined by law as controlled substances, alcohol,
18 narcotics, stimulants, or any other substances that
19 results in the inability to practice with reasonable
20 judgment, skill, or safety.

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

25 (11) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of
2 compensation for any professional service not actually
3 rendered.

4 (12) A finding by the Department that the registrant,
5 after having the registration placed on probationary
6 status, has violated or failed to comply with the terms of
7 probation.

8 (13) A finding by the Department that the registrant
9 has failed to pay a fine imposed by the Department.

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

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

19 (16) Inability to practice the profession with
20 reasonable judgment, skill, or safety as a result of
21 physical illness, including, but not limited to,
22 deterioration through the aging process, loss of motor
23 skill, mental illness, or disability.

24 (17) Using or attempting to use an expired, inactive,
25 suspended, or revoked registration, or the seal of another
26 registrant, or impersonating another registrant.

1 (18) Signing, affixing, or allowing the registered
2 landscape architect's seal to be affixed to any plans not
3 prepared by the registered landscape architect or under
4 the registered landscape architect's supervision.

5 (b) The Department may refuse to issue or may suspend the
6 registration of any person who fails to file a return, fails to
7 pay the tax, penalty, or interest showing in a filed return, or
8 fails to pay any final assessment of tax, penalty, or
9 interest, as required by any tax Act administered by the
10 Department of Revenue, until any such tax Act are satisfied.

11 (c) The entry of a decree by any circuit court
12 establishing that any person holding a certificate of
13 registration under this Act is a person subject to involuntary
14 admission under the Mental Health and Developmental
15 Disabilities Code shall operate as a suspension of that
16 registration. That person may resume using the title
17 "registered landscape architect" or "landscape architect" only
18 upon a finding by the Department that he or she has been
19 determined to be no longer subject to involuntary admission by
20 the court and meeting the requirements for restoration as
21 required by this Act and its rules.

22 Section 90. Investigation; notice and hearing.

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

1 (b) The Department shall, before disciplining an applicant
2 or registrant, at least 30 days prior to the date set for the
3 hearing, (i) notify in writing the applicant or registrant of
4 the charges made and the time and place for the hearing on the
5 charges, (ii) direct the applicant or registrant to file a
6 written answer to the charges under oath within 20 days after
7 the service of the notice, and (iii) inform the applicant or
8 registrant that failure to file a written answer to the
9 charges will result in a default judgment being entered
10 against the applicant or registrant.

11 (c) Written or electronic notice, and any notice in the
12 subsequent proceeding, may be served by personal delivery, by
13 email, or by mail to the applicant or registrant at their
14 address of record or email address of record.

15 (d) At the time and place fixed in the notice, the hearing
16 officer appointed by the Secretary shall proceed to hear the
17 charges and the parties or their counsel shall be accorded
18 ample opportunity to present any statement, testimony,
19 evidence, and argument as may be pertinent to the charges or to
20 their defense. The hearing officer may continue the hearing
21 from time to time.

22 (e) In case the registrant or applicant, after receiving
23 the notice, fails to file an answer, their registration may,
24 in the discretion of the Secretary, be suspended, revoked,
25 placed on probationary status, or be subject to whatever
26 disciplinary action the Secretary considers proper, including

1 limiting the scope, nature, or extent of the person's practice
2 or imposition of a fine, without hearing, if the act or acts
3 charged constitute sufficient grounds for such action under
4 this Act.

5 Section 95. Record of proceedings.

6 (a) The Department, at its expense, shall provide a
7 certified shorthand reporter to take down the testimony and
8 preserve a record of all proceedings in which a registrant may
9 have their registration revoked or suspended or in which the
10 registrant may be placed on probationary status, reprimanded,
11 fined, or subjected to other disciplinary action with
12 reference to the registration when a disciplinary action is
13 authorized under this Act and rules issued pursuant to this
14 Act. The notice of hearing, complaint, and all other documents
15 in the nature of pleadings and written motions filed in the
16 proceedings, the transcript of the testimony, and the orders
17 of the Department shall be the record of the proceedings. The
18 record may be made available to any person interested in the
19 hearing upon payment of the fee required by Section 2105-115
20 of the Department of Professional Regulation Law.

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

1 any proceedings at a hearing upon payment of the fee specified
2 by the certified shorthand reporter.

3 Section 100. Subpoenas; depositions; oaths.

4 (a) The Department has the power to subpoena and bring
5 before it any person and to take testimony either orally, by
6 deposition, or both, with the same fees and mileage and in the
7 same manner as prescribed in civil cases in circuit courts of
8 this State.

9 (b) The Secretary and the designated hearing officer have
10 the power to administer oaths to witnesses at any hearing
11 which the Department is authorized to conduct, and any other
12 oaths authorized in any Act administered by the Department.

13 Section 105. Compelling testimony. Any court, upon the
14 application of the Department, designated hearing officer, or
15 the applicant or registrant against whom proceedings under
16 Section 85 of this Act are pending, may, enter an order
17 requiring the attendance of witnesses and their testimony and
18 the production of documents, papers, files, books, and records
19 in connection with any hearing or investigation. The court may
20 compel obedience to its order by proceedings for contempt.

21 Section 110. Hearing; motion for rehearing.

22 (a) The hearing officer appointed by the Secretary shall
23 hear evidence in support of the formal charges and evidence

1 produced by the registrant. At the conclusion of the hearing,
2 the hearing officer shall present to the Secretary a written
3 report of his or her findings of fact, conclusions of law, and
4 recommendations.

5 (b) At the conclusion of the hearing, a copy of the hearing
6 officer's report shall be served upon the applicant or
7 registrant, either personally or as provided in this Act for
8 the service of the notice of hearing. Within 20 days after such
9 service, the applicant or registrant may present to the
10 Department a motion, in writing, for a rehearing which shall
11 specify the particular grounds for rehearing. The Department
12 may respond to the motion for rehearing within 20 days after
13 its service on the Department. If no motion for rehearing is
14 filed, then upon the expiration of the time specified for
15 filing such a motion, or upon denial of a motion for rehearing,
16 the Secretary may enter an order in accordance with the
17 recommendations of the hearing officer. If the applicant or
18 registrant orders from the reporting service and pays for a
19 transcript of the record within the time for filing a motion
20 for rehearing, the 20-day period within which a motion may be
21 filed shall commence upon delivery of the transcript to the
22 applicant or registrant.

23 (c) If the Secretary disagrees in any regard with the
24 report of the hearing officer, the Secretary may issue an
25 order contrary to the hearing officer's report.

26 (d) If the Secretary is not satisfied that substantial

1 justice has been done, the Secretary may order a hearing by the
2 same or another hearing officer.

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

7 Section 115. Appointment of a hearing officer. The
8 Secretary has the authority to appoint an attorney licensed to
9 practice law in the State of Illinois to serve as the hearing
10 officer in any action for refusal to issue, restore, or renew a
11 registration or to discipline an applicant or registrant. The
12 hearing officer shall have full authority to conduct the
13 hearing.

14 Section 120. Order or certified copy; prima facie proof.
15 An order or a certified copy thereof, over the seal of the
16 Department and purporting to be signed by the Secretary, shall
17 be prima facie proof that:

18 (1) the signature is the genuine signature of the
19 Secretary; and

20 (2) the Secretary is appointed and qualified.

21 Section 125. Restoration of suspended or revoked
22 registration.

23 (a) At any time after the successful completion of a term

1 of probation, suspension, or revocation of a registration
2 under this Act, the Department may restore it to the
3 registrant unless after an investigation and hearing the
4 Department determines that restoration is not in the public
5 interest.

6 (b) Where circumstances of suspension or revocation so
7 indicate, the Department may require an examination of the
8 registrant prior to restoring his or her registration.

9 (c) No person whose registration has been revoked as
10 authorized in this Act may apply for restoration of that
11 registration until such time as provided for in the Civil
12 Administrative Code of Illinois.

13 (d) A registration that has been suspended or revoked
14 shall be considered nonrenewed for purposes of restoration and
15 a registration restoring their registration from suspension or
16 revocation must comply with the requirements for restoration
17 as set forth in Section 50 of this Act and any rules adopted
18 pursuant to this Act.

19 Section 130. Surrender of registration. Upon the
20 revocation or suspension of any registration, the registrant
21 shall immediately surrender his or her certificate of
22 registration to the Department. If the registrant fails to do
23 so, the Department has the right to seize the certificate of
24 registration.

1 Section 135. Administrative Review Law; venue.

2 (a) All final administrative decisions of the Department
3 are subject to judicial review under the Administrative Review
4 Law and its rules. The term "administrative decision" is
5 defined as in Section 3-101 of the Code of Civil Procedure.

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

10 (c) The Department shall not be required to certify any
11 record to the court, file any answer in court, or to otherwise
12 appear in any court in a judicial review proceeding, unless
13 and until the Department has received from the plaintiff
14 payment of the costs of furnishing and certifying the record,
15 which costs shall be determined by the Department.

16 (d) Failure on the part of the plaintiff to file a receipt
17 of the plaintiff's payment to the Department as specified in
18 subsection (c) of this Section in court shall be grounds for
19 dismissal of the action.

20 (e) During the pendency and hearing of any and all
21 judicial proceedings incident to a disciplinary action, the
22 sanctions imposed upon the accused by the Department shall
23 remain in full force and effect.

24 Section 140. Confidentiality. All information collected by
25 the Department in the course of an examination or

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

17 Section 145. Illinois Administrative Procedure Act. The
18 Illinois Administrative Procedure Act is hereby expressly
19 adopted and incorporated herein as if all of the provisions of
20 that Act were included in this Act, except that the provision
21 of subsection (d) of Section 10-65 of the Illinois
22 Administrative Procedure Act that provides that at hearings
23 the registrant has the right to show compliance with all
24 lawful requirements for retention, continuation, or renewal of
25 the registration is specifically excluded. The Department

1 shall not be required to annually verify email addresses as
2 specified in paragraph (a) of subsection (2) of Section 10-75
3 of the Illinois Administrative Procedure Act. For the purposes
4 of this Act the notice required under Section 10-25 of the
5 Illinois Administrative Procedure Act is deemed sufficient
6 when mailed to the address of record or emailed to the email
7 address of record.

8 Section 900. The Regulatory Sunset Act is amended by
9 adding Section 4.41 as follows:

10 (5 ILCS 80/4.41 new)

11 Sec. 4.41. Act repealed on January 1, 2032. The following
12 Act is repealed on January 1, 2032:

13 The Landscape Architecture Registration Act.

14 Section 905. The Park District Code is amended by changing
15 Section 8-50 as follows:

16 (70 ILCS 1205/8-50)

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

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

22 "Design-bid-build" means the traditional delivery system

1 used on public projects that incorporates the Local Government
2 Professional Services Selection Act and the principles of
3 competitive selection.

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

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

19 "Design-build entity" means any individual, sole
20 proprietorship, firm, partnership, joint venture, corporation,
21 professional corporation, or other entity that proposes to
22 design and construct any public project under this Act. A
23 design-build entity and associated design-build professionals
24 shall conduct themselves in accordance with the laws of this
25 State and the related provisions of the Illinois
26 Administrative Code, as referenced by the licensed design

1 professionals Acts of this State.

2 "Design professional" means any individual, sole
3 proprietorship, firm, partnership, joint venture, corporation,
4 professional corporation, or other entity that offers services
5 under the Illinois Architecture Practice Act of 1989, the
6 Professional Engineering Practice Act of 1989, the Structural
7 Engineering Practice Act of 1989, or the Illinois Professional
8 Land Surveyor Act of 1989.

9 "Evaluation criteria" means the requirements for the
10 separate phases of the selection process for design-build
11 proposals as defined in this Act and may include the
12 specialized experience, technical qualifications and
13 competence, capacity to perform, past performance, experience
14 with similar projects, assignment of personnel to the project,
15 and other appropriate factors. Price may not be used as a
16 factor in the evaluation of Phase I proposals.

17 "Landscape architect design professional" means any
18 person, sole proprietorship, or entity including, but not
19 limited to, a partnership, professional service corporation,
20 or corporation that offers services under the Landscape
21 Architecture Registration Act ~~Illinois Landscape Architecture~~
22 ~~Act of 1989~~.

23 "Proposal" means the offer to enter into a design-build
24 contract as submitted by a design-build entity in accordance
25 with this Act.

26 "Request for proposal" means the document used by the park

1 district to solicit proposals for a design-build contract.

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

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

11 Section 910. The Chicago Park District Act is amended by
12 changing Section 26.10-4 as follows:

13 (70 ILCS 1505/26.10-4)

14 Sec. 26.10-4. Definitions. The following terms, whenever
15 used or referred to in this Act, have the following meaning
16 unless the context requires a different meaning:

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

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

23 "Design-build" means a delivery system that provides
24 responsibility within a single contract for the furnishing of

1 architecture, engineering, land surveying and related services
2 as required, and the labor, materials, equipment, and other
3 construction services for the project.

4 "Design-build contract" means a contract for a public
5 project under this Act between the Chicago Park District and a
6 design-build entity to furnish architecture, engineering, land
7 surveying, landscape architecture, and related services as
8 required, and to furnish the labor, materials, equipment, and
9 other construction services for the project. The design-build
10 contract may be conditioned upon subsequent refinements in
11 scope and price and may allow the Chicago Park District to make
12 modifications in the project scope without invalidating the
13 design-build contract.

14 "Design-build entity" means any individual, sole
15 proprietorship, firm, partnership, joint venture, corporation,
16 professional corporation, or other entity that proposes to
17 design and construct any public project under this Act. A
18 design-build entity and associated design-build professionals
19 shall conduct themselves in accordance with the laws of this
20 State and the related provisions of the Illinois
21 Administrative Code, as referenced by the licensed design
22 professionals Acts of this State.

23 "Design professional" means any individual, sole
24 proprietorship, firm, partnership, joint venture, corporation,
25 professional corporation, or other entity that offers services
26 under the Illinois Architecture Practice Act of 1989 (225 ILCS

1 305/), the Professional Engineering Practice Act of 1989 (225
2 ILCS 325/), the Structural Engineering Practice Act of 1989
3 (225 ILCS 340/), or the Illinois Professional Land Surveyor
4 Act of 1989 (225 ILCS 330/).

5 "Landscape architect design professional" means any
6 person, sole proprietorship, or entity such as a partnership,
7 professional service corporation, or corporation that offers
8 services under the Landscape Architecture Registration Act
9 ~~Illinois Landscape Architecture Act of 1989.~~

10 "Evaluation criteria" means the requirements for the
11 separate phases of the selection process for design-build
12 proposals as defined in this Act and may include the
13 specialized experience, technical qualifications and
14 competence, capacity to perform, past performance, experience
15 with similar projects, assignment of personnel to the project,
16 and other appropriate factors. Price may not be used as a
17 factor in the evaluation of Phase I proposals.

18 "Proposal" means the offer to enter into a design-build
19 contract as submitted by a design-build entity in accordance
20 with this Act.

21 "Request for proposal" means the document used by the
22 Chicago Park District to solicit proposals for a design-build
23 contract.

24 "Scope and performance criteria" means the requirements
25 for the public project, including but not limited to, the
26 intended usage, capacity, size, scope, quality and performance

1 standards, life-cycle costs, and other programmatic criteria
2 that are expressed in performance-oriented and quantifiable
3 specifications and drawings that can be reasonably inferred
4 and are suited to allow a design-build entity to develop a
5 proposal.

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

10 Section 915. The Professional Geologist Licensing Act is
11 amended by changing Section 20 as follows:

12 (225 ILCS 745/20)

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

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

23 (a) The practice of professional geology by an
24 employee or a subordinate of a licensee under this Act,

1 provided the work does not include responsible charge of
2 geological work and is performed under the direct
3 supervision of a Licensed Professional Geologist who is
4 responsible for the work.

5 (b) The practice of professional geology by officers
6 and employees of the United States government within the
7 scope of their employment.

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

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

17 (e) The practice of professional geology exclusively
18 in the exploration for or development of energy resources
19 or base, precious and nonprecious minerals, including
20 sand, gravel, and aggregate, that does not require, by
21 law, rule, or ordinance, the submission of reports,
22 documents, or oral or written testimony to public
23 agencies. Public agencies may, by law or by rule, allow
24 required oral or written testimony, reports, permit
25 applications, or other documents based on the science of
26 geology to be submitted to them by persons not licensed

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

12 (f) The practice of professional engineering as
13 defined in the Professional Engineering Practice Act of
14 1989.

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

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

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

21 (j) The practice of landscape architecture as defined
22 in the Landscape Architecture Registration Act ~~Illinois~~
23 ~~Landscape Architecture Act of 1989.~~

24 (k) The practice of professional geology for a period
25 not to exceed 9 months by any person pursuing a course of
26 study leading to a degree in geology from an accredited

1 college or university, as set forth in this Act and as
2 established by rule, provided that (i) such practice
3 constitutes a part of a supervised course of study, (ii)
4 the person is under the supervision of a geologist
5 licensed under this Act or a teacher of geology at an
6 accredited college or university, and (iii) the person is
7 designated by a title that clearly indicates his or her
8 status as a student or trainee.

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

10 Section 920. The Unified Code of Corrections is amended by
11 changing Section 5-5-5 as follows:

12 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

13 Sec. 5-5-5. Loss and restoration of rights.

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

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

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

23 (d) On completion of sentence of imprisonment or upon
24 discharge from probation, conditional discharge or periodic

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

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

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

22 (g) This Section shall not affect the right of a defendant
23 to collaterally attack his conviction or to rely on it in bar
24 of subsequent proceedings for the same offense.

25 (h) No application for any license specified in subsection
26 (i) of this Section granted under the authority of this State

1 shall be denied by reason of an eligible offender who has
2 obtained a certificate of relief from disabilities, as defined
3 in Article 5.5 of this Chapter, having been previously
4 convicted of one or more criminal offenses, or by reason of a
5 finding of lack of "good moral character" when the finding is
6 based upon the fact that the applicant has previously been
7 convicted of one or more criminal offenses, unless:

8 (1) there is a direct relationship between one or more
9 of the previous criminal offenses and the specific license
10 sought; or

11 (2) the issuance of the license would involve an
12 unreasonable risk to property or to the safety or welfare
13 of specific individuals or the general public.

14 In making such a determination, the licensing agency shall
15 consider the following factors:

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

20 (2) the specific duties and responsibilities
21 necessarily related to the license being sought;

22 (3) the bearing, if any, the criminal offenses or
23 offenses for which the person was previously convicted
24 will have on his or her fitness or ability to perform one
25 or more such duties and responsibilities;

26 (4) the time which has elapsed since the occurrence of

1 the criminal offense or offenses;

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

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

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

11 (8) the legitimate interest of the licensing agency in
12 protecting property, and the safety and welfare of
13 specific individuals or the general public.

14 (i) A certificate of relief from disabilities shall be
15 issued only for a license or certification issued under the
16 following Acts:

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

24 (2) the Illinois Athletic Trainers Practice Act;

25 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
26 and Nail Technology Act of 1985;

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

1 (22) the Environmental Health Practitioner Licensing
2 Act;

3 (23) the Funeral Directors and Embalmers Licensing
4 Code;

5 (24) (blank);

6 (25) the Professional Geologist Licensing Act;

7 (26) the Illinois Public Accounting Act; and

8 (27) the Structural Engineering Practice Act of 1989.

9 (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)