



Rep. Denyse Wang Stoneback

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1 AMENDMENT TO HOUSE BILL 2538

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

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

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

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

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

15 "Board" means the General Contractor Board.

1           "Department" means the Department of Financial and  
2 Professional Regulation.

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

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

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

1 craft, including, but not limited to, plumbing, masonry,  
2 electrical, heating, air conditioning, or carpentry. "General  
3 contractor" includes developers of conversion condominiums as  
4 defined in the Condominium Property Act. "General contractor"  
5 does not include a person or business that only engages in a  
6 specific building trade or craft or a combination of specific  
7 building trades or crafts, such as an electrician, plumbing,  
8 or heating and air conditioning business, provides services  
9 directly to consumers, does not subcontract any work, and is  
10 not otherwise engaged in construction or remodeling of any  
11 structure. "General contractor" does not include a homeowner  
12 performing work on the homeowner's primary residence or a  
13 landscape architect.

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

15 "Secretary" means the Secretary of Financial and  
16 Professional Regulation or the Secretary's designee,  
17 including, but not limited to, the Director of Professional  
18 Regulation.

19 Section 15. Title.

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

22 (b) Nothing in this Act shall be construed as preventing  
23 or restricting the offering, advertising, or providing of  
24 services defined as general contracting under this Act by an  
25 individual not licensed under this Act.

1           Section 20. Display of license. Every holder of a general  
2 contractor license shall display a copy of the licensee's  
3 license in a conspicuous place in the licensee's principal  
4 office or place of business and at each site at which the  
5 licensee is engaged in general contracting.

6           Section 25. Address of record; email address of record.  
7 All applicants and licensees shall:

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

12           (2) inform the Department of any change of address of  
13 record or email address of record within 14 days after the  
14 change either through the Department's website or by  
15 contacting the Department.

16           Section 30. General Contractor Board.

17           (a) Within 90 days after the effective date of this Act,  
18 the Secretary shall appoint a General Contractor Board  
19 consisting of 9 members. Seven members shall be licensed  
20 general contractors, with initial appointees meeting the  
21 qualifications for licensure set forth in this Act as  
22 determined by the Department. Of the general contractors, 3  
23 shall be residents of Chicago and 4 shall be residents of other

1 parts of the State. In addition to the 7 general contractors,  
2 there shall be 2 public members of the Board. The public  
3 members shall be voting members and shall not be licensed  
4 under this Act or any other design and construction profession  
5 licensing Act that the Department administers.

6 (b) Board members shall serve 4-year terms, except that in  
7 the case of initial appointments, terms shall be staggered as  
8 follows: 2 members shall serve for 4 years, 3 members shall  
9 serve for 3 years, and 4 members shall serve for 2 years. The  
10 Board shall annually elect a chairperson and vice chairperson.  
11 All board members must be residents of this State.

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

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

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

19 (f) Board members are not liable for acts, omissions,  
20 decisions, or other conduct in connection with the duties of  
21 the Board, except those determined to be willful, wanton, or  
22 intentional misconduct.

23 Section 35. 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 general contractors.

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 licensure.

7 Section 40. 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 licensure and pass  
12 upon the qualifications and fitness of applicants for  
13 licensure by endorsement.

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

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

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

22 (5) Issue licenses to those who meet the requirements  
23 of this Act.

24 (6) Conduct investigations related to possible  
25 violations of this Act.

1 Section 45. Application for licensure.

2 (a) Applications for licensure shall be made to the  
3 Department in writing on forms or electronically as prescribed  
4 by the Department and shall be accompanied by the required  
5 fee, which shall not be refundable. All applications shall  
6 contain information that, in the judgment of the Department,  
7 enables the Department to pass on the qualifications of the  
8 applicant for licensure as a general contractor.

9 (b) Applicants have 3 years from the date of application  
10 to complete the application process. If the process has not  
11 been completed in 3 years, the application shall be denied,  
12 the fee shall be forfeited, and the applicant must reapply and  
13 meet the requirements in effect at the time of reapplication.

14 (c) Applicants must provide evidence that they have  
15 completed at least 12 hours in an approved course in dwelling  
16 construction within one year prior to the date of application.  
17 The course shall include instruction in at least the following  
18 subjects and one or more tests on at least the following:

- 19 (1) construction laws;
- 20 (2) construction codes;
- 21 (3) construction business practices;
- 22 (4) prevention of wage theft; and
- 23 (5) selection of subcontractors.

24 Section 50. License classifications.

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

3 (1) Class A. The holder of a Class A license is subject  
4 to no limitation as to the value of any single contract  
5 project.

6 (2) Class B. The holder of a Class B license is not  
7 entitled to engage in the construction of any single  
8 contract project of a value in excess of \$10,000,000.

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

12 (4) Class D. The holder of a Class D license is not  
13 entitled to engage in the construction of any single  
14 contract project of a value in excess of \$2,000,000.

15 (5) Class E. The holder of a Class E license is not  
16 entitled to engage in the construction of any single  
17 contract project of a value in excess of \$500,000.

18 (b) General contractors must be licensed to perform work  
19 for a third party on private and commercial structures.  
20 Subcontractors working under the supervision of a licensed  
21 general contractor are not required to be licensed under this  
22 Act.

23 Section 55. Licensure; renewal; and restoration.

24 (a) The expiration date and renewal period for each  
25 license issued under this Act shall be established by rule. A



1 licensee may renew a license during the 2 months preceding its  
2 expiration date by paying the required fee.

3 (b) A general contractor who has permitted the general  
4 contractor's license to expire or has had the license placed  
5 on inactive status may have the license restored by making  
6 application to the Department and filing proof acceptable to  
7 the Department of the general contractor's fitness to have the  
8 license restored, including, but not limited to, sworn  
9 evidence certifying active lawful practice in another  
10 jurisdiction satisfactory to the Department and by paying the  
11 required fee as determined by rule.

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

25 Section 60. Inactive status.

1           (a) A person licensed under this Act who notifies the  
2 Department in writing on forms or electronically as prescribed  
3 by the Department may elect to place the person's license on  
4 inactive status and, subject to rules of the Department, shall  
5 be excused from payment of renewal fees until the person  
6 notifies the Department in writing on forms or electronically  
7 as prescribed by the Department of the person's desire to  
8 resume active status.

9           (b) Any licensee whose license is on inactive status shall  
10 not use the title "licensed general contractor" or "general  
11 contractor" in this State.

12           (c) Any licensee who uses the title "licensed general  
13 contractor" or "general contractor" while the licensee's  
14 license is inactive shall be considered to be using the title  
15 without a license, which shall be grounds for discipline under  
16 this Act.

17           Section 65. Fees. The fees for the administration and  
18 enforcement of this Act, including, but not limited to, fees  
19 for original licensure, renewal, and restoration, shall be  
20 established by the Department by rule. The fees shall not be  
21 refundable.

22           Section 70. Disposition of funds. All of the fees  
23 collected as authorized under this Act shall be deposited into  
24 the General Professions Dedicated Fund. The money deposited

1 into the General Professions Dedicated Fund may be used for  
2 the expenses of the Department in the administration of this  
3 Act. Money from the Fund may also be used for direct and  
4 allocable indirect costs related to the public purposes of the  
5 Department of Financial and Professional Regulation. Money in  
6 the Fund may be transferred to the Professions Indirect Cost  
7 Fund as authorized by Section 2105-300 of the Department of  
8 Professional Regulation Law.

9 Section 75. Advertising. Any person licensed under this  
10 Act may advertise the availability of professional services in  
11 the public media or on the premises where the professional  
12 services are rendered so long as the advertising is truthful  
13 and not misleading.

14 Section 80. Insurance. A licensee shall carry and provide  
15 proof of a valid liability insurance policy insuring the  
16 licensee against bodily injury and property damage arising out  
17 of or in connection with general contracting. The Department  
18 shall establish the required insurance policy amounts by rule.

19 Section 85. Listing. The Secretary of State shall maintain  
20 and make available to the public a list of licensed general  
21 contractors, including license type, company name, address,  
22 phone number, license expiration date, primary insurance  
23 expiration date, and secondary insurance expiration date, if

1 applicable.

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

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

16 (b) Whoever holds oneself out as a "licensed general  
17 contractor", "general contractor", or any other name or  
18 designation that would in any way imply that the person is able  
19 to use the title "licensed general contractor" or "general  
20 contractor" without being licensed under this Act shall be  
21 guilty of a Class A misdemeanor, and for each subsequent  
22 conviction shall be guilty of a Class 4 felony.

23 Section 95. Grounds for disciplinary action.

24 (a) The Department may refuse to issue or to renew a

1 license, or may revoke, suspend, place on probation,  
2 reprimand, or take other disciplinary or nondisciplinary  
3 action the Department may deem proper, including fines not to  
4 exceed \$10,000 for each violation, with regard to any license  
5 issued under this Act, for any one or combination of the  
6 following reasons:

7 (1) Material misstatement in furnishing information.

8 (2) Negligent or intentional disregard of this Act or  
9 rules adopted under this Act.

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

19 (4) Making any misrepresentations for the purpose of  
20 obtaining a license.

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

23 (6) Aiding or assisting another person in violating  
24 any provision of this Act or any rules issued pursuant to  
25 this Act.

26 (7) Failing to provide information within 60 days in

1 response to a written request made by the Department.

2 (8) Engaging in dishonorable, unethical, or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public.

5 (9) Habitual or excessive use or abuse of drugs  
6 defined by law as controlled substances, alcohol,  
7 narcotics, stimulants, or any other substances that  
8 results in the inability to practice with reasonable  
9 judgment, skill, or safety.

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

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

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

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

25 (14) Being named as a perpetrator in an indicated  
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and  
2 upon proof by clear and convincing evidence that the  
3 licensee has caused a child to be an abused child or  
4 neglected child as defined in the Abused and Neglected  
5 Child Reporting Act.

6 (15) Solicitation of professional services by using  
7 false or misleading advertising.

8 (16) Inability to practice the profession with  
9 reasonable judgment, skill, or safety as a result of  
10 physical illness, including, but not limited to,  
11 deterioration through the aging process, loss of motor  
12 skill, mental illness, or disability.

13 (17) Using or attempting to use an expired, inactive,  
14 suspended, or revoked license, or impersonating another  
15 licensee.

16 (b) The Department may refuse to issue or may suspend the  
17 license of any person who fails to file a tax return, fails to  
18 pay the tax, penalty, or interest showing in a filed tax  
19 return, or fails to pay any final assessment of tax, penalty,  
20 or interest, as required by any tax Act administered by the  
21 Department of Revenue, until the requirements of the tax Act  
22 are satisfied.

23 (c) The entry of a decree by any circuit court  
24 establishing that any person holding a license under this Act  
25 is a person subject to involuntary admission under the Mental  
26 Health and Developmental Disabilities Code shall operate as a

1 suspension of that license. That person may resume using the  
2 title "licensed general contractor" or "general contractor"  
3 only upon a finding by the Department that the person has been  
4 determined to be no longer subject to involuntary admission by  
5 the court and meeting the requirements for restoration as  
6 required by this Act and its rules.

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

10 (e) If the Department has cause to believe that a licensee  
11 is insolvent, including on the basis of public complaints, the  
12 Department may review the financial books and records of the  
13 licensee.

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

17 Section 100. Investigation; notice and hearing.

18 (a) The Department may investigate the actions of any  
19 applicant or of any person holding or claiming to hold a  
20 license under this Act.

21 (b) The Department shall, before disciplining an applicant  
22 or licensee, at least 30 days prior to the date set for the  
23 hearing, (i) notify in writing the applicant or licensee of  
24 the charges made and the time and place for the hearing on the  
25 charges, (ii) direct the applicant or licensee to file a



1 written answer to the charges under oath within 20 days after  
2 the service of the notice, and (iii) inform the applicant or  
3 licensee that the failure to file a written answer to the  
4 charges will result in a default judgment being entered  
5 against the applicant or licensee.

6 (c) Written or electronic notice, and any notice in the  
7 subsequent proceeding, may be served by personal delivery, by  
8 email, or by mail to the applicant or licensee at the  
9 applicant's or licensee's address of record or email address  
10 of record.

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

18 (e) If the applicant or licensee, after receiving the  
19 notice, fails to file an answer, the license, in the  
20 discretion of the Secretary, may be suspended, revoked, placed  
21 on probationary status, or be subject to whatever disciplinary  
22 action the Secretary considers proper, including limiting the  
23 scope, nature, or extent of the person's practice or  
24 imposition of a fine, without hearing, if the act or acts  
25 charged constitute sufficient grounds for action under this  
26 Act.

1 Section 105. Record of proceedings.

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

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

24 Section 110. Compelling testimony. Any court, upon the

1 application of the Department, designated hearing officer, or  
2 the applicant or licensee against whom proceedings of this Act  
3 are pending, may enter an order requiring the attendance of  
4 witnesses and the witnesses' testimony and the production of  
5 documents, papers, files, books, and records in connection  
6 with any hearing or investigation. The court may compel  
7 obedience to its order by proceedings for contempt.

8 Section 115. Hearing; motion for rehearing.

9 (a) The hearing officer appointed by the Secretary shall  
10 hear evidence in support of the formal charges and evidence  
11 produced by the licensee. At the conclusion of the hearing,  
12 the hearing officer shall present to the Secretary a written  
13 report of the hearing officer's findings of fact, conclusions  
14 of law, and recommendations.

15 (b) At the conclusion of the hearing, a copy of the hearing  
16 officer's report shall be served upon the applicant or  
17 licensee, either personally or as provided in this Act for the  
18 service of the notice of hearing. Within 20 days after such  
19 service, the applicant or licensee may present to the  
20 Department a motion, in writing, for a rehearing which shall  
21 specify the particular grounds for rehearing. The Department  
22 may respond to the motion for rehearing within 20 days after  
23 its service on the Department. If no motion for rehearing is  
24 filed, then upon the expiration of the time specified for  
25 filing such a motion, or upon denial of a motion for rehearing,

1 the Secretary may enter an order in accordance with the  
2 recommendations of the hearing officer. If the applicant or  
3 licensee orders from the reporting service and pays for a  
4 transcript of the record within the time for filing a motion  
5 for rehearing, the 20-day period within which a motion may be  
6 filed shall commence upon delivery of the transcript to the  
7 applicant or licensee.

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

11 (d) If the Secretary is not satisfied that substantial  
12 justice has been done, the Secretary may order a hearing by the  
13 same or another hearing officer.

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

18 Section 120. Appointment of a hearing officer. The  
19 Secretary has the authority to appoint an attorney licensed to  
20 practice law in this State to serve as the hearing officer in  
21 any action for refusal to issue, restore, or renew a license or  
22 to discipline an applicant or licensee. The hearing officer  
23 shall have full authority to conduct the hearing.

24 Section 125. Order or certified copy; prima facie proof.

1 An order or a certified copy thereof, over the seal of the  
2 Department and purporting to be signed by the Secretary, shall  
3 be prima facie proof that:

4 (1) the signature is the genuine signature of the  
5 Secretary; and

6 (2) the Secretary is appointed and qualified.

7 Section 130. Restoration of suspended or revoked license.

8 (a) At any time after the successful completion of a term  
9 of probation, suspension, or revocation of a license under  
10 this Act, the Department may restore the license to the  
11 licensee unless after an investigation and hearing the  
12 Department determines that restoration is not in the public  
13 interest.

14 (b) If the circumstances of suspension or revocation so  
15 indicate, the Department may require an examination of the  
16 licensee prior to restoring the licensee.

17 (c) No person whose license has been revoked as authorized  
18 in this Act may apply for restoration of that license until the  
19 time provided for in the Civil Administrative Code of  
20 Illinois.

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

1           Section 135. Surrender of license. Upon the revocation or  
2 suspension of any licensure, the licensee shall immediately  
3 surrender the licensee's license to the Department. If the  
4 licensee fails to do so, the Department has the right to seize  
5 the license.

6           Section 140. Administrative Review Law; venue.

7           (a) All final administrative decisions of the Department  
8 are subject to judicial review under the Administrative Review  
9 Law and its rules. "Administrative decision" has the same  
10 meaning as in Section 3-101 of the Code of Civil Procedure.

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

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

21           (d) The failure on the part of the plaintiff to file a  
22 receipt of the plaintiff's payment to the Department as  
23 specified in subsection (c) in court shall be grounds for  
24 dismissal of the action.

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

5           Section 145. Confidentiality. All information collected by  
6 the Department in the course of an examination or  
7 investigation of a licensee or applicant, including, but not  
8 limited to, any complaint against a licensee or applicant  
9 filed with the Department and information collected to  
10 investigate any complaint, shall be maintained for the  
11 confidential use of the Department and shall not be disclosed.  
12 The Department may not disclose the information to anyone  
13 other than law enforcement officials, other regulatory  
14 agencies that have an appropriate regulatory interest as  
15 determined by the Secretary, or a party presenting a lawful  
16 subpoena to the Department. Information and documents  
17 disclosed to a federal, State, county, or local law  
18 enforcement agency shall not be disclosed by the agency for  
19 any purpose to any other agency or person. A formal complaint  
20 filed against a licensee or applicant by the Department or any  
21 order issued by the Department against a licensee or applicant  
22 shall be a public record, except as otherwise prohibited by  
23 law.

24           Section 150. Illinois Administrative Procedure Act. The

1 Illinois Administrative Procedure Act is hereby expressly  
2 adopted and incorporated herein as if all of the provisions of  
3 that Act were included in this Act, except that the provision  
4 of subsection (d) of Section 10-65 of the Illinois  
5 Administrative Procedure Act that provides that at hearings  
6 the licensee has the right to show compliance with all lawful  
7 requirements for retention, continuation, or renewal of the  
8 license is specifically excluded. The Department shall not be  
9 required to annually verify email addresses as specified in  
10 paragraph (2) of subsection (a) of Section 10-75 of the  
11 Illinois Administrative Procedure Act. For the purposes of  
12 this Act, the notice required under Section 10-25 of the  
13 Illinois Administrative Procedure Act is deemed sufficient  
14 when mailed to the address of record or emailed to the email  
15 address of record.

16 Section 900. The Regulatory Sunset Act is amended by  
17 changing Section 4.38 as follows:

18 (5 ILCS 80/4.38)

19 Sec. 4.38. Acts repealed on January 1, 2028. The following  
20 Acts are repealed on January 1, 2028:

21 The Acupuncture Practice Act.

22 The Clinical Social Work and Social Work Practice Act.

23 The Home Medical Equipment and Services Provider License  
24 Act.



1           The General Contractors Licensing Act.

2           The Illinois Petroleum Education and Marketing Act.

3           The Illinois Speech-Language Pathology and Audiology  
4 Practice Act.

5           The Interpreter for the Deaf Licensure Act of 2007.

6           The Nurse Practice Act.

7           The Nursing Home Administrators Licensing and Disciplinary  
8 Act.

9           The Physician Assistant Practice Act of 1987.

10          The Podiatric Medical Practice Act of 1987.

11          (Source: P.A. 100-220, eff. 8-18-17; 100-375, eff. 8-25-17;  
12 100-398, eff. 8-25-17; 100-414, eff. 8-25-17; 100-453, eff.  
13 8-25-17; 100-513, eff. 9-20-17; 100-525, eff. 9-22-17;  
14 100-530, eff. 9-22-17; 100-560, eff. 12-8-17.)

15          Section 999. Effective date. This Act takes effect upon  
16 becoming law.".