



Rep. Denyse Wang Stoneback

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1 AMENDMENT TO HOUSE BILL 2538

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2538 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 General Contractors Licensing Act.

6 Section 5. Legislative intent. The intent of the General  
7 Assembly in enacting this Act is to evaluate the competency of  
8 persons engaged in general contracting and to license and  
9 regulate those persons for the protection of the public.

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 licensee's licensure file as maintained by the Department.

14 "Board" means the General Contractor Board.

15 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Email address of record" means the designated email  
3 address of record by the Department in the applicant's  
4 application file or licensee's licensure file as maintained by  
5 the Department.

6 "General contracting" means (i) any activity requiring a  
7 license under this Act; (ii) any conduct regulated by this  
8 Act; (iii) any activity requiring a county or municipal  
9 building permit; or (iv) any duty or other requirement imposed  
10 by this Act.

11 "General contractor" means any person who, as an  
12 investment or for compensation or with the intent to sell or to  
13 lease: (i) arranges or submits a bid or offers to undertake or  
14 purports to have the capacity to undertake or undertakes,  
15 through himself, herself, or others, to erect, construct,  
16 alter, repair, move, install, replace, convert, remodel,  
17 rehabilitate, modernize, improve, or make additions to any  
18 building or to any appurtenance thereto attached to real  
19 estate and located on the same lot as the building, including,  
20 but not limited to, driveways, swimming pools, porches, decks,  
21 garages, fences, fallout shelters, and other accessory objects  
22 or uses; (ii) retains for himself or herself control over the  
23 means, method, and manner of accomplishing the desired result;  
24 and (iii) whose business operations, in whole or in part,  
25 require the hiring or supervision of one or more persons from  
26 any building trade or craft, including, but not limited to,

1 plumbing, masonry, electrical, heating, air conditioning, or  
2 carpentry. "General contractor" includes developers of  
3 conversion condominiums as defined in the Condominium Property  
4 Act.

5 "Licensee" means any person licensed under this Act.

6 "Secretary" means the Secretary of Financial and  
7 Professional Regulation or his or her designee, including, but  
8 not limited to, the Director of Professional Regulation.

9 Section 15. Title.

10 (a) No person shall use the title "general contractor"  
11 without being so licensed by the Department.

12 (b) Nothing in this Act shall be construed as preventing  
13 or restricting the offering, advertising, or providing of  
14 services defined as general contracting under this Act by an  
15 individual not licensed under this Act.

16 Section 20. Display of license. Every holder of a general  
17 contractor license shall display a copy of his or her license  
18 in a conspicuous place in his or her principal office or place  
19 of business and at each site at which the licensee is engaged  
20 in general contracting.

21 Section 25. Address of record; email address of record.

22 All applicants and licensees shall:

23 (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 licensure or renewal of licensure; and

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

8 Section 30. General Contractor Board.

9 (a) Within 90 days after the effective date of this Act,  
10 the Secretary shall appoint a General Contractor Board  
11 consisting of 9 members. Seven members shall be licensed  
12 general contractors, with initial appointees meeting the  
13 qualifications for licensure set forth in this Act as  
14 determined by the Department. Of the general contractors, 3  
15 shall be residents of Chicago and 4 shall be residents of other  
16 parts of the State. In addition to the 7 general contractors,  
17 there shall be 2 public members of the Board. The public  
18 members shall be voting members and shall not be licensed  
19 under this Act or any other design and construction profession  
20 licensing Act that the Department administers.

21 (b) Board members shall serve 4-year terms, except that in  
22 the case of initial appointments, terms shall be staggered as  
23 follows: 2 members shall serve for 4 years, 3 members shall  
24 serve for 3 years, and 4 members shall serve for 2 years. The  
25 Board shall annually elect a chairperson and vice chairperson.

1 All board members must be residents of this State.

2 (c) Appointments to fill vacancies shall be made in the  
3 same manner as initial appointments.

4 (d) A majority of members of the Board shall constitute a  
5 quorum. A quorum is required for Board decisions.

6 (e) Members of the Board shall serve without compensation,  
7 but may, at the discretion of the Department, be reimbursed  
8 for expenses incurred in performing their duties.

9 Section 35. Powers and duties of the Board.

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

12 (b) The Board shall annually elect a chairperson and a  
13 vice chairperson who shall be general contractors.

14 (c) The Department may, at any time, seek the expert  
15 advice and knowledge of the Board on any matter relating to the  
16 enforcement of this Act, including qualifications of  
17 applicants for licensure.

18 Section 40. Powers and duties of the Department. The  
19 Department shall exercise, subject to the provisions of this  
20 Act, the following functions, powers, and duties:

21 (1) Authorize examinations to ascertain the fitness  
22 and qualifications of applicants for licensure and pass  
23 upon the qualifications and fitness of applicants for  
24 licensure by endorsement.

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

3           (3) Conduct hearings on proceedings to refuse to  
4 issue, renew, or restore licensure; to revoke or suspend  
5 licensure; or to place on probation or reprimand persons  
6 licensed under this Act.

7           (4) Adopt rules to establish what constitutes an  
8 approved general contractor education program.

9           (5) Issue licenses to those who meet the requirements  
10 of this Act.

11           (6) Conduct investigations related to possible  
12 violations of this Act.

13           Section 45. Application for licensure.

14           (a) Applications for licensure shall be made to the  
15 Department in writing on forms or electronically as prescribed  
16 by the Department and shall be accompanied by the required  
17 fee, which shall not be refundable. All applications shall  
18 contain information that, in the judgment of the Department,  
19 enables the Department to pass on the qualifications of the  
20 applicant for licensure as a general contractor.

21           (b) Applicants have 3 years from the date of application  
22 to complete the application process. If the process has not  
23 been completed in 3 years, the application shall be denied,  
24 the fee shall be forfeited, and the applicant must reapply and  
25 meet the requirements in effect at the time of reapplication.

1 (c) Applicants must provide evidence that they have  
2 completed at least 12 hours in an approved course in dwelling  
3 construction within one year prior to the date of application.  
4 The course shall include instruction in at least the following  
5 subject matter and one or more tests on at least the following  
6 subject matter:

- 7 (1) construction laws;
- 8 (2) construction codes;
- 9 (3) construction business practices;
- 10 (4) prevention of wage theft; and
- 11 (5) selection of subcontractors.

12 Section 50. License classifications.

13 (a) General contractor licenses shall be divided into  
14 classifications depending on the cost of the work as follows:

15 (1) Class A. The holder of a Class A license is subject  
16 to no limitation as to the value of any single contract  
17 project. The license fee for a Class A license is \$2,000  
18 annually.

19 (2) Class B. The holder of a Class B license is not  
20 entitled to engage in the construction of any single  
21 contract project of a value in excess of \$10,000,000. The  
22 license fee for a Class B license is \$1,000 annually.

23 (3) Class C. The holder of a Class C license is not  
24 entitled to engage in the construction of any single  
25 contract project of a value in excess of \$5,000,000. The

1 license fee for a Class C license is \$750 annually.

2 (4) Class D. The holder of a Class D license is not  
3 entitled to engage in the construction of any single  
4 contract project of a value in excess of \$2,000,000. The  
5 license fee for a Class D license is \$500 annually.

6 (5) Class E. The holder of a Class E license is not  
7 entitled to engage in the construction of any single  
8 contract project of a value in excess of \$500,000. The  
9 license fee for a Class E license is \$300 annually.

10 (b) General contractors must be licensed to perform work  
11 for a third party on private and commercial structures.  
12 Subcontractors working under the supervision of a licensed  
13 general contractor are not required to be licensed under this  
14 Act.

15 Section 55. Licensure; renewal; and restoration.

16 (a) The expiration date and renewal period for each  
17 license issued under this Act shall be established by rule. A  
18 licensee may renew a license during the 2 months preceding its  
19 expiration date by paying the required fee.

20 (b) A general contractor who has permitted his or her  
21 license to expire or has had his or her license placed on  
22 inactive status may have his or her license restored by making  
23 application to the Department and filing proof acceptable to  
24 the Department of his or her fitness to have his or her license  
25 restored, including, but not limited to, sworn evidence



1 certifying active lawful practice in another jurisdiction  
2 satisfactory to the Department and by paying the required fee  
3 as determined by rule.

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

17 Section 60. Inactive status.

18 (a) A person licensed under this Act who notifies the  
19 Department in writing on forms or electronically as prescribed  
20 by the Department may elect to place his or her license on  
21 inactive status and shall, subject to rules of the Department,  
22 be excused from payment of renewal fees until he or she  
23 notifies the Department in writing on forms or electronically  
24 as prescribed by the Department of his or her desire to resume  
25 active status.

1           (b) Any licensee whose license is on inactive status shall  
2 not use the title "licensed general contractor" or "general  
3 contractor" in the State of Illinois.

4           (c) Any licensee who uses the title "licensed general  
5 contractor" or "general contractor" while his or her license  
6 is inactive shall be considered to be using the title without a  
7 license, which shall be grounds for discipline under this Act.

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

11           Section 70. Disposition of funds. All of the fees  
12 collected as authorized under this Act shall be deposited into  
13 the General Professions Dedicated Fund. The moneys deposited  
14 into the General Professions Dedicated Fund may be used for  
15 the expenses of the Department in the administration of this  
16 Act. Moneys from the Fund may also be used for direct and  
17 allocable indirect costs related to the public purposes of the  
18 Department of Financial and Professional Regulation. Moneys in  
19 the Fund may be transferred to the Professions Indirect Cost  
20 Fund as authorized by Section 2105-300 of the Department of  
21 Professional Regulation Law.

22           Section 75. Advertising. Any person licensed under this  
23 Act may advertise the availability of professional services in

1 the public media or on the premises where such professional  
2 services are rendered provided that the advertising is  
3 truthful and not misleading.

4 Section 80. Insurance. A licensee shall carry and provide  
5 proof of a valid liability insurance policy insuring the  
6 licensee against bodily injury and property damage arising out  
7 of or in connection with general contracting. The Department  
8 shall establish the required insurance policy amounts by rule.

9 Section 85. Listing. The Secretary of State shall maintain  
10 and make available to the public a list of licensed general  
11 contractors, including their license type, company name,  
12 address, phone number, license expiration date, primary  
13 insurance expiration date, and secondary insurance expiration  
14 date, if applicable.

15 Section 90. Violation; injunction; cease and desist order.

16 (a) If any person violates this Act, the Secretary may, in  
17 the name of the People of the State of Illinois, through the  
18 Attorney General of the State of Illinois or the State's  
19 Attorney of any county in which the action is brought,  
20 petition for an order enjoining such violation and for an  
21 order enforcing compliance with this Act. Upon the filing of a  
22 verified petition in court, the court may issue a temporary  
23 restraining order, without notice or bond, and may

1 preliminarily and permanently enjoin such violation. If it is  
2 established that such person has violated or is violating the  
3 injunction, the court may punish the offender for contempt of  
4 court. Proceedings under this Section shall be in addition to,  
5 and not in lieu of, all other remedies and penalties provided  
6 by this Act.

7 (b) Whoever holds himself or herself out as a "licensed  
8 general contractor", "general contractor", or any other name  
9 or designation that would in any way imply that he or she is  
10 able to use the title "licensed general contractor" or  
11 "general contractor" without being licensed under this Act  
12 shall be guilty of a Class A misdemeanor, and for each  
13 subsequent conviction shall be guilty of a Class 4 felony.

14 Section 95. Grounds for disciplinary action.

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

22 (1) Material misstatement in furnishing information.

23 (2) Negligent or intentional disregard of this Act or  
24 rules adopted under this Act.

25 (3) Conviction of or plea of guilty or nolo

1       contendere, finding of guilt, jury verdict, or entry of  
2       judgment or sentencing, including, but not limited to,  
3       convictions, preceding sentences of supervision,  
4       conditional discharge, or first offender probation under  
5       the laws of any jurisdiction of the United States that is  
6       (i) a felony, (ii) a misdemeanor, an essential element of  
7       which is dishonesty, or (iii) any crime that is directly  
8       related to the practice of general contracting.

9           (4) Making any misrepresentations for the purpose of  
10       obtaining a license.

11          (5) Professional incompetence or gross negligence in  
12       the rendering of general contracting services.

13          (6) Aiding or assisting another person in violating  
14       any provision of this Act or any rules issued pursuant to  
15       this Act.

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

18          (8) Engaging in dishonorable, unethical, or  
19       unprofessional conduct of a character likely to deceive,  
20       defraud, or harm the public.

21          (9) Habitual or excessive use or abuse of drugs  
22       defined by law as controlled substances, alcohol,  
23       narcotics, stimulants, or any other substances that  
24       results in the inability to practice with reasonable  
25       judgment, skill, or safety.

26          (10) Discipline by another jurisdiction, if at least

1 one of the grounds for the discipline is the same or  
2 substantially equivalent to those set forth in this  
3 Section.

4 (11) Directly or indirectly giving to or receiving  
5 from any person, firm, corporation, partnership, or  
6 association any fee, commission, rebate, or other form of  
7 compensation for any professional service not actually  
8 rendered.

9 (12) A finding by the Department that the licensee,  
10 after having the license placed on probationary status,  
11 has violated or failed to comply with the terms of  
12 probation.

13 (13) A finding by the Department that the licensee has  
14 failed to pay a fine imposed by the Department.

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

22 (15) Solicitation of professional services by using  
23 false or misleading advertising.

24 (16) Inability to practice the profession with  
25 reasonable judgment, skill, or safety as a result of  
26 physical illness, including, but not limited to,

1 deterioration through the aging process, loss of motor  
2 skill, mental illness, or disability.

3 (17) Using or attempting to use an expired, inactive,  
4 suspended, or revoked license, or impersonating another  
5 licensee.

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

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

23 (d) The Department may temporarily suspend a license if  
24 the licensee is found to be engaging in a pattern of  
25 substantial code violations as determined by the Department.

26 (e) If the Department has cause to believe that a licensee

1 is insolvent, including on the basis of public complaints, the  
2 Department may review the financial books and records of the  
3 licensee.

4 (f) The Department shall not issue a license to an  
5 applicant whose license was revoked for any cause within the  
6 preceding 4 years.

7 Section 100. Investigation; notice and hearing.

8 (a) The Department may investigate the actions of any  
9 applicant or of any person holding or claiming to hold a  
10 license under this Act.

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

21 (c) Written or electronic notice, and any notice in the  
22 subsequent proceeding, may be served by personal delivery, by  
23 email, or by mail to the applicant or licensee at his or her  
24 address of record or email address of record.

25 (d) At the time and place fixed in the notice, the hearing



1 officer appointed by the Secretary shall proceed to hear the  
2 charges and the parties or their counsel shall be accorded  
3 ample opportunity to present any statement, testimony,  
4 evidence, and argument as may be pertinent to the charges or to  
5 their defense. The hearing officer may continue the hearing  
6 from time to time.

7 (e) If the licensee or applicant, after receiving the  
8 notice, fails to file an answer, his or her license may, in the  
9 discretion of the Secretary, be suspended, revoked, placed on  
10 probationary status, or be subject to whatever disciplinary  
11 action the Secretary considers proper, including limiting the  
12 scope, nature, or extent of the person's practice or  
13 imposition of a fine, without hearing, if the act or acts  
14 charged constitute sufficient grounds for such action under  
15 this Act.

16 Section 105. Record of proceedings.

17 (a) The Department, at its expense, shall provide a  
18 certified shorthand reporter to take down the testimony and  
19 preserve a record of all proceedings in which a licensee may  
20 have their license revoked or suspended or in which the  
21 licensee may be placed on probationary status, reprimanded,  
22 fined, or subjected to other disciplinary action with  
23 reference to the license when a disciplinary action is  
24 authorized under this Act and rules issued pursuant to this  
25 Act. The notice of hearing, complaint, and all other documents

1 in the nature of pleadings and written motions filed in the  
2 proceedings, the transcript of the testimony, and the orders  
3 of the Department shall be the record of the proceedings. The  
4 record may be made available to any person interested in the  
5 hearing upon payment of the fee required by Section 2105-115  
6 of the Department of Professional Regulation Law.

7 (b) The Department may contract for court reporting  
8 services, and, if it does so, the Department shall provide the  
9 name and contact information for the certified shorthand  
10 reporter who transcribed the testimony at a hearing to any  
11 person interested, who may obtain a copy of the transcript of  
12 any proceedings at a hearing upon payment of the fee specified  
13 by the certified shorthand reporter.

14 Section 110. Compelling testimony. Any court, upon the  
15 application of the Department, designated hearing officer, or  
16 the applicant or licensee against whom proceedings of this Act  
17 are pending, may enter an order requiring the attendance of  
18 witnesses and their testimony and the production of documents,  
19 papers, files, books, and records in connection with any  
20 hearing or investigation. The court may compel obedience to  
21 its order by proceedings for contempt.

22 Section 115. Hearing; motion for rehearing.

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

1 produced by the licensee. 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 licensee, either personally or as provided in this Act for the  
8 service of the notice of hearing. Within 20 days after such  
9 service, the applicant or licensee 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 licensee 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 licensee.

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 120. 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 license or to discipline an applicant or licensee. The hearing  
12 officer shall have full authority to conduct the hearing.

13 Section 125. Order or certified copy; prima facie proof.  
14 An order or a certified copy thereof, over the seal of the  
15 Department and purporting to be signed by the Secretary, shall  
16 be prima facie proof that:

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

19 (2) the Secretary is appointed and qualified.

20 Section 130. Restoration of suspended or revoked license.

21 (a) At any time after the successful completion of a term  
22 of probation, suspension, or revocation of a license under  
23 this Act, the Department may restore it to the licensee unless

1 after an investigation and hearing the Department determines  
2 that restoration is not in the public interest.

3 (b) If the circumstances of suspension or revocation so  
4 indicate, the Department may require an examination of the  
5 licensee prior to restoring his or her licensee.

6 (c) No person whose license has been revoked as authorized  
7 in this Act may apply for restoration of that license until the  
8 time provided for in the Civil Administrative Code of  
9 Illinois.

10 (d) A license that has been suspended or revoked shall be  
11 considered nonrenewed for purposes of restoration, and a  
12 restoration of the license from suspension or revocation must  
13 comply with the requirements for restoration as set forth in  
14 this Act and any rules adopted pursuant to this Act.

15 Section 135. Surrender of license. Upon the revocation or  
16 suspension of any licensure, the licensee shall immediately  
17 surrender his or her license to the Department. If the  
18 licensee fails to do so, the Department has the right to seize  
19 the license.

20 Section 140. Administrative Review Law; venue.

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

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

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

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

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

19           Section 145. Confidentiality. All information collected by  
20 the Department in the course of an examination or  
21 investigation of a licensee or applicant, including, but not  
22 limited to, any complaint against a licensee filed with the  
23 Department and information collected to investigate any such  
24 complaint, shall be maintained for the confidential use of the  
25 Department and shall not be disclosed. The Department may not

1 disclose the information to anyone other than law enforcement  
2 officials, other regulatory agencies that have an appropriate  
3 regulatory interest as determined by the Secretary, or a party  
4 presenting a lawful subpoena to the Department. Information  
5 and documents disclosed to a federal, State, county, or local  
6 law enforcement agency shall not be disclosed by the agency  
7 for any purpose to any other agency or person. A formal  
8 complaint filed against a licensee by the Department or any  
9 order issued by the Department against a licensee or applicant  
10 shall be a public record, except as otherwise prohibited by  
11 law.

12 Section 150. Illinois Administrative Procedure Act. The  
13 Illinois Administrative Procedure Act is hereby expressly  
14 adopted and incorporated herein as if all of the provisions of  
15 that Act were included in this Act, except that the provision  
16 of subsection (d) of Section 10-65 of the Illinois  
17 Administrative Procedure Act that provides that at hearings  
18 the licensee has the right to show compliance with all lawful  
19 requirements for retention, continuation, or renewal of the  
20 license is specifically excluded. The Department shall not be  
21 required to annually verify email addresses as specified in  
22 paragraph (2) of subsection (a) of Section 10-75 of the  
23 Illinois Administrative Procedure Act. For the purposes of  
24 this Act, the notice required under Section 10-25 of the  
25 Illinois Administrative Procedure Act is deemed sufficient

1 when mailed to the address of record or emailed to the email  
2 address of record.

3 Section 900. The Regulatory Sunset Act is amended by  
4 changing Section 4.38 as follows:

5 (5 ILCS 80/4.38)

6 Sec. 4.38. Acts repealed on January 1, 2028. The following  
7 Acts are repealed on January 1, 2028:

8 The Acupuncture Practice Act.

9 The Clinical Social Work and Social Work Practice Act.

10 The Home Medical Equipment and Services Provider License  
11 Act.

12 The General Contractors Licensing Act.

13 The Illinois Petroleum Education and Marketing Act.

14 The Illinois Speech-Language Pathology and Audiology  
15 Practice Act.

16 The Interpreter for the Deaf Licensure Act of 2007.

17 The Nurse Practice Act.

18 The Nursing Home Administrators Licensing and Disciplinary  
19 Act.

20 The Physician Assistant Practice Act of 1987.

21 The Podiatric Medical Practice Act of 1987.

22 (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;  
23 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.  
24 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;



1 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

2 Section 999. Effective date. This Act takes effect upon  
3 becoming law.".