

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.34 and 4.39 as follows:

6 (5 ILCS 80/4.34)

7 Sec. 4.34. Acts and Section repealed on January 1, 2024.
8 The following Acts and Section of an Act are repealed on
9 January 1, 2024:

10 The Crematory Regulation Act.

11 ~~The Electrologist Licensing Act.~~

12 The Illinois Certified Shorthand Reporters Act of
13 1984.

14 The Illinois Occupational Therapy Practice Act.

15 ~~The Illinois Public Accounting Act.~~

16 ~~The Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

18 The Registered Surgical Assistant and Registered
19 Surgical Technologist Title Protection Act.

20 ~~Section 2.5 of the Illinois Plumbing License Law.~~

21 ~~The Veterinary Medicine and Surgery Practice Act of
22 2004.~~

23 (Source: P.A. 102-291, eff. 8-6-21.)

1 (5 ILCS 80/4.39)

2 Sec. 4.39. Acts repealed on January 1, 2029 and December
3 31, 2029.

4 (a) The following Act is repealed on January 1, 2029:

5 The Electrologist Licensing Act.

6 The Environmental Health Practitioner Licensing Act.

7 The Illinois Public Accounting Act.

8 The Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Act of 2004.

10 Section 2.5 of the Illinois Plumbing License Law.

11 The Veterinary Medicine and Surgery Practice Act of
12 2004.

13 (b) The following Act is repealed on December 31, 2029:

14 The Structural Pest Control Act.

15 (Source: P.A. 100-716, eff. 8-3-18; 100-796, eff. 8-10-18;
16 101-81, eff. 7-12-19.)

17 Section 10. The Veterinary Medicine and Surgery Practice
18 Act of 2004 is amended by changing Sections 3, 4, 8, 10, 10.5,
19 11, 12, 14.1, 25, 25.2, 25.6, 25.7, 25.9, 25.15, 25.17, and 27
20 and by adding Sections 3.5 and 4.5 as follows:

21 (225 ILCS 115/3) (from Ch. 111, par. 7003)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 3. Definitions. The following terms have the meanings

1 indicated, unless the context requires otherwise:

2 "Accredited college of veterinary medicine" means a
3 veterinary college, school, or division of a university or
4 college that offers the degree of Doctor of Veterinary
5 Medicine or its equivalent and that is accredited by the
6 Council on Education of the American Veterinary Medical
7 Association (AVMA).

8 "Address of record" means the designated address recorded
9 by the Department in the applicant's or licensee's application
10 file or license file as maintained by the Department's
11 licensure maintenance unit. ~~It is the duty of the applicant or
12 licensee to inform the Department of any change of address,
13 and those changes must be made either through the Department's
14 website or by contacting the Department.~~

15 "Accredited program in veterinary technology" means any
16 post-secondary educational program that is accredited by the
17 AVMA's Committee on Veterinary Technician Education and
18 Activities or any veterinary technician program that is
19 recognized as its equivalent by the AVMA's Committee on
20 Veterinary Technician Education and Activities.

21 "Animal" means any animal, vertebrate or invertebrate,
22 other than a human.

23 "Board" means the Veterinary Licensing and Disciplinary
24 Board.

25 "Certified veterinary technician" means a person who is
26 validly and currently licensed to practice veterinary

1 technology in this State.

2 "Client" means an entity, person, group, or corporation
3 that has entered into an agreement with a veterinarian for the
4 purposes of obtaining veterinary medical services.

5 "Complementary, alternative, and integrative therapies"
6 means a heterogeneous group of diagnostic and therapeutic
7 philosophies and practices, which at the time they are
8 performed may differ from current scientific knowledge, or
9 whose theoretical basis and techniques may diverge from
10 veterinary medicine routinely taught in accredited veterinary
11 medical colleges, or both. "Complementary, alternative, and
12 integrative therapies" include, but are not limited to,
13 veterinary acupuncture, acutherapy, and acupressure;
14 veterinary homeopathy; veterinary manual or manipulative
15 therapy or therapy based on techniques practiced in
16 osteopathy, chiropractic medicine, or physical medicine and
17 therapy; veterinary nutraceutical therapy; veterinary
18 phytotherapy; and other therapies as defined by rule.

19 "Consultation" means when a veterinarian receives advice
20 in person, telephonically, electronically, or by any other
21 method of communication from a veterinarian licensed in this
22 or any other state or other person whose expertise, in the
23 opinion of the veterinarian, would benefit a patient. Under
24 any circumstance, the responsibility for the welfare of the
25 patient remains with the veterinarian receiving consultation.

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Direct supervision" means the supervising veterinarian is
3 readily available on the premises where the animal is being
4 treated.

5 "Email address of record" means the designated email
6 address recorded by the Department in the applicant's
7 application file or the licensee's license file, as maintained
8 by the Department's licensure maintenance unit.

9 "Immediate supervision" means the supervising veterinarian
10 is in the immediate area, within audible and visual range of
11 the ~~animal~~ patient and the person treating the patient.

12 "Impaired veterinarian" means a veterinarian who is unable
13 to practice veterinary medicine with reasonable skill and
14 safety because of a physical or mental disability as evidenced
15 by a written determination or written consent based on
16 clinical evidence, including deterioration through the aging
17 process, loss of motor skills, or abuse of drugs or alcohol of
18 sufficient degree to diminish a person's ability to deliver
19 competent patient care.

20 "Indirect supervision" means the supervising veterinarian
21 need not be on the premises, but has given either written or
22 oral instructions for the treatment of the animal and is
23 available by telephone or other form of communication.

24 "Licensed veterinarian" means a person who is validly and
25 currently licensed to practice veterinary medicine in this
26 State.

1 "Patient" means an animal or group of animals that is
2 examined or treated by a veterinarian.

3 "Person" means an individual, firm, partnership (general,
4 limited, or limited liability), association, joint venture,
5 cooperative, corporation, limited liability company, or any
6 other group or combination acting in concert, whether or not
7 acting as a principal, partner, member, trustee, fiduciary,
8 receiver, or any other kind of legal or personal
9 representative, or as the successor in interest, assignee,
10 agent, factor, servant, employee, director, officer, or any
11 other representative of such person.

12 "Practice of veterinary medicine" means to diagnose,
13 prognose, treat, correct, change, alleviate, or prevent animal
14 disease, illness, pain, deformity, defect, injury, or other
15 physical, dental, or mental conditions by any method or mode,
16 such as telemedicine,† including the performance of one or
17 more of the following:

18 (1) Prescribing, dispensing, administering, applying,
19 or ordering the administration of any drug, medicine,
20 biologic, apparatus, anesthetic, or other therapeutic or
21 diagnostic substance, or medical or surgical technique.

22 (2) (Blank).

23 (3) Performing upon an animal a surgical or dental
24 operation.

25 (3.5) Performing upon an animal complementary,
26 alternative, or integrative therapy.

1 (4) Performing upon an animal any manual or mechanical
2 procedure for reproductive management, including the
3 diagnosis or treatment of pregnancy, sterility, or
4 infertility.

5 (4.5) The rendering of advice or recommendation by any
6 means, including telephonic and other electronic
7 communications, with regard to the performing upon an
8 animal any manual or mechanical procedure for reproductive
9 management, including the diagnosis or treatment of
10 pregnancy, sterility, or infertility.

11 (5) Determining the health and fitness of an animal.

12 (6) Representing oneself, directly or indirectly, as
13 engaging in the practice of veterinary medicine.

14 (7) Using any word, letters, or title under such
15 circumstances as to induce the belief that the person
16 using them is qualified to engage in the practice of
17 veterinary medicine or any of its branches. Such use shall
18 be prima facie evidence of the intention to represent
19 oneself as engaging in the practice of veterinary
20 medicine.

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 "Supervising veterinarian" means a veterinarian who
24 assumes responsibility for the professional care given to an
25 animal by a person working under his or her direction in either
26 an immediate, direct, or indirect supervision arrangement. The

1 supervising veterinarian must have examined the animal at such
2 time as acceptable veterinary medical practices requires,
3 consistent with the particular delegated animal health care
4 task.

5 "Therapeutic" means the treatment, control, and prevention
6 of disease.

7 "Veterinarian" means a person who is validly and currently
8 licensed to practice veterinary medicine in this State.

9 "Veterinarian-client-patient relationship" means that all
10 of the following conditions have been met:

11 (1) The veterinarian has assumed the responsibility
12 for making clinical judgments regarding the health of an
13 animal and the need for medical treatment and the client,
14 owner, or other caretaker has agreed to follow the
15 instructions of the veterinarian;

16 (2) There is sufficient knowledge of an animal by the
17 veterinarian to initiate at least a general or preliminary
18 diagnosis of the medical condition of the animal. This
19 means that the veterinarian has recently seen and is
20 personally acquainted with the keeping and care of the
21 animal by virtue of an in-person examination of the animal
22 or by medically appropriate and timely visits to the
23 premises where the animal is kept, or the veterinarian has
24 access to the ~~animal~~ patient's records and has been
25 designated by the veterinarian with the prior relationship
26 to provide reasonable and appropriate medical care if the

1 veterinarian with the prior relationship ~~he or she~~ is
2 unavailable; and

3 (3) The practicing veterinarian is readily available
4 for follow-up in case of adverse reactions or failure of
5 the treatment regimen or, if unavailable, has designated
6 another available veterinarian who has access to the
7 ~~animal~~ patient's records to provide reasonable and
8 appropriate medical care.

9 "Veterinarian-client-patient relationship" does not mean a
10 relationship solely based on telephonic or other electronic
11 communications.

12 "Veterinary medicine" means all branches and specialties
13 included within the practice of veterinary medicine.

14 "Veterinary premises" means any premises or facility where
15 the practice of veterinary medicine occurs, including, but not
16 limited to, a mobile clinic, outpatient clinic, satellite
17 clinic, or veterinary hospital or clinic. "Veterinary
18 premises" does not mean the premises of a veterinary client,
19 research facility, a federal military base, or an accredited
20 college of veterinary medicine.

21 "Veterinary prescription drugs" means those drugs
22 restricted to use by or on the order of a licensed veterinarian
23 in accordance with Section 503(f) of the Federal Food, Drug,
24 and Cosmetic Act (21 U.S.C. 353).

25 "Veterinary specialist" means a veterinarian: (1) who has
26 been awarded and maintains certification from a veterinary

1 specialty organization recognized by the American Board of
2 Veterinary Specialties; (2) who has been awarded and maintains
3 certification from a veterinary certifying organization whose
4 standards have been found by the Board to be equivalent to or
5 more stringent than those of American Board of Veterinary
6 Specialties-recognized veterinary specialty organizations; or
7 (3) who otherwise meets criteria that may be established by
8 the Board to support a claim to be a veterinary specialist ~~that~~
9 ~~a veterinarian is a diplomate within an AVMA recognized~~
10 ~~veterinary specialty organization.~~

11 "Veterinary technology" means the performance of services
12 within the field of veterinary medicine by a person who, for
13 compensation or personal profit, is employed by a licensed
14 veterinarian to perform duties that require an understanding
15 of veterinary medicine necessary to carry out the orders of
16 the veterinarian. Those services, however, shall not include
17 diagnosing, prognosing, prescribing ~~writing prescriptions~~, or
18 surgery.

19 (Source: P.A. 98-339, eff. 12-31-13.)

20 (225 ILCS 115/3.5 new)

21 Sec. 3.5. Address of record; email address of record. All
22 applicants and licensees shall:

23 (1) provide a valid address and email address to the
24 Department, which shall serve as the address of record and
25 email address of record, respectively, at the time of

1 application for licensure or renewal of a license; and
2 (2) inform the Department of any change of address of
3 record or email address of record within 14 days after
4 such change either through the Department's website or by
5 contacting the Department's licensure maintenance unit.

6 (225 ILCS 115/4) (from Ch. 111, par. 7004)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 4. Exemptions. Nothing in this Act shall apply to any
9 of the following:

10 (1) Veterinarians employed by the federal or State
11 government while engaged in their official duties.

12 (2) Licensed veterinarians from other states who are
13 invited to Illinois for consultation by a veterinarian
14 licensed in Illinois.

15 (3) Veterinarians employed by colleges or universities
16 while engaged in the performance of their official duties,
17 or faculty engaged in animal husbandry or animal
18 management programs of colleges or universities.

19 (3.5) A veterinarian or veterinary technician from
20 another state or country who (A) is not licensed under
21 this Act; (B) is currently licensed as a veterinarian or
22 veterinary technician in another state or country, or
23 otherwise exempt from licensure in the other state; (C) is
24 an invited guest of a professional veterinary association,
25 veterinary training program, or continuing education

1 provider approved by the Department; and (D) engages in
2 professional education through lectures, clinics, or
3 demonstrations.

4 (4) A veterinarian employed by an accredited college
5 of veterinary medicine providing assistance requested by a
6 veterinarian licensed in Illinois, acting with informed
7 consent from the client and acting under the direct or
8 indirect supervision and control of the licensed
9 veterinarian. Providing assistance involves hands-on
10 active participation in the treatment and care of the
11 patient. The licensed veterinarian shall maintain
12 responsibility for the veterinarian-client-patient
13 relationship.

14 (5) Veterinary students in an accredited college of
15 veterinary medicine, university, department of a
16 university, or other institution of veterinary medicine
17 and surgery engaged in duties assigned by their
18 instructors or working under the immediate or direct
19 supervision of a licensed veterinarian.

20 (5.5) Students of an accredited program in veterinary
21 technology performing veterinary technology duties or
22 actions assigned by instructors or working under the
23 immediate or direct supervision of a licensed
24 veterinarian.

25 (6) Any person engaged in bona fide scientific
26 research which requires the use of animals.

1 (7) An owner of livestock and any of the owner's
2 employees or the owner and employees of a service and care
3 provider of livestock caring for and treating livestock
4 belonging to the owner or under a provider's care,
5 including but not limited to, the performance of husbandry
6 and livestock management practices such as dehorning,
7 castration, emasculation, or docking of cattle, horses,
8 sheep, goats, and swine, artificial insemination, and
9 drawing of semen. Nor shall this Act be construed to
10 prohibit any person from administering in a humane manner
11 medicinal or surgical treatment to any livestock in the
12 care of such person. However, any such services shall
13 comply with the Humane Care for Animals Act.

14 (8) An owner of an animal, or an agent of the owner
15 acting with the owner's approval, in caring for, training,
16 or treating an animal belonging to the owner, so long as
17 that individual or agent does not represent himself or
18 herself as a veterinarian or use any title associated with
19 the practice of veterinary medicine or surgery or
20 diagnose, prescribe drugs, or perform surgery. The agent
21 shall provide the owner with a written statement
22 summarizing the nature of the services provided and obtain
23 a signed acknowledgment from the owner that they accept
24 the services provided. The services shall comply with the
25 Humane Care for Animals Act. The provisions of this item
26 (8) do not apply to a person who is exempt under item (7).

1 (9) A member in good standing of another licensed or
2 regulated profession within any state or a member of an
3 organization or group approved by the Department by rule
4 providing assistance that is requested in writing by a
5 veterinarian licensed in this State acting within a
6 veterinarian-client-patient relationship and with
7 ~~informed~~ consent from the client and the member is acting
8 under the immediate, direct, or indirect supervision and
9 control of the licensed veterinarian. Providing assistance
10 involves hands-on active participation in the treatment
11 and care of the patient, as defined by rule. The licensed
12 veterinarian shall maintain responsibility for the
13 veterinarian-client-patient relationship, but shall be
14 immune from liability, except for willful and wanton
15 conduct, in any civil or criminal action if a member
16 providing assistance does not meet the requirements of
17 this item (9).

18 (10) A graduate of a non-accredited college of
19 veterinary medicine who is in the process of obtaining a
20 certificate of educational equivalence and is performing
21 duties or actions assigned by instructors in an approved
22 college of veterinary medicine.

23 (10.5) A veterinarian who is enrolled in a
24 postgraduate instructional program in an accredited
25 college of veterinary medicine performing duties or
26 actions assigned by instructors or working under the

1 immediate or direct supervision of a licensed veterinarian
2 or a faculty member of the College of Veterinary Medicine
3 at the University of Illinois.

4 (11) A certified euthanasia technician who is
5 authorized to perform euthanasia in the course and scope
6 of his or her employment only as permitted by the Humane
7 Euthanasia in Animal Shelters Act.

8 (12) A person who, without expectation of
9 compensation, provides emergency veterinary care in an
10 emergency or disaster situation so long as the person ~~he~~
11 ~~or she~~ does not represent oneself ~~himself or herself~~ as a
12 veterinarian or use a title or degree pertaining to the
13 practice of veterinary medicine and surgery.

14 (13) Any certified veterinary technician or other
15 employee of a licensed veterinarian performing permitted
16 duties other than diagnosis, prognosis, prescribing
17 ~~prescription~~, or surgery under the appropriate direction
18 and supervision of the veterinarian, who shall be
19 responsible for the performance of the employee.

20 (13.5) Any pharmacist licensed in the State, merchant,
21 or manufacturer selling at a ~~his or her~~ regular place of
22 business medicines, feed, appliances, or other products
23 used in the prevention or treatment of animal diseases as
24 permitted by law and provided that the services provided
25 ~~he or she provides~~ do not include diagnosing, prognosing,
26 prescribing ~~writing prescriptions~~, or surgery.

1 (14) An approved humane investigator regulated under
2 the Humane Care for Animals Act or employee of a shelter
3 licensed under the Animal Welfare Act, working under the
4 indirect supervision of a licensed veterinarian.

5 (15) An individual providing equine dentistry services
6 requested by a veterinarian licensed to practice in this
7 State, an owner, or an owner's agent. For the purposes of
8 this item (15), "equine dentistry services" means floating
9 teeth without the use of drugs or extraction.

10 (15.5) In the event of an emergency or disaster, a
11 veterinarian or veterinary technician not licensed in this
12 State who (A) is responding to a request for assistance
13 from the Illinois Department of Agriculture, the Illinois
14 Department of Public Health, the Illinois Emergency
15 Management Agency, or other State agency as determined by
16 the Department; (B) is licensed and in good standing in
17 another state; and (C) has been granted a temporary waiver
18 from licensure by the Department.

19 (16) Private treaty sale of animals unless otherwise
20 provided by law.

21 (Source: P.A. 98-339, eff. 12-31-13.)

22 (225 ILCS 115/4.5 new)

23 Sec. 4.5. Telemedicine. Telemedicine occurs when either
24 the animal who is receiving the care is located in the State
25 when receiving telemedicine treatment or the veterinarian

1 providing the care to the animal is located in the State when
2 providing telemedicine treatment, pursuant to the provisions
3 of Section 5. Telemedicine may only be used when a
4 veterinarian has an established veterinarian-client-patient
5 relationship. Telemedicine may be used in the following
6 circumstance:

7 (1) when a physical examination of the patient has
8 been conducted within one year; and

9 (2) if it is possible to make a diagnosis and create a
10 treatment plan without a recent physical examination based
11 on professional standards of care.

12 A veterinarian shall not substitute telehealth,
13 teleadvice, telemedicine, or teletriage when a physical
14 examination is warranted or necessary for an accurate
15 diagnosis of any medical condition or creation of an
16 appropriate treatment plan. All minimum standards of practice
17 and provisions under this Act and rules shall be maintained.

18 A veterinarian shall ensure that any technology used in
19 the provision of telemedicine is sufficient and of appropriate
20 quality to provide accurate remote assessment and diagnosis. A
21 veterinarian shall meet all recordkeeping requirements
22 pursuant to subsection (c) of Section 25.17.

23 A supervising veterinarian may delegate telemedicine
24 services to a certified veterinary technician who is acting
25 under direct or indirect supervision and in accordance with
26 the Act and rules. A valid veterinarian-client-patient

1 relationship established by a physical examination conducted
2 by the supervising veterinarian must exist for the certified
3 veterinary technician to provide delegated telemedicine
4 services.

5 A veterinarian and a certified veterinary technician
6 providing telemedicine services shall, at the time of service,
7 provide the veterinarian or certified veterinary technician's
8 contact information, including the veterinarian or certified
9 veterinary technician's full name, to the client or practice
10 using the service. All telemedicine records shall be provided
11 to the client upon request.

12 (225 ILCS 115/8) (from Ch. 111, par. 7008)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 8. Qualifications. A person is qualified to receive a
15 license if the applicant ~~he or she~~: (1) is of good moral
16 character; (2) has graduated from an accredited college or
17 school of veterinary medicine; and (3) has passed the
18 examination authorized by the Department to determine fitness
19 to hold a license.

20 Applicants for licensure from non-accredited veterinary
21 schools are required to successfully complete a program of
22 educational equivalency as established by rule. At a minimum,
23 this program shall include all of the following:

24 (1) A certified transcript indicating graduation from
25 such college.

1 (2) Successful completion of a communication ability
2 examination designed to assess communication skills,
3 including a command of the English language.

4 (3) Successful completion of an examination or
5 assessment mechanism designed to evaluate educational
6 equivalence, including both preclinical and clinical
7 competencies.

8 (4) Any other reasonable assessment mechanism designed
9 to ensure an applicant possesses the educational
10 background necessary to protect the public health and
11 safety.

12 Successful completion of the criteria set forth in this
13 Section shall establish education equivalence as one of the
14 criteria for licensure set forth in this Act. Applicants under
15 this Section must also meet all other statutory criteria for
16 licensure prior to the issuance of any such license, including
17 graduation from veterinary school.

18 A graduate of a non-approved veterinary school who was
19 issued a work permit by the Department before the effective
20 date of this amendatory Act of the 93rd General Assembly may
21 continue to work under the direct supervision of a licensed
22 veterinarian until the expiration of his or her permit.

23 In determining moral character under this Section, the
24 Department may take into consideration any felony conviction
25 of the applicant, but such a conviction shall not operate as a
26 bar to obtaining a license. The Department may also request

1 the applicant to submit and may consider as evidence of moral
2 character, endorsements from 2 individuals licensed under this
3 Act.

4 (Source: P.A. 93-281, eff. 12-31-03.)

5 (225 ILCS 115/10) (from Ch. 111, par. 7010)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 10. Application for licensure. A person who desires
8 to obtain a license as a veterinarian or a certificate as a
9 veterinary technician shall apply to the Department on forms
10 provided by the Department. Each application shall be
11 accompanied by proof of qualifications and shall be verified
12 by the applicant under oath and be accompanied by the required
13 fee.

14 If an applicant neglects, fails, or refuses to take an
15 examination or fails to pass an examination for a license or
16 otherwise fails to complete the application process under this
17 Act within 3 years after filing the applicant's application,
18 the application shall be denied. However, such applicant may
19 make a new application for examination accompanied by the
20 required fee and must furnish proof of meeting qualifications
21 for examination in effect at the time of new application.

22 (Source: P.A. 88-424.)

23 (225 ILCS 115/10.5)

24 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 10.5. Social Security Number or individual taxpayer
2 identification number on license application. In addition to
3 any other information required to be contained in the
4 application, every application for an original license under
5 this Act shall include the applicant's Social Security Number
6 or individual taxpayer identification number, which shall be
7 retained in the agency's records pertaining to the license. As
8 soon as practical, the Department shall assign a customer's
9 identification number to each applicant for a license.

10 Every application for a renewal or restored license shall
11 require the applicant's customer identification number.

12 (Source: P.A. 97-400, eff. 1-1-12.)

13 (225 ILCS 115/11) (from Ch. 111, par. 7011)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 11. Practice pending licensure. A person holding the
16 degree of Doctor of Veterinary Medicine, or its equivalent,
17 from an accredited college of veterinary medicine, and who has
18 applied in writing to the Department for a license to practice
19 veterinary medicine and surgery in any of its branches, and
20 who has fulfilled the requirements of Section 8 of this Act,
21 with the exception of receipt of notification of his or her
22 examination results, may practice under the direct supervision
23 of a veterinarian who is licensed in this State, until: (1) the
24 applicant has been notified of his or her failure to pass the
25 examination authorized by the Department; (2) the applicant

1 has withdrawn his or her application; (3) the applicant has
2 received a license from the Department after successfully
3 passing the examination authorized by the Department; or (4)
4 the applicant has been notified by the Department to cease and
5 desist from practicing.

6 The applicant shall perform only those acts that may be
7 prescribed by and incidental to his or her employment and
8 those acts shall be performed under the direction of a
9 supervising veterinarian who is licensed in this State. The
10 applicant shall not be entitled to otherwise engage in the
11 practice of veterinary medicine until fully licensed in this
12 State.

13 The Department shall immediately notify, ~~by certified~~
14 ~~mail,~~ the supervising veterinarian employing the applicant and
15 the applicant that the applicant shall immediately cease and
16 desist from practicing if the applicant (1) practices outside
17 his or her employment under a licensed veterinarian; (2)
18 violates any provision of this Act; or (3) becomes ineligible
19 for licensure under this Act.

20 (Source: P.A. 96-571, eff. 8-18-09; 96-638, eff. 8-24-09;
21 96-1000, eff. 7-2-10.)

22 (225 ILCS 115/12) (from Ch. 111, par. 7012)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 12. Renewal and inactive status; restoration;
25 military service.

1 (a) The expiration date and renewal period for each
2 license or certificate shall be set by rule.

3 (b) A licensee who has permitted his or her license to
4 expire or who has had his or her license on inactive status may
5 have the license restored by making application to the
6 Department by filing proof acceptable to the Department of his
7 or her fitness to have the license restored and by paying the
8 required fees. Proof of fitness may include sworn evidence
9 certifying to active lawful practice in another jurisdiction.
10 If the licensee has not maintained an active practice in
11 another jurisdiction satisfactory to the Department, the
12 Department shall determine, by an evaluation program
13 established by rule, his or her fitness for restoration of the
14 license and shall establish procedures and requirements for
15 restoration.

16 (c) A licensee whose license expired while the licensee ~~he~~
17 ~~or she~~ was (1) in federal service on active duty with the Armed
18 Forces of the United States or the State Militia called into
19 service or training or (2) in training or education under the
20 supervision of the United States before induction into the
21 military service, may have the license restored without paying
22 any lapsed renewal fees if within 2 years after honorable
23 termination of the service, training, or education the
24 licensee ~~he or she~~ furnishes the Department with satisfactory
25 evidence to the effect that the licensee ~~he or she~~ has been so
26 engaged and that the licensee's ~~his or her~~ service, training,

1 or education has been so terminated.

2 (d) Any licensee who notifies the Department in writing on
3 the prescribed form may place the licensee's~~his or her~~ license
4 or certification on an inactive status and shall, subject to
5 rule, be exempt from payment of the renewal fee until the
6 licensee ~~he or she~~ notifies the Department in writing of the
7 licensee's ~~his or her~~ intention to resume active status.

8 (e) Any veterinarian or certified veterinary technician
9 requesting restoration from inactive or expired status shall
10 be required to complete the continuing education requirements
11 for a single license or certificate renewal period, pursuant
12 to rule, and pay the current renewal fee to restore the renewal
13 applicant's ~~his or her~~ license or certification as provided in
14 this Act.

15 (f) Any licensee whose license is in inactive, expired, or
16 suspended status shall not practice veterinary medicine and
17 surgery in this State.

18 (Source: P.A. 98-339, eff. 12-31-13.)

19 (225 ILCS 115/14.1) (from Ch. 111, par. 7014.1)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 14.1. Returned checks; fines. Any person who delivers
22 a check or other payment to the Department that is returned to
23 the Department unpaid by the financial institution upon which
24 it is drawn shall pay to the Department, in addition to the
25 amount already owed to the Department, a fine of \$50. The fines

1 imposed by this Section are in addition to any other
2 discipline provided under this Act for unlicensed practice or
3 practice on a nonrenewed license or certificate. The
4 Department shall notify the person that payment of fees and
5 fines shall be paid to the Department by certified check or
6 money order within 30 calendar days of the notification. If,
7 after the expiration of 30 days from the date of the
8 notification, the person has failed to submit the necessary
9 remittance, the Department shall automatically terminate the
10 license or certificate or deny the application, without
11 hearing. If, after termination or denial, the person seeks a
12 license or certificate, the person ~~he or she~~ shall apply to the
13 Department for restoration or issuance of the license or
14 certificate and pay all fees and fines due to the Department.
15 The Department may establish a fee for the processing of an
16 application for restoration of a license or certificate to pay
17 all expenses of processing this application. The Secretary may
18 waive the fines due under this Section in individual cases
19 where the Secretary finds that the fines would be unreasonable
20 or unnecessarily burdensome.

21 (Source: P.A. 96-1322, eff. 7-27-10.)

22 (225 ILCS 115/25) (from Ch. 111, par. 7025)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 25. Disciplinary actions.

25 1. The Department may refuse to issue or renew, or may

1 revoke, suspend, place on probation, reprimand, or take other
2 disciplinary or non-disciplinary action as the Department may
3 deem appropriate, including imposing fines not to exceed
4 \$10,000 for each violation and the assessment of costs as
5 provided for in Section 25.3 of this Act, with regard to any
6 license or certificate for any one or combination of the
7 following:

8 A. Material misstatement in furnishing information to
9 the Department.

10 B. Violations of this Act, or of the rules adopted
11 pursuant to this Act.

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

21 D. Fraud or any misrepresentation in applying for or
22 procuring a license under this Act or in connection with
23 applying for renewal of a license under this Act.

24 E. Professional incompetence.

25 F. Malpractice.

26 G. Aiding or assisting another person in violating any

1 provision of this Act or rules.

2 H. Failing, within 60 days, to provide information in
3 response to a written request made by the Department.

4 I. Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 J. Habitual or excessive use or abuse of drugs defined
8 in law as controlled substances, alcohol, or any other
9 substance that results in the inability to practice with
10 reasonable judgment, skill, or safety.

11 K. Discipline by another state, unit of government,
12 government agency, District of Columbia, territory, or
13 foreign nation, if at least one of the grounds for the
14 discipline is the same or substantially equivalent to
15 those set forth herein.

16 L. Charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered.

19 M. A finding by the Board that the licensee or
20 certificate holder, after having his license or
21 certificate placed on probationary status, has violated
22 the terms of probation.

23 N. Willfully making or filing false records or reports
24 in his practice, including but not limited to false
25 records filed with State agencies or departments.

26 O. Physical illness, including but not limited to,

1 deterioration through the aging process, or loss of motor
2 skill which results in the inability to practice under
3 this Act with reasonable judgment, skill, or safety.

4 P. Solicitation of professional services other than
5 permitted advertising.

6 Q. Allowing one's license under this Act to be used by
7 an unlicensed person in violation of this Act.

8 R. Conviction of or cash compromise of a charge or
9 violation of the Harrison Act or the Illinois Controlled
10 Substances Act, regulating narcotics.

11 S. Fraud or dishonesty in applying, treating, or
12 reporting on tuberculin or other biological tests.

13 T. Failing to report, as required by law, or making
14 false report of any contagious or infectious diseases.

15 U. Fraudulent use or misuse of any health certificate,
16 shipping certificate, brand inspection certificate, or
17 other blank forms used in practice that might lead to the
18 dissemination of disease or the transportation of diseased
19 animals dead or alive; or dilatory methods, willful
20 neglect, or misrepresentation in the inspection of milk,
21 meat, poultry, and the by-products thereof.

22 V. Conviction on a charge of cruelty to animals.

23 W. Failure to keep one's premises and all equipment
24 therein in a clean and sanitary condition.

25 X. Failure to provide satisfactory proof of having
26 participated in approved continuing education programs.

1 Y. Mental illness or disability that results in the
2 inability to practice under this Act with reasonable
3 judgment, skill, or safety.

4 Z. (Blank). ~~Conviction by any court of competent~~
5 ~~jurisdiction, either within or outside this State, of any~~
6 ~~violation of any law governing the practice of veterinary~~
7 ~~medicine, if the Department determines, after~~
8 ~~investigation, that the person has not been sufficiently~~
9 ~~rehabilitated to warrant the public trust.~~

10 AA. Promotion of the sale of drugs, devices,
11 appliances, or goods provided for a patient in any manner
12 to exploit the client for financial gain of the
13 veterinarian.

14 BB. Gross, willful, or continued overcharging for
15 professional services.

16 CC. Practicing under a false or, except as provided by
17 law, an assumed name.

18 DD. Violating state or federal laws or regulations
19 relating to controlled substances or legend drugs.

20 EE. Cheating on or attempting to subvert the licensing
21 examination administered under this Act.

22 FF. Using, prescribing, or selling a prescription drug
23 or the extra-label use of a prescription drug by any means
24 in the absence of a valid veterinarian-client-patient
25 relationship.

26 GG. Failing to report a case of suspected aggravated

1 cruelty, torture, or animal fighting pursuant to Section
2 3.07 or 4.01 of the Humane Care for Animals Act or Section
3 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
4 Code of 2012.

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the fine
7 or in accordance with the terms set forth in the order imposing
8 the fine.

9 2. The determination by a circuit court that a licensee or
10 certificate holder is subject to involuntary admission or
11 judicial admission as provided in the Mental Health and
12 Developmental Disabilities Code operates as an automatic
13 suspension. The suspension will end only upon a finding by a
14 court that the patient is no longer subject to involuntary
15 admission or judicial admission and issues an order so finding
16 and discharging the patient. In any case where a license is
17 suspended under this provision, the licensee shall file a
18 petition for restoration and shall include evidence acceptable
19 to the Department that the licensee can resume practice in
20 compliance with acceptable and prevailing standards of his or
21 her profession.

22 3. All proceedings to suspend, revoke, place on
23 probationary status, or take any other disciplinary action as
24 the Department may deem proper, with regard to a license or
25 certificate on any of the foregoing grounds, must be commenced
26 within 5 years after receipt by the Department of a complaint

1 alleging the commission of or notice of the conviction order
2 for any of the acts described in this Section. Except for
3 proceedings brought for violations of items (CC), (DD), or
4 (EE), no action shall be commenced more than 5 years after the
5 date of the incident or act alleged to have violated this
6 Section. In the event of the settlement of any claim or cause
7 of action in favor of the claimant or the reduction to final
8 judgment of any civil action in favor of the plaintiff, the
9 claim, cause of action, or civil action being grounded on the
10 allegation that a person licensed or certified under this Act
11 was negligent in providing care, the Department shall have an
12 additional period of one year from the date of the settlement
13 or final judgment in which to investigate and begin formal
14 disciplinary proceedings under Section 25.2 of this Act,
15 except as otherwise provided by law. The time during which the
16 holder of the license or certificate was outside the State of
17 Illinois shall not be included within any period of time
18 limiting the commencement of disciplinary action by the
19 Department.

20 4. The Department may refuse to issue or may suspend
21 without hearing, as provided for in the Illinois Code of Civil
22 Procedure, the license of any person who fails to file a
23 return, to pay the tax, penalty, or interest shown in a filed
24 return, or to pay any final assessment of tax, penalty, or
25 interest as required by any tax Act administered by the
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance
2 with subsection (g) of Section 2105-15 of the Civil
3 Administrative Code of Illinois.

4 5. In enforcing this Section, the Department, upon a
5 showing of a possible violation, may compel any individual who
6 is registered under this Act or any individual who has applied
7 for registration to submit to a mental or physical examination
8 or evaluation, or both, which may include a substance abuse or
9 sexual offender evaluation, at the expense of the Department.
10 The Department shall specifically designate the examining
11 physician licensed to practice medicine in all of its branches
12 or, if applicable, the multidisciplinary team involved in
13 providing the mental or physical examination and evaluation.
14 The multidisciplinary team shall be led by a physician
15 licensed to practice medicine in all of its branches and may
16 consist of one or more or a combination of physicians licensed
17 to practice medicine in all of its branches, licensed
18 chiropractic physicians, licensed clinical psychologists,
19 licensed clinical social workers, licensed clinical
20 professional counselors, and other professional and
21 administrative staff. Any examining physician or member of the
22 multidisciplinary team may require any person ordered to
23 submit to an examination and evaluation pursuant to this
24 Section to submit to any additional supplemental testing
25 deemed necessary to complete any examination or evaluation
26 process, including, but not limited to, blood testing,

1 urinalysis, psychological testing, or neuropsychological
2 testing.

3 The Department may order the examining physician or any
4 member of the multidisciplinary team to provide to the
5 Department any and all records, including business records,
6 that relate to the examination and evaluation, including any
7 supplemental testing performed. The Department may order the
8 examining physician or any member of the multidisciplinary
9 team to present testimony concerning this examination and
10 evaluation of the registrant or applicant, including testimony
11 concerning any supplemental testing or documents relating to
12 the examination and evaluation. No information, report,
13 record, or other documents in any way related to the
14 examination and evaluation shall be excluded by reason of any
15 common law or statutory privilege relating to communication
16 between the licensee or applicant and the examining physician
17 or any member of the multidisciplinary team. No authorization
18 is necessary from the registrant or applicant ordered to
19 undergo an evaluation and examination for the examining
20 physician or any member of the multidisciplinary team to
21 provide information, reports, records, or other documents or
22 to provide any testimony regarding the examination and
23 evaluation. The individual to be examined may have, at his or
24 her own expense, another physician of his or her choice
25 present during all aspects of the examination.

26 Failure of any individual to submit to mental or physical

1 examination or evaluation, or both, when directed, shall
2 result in an automatic suspension without hearing, until such
3 time as the individual submits to the examination. If the
4 Department finds a registrant unable to practice because of
5 the reasons set forth in this Section, the Department shall
6 require such registrant to submit to care, counseling, or
7 treatment by physicians approved or designated by the
8 Department as a condition for continued, reinstated, or
9 renewed registration.

10 In instances in which the Secretary immediately suspends a
11 registration under this Section, a hearing upon such person's
12 registration must be convened by the Department within 15 days
13 after such suspension and completed without appreciable delay.
14 The Department shall have the authority to review the
15 registrant's record of treatment and counseling regarding the
16 impairment to the extent permitted by applicable federal
17 statutes and regulations safeguarding the confidentiality of
18 medical records.

19 Individuals registered under this Act who are affected
20 under this Section, shall be afforded an opportunity to
21 demonstrate to the Department that they can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of their registration.

24 6. (Blank).

25 7. In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency
3 to the Department, the Department may refuse to issue or renew
4 or may revoke or suspend that person's license or may take
5 other disciplinary action against that person based solely
6 upon the certification of delinquency made by the Department
7 of Healthcare and Family Services in accordance with paragraph
8 (5) of subsection (a) of Section 2105-15 of the Civil
9 Administrative Code of Illinois.

10 (Source: P.A. 99-78, eff. 7-20-15; 100-872, eff. 8-14-18.)

11 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 25.2. Investigation; notice and hearing. The
14 Department may investigate the actions of any applicant or of
15 any person or persons holding or claiming to hold a license or
16 certificate. The Department shall, before refusing to issue,
17 to renew or discipline a license or certificate under Section
18 25, at least 30 days prior to the date set for the hearing,
19 notify the applicant or licensee in writing of the nature of
20 the charges and the time and place for a hearing on the
21 charges. The Department shall direct the applicant,
22 certificate holder, or licensee to file a written answer to
23 the charges with the Board under oath within 20 days after the
24 service of the notice and inform the applicant, certificate
25 holder, or licensee that failure to file an answer will result

1 in default being taken against the applicant, certificate
2 holder, or licensee. At the time and place fixed in the notice,
3 the Department shall proceed to hear the charges and the
4 parties or their counsel shall be accorded ample opportunity
5 to present any pertinent statements, testimony, evidence, and
6 arguments. The Department may continue the hearing from time
7 to time. In case the person, after receiving the notice, fails
8 to file an answer, his or her license may, in the discretion of
9 the Department, be revoked, suspended, placed on probationary
10 status, or the Department may take whatever disciplinary
11 action considered proper, including limiting the scope,
12 nature, or extent of the person's practice or the imposition
13 of a fine, without a hearing, if the act or acts charged
14 constitute sufficient grounds for that action under the Act.
15 The written notice and any notice in the subsequent proceeding
16 may be served by registered or certified mail to the
17 licensee's address of record or, if in the course of the
18 administrative proceeding the party has previously designated
19 a specific email address at which to accept electronic service
20 for that specific proceeding, by sending a copy by email to an
21 email address on record.

22 (Source: P.A. 98-339, eff. 12-31-13.)

23 (225 ILCS 115/25.6) (from Ch. 111, par. 7025.6)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 25.6. Board report. At the conclusion of the hearing

1 the Board shall present to the Secretary a written report of
2 its findings of fact, conclusions of law, and recommendations.
3 The report shall contain a finding whether or not the accused
4 person violated this Act or failed to comply with the
5 conditions required in this Act. The Board shall specify the
6 nature of the violation or failure to comply, and shall make
7 its recommendations to the Secretary.

8 The report of findings of fact, conclusions of law and
9 recommendation of the Board shall be the basis for the
10 Secretary's ~~Department's~~ order for refusing to issue, restore,
11 or renew a license, or otherwise disciplining a licensee, or
12 for the granting of a license, certificate, or permit. If the
13 Secretary disagrees in any regard with the report of the
14 Board, then the Secretary may issue an order in contravention
15 thereof. The finding is not admissible in evidence against the
16 person in a criminal prosecution brought for the violation of
17 this Act, but the hearing and finding are not a bar to a
18 criminal prosecution brought for the violation of this Act.

19 (Source: P.A. 98-339, eff. 12-31-13.)

20 (225 ILCS 115/25.7) (from Ch. 111, par. 7025.7)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 25.7. Motion for rehearing; procedure upon refusal to
23 license or issue certificate. In any hearing involving the
24 refusal to issue, renew, or discipline a license or
25 certificate, a copy of the Board's report shall be served upon

1 the respondent by the Department, either personally or as
2 provided in this Act for the service of the notice of hearing.
3 Within 20 days after service, the respondent may present to
4 the Secretary ~~Department~~ a motion in writing for a rehearing.
5 The motion shall specify the particular grounds for the
6 rehearing. If no motion for rehearing is filed, then upon the
7 expiration of the time specified for filing a motion, or if a
8 motion for rehearing is denied, then upon the denial, then the
9 Secretary may enter an order in accordance with
10 recommendations of the Board except as provided in Section
11 25.6 of this Act. If the respondent orders from the reporting
12 service, and pays for a transcript of the record within the
13 time for filing a motion for rehearing, the 20-day ~~20-day~~
14 period within which such a motion may be filed shall commence
15 upon the delivery of the transcript to the respondent.

16 (Source: P.A. 98-339, eff. 12-31-13.)

17 (225 ILCS 115/25.9) (from Ch. 111, par. 7025.9)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 25.9. Hearing officers; reports; review. The
20 Secretary shall have the authority to appoint any attorney
21 duly licensed to practice law in the State of Illinois to serve
22 as the hearing officer in any action for refusal to issue,
23 renew, or discipline of a license, certificate, or permit. The
24 hearing officer shall have full authority to conduct the
25 hearing. The hearing officer shall report his or her findings

1 of fact, conclusions of law, and recommendations to the Board
2 ~~and the Secretary~~. The Board shall have 60 days from receipt of
3 the report to review the report of the hearing officer and
4 present its findings of fact, conclusions of law, and
5 recommendations to the Secretary. If the Board fails to
6 present its report within the 60-day ~~60-day~~ period, then the
7 Secretary may issue an order based on the report of the hearing
8 officer. If the Secretary disagrees with the recommendation of
9 the Board or hearing officer, then the Secretary may issue an
10 order in contravention of the report.

11 (Source: P.A. 98-339, eff. 12-31-13.)

12 (225 ILCS 115/25.15) (from Ch. 111, par. 7025.15)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 25.15. Certification of record. The Department shall
15 not be required to certify any record to the Court or file any
16 answer in court or otherwise appear in any court in a judicial
17 review proceeding, unless and until the Department has
18 received from the plaintiff payment of the costs of furnishing
19 and certifying the record, which costs shall be determined by
20 the Department. ~~Exhibits shall be certified without cost.~~
21 Failure on the part of the plaintiff to file a receipt in Court
22 shall be grounds for dismissal of the action.

23 (Source: P.A. 98-339, eff. 12-31-13.)

24 (225 ILCS 115/25.17)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 25.17. Disclosure of patient records; maintenance.

3 (a) No veterinarian shall be required to disclose any
4 information concerning the veterinarian's care of an animal
5 except on written authorization or other waiver by the
6 veterinarian's client or on appropriate court order or
7 subpoena. Any veterinarian releasing information under written
8 authorization, or other waiver by the client, or court order
9 of subpoena is not liable to the client or any other person.
10 The privilege provided by this Section is waived to the extent
11 that the veterinarian's client or the owner of the animal
12 places the care and treatment or the nature and extent of
13 injuries to the animal at issue in any civil or criminal
14 proceeding. When communicable disease laws, cruelty to animal
15 laws, or laws providing for public health and safety are
16 involved, the privilege provided by this Section is waived.

17 (b) Copies of patient records must be released to the
18 client upon written request as provided for by rule.

19 (c) Each person who provides veterinary medical services
20 shall maintain appropriate patient records as defined by rule.
21 The patient records are the property of the practice and the
22 practice owner. Patient records shall, if applicable, include
23 the following:

24 (1) patient identification;

25 (2) client identification;

26 (3) dated reason for visit and pertinent history;

1 (4) physical exam findings;

2 (5) diagnostic, medical, surgical or therapeutic
3 procedures performed;

4 (6) all medical treatment must include identification
5 of each medication given in the practice, together with
6 the date, dosage, and route of administration and
7 frequency and duration of treatment;

8 (7) all medicines dispensed or prescribed must be
9 recorded, including directions for use and quantity;

10 (8) any changes in medications or dosages, including
11 telephonically or electronically initiated changes, must
12 be recorded;

13 (9) if a necropsy is performed, then the record must
14 reflect the findings;

15 (10) any written records and notes, radiographs,
16 sonographic images, video recordings, photographs or other
17 images, and laboratory reports;

18 (11) other information received as the result of
19 consultation;

20 (12) identification of any designated agent of the
21 client for the purpose of authorizing veterinary medical
22 or animal health care decisions; and

23 (13) any authorizations, releases, waivers, or other
24 related documents.

25 (d) Patient records must be maintained for a minimum of 5
26 years from the date of the last known contact with a ~~an animal~~

1 patient.

2 (e) Information and records related to patient care shall
3 remain confidential except as provided in subsections (a) and
4 (b) of this Section.

5 (Source: P.A. 96-1322, eff. 7-27-10.)

6 (225 ILCS 115/27) (from Ch. 111, par. 7027)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 27. Administrative Procedure Act. The Illinois
9 Administrative Procedure Act is hereby expressly adopted and
10 incorporated into this Act as if all of the provisions of that
11 Act were included in this Act, except that the provision of
12 subsection (d) of Section 10-65 of the Illinois Administrative
13 Procedure Act that provides that at hearings the licensee or
14 certificate holder has the right to show compliance with all
15 lawful requirements for retention, continuation, or renewal of
16 the license or certificate is specifically excluded. For the
17 purpose of this Act the notice required under Section 10-25 of
18 the Illinois Administrative Procedure Act is considered
19 sufficient when mailed to the last known address of record or
20 sent electronically to the last known email address of record.

21 (Source: P.A. 98-339, eff. 12-31-13.)

22 (225 ILCS 115/23 rep.)

23 Section 15. The Veterinary Medicine and Surgery Practice
24 Act of 2004 is amended by repealing Section 23.

1 Section 20. The Landscape Architecture Registration Act is
2 amended by changing Section 10 and by adding Section 53 as
3 follows:

4 (225 ILCS 316/10)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 10. Definitions. As used in this Act:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's application file or
9 registrant's registration file as maintained by the
10 Department.

11 "Board" means the Registered Landscape Architecture
12 Registration Board.

13 "Department" means the Department of Financial and
14 Professional Regulation.

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

19 "Landscape architecture" means the art and science of
20 arranging land, together with the spaces and objects upon it,
21 for the purpose of creating a safe, efficient, healthful, and
22 aesthetically pleasing physical environment for human use and
23 enjoyment, as performed by landscape architects.

24 "Landscape architectural practice" means the offering or

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

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

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation. The Secretary may designate his or
18 her duties under this Act to a designee of his or her choice,
19 including, but not limited to, the Director of Professional
20 Regulation.

21 (Source: P.A. 102-284, eff. 8-6-21.)

22 (225 ILCS 316/53 new)

23 Sec. 53. Continuing education. The Department may adopt
24 rules of continuing education for persons registered under
25 this Act. The Department shall consider the recommendations of

1 the Board in establishing the guidelines for the continuing
2 education requirements. The requirements of this Section apply
3 to any person seeking renewal or restoration under Section 50.

4 Section 25. The Electrologist Licensing Act is amended by
5 changing Sections 10, 32, 40, 90, and 120 and by adding Section
6 12 as follows:

7 (225 ILCS 412/10)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 10. Definitions. In this Act:

10 "Address of Record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file as maintained by the Department's
13 licensure maintenance unit. ~~It is the duty of the applicant or~~
14 ~~licensee to inform the Department of any change of address,~~
15 ~~and those changes must be made either through the Department's~~
16 ~~website or by contacting the Department.~~

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Electrologist" means an individual licensed to practice
20 electrology pursuant to the provisions of this Act.

21 "Electrology" means the practice or teaching of services
22 for permanent hair removal utilizing only solid probe
23 electrode type epilation, which may include thermolysis
24 (shortwave, high frequency), electrolysis (galvanic), or a

1 combination of both (superimposed or sequential blend).

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

6 "Secretary" means the Secretary of Financial and
7 Professional Regulation.

8 (Source: P.A. 98-363, eff. 8-16-13.)

9 (225 ILCS 412/12 new)

10 Sec. 12. Address of record and email address of record.

11 All applicants and licensees shall:

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

17 (2) inform the Department of any change of address of
18 record or email address of record within 14 days. Those
19 changes must be made either through the Department's
20 website or by contacting the Department through the
21 Department's licensure maintenance unit.

22 (225 ILCS 412/32)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 32. Social Security number or individual taxpayer

1 identification number on license application. In addition to
2 any other information required to be contained in the
3 application, every application for an original license under
4 this Act shall include the applicant's social security number
5 or individual taxpayer identification number, which shall be
6 retained in the agency's records pertaining to the license. As
7 soon as practical, the Department shall assign a customer's
8 identification number to each applicant for a license.

9 Every application for a renewed, reinstated, or restored
10 license shall require the applicant's customer identification
11 number.

12 (Source: P.A. 97-400, eff. 1-1-12; 98-363, eff. 8-16-13.)

13 (225 ILCS 412/40)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 40. Administrative Procedure Act. The Illinois
16 Administrative Procedure Act is hereby expressly adopted and
17 incorporated in this Act as if all of the provisions of the
18 Illinois Administrative Procedure Act were included in this
19 Act, except that the provision of paragraph (d) of Section
20 10-65 of the Illinois Administrative Procedure Act, which
21 provides that at hearings the licensee has the right to show
22 compliance with all lawful requirements for retention,
23 continuation, or renewal of the license, is specifically
24 excluded. For the purposes of this Act, the notice required
25 under Section 10-25 of the Illinois Administrative Procedure

1 Act is considered to be sufficient when mailed to the
2 licensee's address of record or email address of record.

3 (Source: P.A. 98-363, eff. 8-16-13.)

4 (225 ILCS 412/90)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 90. Investigations; notice and hearing.

7 (a) The Department may investigate the actions of an
8 applicant or a person holding or claiming to hold a license.

9 (b) Before refusing to issue or renew a license or take any
10 disciplinary or non-disciplinary action against a licensed
11 electrologist pursuant to Section 75 of this Act, the
12 Department shall notify in writing the applicant or the
13 licensee of the nature of the charges and that a hearing will
14 be held on the date designated, which shall be at least 30 days
15 after the date of the notice. The Department shall direct the
16 applicant or licensee to file a written answer to the
17 Department under oath within 20 days after the service of the
18 notice and inform the applicant or licensee that failure to
19 file an answer will result in default being taken against the
20 applicant or licensee and that the license may be suspended,
21 revoked, placed on probationary status, or other disciplinary
22 or non-disciplinary action may be taken, including limiting
23 the scope, nature, or extent of business as the Secretary may
24 deem proper. Written notice may be served by certified or
25 registered mail sent to the licensee's address of record.

1 The written notice and any notice in the subsequent
2 proceeding may be served electronically to the licensee's
3 email address of record, or, if in the course of the
4 administrative proceeding the party has previously designated
5 a specific email address at which to accept electronic service
6 for that specific proceeding, by sending a copy by email to the
7 email address on record.

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

16 At the time and place fixed in the notice, the Department
17 shall proceed to hear the charges, and the parties or their
18 counsel shall be accorded ample opportunity to present any
19 pertinent statements, testimony, evidence, and argument. The
20 Department may continue a hearing from time to time.

21 (Source: P.A. 98-363, eff. 8-16-13.)

22 (225 ILCS 412/120)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 120. Motion for rehearing. In any case involving the
25 refusal to issue or renew a license, or the discipline of a

1 licensee, a copy of the hearing officer's report shall be
2 served upon the respondent by the Secretary ~~Department~~, either
3 personally or as provided in this Act for the service of the
4 notice of hearing. Within 20 days after service, the
5 respondent may present to the Department a motion in writing
6 for a rehearing which shall specify the particular grounds for
7 rehearing. If no motion for rehearing is filed, then upon the
8 expiration of the time specified for filing a motion, or if a
9 motion for rehearing is denied, then upon denial, the
10 Secretary may enter an order in accordance with the
11 recommendation of the hearing officer. If the respondent
12 orders from the reporting service, and pays for a transcript
13 of the record within the time for filing a motion for
14 rehearing, the 20-day period within which a motion may be
15 filed shall commence upon the delivery of the transcript to
16 the respondent.

17 (Source: P.A. 98-363, eff. 8-16-13.)

18 Section 30. The Private Detective, Private Alarm, Private
19 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
20 amended by changing Sections 5-10, 10-5, 10-20, 10-37, 10-45,
21 15-5, 15-10, 15-15, 15-25, 20-10, 20-15, 20-20, 25-5, 25-10,
22 25-15, 25-20, 25-30, 30-5, 30-10, 30-15, 30-20, 30-30, 31-5,
23 31-10, 31-15, 31-20, 35-5, 35-10, 35-15, 35-25, 35-30, 35-35,
24 35-43, 35-45, 40-5, 40-10, 40-20, 40-25, 40-30, 45-10, 45-15,
25 45-40, 45-55, 50-5, 50-10, 50-15, 50-20, and 50-45 as follows:

1 (225 ILCS 447/5-10)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 5-10. Definitions. As used in this Act:

4 "Address of record" means the designated address recorded
5 by the Department in the applicant's application file or the
6 licensee's license file, as maintained by the Department's
7 licensure maintenance unit.

8 "Advertisement" means any public media, including printed
9 or electronic material, that is published or displayed in a
10 phone book, newspaper, magazine, pamphlet, newsletter,
11 website, or other similar type of publication or electronic
12 format that is intended to either attract business or merely
13 provide contact information to the public for an agency or
14 licensee. Advertisement shall not include a licensee's or an
15 agency's letterhead, business cards, or other stationery used
16 in routine business correspondence or customary name, address,
17 and number type listings in a telephone directory.

18 "Alarm system" means any system, including an electronic
19 access control system, a surveillance video system, a security
20 video system, a burglar alarm system, a fire alarm system, or
21 any other electronic system that activates an audible,
22 visible, remote, or recorded signal that is designed for the
23 protection or detection of intrusion, entry, theft, fire,
24 vandalism, escape, or trespass, or other electronic systems
25 designed for the protection of life by indicating the

1 existence of an emergency situation. "Alarm system" also
2 includes an emergency communication system and a mass
3 notification system.

4 "Applicant" means a person or business applying for
5 licensure, registration, or authorization under this Act. Any
6 applicant or person who holds oneself ~~himself or herself~~ out
7 as an applicant is considered a licensee or registrant for the
8 purposes of enforcement, investigation, hearings, and the
9 Illinois Administrative Procedure Act.

10 "Armed employee" means a licensee or registered person who
11 is employed by an agency licensed or an armed proprietary
12 security force registered under this Act who carries a weapon
13 while engaged in the performance of official duties within the
14 course and scope of the employee's ~~his or her~~ employment
15 during the hours and times the employee is scheduled to work or
16 is commuting between the employee's ~~his or her~~ home or place of
17 employment.

18 "Armed proprietary security force" means a security force
19 made up of one or more armed individuals employed by a
20 commercial or industrial operation or by a financial
21 institution as security officers for the protection of persons
22 or property.

23 "Board" means the Private Detective, Private Alarm,
24 Private Security, Fingerprint Vendor, and Locksmith Board.

25 "Branch office" means a business location removed from the
26 place of business for which an agency license has been issued,

1 including, but not limited to, locations where active employee
2 records that are required to be maintained under this Act are
3 kept, where prospective new employees are processed, or where
4 members of the public are invited in to transact business. A
5 branch office does not include an office or other facility
6 located on the property of an existing client that is utilized
7 solely for the benefit of that client and is not owned or
8 leased by the agency.

9 "Canine handler" means a person who uses or handles a
10 trained dog to protect persons or property or to conduct
11 investigations.

12 "Canine handler authorization card" means a card issued by
13 the Department that authorizes the holder to use or handle a
14 trained dog to protect persons or property or to conduct
15 investigations during the performance of the holder's ~~his or~~
16 ~~her~~ duties as specified in this Act.

17 "Canine trainer" means a person who acts as a dog trainer
18 for the purpose of training dogs to protect persons or
19 property or to conduct investigations.

20 "Canine trainer authorization card" means a card issued by
21 the Department that authorizes the holder to train a dog to
22 protect persons or property or to conduct investigations
23 during the performance of the holder's ~~his or her~~ duties as
24 specified in this Act.

25 "Canine training facility" means a facility operated by a
26 licensed private detective agency or private security

1 contractor agency wherein dogs are trained for the purposes of
2 protecting persons or property or to conduct investigations.

3 "Corporation" means an artificial person or legal entity
4 created by or under the authority of the laws of a state,
5 including without limitation a corporation, limited liability
6 company, or any other legal entity.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Email address of record" means the designated email
10 address recorded by the Department in the applicant's
11 application file or the licensee's license file, as maintained
12 by the Department's licensure maintenance unit.

13 "Emergency communication system" means any system that
14 communicates information about emergencies, including but not
15 limited to fire, terrorist activities, shootings, other
16 dangerous situations, accidents, and natural disasters.

17 "Employee" means a person who works for a person or agency
18 that has the right to control the details of the work performed
19 and is not dependent upon whether or not federal or state
20 payroll taxes are withheld.

21 "Fingerprint vendor" means a person that offers,
22 advertises, or provides services to fingerprint individuals,
23 through electronic or other means, for the purpose of
24 providing fingerprint images and associated demographic data
25 to the Illinois State Police for processing fingerprint based
26 criminal history record information inquiries.

1 "Fingerprint vendor agency" means a person, firm,
2 corporation, or other legal entity that engages in the
3 fingerprint vendor business and employs, in addition to the
4 fingerprint vendor licensee-in-charge, at least one other
5 person in conducting that business.

6 "Fingerprint vendor licensee-in-charge" means a person who
7 has been designated by a fingerprint vendor agency to be the
8 licensee-in-charge of an agency who is a full-time management
9 employee or owner who assumes sole responsibility for
10 maintaining all records required by this Act and who assumes
11 sole responsibility for assuring the licensed agency's
12 compliance with its responsibilities as stated in this Act.
13 The Department shall adopt rules mandating licensee-in-charge
14 participation in agency affairs.

15 "Fire alarm system" means any system that is activated by
16 an automatic or manual device in the detection of smoke, heat,
17 or fire that activates an audible, visible, or remote signal
18 requiring a response.

19 "Firearm control card" means a card issued by the
20 Department that authorizes the holder, who has complied with
21 the training and other requirements of this Act, to carry a
22 weapon during the performance of the holder's ~~his or her~~
23 duties as specified in this Act.

24 "Firm" means an unincorporated business entity, including
25 but not limited to proprietorships and partnerships.

26 "Licensee" means a person or business licensed under this

1 Act. Anyone who holds oneself ~~himself or herself~~ out as a
2 licensee or who is accused of unlicensed practice is
3 considered a licensee for purposes of enforcement,
4 investigation, hearings, and the Illinois Administrative
5 Procedure Act.

6 "Locksmith" means a person who engages in a business or
7 holds oneself ~~himself~~ out to the public as providing a service
8 that includes, but is not limited to, the servicing,
9 installing, originating first keys, re-coding, repairing,
10 maintaining, manipulating, or bypassing of a mechanical or
11 electronic locking device, access control or video
12 surveillance system at premises, vehicles, safes, vaults, safe
13 deposit boxes, or automatic teller machines.

14 "Locksmith agency" means a person, firm, corporation, or
15 other legal entity that engages in the locksmith business and
16 employs, in addition to the locksmith licensee-in-charge, at
17 least one other person in conducting such business.

18 "Locksmith licensee-in-charge" means a person who has been
19 designated by agency to be the licensee-in-charge of an
20 agency, who is a full-time management employee or owner who
21 assumes sole responsibility for maintaining all records
22 required by this Act, and who assumes sole responsibility for
23 assuring the licensed agency's compliance with its
24 responsibilities as stated in this Act. The Department shall
25 adopt rules mandating licensee-in-charge participation in
26 agency affairs.

1 "Mass notification system" means any system that is used
2 to provide information and instructions to people in a
3 building or other space using voice communications, including
4 visible signals, text, graphics, tactile, or other
5 communication methods.

6 "Peace officer" or "police officer" means a person who, by
7 virtue of office or public employment, is vested by law with a
8 duty to maintain public order or to make arrests for offenses,
9 whether that duty extends to all offenses or is limited to
10 specific offenses. Officers, agents, or employees of the
11 federal government commissioned by federal statute to make
12 arrests for violations of federal laws are considered peace
13 officers.

14 "Permanent employee registration card" means a card issued
15 by the Department to an individual who has applied to the
16 Department and meets the requirements for employment by a
17 licensed agency under this Act.

18 "Person" means a natural person.

19 "Private alarm contractor" means a person who engages in a
20 business that individually or through others undertakes,
21 offers to undertake, purports to have the capacity to
22 undertake, or submits a bid to sell, install, design, monitor,
23 maintain, test, inspect, alter, repair, replace, or service
24 alarm and other security-related systems or parts thereof,
25 including fire alarm systems, at protected premises or
26 premises to be protected or responds to alarm systems at a

1 protected premises on an emergency basis and not as a
2 full-time security officer. "Private alarm contractor" does
3 not include a person, firm, or corporation that manufactures
4 or sells alarm systems only from its place of business and does
5 not sell, install, monitor, maintain, alter, repair, replace,
6 service, or respond to alarm systems at protected premises or
7 premises to be protected.

8 "Private alarm contractor agency" means a person,
9 corporation, or other entity that engages in the private alarm
10 contracting business and employs, in addition to the private
11 alarm contractor-in-charge, at least one other person in
12 conducting such business.

13 "Private alarm contractor licensee-in-charge" means a
14 person who has been designated by an agency to be the
15 licensee-in-charge of an agency, who is a full-time management
16 employee or owner who assumes sole responsibility for
17 maintaining all records required by this Act, and who assumes
18 sole responsibility for assuring the licensed agency's
19 compliance with its responsibilities as stated in this Act.
20 The Department shall adopt rules mandating licensee-in-charge
21 participation in agency affairs.

22 "Private detective" means any person who by any means,
23 including, but not limited to, manual, canine odor detection,
24 or electronic methods, engages in the business of, accepts
25 employment to furnish, or agrees to make or makes
26 investigations for a fee or other consideration to obtain

1 information relating to:

2 (1) Crimes or wrongs done or threatened against the
3 United States, any state or territory of the United
4 States, or any local government of a state or territory.

5 (2) The identity, habits, conduct, business
6 occupation, honesty, integrity, credibility, knowledge,
7 trustworthiness, efficiency, loyalty, activity,
8 movements, whereabouts, affiliations, associations,
9 transactions, acts, reputation, or character of any
10 person, firm, or other entity by any means, manual or
11 electronic.

12 (3) The location, disposition, or recovery of lost or
13 stolen property.

14 (4) The cause, origin, or responsibility for fires,
15 accidents, or injuries to individuals or real or personal
16 property.

17 (5) The truth or falsity of any statement or
18 representation.

19 (6) Securing evidence to be used before any court,
20 board, or investigating body.

21 (7) The protection of individuals from bodily harm or
22 death (bodyguard functions).

23 (8) Service of process in criminal and civil
24 proceedings.

25 "Private detective agency" means a person, firm,
26 corporation, or other legal entity that engages in the private

1 detective business and employs, in addition to the
2 licensee-in-charge, one or more persons in conducting such
3 business.

4 "Private detective licensee-in-charge" means a person who
5 has been designated by an agency to be the licensee-in-charge
6 of an agency, who is a full-time management employee or owner
7 who assumes sole responsibility for maintaining all records
8 required by this Act, and who assumes sole responsibility for
9 assuring the licensed agency's compliance with its
10 responsibilities as stated in this Act. The Department shall
11 adopt rules mandating licensee-in-charge participation in
12 agency affairs.

13 "Private security contractor" means a person who engages
14 in the business of providing a private security officer,
15 watchman, patrol, guard dog, canine odor detection, or a
16 similar service by any other title or name on a contractual
17 basis for another person, firm, corporation, or other entity
18 for a fee or other consideration and performing one or more of
19 the following functions:

20 (1) The prevention or detection of intrusion, entry,
21 theft, vandalism, abuse, fire, or trespass on private or
22 governmental property.

23 (2) The prevention, observation, or detection of any
24 unauthorized activity on private or governmental property.

25 (3) The protection of persons authorized to be on the
26 premises of the person, firm, or other entity for which

1 the security contractor contractually provides security
2 services.

3 (4) The prevention of the misappropriation or
4 concealment of goods, money, bonds, stocks, notes,
5 documents, or papers.

6 (5) The control, regulation, or direction of the
7 movement of the public for the time specifically required
8 for the protection of property owned or controlled by the
9 client.

10 (6) The protection of individuals from bodily harm or
11 death (bodyguard functions).

12 "Private security contractor agency" means a person, firm,
13 corporation, or other legal entity that engages in the private
14 security contractor business and that employs, in addition to
15 the licensee-in-charge, one or more persons in conducting such
16 business.

17 "Private security contractor licensee-in-charge" means a
18 person who has been designated by an agency to be the
19 licensee-in-charge of an agency, who is a full-time management
20 employee or owner who assumes sole responsibility for
21 maintaining all records required by this Act, and who assumes
22 sole responsibility for assuring the licensed agency's
23 compliance with its responsibilities as stated in this Act.
24 The Department shall adopt rules mandating licensee-in-charge
25 participation in agency affairs.

26 "Public member" means a person who is not a licensee or

1 related to a licensee, or who is not an employer or employee of
2 a licensee. The term "related to" shall be determined by the
3 rules of the Department.

4 "Secretary" means the Secretary of the Department of
5 Financial and Professional Regulation.

6 (Source: P.A. 102-152, eff. 1-1-22; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22.)

8 (225 ILCS 447/10-5)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 10-5. Requirement of license.

11 (a) It is unlawful for a person to act as or provide the
12 functions of a private detective, private security contractor,
13 private alarm contractor, fingerprint vendor, or locksmith or
14 to advertise or to assume to act as any one of these, or to use
15 these or any other title implying that the person is engaged in
16 any of these activities unless licensed as such by the
17 Department. An individual or sole proprietor who does not
18 employ any employees other than himself or herself may operate
19 under a "doing business as" or assumed name certification
20 without having to obtain an agency license, so long as the
21 assumed name is first registered with the Department.

22 (b) It is unlawful for a person, firm, corporation, or
23 other legal entity to act as an agency licensed under this Act,
24 to advertise, or to assume to act as a licensed agency or to
25 use a title implying that the person, firm, or other entity is

1 engaged in the practice as a private detective agency, private
2 security contractor agency, private alarm contractor agency,
3 fingerprint vendor agency, or locksmith agency unless licensed
4 by the Department.

5 (c) No agency shall operate a branch office without first
6 applying for and receiving a branch office license for each
7 location.

8 (d) ~~It Beginning 12 months after the adoption of rules~~
9 ~~providing for the licensure of fingerprint vendors under this~~
10 ~~Act, it~~ is unlawful for a person to operate live scan
11 fingerprint equipment or other equipment designed to obtain
12 fingerprint images for the purpose of providing fingerprint
13 images and associated demographic data to the Illinois State
14 Police, unless the person ~~he or she~~ has successfully completed
15 a fingerprint training course conducted or authorized by the
16 Illinois State Police and is licensed as a fingerprint vendor.

17 (e) ~~No Beginning 12 months after the adoption of rules~~
18 ~~providing for the licensure of canine handlers and canine~~
19 ~~trainers under this Act, no~~ person shall operate a canine
20 training facility unless licensed as a private detective
21 agency or private security contractor agency under this Act,
22 and no person shall act as a canine trainer unless the person
23 ~~he or she~~ is licensed as a private detective or private
24 security contractor or is a registered employee of a private
25 detective agency or private security contractor agency
26 approved by the Department.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (225 ILCS 447/10-20)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 10-20. Application for license; forms.

5 (a) Each license application shall be on forms provided by
6 the Department.

7 (b) Application for a license by endorsement shall be made
8 in accordance with the provisions of Section 10-40.

9 (c) Every application for an original license shall
10 include the applicant's Social Security number or individual
11 taxpayer identification number, which shall be retained in the
12 agency's records pertaining to the license. As soon as
13 practical, the Department shall assign a customer's
14 identification number to each applicant for a license.

15 Every application for a renewal or restored license shall
16 require the applicant's customer identification number.

17 (Source: P.A. 97-400, eff. 1-1-12.)

18 (225 ILCS 447/10-37)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 10-37. Address of record; email address of record.

21 All applicants and licensees shall:

22 (1) provide a valid address and email address to the
23 Department, which serves as the address of record and
24 email address of record, respectively, at the time of

1 application for licensure or renewal of a license; and

2 (2) ~~It is the duty of the applicant or licensee to~~
3 inform the Department of any change of address within 14
4 days after such change either through the Department's
5 website or by contacting the Department's licensure
6 maintenance unit.

7 (Source: P.A. 96-1445, eff. 8-20-10.)

8 (225 ILCS 447/10-45)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 10-45. Emergency care without a fee. A license
11 holder, agency, or registered employee of a private security
12 contractor, as defined in Section 5-10 of this Act, who in good
13 faith provides emergency care without fee to any person or
14 takes actions in good faith that directly relate to the
15 employee's job responsibilities to protect people and
16 property, as defined by the areas in which registered security
17 officers receive training under Sections 20-20 and 25-20 shall
18 not, as a result of those ~~his or her~~ acts or omissions, except
19 willful and wanton misconduct, in providing the care, be
20 liable to a person to whom such care is provided for civil
21 damages.

22 (Source: P.A. 93-438, eff. 8-5-03.)

23 (225 ILCS 447/15-5)

24 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 15-5. Exemptions; private detective. The provisions
2 of this Act relating to the licensure of private detectives do
3 not apply to any of the following:

4 (1) An employee of the United States, Illinois, or a
5 political subdivision of either while the employee is
6 engaged in the performance of the employee's ~~his or her~~
7 official duties within the scope of the employee's ~~his or~~
8 ~~her~~ employment. However, any such person who offers ~~his or~~
9 ~~her~~ services as a private detective or uses a similar
10 title when these services are performed for compensation
11 or other consideration, whether received directly or
12 indirectly, is subject to this Act.

13 (2) A person, firm, or other entity engaged
14 exclusively in tracing and compiling lineage or ancestry
15 who does not hold oneself ~~himself or herself~~ out to be a
16 private detective.

17 (3) A person engaged exclusively in obtaining and
18 furnishing information, including providing reports, as to
19 the financial rating or creditworthiness of persons in
20 connection with (i) consumer credit transactions, (ii)
21 information for employment purposes, or (iii) information
22 for the underwriting of consumer insurance.

23 (4) Insurance adjusters employed or under contract as
24 adjusters who engage in no other investigative activities
25 other than those directly connected with adjustment of
26 claims against an insurance company or a self-insured

1 entity by which they are employed or with which they have a
2 contract. No insurance adjuster or company may use the
3 term "investigation" or any derivative thereof, in its
4 name or in its advertising.

5 (5) A person, firm, or other entity engaged in
6 providing computer forensics services so long as the
7 person, firm, or other entity does not hold oneself
8 ~~himself or herself~~ out to be a private detective. For the
9 purposes of this item (5), "computer forensics services"
10 means a branch of forensic science pertaining to the
11 recovery and analysis of electronically stored
12 information.

13 (6) A person employed as an investigator exclusively
14 by only one employer in connection with the exclusive
15 activities of that employer and who does not hold oneself
16 ~~himself or herself~~ out to be a private detective.

17 (7) A person appointed by the circuit court pursuant
18 to the Code of Civil Procedure to make service of process
19 in a specific case, provided that such person is not
20 otherwise engaged in the business of serving process.

21 (8) A person appointed by the circuit court pursuant
22 to the Code of Civil Procedure who is an honorably
23 discharged veteran of the armed forces of the United
24 States and is self-employed as a process server.

25 (Source: P.A. 98-253, eff. 8-9-13.)

1 (225 ILCS 447/15-10)

2 (Section scheduled to be repealed January 1, 2024)

3 Sec. 15-10. Qualifications for licensure as a private
4 detective.

5 (a) A person is qualified for licensure as a private
6 detective if the person ~~he or she~~ meets all of the following
7 requirements:

8 (1) Is at least 21 years of age.

9 (2) Has not been convicted of any felony in any
10 jurisdiction or at least 10 years have elapsed since the
11 time of full discharge from a sentence imposed for a
12 felony conviction.

13 (3) Is of good moral character. Good character is a
14 continuing requirement of licensure. Conviction of crimes
15 other than felonies may be used in determining moral
16 character, but shall not constitute an absolute bar to
17 licensure, except where the applicant is a registered sex
18 offender.

19 (4) Has not been declared by any court of competent
20 jurisdiction to be incompetent by reason of mental or
21 physical defect or disease, unless a court has
22 subsequently declared him or her to be competent.

23 (5) Is not suffering from dependence on alcohol or
24 from narcotic addiction or dependence.

25 (6) Has a minimum of 3 years experience of the 5 years
26 immediately preceding application working full-time for a

1 licensed private detective agency as a registered private
2 detective agency employee or with 3 years experience of
3 the 5 years immediately preceding ~~his or her~~ application
4 employed as a full-time investigator for a licensed
5 attorney, for an in-house investigative unit for a
6 corporation having 100 or more employees, for any of the
7 armed forces of the United States, or in a law enforcement
8 agency of the federal government, a state, or a state
9 political subdivision, which shall include a state's
10 attorney's office or a public defender's office. The Board
11 and the Department shall approve such full-time
12 investigator experience and may accept, in lieu of the
13 experience requirement in this item (6), alternative
14 experience working full-time for a private detective
15 agency licensed in another state or for a private
16 detective agency in a state that does not license such
17 agencies if the experience is substantially equivalent to
18 that gained working for an Illinois licensed private
19 detective agency. An applicant who has a baccalaureate
20 degree, or higher, in law enforcement or a related field
21 or a business degree from an accredited college or
22 university shall be given credit for 2 of the 3 years of
23 the required experience. An applicant who has an associate
24 degree in law enforcement or in a related field or in
25 business from an accredited college or university shall be
26 given credit for one of the 3 years of the required

1 experience. An applicant who has completed a non-degree
2 military training program in law enforcement or a related
3 field shall be given credit for one of the 3 years of the
4 required experience if the Board and the Department
5 determine that such training is substantially equivalent
6 to that received in an associate degree program.

7 (7) Has not been dishonorably discharged from the
8 armed forces of the United States or has not been
9 discharged from a law enforcement agency of the United
10 States or of any state or of any political subdivision
11 thereof, which shall include a state's attorney's office,
12 for reasons relating to ~~his or her~~ conduct as an employee
13 of that law enforcement agency.

14 (8) Has passed an examination authorized by the
15 Department.

16 (9) Submits the applicant's ~~his or her~~ fingerprints,
17 proof of having general liability insurance required under
18 subsection (b), and the required license fee.

19 (10) Has not violated Section 10-5 of this Act.

20 (b) It is the responsibility of the applicant to obtain
21 general liability insurance in an amount and coverage
22 appropriate for the applicant's circumstances as determined by
23 rule. The applicant shall provide evidence of insurance to the
24 Department before being issued a license. Failure to maintain
25 general liability insurance and to provide the Department with
26 written proof of the insurance shall result in cancellation of

1 the license without hearing.

2 (c) (Blank). ~~Any person who has been providing canine odor~~
3 ~~detection services for hire prior to January 1, 2005 is exempt~~
4 ~~from the requirements of item (6) of subsection (a) of this~~
5 ~~Section and may be granted a private detective license if (i)~~
6 ~~he or she meets the requirements of items (1) through (5) and~~
7 ~~items (7) through (10) of subsection (a) of this Section, (ii)~~
8 ~~pays all applicable fees, and (iii) presents satisfactory~~
9 ~~evidence to the Department of the provision of canine odor~~
10 ~~detection services for hire since January 1, 2005.~~

11 (Source: P.A. 98-253, eff. 8-9-13.)

12 (225 ILCS 447/15-15)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 15-15. Qualifications for licensure as a private
15 detective agency.

16 (a) Upon receipt of the required fee and proof that the
17 applicant has a full-time Illinois licensed private detective
18 licensee-in-charge, which is a continuing requirement for
19 agency licensure, the Department shall issue a license as a
20 private detective agency to any of the following:

21 (1) An individual who submits an application and is a
22 licensed private detective under this Act.

23 (2) A firm that submits an application and all of the
24 members of the firm are licensed private detectives under
25 this Act.

1 (3) A corporation or limited liability company doing
2 business in Illinois that is authorized to engage in the
3 business of conducting a private detective agency,
4 provided at least one full-time executive employee is
5 licensed as a private detective under this Act and all
6 unlicensed officers and directors of the corporation or
7 limited liability company are determined by the Department
8 to be persons of good moral character.

9 (b) No private detective may be the licensee-in-charge for
10 more than one private detective agency. Upon written request
11 by a representative of an agency, within 10 days after the loss
12 of a licensee-in-charge of an agency because of the death of
13 that individual or because of the termination of the
14 employment of that individual, the Department shall issue a
15 temporary certificate of authority allowing the continuing
16 operation of the licensed agency. No temporary certificate of
17 authority shall be valid for more than 90 days. An extension of
18 an additional 90 days may be granted upon written request by
19 the representative of the agency. Not more than 2 extensions
20 may be granted to any agency. No temporary permit shall be
21 issued for a loss of the licensee-in-charge because of
22 disciplinary action by the Department related to the
23 licensee-in-charge's ~~his or her~~ conduct on behalf of the
24 agency.

25 (c) Upon issuance of the temporary certificate of
26 authority as provided for in subsection (b) of this Section,

1 and at any time thereafter while the temporary certificate of
2 authority is in effect, the Department may request in writing
3 additional information from the agency regarding the loss of
4 its licensee-in-charge, the selection of a new
5 licensee-in-charge, and the management of the agency. Failure
6 of the agency to respond or respond to the satisfaction of the
7 Department shall cause the Department to deny any extension of
8 the temporary certificate of authority. While the temporary
9 certificate of authority is in effect, the Department may
10 disapprove the selection of a new licensee-in-charge by the
11 agency if the person's license is not operative or the
12 Department has good cause to believe that the person selected
13 will not fully exercise the responsibilities of a
14 licensee-in-charge. If the Department has disapproved the
15 selection of a new licensee-in-charge and the temporary
16 certificate of authority expires or is about to expire without
17 the agency selecting another new licensee-in-charge, the
18 Department shall grant an extension of the temporary
19 certificate of authority for an additional 90 days, except as
20 otherwise prohibited in subsection (b) or this subsection (c).

21 (Source: P.A. 98-253, eff. 8-9-13.)

22 (225 ILCS 447/15-25)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 15-25. Training; private detective and employees.

25 (a) Registered employees of a private detective agency

1 shall complete, within 30 days of their employment, a minimum
2 of 20 hours of basic training provided by a qualified
3 instructor. The substance of the training shall be related to
4 the work performed by the registered employee. The training
5 may be classroom-based or online Internet-based but shall not
6 be conducted as on-the-job training.

7 (a-5) In addition to the basic training required in
8 subsection (a), registered employees of a private detective
9 agency shall complete an additional minimum of 8 hours of
10 annual training for every calendar year, commencing with the
11 calendar year beginning after the employee's hire date.

12 (a-10) Annual training for registered employees shall be
13 based on subjects related to the work performed as determined
14 by the employer and may be conducted in a classroom or seminar
15 setting or via Internet-based online learning programs. Annual
16 training may not be conducted as on-the-job training.

17 (b) It is the responsibility of the employer to certify,
18 on a form provided by the Department, that the employee has
19 successfully completed the basic and annual training. The
20 original form or a copy shall be a permanent record of training
21 completed by the employee and shall be placed in the
22 employee's file with the employer for the period the employee
23 remains with the employer. The original form or a copy shall be
24 given to the employee when the employee's ~~his or her~~
25 employment is terminated. Failure to return the original form
26 or a copy to the employer is grounds for disciplinary action.

1 The employee shall not be required to repeat the required
2 training once the employee has been issued the form. An
3 employer may provide or require additional training.

4 (c) (Blank).

5 (d) All private detectives shall complete a minimum of 8
6 hours of annual training on a topic of their choosing,
7 provided that the subject matter is reasonably related to
8 their private detective practice. The annual training for
9 private detectives may be completed utilizing any combination
10 of hours obtained in a classroom or seminar setting or via
11 Internet-based online learning programs. The Department shall
12 adopt rules to administer this subsection.

13 (e) The annual training requirements for private
14 detectives shall not apply until the calendar year following
15 the issuance of the private detective license.

16 (f) It shall be the responsibility of the private
17 detective to keep and maintain a personal log of all training
18 hours earned along with sufficient documentation for the
19 Department to verify the annual training completed for at
20 least 5 years. The personal training log and documentation
21 shall be provided to the Department in the same manner as other
22 documentation and records required under this Act.

23 (g) If the private detective owns or is employed by a
24 private detective agency, the private detective agency shall
25 maintain a record of the annual training. The private
26 detective agency must make the record of annual training

1 available to the Department upon request.

2 (h) Recognizing the diverse professional practices of
3 private detectives licensed under this Act, it is the intent
4 of the training requirements in this Section to allow for a
5 broad interpretation of the coursework, seminar subjects, or
6 class topics to be considered reasonably related to the
7 practice of any profession licensed under this Act.

8 (i) Notwithstanding any other professional license a
9 private detective holds under this Act, no more than 8 hours of
10 annual training shall be required for any one year.

11 (Source: P.A. 102-152, eff. 1-1-22.)

12 (225 ILCS 447/20-10)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 20-10. Qualifications for licensure as a private
15 alarm contractor.

16 (a) A person is qualified for licensure as a private alarm
17 contractor if the person ~~he or she~~ meets all of the following
18 requirements:

19 (1) Is at least 21 years of age.

20 (2) Has not been convicted of any felony in any
21 jurisdiction or at least 10 years have elapsed since the
22 time of full discharge from a sentence imposed for a
23 felony conviction.

24 (3) Is of good moral character. Good moral character
25 is a continuing requirement of licensure. Conviction of

1 crimes other than felonies may be used in determining
2 moral character, but shall not constitute an absolute bar
3 to licensure, except where the applicant is a registered
4 sex offender.

5 (4) Has not been declared by any court of competent
6 jurisdiction to be incompetent by reason of mental or
7 physical defect or disease, unless a court has
8 subsequently declared him or her to be competent.

9 (5) Is not suffering from dependence on alcohol or
10 from narcotic addiction or dependence.

11 (6) Has a minimum of 3 years experience during the 5
12 years immediately preceding the application (i) working as
13 a full-time manager for a licensed private alarm
14 contractor agency or (ii) working for a government, one of
15 the armed forces of the United States, or private entity
16 that inspects, reviews, designs, sells, installs,
17 operates, services, or monitors alarm systems that, in the
18 judgment of the Board, satisfies the standards of alarm
19 industry competence. The Board and the Department may
20 accept, in lieu of the experience requirement in this item
21 (6), alternative experience working as a full-time manager
22 for a private alarm contractor agency licensed in another
23 state or for a private alarm contractor agency in a state
24 that does not license such agencies, if the experience is
25 substantially equivalent to that gained working for an
26 Illinois licensed private alarm contractor agency. An

1 applicant who has received a 4-year degree or higher in
2 electrical engineering or a related field from a program
3 approved by the Board or a business degree from an
4 accredited college or university shall be given credit for
5 2 years of the required experience. An applicant who has
6 successfully completed a national certification program
7 approved by the Board shall be given credit for one year of
8 the required experience.

9 (7) Has not been dishonorably discharged from the
10 armed forces of the United States.

11 (8) Has passed an examination authorized by the
12 Department.

13 (9) Submits the applicant's ~~his or her~~ fingerprints,
14 proof of having general liability insurance required under
15 subsection (c), and the required license fee.

16 (10) Has not violated Section 10-5 of this Act.

17 (b) (Blank).

18 (c) It is the responsibility of the applicant to obtain
19 general liability insurance in an amount and coverage
20 appropriate for the applicant's circumstances as determined by
21 rule. The applicant shall provide evidence of insurance to the
22 Department before being issued a license. Failure to maintain
23 general liability insurance and to provide the Department with
24 written proof of the insurance shall result in cancellation of
25 the license without hearing.

26 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

1 (225 ILCS 447/20-15)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 20-15. Qualifications for licensure as a private
4 alarm contractor agency.

5 (a) Upon receipt of the required fee and proof that the
6 applicant has a full-time Illinois licensed private alarm
7 contractor licensee-in-charge, which is a continuing
8 requirement for agency licensure, the Department shall issue a
9 license as a private alarm contractor agency to any of the
10 following:

11 (1) An individual who submits an application and is a
12 licensed private alarm contractor under this Act.

13 (2) A firm that submits an application and all of the
14 members of the firm are licensed private alarm contractors
15 under this Act.

16 (3) A corporation or limited liability company doing
17 business in Illinois that is authorized by its articles of
18 incorporation or organization to engage in the business of
19 conducting a private alarm contractor agency if at least
20 one executive employee is licensed as a private alarm
21 contractor under this Act and all unlicensed officers and
22 directors of the corporation or limited liability company
23 are determined by the Department to be persons of good
24 moral character.

25 (b) No private alarm contractor may be the

1 licensee-in-charge for more than one private alarm contractor
2 agency. Upon written request by a representative of an agency,
3 within 10 days after the loss of a licensee-in-charge of an
4 agency because of the death of that individual or because of
5 the termination of the employment of that individual, the
6 Department shall issue a temporary certificate of authority
7 allowing the continuing operation of the licensed agency. No
8 temporary certificate of authority shall be valid for more
9 than 90 days. An extension of an additional 90 days may be
10 granted upon written request by the representative of the
11 agency. Not more than 2 extensions may be granted to any
12 agency. No temporary permit shall be issued for loss of the
13 licensee-in-charge because of disciplinary action by the
14 Department related to the licensee-in-charge's ~~his or her~~
15 conduct on behalf of the agency.

16 (c) No private alarm contractor, private alarm contractor
17 agency, or person may install or connect an alarm system or
18 fire alarm system that connects automatically and directly to
19 a governmentally operated police or fire dispatch system in a
20 manner that violates subsection (a) of Section 15.2 of the
21 Emergency Telephone System Act. In addition to the penalties
22 provided by the Emergency Telephone System Act, a private
23 alarm contractor agency that violates this Section shall pay
24 the Department an additional penalty of \$250 per occurrence.

25 (d) Upon issuance of the temporary certificate of
26 authority as provided for in subsection (b) of this Section

1 and at any time thereafter while the temporary certificate of
2 authority is in effect, the Department may request in writing
3 additional information from the agency regarding the loss of
4 its licensee-in-charge, the selection of a new
5 licensee-in-charge, and the management of the agency. Failure
6 of the agency to respond or respond to the satisfaction of the
7 Department shall cause the Department to deny any extension of
8 the temporary certificate of authority. While the temporary
9 certificate of authority is in effect, the Department may
10 disapprove the selection of a new licensee-in-charge by the
11 agency if the person's license is not operative or the
12 Department has good cause to believe that the person selected
13 will not fully exercise the responsibilities of a
14 licensee-in-charge. If the Department has disapproved the
15 selection of another new licensee-in-charge and the temporary
16 certificate of authority expires or is about to expire without
17 the agency selecting a new licensee-in-charge, the Department
18 shall grant an extension of the temporary certificate of
19 authority for an additional 90 days, except as otherwise
20 prohibited in subsection (b) or this subsection (d).

21 (Source: P.A. 98-253, eff. 8-9-13.)

22 (225 ILCS 447/20-20)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 20-20. Training; private alarm contractor and
25 employees.

1 (a) Registered employees of the private alarm contractor
2 agency who carry a firearm and respond to alarm systems shall
3 complete, within 30 days of their employment, a minimum of 20
4 hours of classroom training provided by a qualified instructor
5 and shall include all of the following subjects:

6 (1) The law regarding arrest and search and seizure as
7 it applies to the private alarm industry.

8 (2) Civil and criminal liability for acts related to
9 the private alarm industry.

10 (3) The use of force, including but not limited to the
11 use of nonlethal force (i.e., disabling spray, baton,
12 stungun, or similar weapon).

13 (4) Arrest and control techniques.

14 (5) The offenses under the Criminal Code of 2012 that
15 are directly related to the protection of persons and
16 property.

17 (6) The law on private alarm forces and on reporting
18 to law enforcement agencies.

19 (7) Fire prevention, fire equipment, and fire safety.

20 (8) Civil rights and public relations.

21 (9) The identification of terrorists, acts of
22 terrorism, and terrorist organizations, as defined by
23 federal and State statutes.

24 Pursuant to directives set forth by the U.S. Department of
25 Homeland Security and the provisions set forth by the National
26 Fire Protection Association in the National Fire Alarm Code

1 and the Life Safety Code, training may include the
2 installation, repair, and maintenance of emergency
3 communication systems and mass notification systems.

4 (b) All other employees of a private alarm contractor
5 agency shall complete a minimum of 20 hours of basic training
6 provided by a qualified instructor within 30 days of their
7 employment. The training may be provided in a classroom or
8 seminar setting or via Internet-based online learning
9 programs. The substance of the training shall be related to
10 the work performed by the registered employee.

11 (c) It is the responsibility of the employer to certify,
12 on forms provided by the Department, that the employee has
13 successfully completed the training. The original form or a
14 copy shall be a permanent record of training completed by the
15 employee and shall be placed in the employee's file with the
16 employer for the term the employee is retained by the
17 employer. A private alarm contractor agency may place a copy
18 of the Department form in lieu of the original into the
19 permanent employee registration card file. The original form
20 or a copy shall be returned to the employee when the employee's
21 ~~his or her~~ employment is terminated. Failure to return the
22 original form or a copy to the employee is grounds for
23 discipline. The employee shall not be required to complete the
24 training required under this Act once the employee has been
25 issued a form.

26 (d) Nothing in this Act prevents any employer from

1 providing or requiring additional training beyond the required
2 20 hours that the employer feels is necessary and appropriate
3 for competent job performance.

4 (e) Any certification of completion of the 20-hour basic
5 training issued under the Private Detective, Private Alarm,
6 Private Security, and Locksmith Act of 1993 or any prior Act
7 shall be accepted as proof of training under this Act.

8 (Source: P.A. 102-152, eff. 1-1-22.)

9 (225 ILCS 447/25-5)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 25-5. Exemptions; private security contractor. The
12 provisions of this Act related to licensure of a private
13 security contractor do not apply to any of the following:

14 (1) An employee of the United States, Illinois, or a
15 political subdivision of either while the employee is
16 engaged in the performance of the employee's ~~his or her~~
17 official duties within the scope of the employee's ~~his or~~
18 ~~her~~ employment. However, any such person who offers the
19 person's ~~his or her~~ services as a private security
20 contractor or uses a similar title when these services are
21 performed for compensation or other consideration, whether
22 received directly or indirectly, is subject to this Act.

23 (2) A person employed as either an armed or unarmed
24 security officer at a nuclear energy, storage, weapons, or
25 development site or facility regulated by the United

1 States Nuclear Regulatory Commission who has completed the
2 background screening and training mandated by the
3 regulations of the United States Nuclear Regulatory
4 Commission.

5 (3) A person, watchman, or proprietary security
6 officer employed exclusively by only one employer in
7 connection with the exclusive activities of that employer.

8 (Source: P.A. 93-438, eff. 8-5-03.)

9 (225 ILCS 447/25-10)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 25-10. Qualifications for licensure as a private
12 security contractor.

13 (a) A person is qualified for licensure as a private
14 security contractor if the person ~~he or she~~ meets all of the
15 following requirements:

16 (1) Is at least 21 years of age.

17 (2) Has not been convicted of any felony in any
18 jurisdiction or at least 10 years have elapsed since the
19 time of full discharge from a sentence imposed for a
20 felony conviction.

21 (3) Is of good moral character. Good character is a
22 continuing requirement of licensure. Conviction of crimes
23 other than felonies may be used in determining moral
24 character, but shall not constitute an absolute bar to
25 licensure, except where the applicant is a registered sex

1 offender.

2 (4) Has not been declared by any court of competent
3 jurisdiction to be incompetent by reason of mental or
4 physical defect or disease, unless a court has
5 subsequently declared him or her to be competent.

6 (5) Is not suffering from dependence on alcohol or
7 from narcotic addiction or dependence.

8 (6) Has a minimum of 3 years experience of the 5 years
9 immediately preceding application working as a full-time
10 manager for a licensed private security contractor agency
11 or a manager of a proprietary security force of 30 or more
12 persons registered with the Department or with 3 years
13 experience of the 5 years immediately preceding ~~his or her~~
14 application employed as a full-time supervisor for an
15 in-house security unit for a corporation having 100 or
16 more employees, for a military police or related security
17 unit in any of the armed forces of the United States, or in
18 a law enforcement agency of the federal government, a
19 state, or a state political subdivision, which shall
20 include a state's attorney's office, a public defender's
21 office, or the Department of Corrections. The Board and
22 the Department shall approve such full-time supervisory
23 experience and may accept, in lieu of the experience
24 requirement in this subsection, alternative experience
25 working as a full-time manager for a private security
26 contractor agency licensed in another state or for a

1 private security contractor agency in a state that does
2 not license such agencies if the experience is
3 substantially equivalent to that gained working for an
4 Illinois licensed private security contractor agency. An
5 applicant who has a baccalaureate degree or higher in
6 police science or a related field or a business degree
7 from an accredited college or university shall be given
8 credit for 2 of the 3 years of the required experience. An
9 applicant who has completed a non-degree military training
10 program in police science or a related field shall be
11 given credit for one of the 3 years of the required
12 experience if the Board and the Department determine that
13 such training is substantially equivalent to that received
14 in an associate degree program. An applicant who has an
15 associate degree in police science or in a related field
16 or in business from an accredited college or university
17 shall be given credit for one of the 3 years of the
18 required experience.

19 (7) Has not been dishonorably discharged from the
20 armed forces of the United States.

21 (8) Has passed an examination authorized by the
22 Department.

23 (9) Submits the applicant's ~~his or her~~ fingerprints,
24 proof of having general liability insurance required under
25 subsection (b), and the required license fee.

26 (10) Has not violated Section 10-5 of this Act.

1 (b) It is the responsibility of the applicant to obtain
2 general liability insurance in an amount and coverage
3 appropriate for the applicant's circumstances as determined by
4 rule. The applicant shall provide evidence of insurance to the
5 Department before being issued a license. Failure to maintain
6 general liability insurance and to provide the Department with
7 written proof of the insurance shall result in cancellation of
8 the license without hearing.

9 (c) (Blank). ~~Any person who has been providing canine odor~~
10 ~~detection services for hire prior to January 1, 2005 is exempt~~
11 ~~from the requirements of item (6) of subsection (a) of this~~
12 ~~Section and may be granted a private security contractor~~
13 ~~license if (i) he or she meets the requirements of items (1)~~
14 ~~through (5) and items (7) through (10) of subsections (a) of~~
15 ~~this Section, (ii) pays all applicable fees, and (iii)~~
16 ~~presents satisfactory evidence to the Department of the~~
17 ~~provision of canine odor detection services for hire since~~
18 ~~January 1, 2005.~~

19 (Source: P.A. 100-181, eff. 8-18-17.)

20 (225 ILCS 447/25-15)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 25-15. Qualifications for licensure as a private
23 security contractor agency.

24 (a) Upon receipt of the required fee and proof that the
25 applicant has a full-time Illinois licensed private security

1 licensee-in-charge, which is a continuing requirement for
2 agency licensure, the Department shall issue a license as a
3 private security contractor agency to any of the following:

4 (1) An individual who submits an application and is a
5 licensed private security contractor under this Act.

6 (2) A firm that submits an application and all of the
7 members of the firm are licensed private security
8 contractors under this Act.

9 (3) A corporation or limited liability company doing
10 business in Illinois that is authorized to engage in the
11 business of conducting a private security contractor
12 agency if at least one officer or executive employee is
13 licensed as a private security contractor under this Act
14 and all unlicensed officers and directors of the
15 corporation or limited liability company are determined by
16 the Department to be persons of good moral character.

17 (b) No private security contractor may be the
18 licensee-in-charge for more than one private security
19 contractor agency. Upon written request by a representative of
20 the agency, within 10 days after the loss of a
21 licensee-in-charge of an agency because of the death of that
22 individual or because of the termination of the employment of
23 that individual, the Department shall issue a temporary
24 certificate of authority allowing the continuing operation of
25 the licensed agency. No temporary certificate of authority
26 shall be valid for more than 90 days. An extension of an

1 additional 90 days may be granted upon written request by the
2 representative of the agency. Not more than 2 extensions may
3 be granted to any agency. No temporary permit shall be issued
4 for loss of the licensee-in-charge because of disciplinary
5 action by the Department related to the licensee-in-charge's
6 ~~his or her~~ conduct on behalf of the agency.

7 (c) Upon issuance of the temporary certificate of
8 authority as provided for in subsection (b) of this Section
9 and at any time thereafter while the temporary certificate of
10 authority is in effect, the Department may request in writing
11 additional information from the agency regarding the loss of
12 its licensee-in-charge, the selection of a new
13 licensee-in-charge, and the management of the agency. Failure
14 of the agency to respond or respond to the satisfaction of the
15 Department shall cause the Department to deny any extension of
16 the temporary certificate of authority. While the temporary
17 certificate of authority is in effect, the Department may
18 disapprove the selection of a new licensee-in-charge by the
19 agency if the person's license is not operative or the
20 Department has good cause to believe that the person selected
21 will not fully exercise the responsibilities of a
22 licensee-in-charge. If the Department has disapproved the
23 selection of a new licensee-in-charge and the temporary
24 certificate of authority expires or is about to expire without
25 the agency selecting another new licensee-in-charge, the
26 Department shall grant an extension of the temporary

1 certificate of authority for an additional 90 days, except as
2 otherwise prohibited in subsection (b) or this subsection (c).
3 (Source: P.A. 98-253, eff. 8-9-13.)

4 (225 ILCS 447/25-20)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 25-20. Training; private security contractor and
7 employees.

8 (a) Registered employees of the private security
9 contractor agency who provide traditional guarding or other
10 private security related functions or who respond to alarm
11 systems shall complete, within 30 days of their employment, a
12 minimum of 20 hours of basic training, which may be provided in
13 a classroom or seminar setting or via Internet-based online
14 learning programs, and shall be provided by a qualified
15 instructor, which shall include the following subjects:

16 (1) The law regarding arrest and search and seizure as
17 it applies to private security.

18 (2) Civil and criminal liability for acts related to
19 private security.

20 (3) The use of force, including but not limited to the
21 use of nonlethal force (i.e., disabling spray, baton,
22 stungun, taser, or similar weapon).

23 (4) Verbal communication skills.

24 (5) The offenses under the Criminal Code of 2012 that
25 are directly related to the protection of persons and

1 property.

2 (6) Private security officers and the criminal justice
3 system.

4 (7) Fire prevention, fire equipment, and fire safety.

5 (8) Report writing and observation techniques.

6 (9) Customer service, civil rights, and public
7 relations.

8 (10) The identification of terrorists, acts of
9 terrorism, and terrorist organizations, as defined by
10 federal and State statutes.

11 (b) All other employees of a private security contractor
12 agency shall complete a minimum of 20 hours of basic training
13 provided by the qualified instructor within 30 days of their
14 employment. The training may be provided in a classroom or
15 seminar setting or via Internet-based online learning
16 programs. The substance of the training shall be related to
17 the work performed by the registered employee.

18 (c) Registered employees of the private security
19 contractor agency who provide guarding or other private
20 security related functions, in addition to the basic training
21 required under subsection (a), within 6 months of their
22 employment, shall complete an additional 8 hours of training
23 on subjects to be determined by the employer, which training
24 may be site-specific and may be conducted on the job. The
25 training may be provided in a classroom or seminar setting or
26 via Internet-based online learning programs.

1 (d) In addition to the basic training provided for in
2 subsections (a) and (c), registered employees of the private
3 security contractor agency who provide guarding or other
4 private security related functions shall complete an
5 additional 8 hours of refresher training on subjects to be
6 determined by the employer each calendar year commencing with
7 the calendar year following the employee's first employment
8 anniversary date, which refresher training may be
9 site-specific and may be conducted on the job.

10 (e) It is the responsibility of the employer to certify,
11 on a form provided by the Department, that the employee has
12 successfully completed the basic and refresher training. The
13 original form or a copy shall be a permanent record of training
14 completed by the employee and shall be placed in the
15 employee's file with the employer for the period the employee
16 remains with the employer. The original form or a copy shall be
17 given to the employee when the employee's ~~his or her~~
18 employment is terminated. Failure to return the original form
19 or a copy to the employee is grounds for disciplinary action.
20 The employee shall not be required to repeat the required
21 training once the employee has been issued the form. An
22 employer may provide or require additional training.

23 (f) (Blank).

24 (g) All private security contractors shall complete a
25 minimum of 4 hours of annual training on a topic of their
26 choosing, provided that the subject matter of the training is

1 reasonably related to their private security contractor
2 practice. The training may be provided in a classroom setting
3 or seminar setting or via Internet-based online learning
4 programs. The Department shall adopt rules to administer this
5 subsection.

6 (h) It shall be the responsibility of the private security
7 contractor to keep and maintain a personal log of all training
8 hours earned along with sufficient documentation necessary for
9 the Department to verify the annual training completed for at
10 least 5 years. The personal training log and documentation
11 shall be provided to the Department in the same manner as other
12 documentation and records required under this Act.

13 (i) If the private security contractor owns or is employed
14 by a private security contractor agency, the private security
15 contractor agency shall maintain a record of the annual
16 training. The private security contractor agency must make the
17 record of annual training available to the Department upon
18 request.

19 (j) Recognizing the diverse professional practices of
20 private security contractors licensed under this Act, it is
21 the intent of the training requirements in this Section to
22 allow for a broad interpretation of the coursework, seminar
23 subjects, or class topics to be considered reasonably related
24 to the practice of any profession licensed under this Act.

25 (k) Notwithstanding any other professional license a
26 private security contractor holds under this Act, no more than

1 4 hours of annual training shall be required for any one year.

2 (1) The annual training requirements for private security
3 contractors shall not apply until the calendar year following
4 the issuance of the private security contractor license.

5 (Source: P.A. 102-152, eff. 1-1-22.)

6 (225 ILCS 447/25-30)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 25-30. Uniforms.

9 (a) No licensee under this Act or any employee of a
10 licensed agency shall wear or display a badge, shoulder patch
11 or other identification that contains the words "law" or
12 "enforcement". No license holder or employee of a licensed
13 agency shall imply in any manner that the person is an employee
14 or agent of a governmental entity, display a badge or
15 identification card, emblem, or uniform using the words
16 "police", "sheriff", "highway patrol", "trooper", "law
17 enforcement" or any similar term.

18 (b) All military-style uniforms, if worn by employees of a
19 licensed private security contractor agency, must bear the
20 name of the private security contractor agency, which shall be
21 plainly visible on a patch, badge, or other insignia.

22 (c) All uniforms, if worn by employees of a licensed
23 private security contractor agency, may only be worn in the
24 performance of their duties or while commuting directly to or
25 from the employee's place or places of employment.

1 (d) Employees shall return any uniform, ~~badge,~~
2 ~~identification card,~~ or equipment issued, but not sold, to the
3 employee by the agency and any badge or identification card
4 issued to the employee by the agency within 72 hours of
5 termination of employment.

6 (e) Licensees under this Act of any employee of a licensed
7 agency are prohibited from using the Illinois State Seal on
8 badges, company logos, identification cards, patches, or other
9 insignia.

10 (Source: P.A. 98-253, eff. 8-9-13.)

11 (225 ILCS 447/30-5)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 30-5. Exemptions; locksmith. The provisions of this
14 Act do not apply to any of the following if the person
15 performing the service does not hold himself or herself out as
16 a locksmith:

17 (1) Automobile service dealers who service, install,
18 repair, or rebuild automobile locks.

19 (2) Police officers, firefighters, or municipal
20 employees who open a lock in an emergency situation.

21 (3) A retail merchant selling locks or similar
22 security accessories, duplicating keys, or installing,
23 programming, repairing, maintaining, reprogramming,
24 rebuilding, or servicing electronic garage door devices.

25 (4) A member of the building trades who installs or

1 removes complete locks or locking devices in the course of
2 residential or commercial new construction or remodeling.

3 (5) An employee of a towing service, reposessor,
4 roadside assistance service, or automobile club opening
5 automotive locks in the normal course of the employee's
6 ~~his or her~~ duties. Additionally, this Act shall not
7 prohibit an employee of a towing service or roadside
8 assistance service from opening motor vehicles to enable a
9 vehicle to be moved without towing, provided the towing
10 service or roadside assistance service does not hold
11 itself out to the public, by directory advertisement,
12 through a sign at the facilities of the towing service or
13 roadside assistance service, or by any other form of
14 advertisement, as a locksmith.

15 (6) A student in the course of study in locksmith
16 programs approved by the Department.

17 (7) Warranty service by a lock manufacturer or its
18 employees on the manufacturer's own products.

19 (8) A maintenance employee of a property management
20 company at a multi-family residential building who
21 services, installs, repairs, or opens locks for tenants.

22 (9) A person employed exclusively by only one employer
23 in connection with the exclusive activities of that
24 employer, providing that person does not hold oneself
25 ~~himself or herself~~ out to the public as a locksmith.

26 (10) Persons who have no access to confidential or

1 security information and who otherwise do not provide
2 traditional locksmith services, as defined in this Act,
3 are exempt from employee registration. Examples of exempt
4 employees include, but are not limited to, employees
5 working in the capacity of key cutters, cashiers, drivers,
6 and reception personnel. Confidential or security
7 information is that which pertains to employee files,
8 scheduling, client contracts, master key charts, access
9 codes, or technical security and alarm data.

10 (Source: P.A. 98-253, eff. 8-9-13.)

11 (225 ILCS 447/30-10)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 30-10. Qualifications for licensure as a locksmith.

14 (a) A person is qualified for licensure as a locksmith if
15 the person ~~he or she~~ meets all of the following requirements:

16 (1) Is at least 18 years of age.

17 (2) Has not been convicted of any felony in any
18 jurisdiction or at least 10 years have elapsed since the
19 time of full discharge from a sentence imposed for a
20 felony conviction.

21 (3) Is of good moral character. Good moral character
22 is a continuing requirement of licensure. Conviction of
23 crimes other than felonies may be used in determining
24 moral character, but shall not constitute an absolute bar
25 to licensure, except where the applicant is a registered

1 sex offender.

2 (4) Has not been declared by any court of competent
3 jurisdiction to be incompetent by reason of mental or
4 physical defect or disease, unless a court has
5 subsequently declared him or her to be competent.

6 (5) Is not suffering from dependence on alcohol or
7 from narcotic addiction or dependence.

8 (6) Has not been dishonorably discharged from the
9 armed forces of the United States.

10 (7) Has passed an examination authorized by the
11 Department.

12 (8) Submits the applicant's ~~his or her~~ fingerprints,
13 proof of having general liability insurance required under
14 subsection (b), and the required license fee.

15 (9) Has not violated Section 10-5 of this Act.

16 (b) It is the responsibility of the applicant to obtain
17 general liability insurance in an amount and coverage
18 appropriate for the applicant's circumstances as determined by
19 rule. The applicant shall provide evidence of insurance to the
20 Department before being issued a license. Failure to maintain
21 general liability insurance and to provide the Department with
22 written proof of the insurance shall result in cancellation of
23 the license without hearing. A locksmith employed by a
24 licensed locksmith agency or employed by a private concern may
25 provide proof that the locksmith's ~~his or her~~ actions as a
26 locksmith are covered by the liability insurance of the

1 locksmith's ~~his or her~~ employer.

2 (Source: P.A. 98-253, eff. 8-9-13.)

3 (225 ILCS 447/30-15)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 30-15. Qualifications for licensure as a locksmith
6 agency.

7 (a) Upon receipt of the required fee and proof that the
8 applicant has a full-time Illinois licensed locksmith
9 licensee-in-charge, which is a continuing requirement for
10 agency licensure, the Department shall issue a license as a
11 locksmith agency to any of the following:

12 (1) An individual who submits an application and is a
13 licensed locksmith under this Act.

14 (2) A firm that submits an application and all of the
15 members of the firm are licensed locksmiths under this
16 Act.

17 (3) A corporation or limited liability company doing
18 business in Illinois that is authorized to engage in the
19 business of conducting a locksmith agency if at least one
20 officer or executive employee is a licensed locksmith
21 under this Act and all unlicensed officers and directors
22 of the corporation or limited liability company are
23 determined by the Department to be persons of good moral
24 character.

25 (b) An individual licensed as a locksmith operating under

1 a business name other than the licensed locksmith's own name
2 shall not be required to obtain a locksmith agency license if
3 that licensed locksmith does not employ any persons to engage
4 in the practice of locksmithing and registers under the
5 Assumed Business Name Act.

6 (c) No locksmith may be the licensee in-charge for more
7 than one locksmith agency. Upon written request by a
8 representative of the agency, within 10 days after the loss of
9 a licensee-in-charge of an agency because of the death of that
10 individual or because of the termination of the employment of
11 that individual, the Department shall issue a temporary
12 certificate of authority allowing the continuing operation of
13 the licensed agency. No temporary certificate of authority
14 shall be valid for more than 90 days. An extension of an
15 additional 90 days may be granted upon written request by the
16 representative of the agency. Not more than 2 extensions may
17 be granted to any agency. No temporary permit shall be issued
18 for loss of the licensee-in-charge because of disciplinary
19 action by the Department related to the licensee-in-charge's
20 ~~his or her~~ conduct on behalf of the agency.

21 (c-1) Upon issuance of the temporary certificate of
22 authority as provided for in subsection (c) of this Section
23 and at any time thereafter while the temporary certificate of
24 authority is in effect, the Department may request in writing
25 additional information from the agency regarding the loss of
26 its licensee-in-charge, the selection of a new

1 licensee-in-charge, and the management of the agency. Failure
2 of the agency to respond to the satisfaction of the Department
3 shall cause the Department to deny any extension of the
4 temporary certificate of authority. While the temporary
5 certificate of authority is in effect, the Department may
6 disapprove the selection of a new licensee-in-charge by the
7 agency if the person's license is not operative or the
8 Department has good cause to believe that the person selected
9 will not fully exercise the responsibilities of a
10 licensee-in-charge. If the Department has disapproved the
11 selection of a new licensee-in-charge and the temporary
12 certificate of authority expires or is about to expire without
13 the agency selecting another new licensee-in-charge, the
14 Department shall grant an extension of the temporary
15 certificate of authority for an additional 90 days, except as
16 otherwise prohibited in subsection (c) or this subsection
17 (c-1).

18 (d) The Department shall require without limitation all of
19 the following information from each applicant for licensure as
20 a locksmith agency under this Act:

21 (1) The name, full business address, and telephone
22 number of the locksmith agency. The business address for
23 the locksmith agency shall be a complete street address
24 from which business is actually conducted, shall be
25 located within the State, and may not be a P.O. Box. The
26 applicant shall submit proof that the business location is

1 or will be used to conduct the locksmith agency's
2 business. The Department may approve of an out-of-state
3 business location if it is not over 50 miles in distance
4 from the borders of this State.

5 (2) All trade or business names used by the licensee.

6 (3) The type of ownership or operation, such as a
7 partnership, corporation, or sole proprietorship.

8 (4) The name of the owner or operator of the locksmith
9 agency, including:

10 (A) if a person, then the name and address of
11 record of the person;

12 (B) if a partnership, then the name and address of
13 record of each partner and the name of the
14 partnership;

15 (C) if a corporation, then the name, address of
16 record, and title of each corporate officer and
17 director, the corporate names, and the name of the
18 state of incorporation; and

19 (D) if a sole proprietorship, then the full name
20 and address of record of the sole proprietor and the
21 name of the business entity.

22 (5) The name and license number of the
23 licensee-in-charge for the locksmith agency.

24 (6) Any additional information required by the
25 Department by rule.

26 (e) A licensed locksmith agency may operate under a "doing

1 business as" or assumed name certification without having to
2 obtain a separate locksmith agency license if the "doing
3 business as" or assumed name is first registered with the
4 Department. A licensed locksmith agency may register no more
5 than one assumed name.

6 (Source: P.A. 98-253, eff. 8-9-13.)

7 (225 ILCS 447/30-20)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 30-20. Training; locksmith and employees.

10 (a) Registered employees of a licensed locksmith agency
11 shall complete a minimum of 20 hours of training provided by a
12 qualified instructor within 30 days of their employment. The
13 substance of the training shall be prescribed by rule.

14 (b) It is the responsibility of the employer to certify,
15 on a form provided by the Department, that the employee has
16 successfully completed the training. The form shall be a
17 permanent record of training completed by the employee and
18 shall be placed in the employee's file with the employer for
19 the period the employee remains with the employer. An agency
20 may place a ~~notarized~~ copy of the Department form in lieu of
21 the original into the permanent employee registration card
22 file. The original form or a copy shall be given to the
23 employee when the employee's ~~his or her~~ employment is
24 terminated. Failure to return the original form or a copy to
25 the employee is grounds for disciplinary action. The employee

1 shall not be required to repeat the required training once the
2 employee has been issued the form. An employer may provide or
3 require additional training.

4 (c) Any certification of completion of the 20-hour basic
5 training issued under the Private Detective, Private Alarm,
6 Private Security and Locksmith Act of 1993 or any prior Act
7 shall be accepted as proof of training under this Act.

8 (Source: P.A. 93-438, eff. 8-5-03.)

9 (225 ILCS 447/30-30)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 30-30. Consumer protection; required information for
12 consumers.

13 (a) A licensee providing any locksmith services shall
14 document on a work order, invoice, or receipt the name,
15 address, and telephone number of the person requesting the
16 work to be done.

17 (b) The locksmith who performs the services shall include
18 on the work order, invoice, or receipt the locksmith's ~~his or~~
19 ~~her~~ name and license number.

20 (c) If the locksmith who performs the services is employed
21 by a locksmith agency, then the name, address, and license
22 number of the locksmith agency and the name and license or
23 registration number of the locksmith who performed the
24 services shall be included on the work order, invoice, or
25 receipt.

1 (d) A copy of the work order, invoice, or receipt shall be
2 provided to the customer at the time of service and the
3 original copy of the work order, invoice, or receipt shall be
4 kept by the licensed locksmith or locksmith agency for a
5 period of 2 years.

6 (e) The name, address, and license number of the locksmith
7 or locksmith agency, if applicable, shall be pre-printed on
8 the work order, invoice, or receipt required under this
9 Section.

10 (f) A locksmith may be disciplined by the Department
11 pursuant to this Act for gross or willful overcharging for
12 professional locksmith services, including filing false
13 statements for the collection of fees for services not
14 rendered.

15 (Source: P.A. 98-253, eff. 8-9-13.)

16 (225 ILCS 447/31-5)

17 (Section scheduled to be repealed on January 1, 2024)

18 Sec. 31-5. Exemptions.

19 (a) The provisions of this Act regarding fingerprint
20 vendors do not apply to any of the following, if the person
21 performing the service does not hold oneself ~~himself or~~
22 ~~herself~~ out as a fingerprint vendor or fingerprint vendor
23 agency:

24 (1) An employee of the United States, Illinois, or a
25 political subdivision, including public school districts,

1 ~~of either~~ while the employee is engaged in the performance
2 of the employee's ~~his or her~~ official duties within the
3 scope of the employee's ~~his or her~~ employment. However,
4 any such person who offers the person's ~~his or her~~
5 services as a fingerprint vendor or uses a similar title
6 when these services are performed for compensation or
7 other consideration, whether received directly or
8 indirectly, is subject to this Act.

9 (2) A person employed exclusively by only one employer
10 in connection with the exclusive activities of that
11 employer, provided that person does not hold oneself
12 ~~himself or herself~~ out to the public as a fingerprint
13 vendor.

14 (3) Any member of local law enforcement in the
15 performance of ~~his or her~~ duties for criminal justice
16 purposes, notwithstanding whether the local law
17 enforcement agency charges a reasonable fee related to the
18 cost of offering fingerprinting services.

19 (b) The provisions of this Act regarding fingerprint
20 vendors do not apply to any member of a local law enforcement
21 agency, acting on behalf of the local law enforcement agency
22 that is registered with the Illinois State Police to provide
23 fingerprinting services for non-criminal justice purposes,
24 notwithstanding whether the local law enforcement agency
25 charges a reasonable fee related to the cost of offering
26 fingerprinting services.

1 (Source: P.A. 102-538, eff. 8-20-21.)

2 (225 ILCS 447/31-10)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 31-10. Qualifications for licensure as a fingerprint
5 vendor.

6 (a) A person is qualified for licensure as a fingerprint
7 vendor if the person ~~he or she~~ meets all of the following
8 requirements:

9 (1) Is at least 18 years of age.

10 (2) Has not been convicted of any felony in any
11 jurisdiction or at least 10 years have elapsed since the
12 time of full discharge from a sentence imposed for a
13 felony conviction.

14 (3) Is of good moral character. Good moral character
15 is a continuing requirement of licensure. Conviction of
16 crimes other than felonies may be used in determining
17 moral character, but shall not constitute an absolute bar
18 to licensure, except where the applicant is a registered
19 sex offender.

20 (4) Has not been declared by any court of competent
21 jurisdiction to be incompetent by reason of mental or
22 physical defect or disease, unless a court has
23 subsequently declared him or her to be competent.

24 (5) Is not suffering from dependence on alcohol or
25 from narcotic addiction or dependence.

1 (6) Has not been dishonorably discharged from the
2 armed forces of the United States.

3 (7) Submits certification issued by the Illinois State
4 Police that the applicant has successfully completed a
5 fingerprint vendor training course conducted or authorized
6 by the Illinois State Police.

7 (8) Submits the applicant's ~~his or her~~ fingerprints,
8 in accordance with subsection (b) of this Section.

9 (9) Has not violated any provision of this Act or any
10 rule adopted under this Act.

11 (10) Provides evidence satisfactory to the Department
12 that the applicant has obtained general liability
13 insurance in an amount and with coverage as determined by
14 rule. Failure to maintain general liability insurance and
15 failure to provide the Department with written proof of
16 the insurance, upon request, shall result in cancellation
17 of the license without hearing. A fingerprint vendor
18 employed by a licensed fingerprint vendor agency may
19 provide proof that the employee's ~~his or her~~ actions as a
20 fingerprint vendor are covered by the liability insurance
21 of the employee's ~~his or her~~ employer.

22 (11) Pays the required licensure fee.

23 (12) (Blank).

24 (13) Submits proof that the applicant maintains a
25 business office located in the State of Illinois.

26 (14) Provides proof of compliance with subsection (e)

1 of Section 31-15 of this Act if the applicant is not
2 required to obtain a fingerprint vendor agency license
3 pursuant to subsection (b) of Section 31-15 of this Act.

4 (b) Each applicant for a fingerprint vendor license shall
5 have the applicant's ~~his or her~~ fingerprints submitted to the
6 Illinois State Police in an electronic format that complies
7 with the form and manner for requesting and furnishing
8 criminal history record information as prescribed by the
9 Illinois State Police. These fingerprints shall be checked
10 against the Illinois State Police and Federal Bureau of
11 Investigation criminal history record databases now and
12 hereafter filed. The Illinois State Police shall charge
13 applicants a fee for conducting the criminal history records
14 check, which shall be deposited in the State Police Services
15 Fund and shall not exceed the actual cost of the records check.
16 The Illinois State Police shall furnish, pursuant to positive
17 identification, records of Illinois convictions to the
18 Department. The Department may require applicants to pay a
19 separate fingerprinting fee, either to the Department or
20 directly to the vendor. The Department, in its discretion, may
21 allow an applicant who does not have reasonable access to a
22 designated vendor to provide the applicant's ~~his or her~~
23 fingerprints in an alternative manner. The Department, in its
24 discretion, may also use other procedures in performing or
25 obtaining criminal background checks of applicants. Instead of
26 submitting the applicant's ~~his or her~~ fingerprints, an

1 individual may submit proof that is satisfactory to the
2 Department that an equivalent security clearance has been
3 conducted. Also, an individual who has retired as a peace
4 officer within 12 months of application may submit
5 verification, on forms provided by the Department and signed
6 by the applicant's ~~his or her~~ employer, of the applicant's ~~his~~
7 ~~or her~~ previous full-time employment as a peace officer.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (225 ILCS 447/31-15)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 31-15. Qualifications for licensure as a fingerprint
12 vendor agency.

13 (a) Upon receipt of the required fee, compliance with
14 subsection (e) of this Section, and proof that the applicant
15 has a full-time Illinois licensed fingerprint vendor
16 licensee-in-charge, which is a continuing requirement for
17 agency licensure, the Department may issue a license as a
18 fingerprint vendor agency to any of the following:

19 (1) An individual who submits an application and is a
20 licensed fingerprint vendor under this Act.

21 (2) A firm that submits an application and all of the
22 members of the firm are licensed fingerprint vendors under
23 this Act.

24 (3) A corporation or limited liability company doing
25 business in Illinois that is authorized to engage in the

1 business of conducting a fingerprint vendor agency if at
2 least one officer or executive employee is a licensed
3 fingerprint vendor under this Act and all unlicensed
4 officers and directors of the corporation or limited
5 liability company are determined by the Department to be
6 persons of good moral character.

7 (b) An individual licensed as a fingerprint vendor
8 operating under a business name other than the licensed
9 fingerprint vendor's own name shall not be required to obtain
10 a fingerprint vendor agency license if that licensed
11 fingerprint vendor does not employ any persons to provide
12 fingerprinting services. However, in either circumstance, the
13 individual shall comply with the requirements of subsection
14 (e) of this Section as a requirement for licensure.

15 (c) No fingerprint vendor may be the licensee-in-charge
16 for more than one fingerprint vendor agency. Upon written
17 request by a representative of the agency, within 10 days
18 after the loss of a licensee-in-charge of an agency because of
19 the death of that individual or because of the termination of
20 the employment of that individual, the Department shall issue
21 a temporary certificate of authority allowing the continuing
22 operation of the licensed agency. No temporary certificate of
23 authority shall be valid for more than 90 days. An extension of
24 an additional 90 days may be granted upon written request by
25 the representative of the agency. Not more than 2 extensions
26 may be granted to any agency. No temporary permit shall be

1 issued for loss of the licensee-in-charge because of
2 disciplinary action by the Department related to the
3 licensee-in-charge's ~~his or her~~ conduct on behalf of the
4 agency.

5 (d) Upon issuance of the temporary certificate of
6 authority as provided for in subsection (c) of this Section
7 and at any time thereafter while the temporary certificate of
8 authority is in effect, the Department may request in writing
9 additional information from the agency regarding the loss of
10 its licensee-in-charge, the selection of a new
11 licensee-in-charge, and the management of the agency. Failure
12 of the agency to respond or respond to the satisfaction of the
13 Department shall cause the Department to deny any extension of
14 the temporary certificate of authority. While the temporary
15 certificate of authority is in effect, the Department may
16 disapprove the selection of a new licensee-in-charge by the
17 agency if the person's license is not operative or the
18 Department has good cause to believe that the person selected
19 will not fully exercise the responsibilities of a
20 licensee-in-charge. If the Department has disapproved the
21 selection of a new licensee-in-charge and the temporary
22 certificate of authority expires or is about to expire without
23 the agency selecting another new licensee-in-charge, the
24 Department shall grant an extension of the temporary
25 certificate of authority for an additional 90 days, except as
26 otherwise prohibited in subsection (c) or this subsection (d).

1 (e) An applicant shall submit certification issued by the
2 Illinois State Police that the applicant's fingerprinting
3 equipment and software meets all specifications required by
4 the Illinois State Police. Compliance with Illinois State
5 Police fingerprinting equipment and software specifications is
6 a continuing requirement for licensure.

7 (Source: P.A. 102-538, eff. 8-20-21.)

8 (225 ILCS 447/31-20)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 31-20. Training; fingerprint vendor and employees.

11 (a) Registered employees of a licensed fingerprint vendor
12 agency shall complete a minimum of 20 hours of training
13 provided by a qualified instructor within 30 days of their
14 employment. The substance of the training shall be prescribed
15 by rule.

16 (b) It is the responsibility of the employer to certify,
17 on a form provided by the Department, that the employee has
18 successfully completed the training. The form shall be a
19 permanent record of training completed by the employee and
20 shall be placed in the employee's file with the employer for
21 the period the employee remains with the employer. An agency
22 may place a ~~notarized~~ copy of the Department form, in lieu of
23 the original, into the permanent employee registration card
24 file. The original form or a copy shall be given to the
25 employee when the employee's ~~his or her~~ employment is

1 terminated. Failure to return the original form or a copy to
2 the employee is grounds for disciplinary action. The employee
3 shall not be required to repeat the required training once the
4 employee has been issued the form. An employer may provide or
5 require additional training.

6 (c) Any certification of completion of the 20-hour basic
7 training issued under this Act ~~the Private Detective, Private~~
8 ~~Alarm, Private Security, and Locksmith Act of 2004 or any~~
9 ~~prior Act~~ shall be accepted as proof of training ~~under this~~
10 ~~Act~~.

11 (d) No registered employee of a licensed fingerprint
12 vendor agency may operate live scan fingerprint equipment or
13 other equipment designed to obtain fingerprint images for the
14 purpose of providing fingerprint images and associated
15 demographic data to the Illinois State Police.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (225 ILCS 447/35-5)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 35-5. Display of license. Each licensee shall
20 prominently display the licensee's ~~his or her~~ individual,
21 agency, or branch office license at each place where business
22 is being conducted, as required under this Act. A
23 licensee-in-charge is required to post the licensee's ~~his or~~
24 ~~her~~ license only at the agency office.

25 (Source: P.A. 93-438, eff. 8-5-03.)

1 (225 ILCS 447/35-10)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-10. Inspection of facilities. Each licensee or
4 registrant shall permit the licensee's or registrant's ~~his or~~
5 ~~her~~ office facilities, business premises, canine training
6 facilities, firearm training facilities, and registered
7 employee files to be audited or inspected at reasonable times
8 and in a reasonable manner by the Department.

9 (Source: P.A. 98-253, eff. 8-9-13.)

10 (225 ILCS 447/35-15)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 35-15. Advertisements; penalties.

13 (a) No licensee providing services regulated by this Act
14 may knowingly advertise those services without including the
15 licensee's ~~his or her~~ license number in the advertisement. The
16 publisher of the advertising, however, is not required to
17 verify the accuracy of the advertisement or the license
18 number.

19 (b) A licensee who advertises services regulated by this
20 Act who knowingly (i) fails to display the licensee's ~~his or~~
21 ~~her~~ license at the licensee's ~~his or her~~ place of business,
22 (ii) fails to provide the publisher with the current license
23 number, or (iii) provides the publisher with a false license
24 number or a license number other than that of the person or

1 agency doing the advertising or a licensee who knowingly
2 allows the licensee's ~~his or her~~ license number to be
3 displayed or used by another person or agency to circumvent
4 any provision of this subsection, is guilty of a Class A
5 misdemeanor. Each day an advertisement is published or a
6 licensee allows the licensee's ~~his or her~~ license to be used in
7 violation of this Section constitutes a separate offense. In
8 addition to the penalties and remedies provided in this
9 Section, a licensee who violates any provision of this Section
10 shall be subject to the disciplinary action, fines, and civil
11 penalty provisions of this Act.

12 (Source: P.A. 93-438, eff. 8-5-03.)

13 (225 ILCS 447/35-25)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 35-25. Duplicate licenses. If a license, permanent
16 employee registration card, or firearm control card is lost, a
17 duplicate shall be issued upon proof of such loss together
18 with the payment of the required fee. If a licensee decides to
19 change the licensee's ~~his or her~~ name, the Department shall
20 issue a license in the new name upon proof that the change was
21 done pursuant to law and payment of the required fee.
22 Notification of a name change shall be made to the Department
23 within 30 days after the change.

24 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 447/35-30)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-30. Employee requirements. All employees of a
4 licensed agency, other than those exempted, shall apply for a
5 permanent employee registration card. The holder of an agency
6 license issued under this Act, known in this Section as
7 "employer", may employ in the conduct of the employer's ~~his or~~
8 ~~her~~ business employees under the following provisions:

9 (a) No person shall be issued a permanent employee
10 registration card who:

11 (1) Is younger than 18 years of age.

12 (2) Is younger than 21 years of age if the services
13 will include being armed.

14 (3) Has been determined by the Department to be unfit
15 by reason of conviction of an offense in this or another
16 state, including registration as a sex offender, but not
17 including a traffic offense. Persons convicted of felonies
18 involving bodily harm, weapons, violence, or theft within
19 the previous 10 years shall be presumed to be unfit for
20 registration. The Department shall adopt rules for making
21 those determinations that shall afford the applicant due
22 process of law.

23 (4) Has had a license or permanent employee
24 registration card denied, suspended, or revoked under this
25 Act (i) within one year before the date the person's
26 application for permanent employee registration card is

1 received by the Department; and (ii) that refusal, denial,
2 suspension, or revocation was based on any provision of
3 this Act other than Section 40-50, item (6) or (8) of
4 subsection (a) of Section 15-10, subsection (b) of Section
5 15-10, item (6) or (8) of subsection (a) of Section 20-10,
6 subsection (b) of Section 20-10, item (6) or (8) of
7 subsection (a) of Section 25-10, subsection (b) of Section
8 25-10, item (7) of subsection (a) of Section 30-10,
9 subsection (b) of Section 30-10, or Section 10-40.

10 (5) Has been declared incompetent by any court of
11 competent jurisdiction by reason of mental disease or
12 defect and has not been restored.

13 (6) Has been dishonorably discharged from the armed
14 services of the United States.

15 (b) No person may be employed by a private detective
16 agency, private security contractor agency, private alarm
17 contractor agency, fingerprint vendor agency, or locksmith
18 agency under this Section until the person ~~he or she~~ has
19 executed and furnished to the employer, on forms furnished by
20 the Department, a verified statement to be known as
21 "Employee's Statement" setting forth:

22 (1) The person's full name, age, and residence
23 address.

24 (2) The business or occupation engaged in for the 5
25 years immediately before the date of the execution of the
26 statement, the place where the business or occupation was

1 engaged in, and the names of employers, if any.

2 (3) That the person has not had a license or employee
3 registration denied, revoked, or suspended under this Act

4 (i) within one year before the date the person's
5 application for permanent employee registration card is
6 received by the Department; and (ii) that refusal, denial,
7 suspension, or revocation was based on any provision of
8 this Act other than Section 40-50, item (6) or (8) of
9 subsection (a) of Section 15-10, subsection (b) of Section
10 15-10, item (6) or (8) of subsection (a) of Section 20-10,
11 subsection (b) of Section 20-10, item (6) or (8) of
12 subsection (a) of Section 25-10, subsection (b) of Section
13 25-10, item (7) of subsection (a) of Section 30-10,
14 subsection (b) of Section 30-10, or Section 10-40.

15 (4) Any conviction of a felony or misdemeanor.

16 (5) Any declaration of incompetence by a court of
17 competent jurisdiction that has not been restored.

18 (6) Any dishonorable discharge from the armed services
19 of the United States.

20 (7) Any other information as may be required by any
21 rule of the Department to show the good character,
22 competency, and integrity of the person executing the
23 statement.

24 (c) Each applicant for a permanent employee registration
25 card shall have the applicant's ~~his or her~~ fingerprints
26 submitted to the Illinois State Police in an electronic format

1 that complies with the form and manner for requesting and
2 furnishing criminal history record information as prescribed
3 by the Illinois State Police. These fingerprints shall be
4 checked against the Illinois State Police and Federal Bureau
5 of Investigation criminal history record databases now and
6 hereafter filed. The Illinois State Police shall charge
7 applicants a fee for conducting the criminal history records
8 check, which shall be deposited in the State Police Services
9 Fund and shall not exceed the actual cost of the records check.
10 The Illinois State Police shall furnish, pursuant to positive
11 identification, records of Illinois convictions to the
12 Department. The Department may require applicants to pay a
13 separate fingerprinting fee, either to the Department or
14 directly to the vendor. The Department, in its discretion, may
15 allow an applicant who does not have reasonable access to a
16 designated vendor to provide the applicant's ~~his or her~~
17 fingerprints in an alternative manner. The Department, in its
18 discretion, may also use other procedures in performing or
19 obtaining criminal background checks of applicants. Instead of
20 submitting the applicant's ~~his or her~~ fingerprints, an
21 individual may submit proof that is satisfactory to the
22 Department that an equivalent security clearance has been
23 conducted. Also, an individual who has retired as a peace
24 officer within 12 months of application may submit
25 verification, on forms provided by the Department and signed
26 by the applicant's ~~his or her~~ employer, of the applicant's ~~his~~

1 ~~or her~~ previous full-time employment as a peace officer.

2 (d) The Department shall issue a permanent employee
3 registration card, in a form the Department prescribes, to all
4 qualified applicants. The holder of a permanent employee
5 registration card shall carry the card at all times while
6 actually engaged in the performance of the duties of the
7 employee's ~~his or her~~ employment. Expiration and requirements
8 for renewal of permanent employee registration cards shall be
9 established by rule of the Department. Possession of a
10 permanent employee registration card does not in any way imply
11 that the holder of the card is employed by an agency unless the
12 permanent employee registration card is accompanied by the
13 employee identification card required by subsection (f) of
14 this Section.

15 (e) Each employer shall maintain a record of each employee
16 that is accessible to the duly authorized representatives of
17 the Department. The record shall contain the following
18 information:

19 (1) A photograph taken within 10 days of the date that
20 the employee begins employment with the employer. The
21 photograph shall be replaced with a current photograph
22 every 3 calendar years.

23 (2) The Employee's Statement specified in subsection
24 (b) of this Section.

25 (3) All correspondence or documents relating to the
26 character and integrity of the employee received by the

1 employer from any official source or law enforcement
2 agency.

3 (4) In the case of former employees, the employee
4 identification card of that person issued under subsection
5 (f) of this Section. Each employee record shall duly note
6 if the employee is employed in an armed capacity. Armed
7 employee files shall contain a copy of an active firearm
8 owner's identification card and a copy of an active
9 firearm control card. Each employer shall maintain a
10 record for each armed employee of each instance in which
11 the employee's weapon was discharged during the course of
12 the employee's ~~his or her~~ professional duties or
13 activities. The record shall be maintained on forms
14 provided by the Department, a copy of which must be filed
15 with the Department within 15 days of an instance. The
16 record shall include the date and time of the occurrence,
17 the circumstances involved in the occurrence, and any
18 other information as the Department may require. Failure
19 to provide this information to the Department or failure
20 to maintain the record as a part of each armed employee's
21 permanent file is grounds for disciplinary action. The
22 Department, upon receipt of a report, shall have the
23 authority to make any investigation it considers
24 appropriate into any occurrence in which an employee's
25 weapon was discharged and to take disciplinary action as
26 may be appropriate.

1 (5) A copy of the employee's permanent employee
2 registration card or a copy of the Department's "License
3 Lookup" Webpage showing that the employee has been issued
4 a valid permanent employee registration card by the
5 Department.

6 The Department may, by rule, prescribe further record
7 requirements.

8 (f) Every employer shall furnish an employee
9 identification card to each of the employer's ~~his or her~~
10 employees. This employee identification card shall contain a
11 recent photograph of the employee, the employee's name, the
12 name and agency license number of the employer, the employee's
13 personal description, the signature of the employer, the
14 signature of that employee, the date of issuance, and an
15 employee identification card number.

16 (g) No employer may issue an employee identification card
17 to any person who is not employed by the employer in accordance
18 with this Section or falsely state or represent that a person
19 is or has been in the employer's ~~his or her~~ employ. It is
20 unlawful for an applicant for registered employment to file
21 with the Department the fingerprints of a person other than
22 himself or herself.

23 (h) Every employer shall obtain the identification card of
24 every employee who terminates employment with the employer ~~him~~
25 ~~or her~~.

26 (i) Every employer shall maintain a separate roster of the

1 names of all employees currently working in an armed capacity
2 and submit the roster to the Department on request.

3 (j) No agency may employ any person to perform a licensed
4 activity under this Act unless the person possesses a valid
5 permanent employee registration card or a valid license under
6 this Act, or is exempt pursuant to subsection (n).

7 (k) Notwithstanding the provisions of subsection (j), an
8 agency may employ a person in a temporary capacity if all of
9 the following conditions are met:

10 (1) The agency completes in its entirety and submits
11 to the Department an application for a permanent employee
12 registration card, including the required fingerprint
13 receipt and fees.

14 (2) The agency has verification from the Department
15 that the applicant has no record of any criminal
16 conviction pursuant to the criminal history check
17 conducted by the Illinois State Police. The agency shall
18 maintain the verification of the results of the Illinois
19 State Police criminal history check as part of the
20 employee record as required under subsection (e) of this
21 Section.

22 (3) The agency exercises due diligence to ensure that
23 the person is qualified under the requirements of this ~~the~~
24 Act to be issued a permanent employee registration card.

25 (4) The agency maintains a separate roster of the
26 names of all employees whose applications are currently

1 pending with the Department and submits the roster to the
2 Department on a monthly basis. Rosters are to be
3 maintained by the agency for a period of at least 24
4 months.

5 An agency may employ only a permanent employee applicant
6 for which it either submitted a permanent employee application
7 and all required forms and fees or it confirms with the
8 Department that a permanent employee application and all
9 required forms and fees have been submitted by another agency,
10 licensee or the permanent employee and all other requirements
11 of this Section are met.

12 The Department shall have the authority to revoke, without
13 a hearing, the temporary authority of an individual to work
14 upon receipt of Federal Bureau of Investigation fingerprint
15 data or a report of another official authority indicating a
16 criminal conviction. If the Department has not received a
17 temporary employee's Federal Bureau of Investigation
18 fingerprint data within 120 days of the date the Department
19 received the Illinois State Police fingerprint data, the
20 Department may, at its discretion, revoke the employee's
21 temporary authority to work with 15 days written notice to the
22 individual and the employing agency.

23 An agency may not employ a person in a temporary capacity
24 if it knows or reasonably should have known that the person has
25 been convicted of a crime under the laws of this State, has
26 been convicted in another state of any crime that is a crime

1 under the laws of this State, has been convicted of any crime
2 in a federal court, or has been posted as an unapproved
3 applicant by the Department. Notice by the Department to the
4 agency, via certified mail, personal delivery, electronic
5 mail, or posting on the Department's Internet site accessible
6 to the agency that the person has been convicted of a crime
7 shall be deemed constructive knowledge of the conviction on
8 the part of the agency. The Department may adopt rules to
9 implement this subsection (k).

10 (l) No person may be employed under this Section in any
11 capacity if:

12 (1) the person, while so employed, is being paid by
13 the United States or any political subdivision for the
14 time so employed in addition to any payments the person ~~he~~
15 ~~or she~~ may receive from the employer; or

16 (2) the person wears any portion of the person's ~~his~~
17 ~~or her~~ official uniform, emblem of authority, or equipment
18 while so employed.

19 (m) If information is discovered affecting the
20 registration of a person whose fingerprints were submitted
21 under this Section, the Department shall so notify the agency
22 that submitted the fingerprints on behalf of that person.

23 (n) Peace officers shall be exempt from the requirements
24 of this Section relating to permanent employee registration
25 cards. The agency shall remain responsible for any peace
26 officer employed under this exemption, regardless of whether

1 the peace officer is compensated as an employee or as an
2 independent contractor and as further defined by rule.

3 (o) Persons who have no access to confidential or security
4 information, who do not go to a client's or prospective
5 client's residence or place of business, and who otherwise do
6 not provide traditional security services are exempt from
7 employee registration. Examples of exempt employees include,
8 but are not limited to, employees working in the capacity of
9 ushers, directors, ticket takers, cashiers, drivers, and
10 reception personnel. Confidential or security information is
11 that which pertains to employee files, scheduling, client
12 contracts, or technical security and alarm data.

13 (p) An applicant who is 21 years of age or older seeking a
14 religious exemption to the photograph requirement of this
15 Section shall furnish with the application an approved copy of
16 United States Department of the Treasury Internal Revenue
17 Service Form 4029. Regardless of age, an applicant seeking a
18 religious exemption to this photograph requirement shall
19 submit fingerprints in a form and manner prescribed by the
20 Department with the applicant's ~~his or her~~ application in lieu
21 of a photograph.

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 (225 ILCS 447/35-35)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 35-35. Requirement of a firearm control card.

1 (a) No person shall perform duties that include the use,
2 carrying, or possession of a firearm in the performance of
3 those duties without complying with the provisions of this
4 Section and having been issued a valid firearm control card by
5 the Department.

6 (b) No employer shall employ any person to perform the
7 duties for which licensure or employee registration is
8 required and allow that person to carry a firearm unless that
9 person has complied with all the firearm training requirements
10 of this Section and has been issued a firearm control card.
11 This Act permits only the following to carry firearms while
12 actually engaged in the performance of their duties or while
13 commuting directly to or from their places of employment:
14 persons licensed as private detectives and their registered
15 employees; persons licensed as private security contractors
16 and their registered employees; persons licensed as private
17 alarm contractors and their registered employees; and
18 employees of a registered armed proprietary security force.

19 (c) Possession of a valid firearm control card allows a
20 licensee or employee to carry a firearm not otherwise
21 prohibited by law while the licensee or employee is engaged in
22 the performance of the licensee's or employee's ~~his or her~~
23 duties or while the licensee or employee is commuting directly
24 to or from the licensee's or employee's place or places of
25 employment.

26 (d) The Department shall issue a firearm control card to a

1 person who has passed an approved firearm training course, who
2 is currently licensed or employed by an agency licensed by
3 this Act and has met all the requirements of this Act, and who
4 possesses a valid firearm owner identification card.
5 Application for the firearm control card shall be made by the
6 employer to the Department on forms provided by the
7 Department. The Department shall forward the card to the
8 employer who shall be responsible for its issuance to the
9 licensee or employee. The firearm control card shall be issued
10 by the Department and shall identify the person holding it and
11 the name of the course where the licensee or employee received
12 firearm instruction and shall specify the type of weapon or
13 weapons the person is authorized by the Department to carry
14 and for which the person has been trained.

15 (e) Expiration and requirements for renewal of firearm
16 control cards shall be determined by rule.

17 (f) The Department may, in addition to any other
18 disciplinary action permitted by this Act, refuse to issue,
19 suspend, or revoke a firearm control card if the applicant or
20 holder has been convicted of any felony or crime involving the
21 illegal use, carrying, or possession of a deadly weapon or for
22 a violation of this Act or rules promulgated under this Act.
23 The Department shall refuse to issue or shall revoke a firearm
24 control card if the applicant or holder fails to possess a
25 valid firearm owners identification card without hearing. The
26 Secretary shall summarily suspend a firearm control card if

1 the Secretary finds that its continued use would constitute an
2 imminent danger to the public. A hearing shall be held before
3 the Board within 30 days if the Secretary summarily suspends a
4 firearm control card.

5 (g) Notwithstanding any other provision of this Act to the
6 contrary, all requirements relating to firearms control cards
7 do not apply to a peace officer. If an individual ceases to be
8 employed as a peace officer and continues to perform services
9 in an armed capacity under this Act that are licensed
10 activities, then the individual is required to obtain a
11 permanent employee registration card pursuant to Section 35-30
12 of this Act and must possess a valid Firearm Owner's
13 Identification Card, but is not required to obtain a firearm
14 control card if the individual is otherwise in continuing
15 compliance with the federal Law Enforcement Officers Safety
16 Act of 2004. If an individual elects to carry a firearm
17 pursuant to the federal Law Enforcement Officers Safety Act of
18 2004, then the agency employing the officer shall ~~is required~~
19 ~~to~~ submit an application ~~a notice of that election~~ to the
20 Department for issuance of a waiver card along with a fee
21 specified by rule.

22 (h) The Department may issue a temporary firearm control
23 card pending issuance of a new firearm control card upon an
24 agency's acquiring of an established armed account. An agency
25 that has acquired armed employees as a result of acquiring an
26 established armed account may, on forms supplied by the

1 Department, request the issuance of a temporary firearm
2 control card for each acquired employee who held a valid
3 firearm control card under the employer's ~~his or her~~
4 employment with the newly acquired established armed account
5 immediately preceding the acquiring of the account and who
6 continues to meet all of the qualifications for issuance of a
7 firearm control card set forth in this Act and any rules
8 adopted under this Act. The Department shall, by rule, set the
9 fee for issuance of a temporary firearm control card.

10 (i) The Department shall not issue a firearm control card
11 to a licensed fingerprint vendor or a licensed locksmith or
12 employees of a licensed fingerprint vendor agency or a
13 licensed locksmith agency.

14 (Source: P.A. 100-712, eff. 8-3-18.)

15 (225 ILCS 447/35-43)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 35-43. Requirement of a canine trainer authorization
18 card; qualifications.

19 (a) No person may perform duties that include the training
20 of canine handlers and canines to protect persons or property
21 or to conduct investigations without having been issued a
22 valid canine trainer authorization card by the Department.

23 (b) No employer shall employ any person to perform the
24 duties for which employee registration is required under this
25 Act and allow that person to train canine handlers and canines

1 unless that person has been issued a canine trainer
2 authorization card.

3 (c) The Department shall issue a canine trainer
4 authorization card to a person who (i) has passed an approved
5 canine trainer training course, (ii) is currently employed by
6 an agency licensed under this Act, and (iii) has met all of the
7 applicable requirements of this Act. Application for the
8 canine trainer authorization card shall be made by the
9 employer to the Department on forms provided by the
10 Department. The Department shall forward the card to the
11 employer who shall be responsible for its issuance to the
12 employee.

13 (d) The Department may, in addition to any other
14 disciplinary action permitted by this Act, refuse to issue,
15 suspend, or revoke a canine trainer authorization card if the
16 applicant or holder has been convicted of any felony or
17 misdemeanor involving cruelty to animals or for a violation of
18 this Act or rules promulgated under this Act.

19 (e) Qualifications for canine trainers shall be set by the
20 Department by rule. ~~Any person who has been engaged in the~~
21 ~~provision of canine trainer services prior to January 1, 2005,~~
22 ~~shall be granted a canine trainer authorization card upon the~~
23 ~~submission of a completed application, the payment of~~
24 ~~applicable fees, and the demonstration satisfactory to the~~
25 ~~Department of the provision of such services.~~

26 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 447/35-45)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-45. Armed proprietary security force.

4 (a) All financial institutions or commercial or industrial
5 operations that employ one or more armed employees shall
6 register their security forces with the Department on forms
7 provided by the Department. Registration subjects the security
8 force to all of the requirements of Section 35-40. For the
9 purposes of this Section, "financial institution" includes a
10 bank, savings and loan association, credit union, currency
11 exchange, or company providing armored car services.

12 (b) All armed employees of the registered proprietary
13 security force must complete a 20-hour basic training course
14 and all the firearm training requirements of Section 35-40.

15 (c) Every proprietary security force is required to apply
16 to the Department, on forms supplied by the Department, for a
17 firearm control card for each armed employee. Each armed
18 employee shall have the employee's ~~his or her~~ fingerprints
19 submitted to the Department of State Police in an electronic
20 format that complies with the form and manner for requesting
21 and furnishing criminal history record information as
22 prescribed by the Department of State Police. These
23 fingerprints shall be checked against the Department of State
24 Police and Federal Bureau of Investigation criminal history
25 record databases. The Department of State Police shall charge

1 the armed employee a fee for conducting the criminal history
2 records check, which shall be deposited in the State Police
3 Services Fund and shall not exceed the actual cost of the
4 records check. The Department of State Police shall furnish,
5 pursuant to positive identification, records of Illinois
6 convictions to the Department. The Department may require
7 armed employees to pay a separate fingerprinting fee, either
8 to the Department or directly to the vendor. The Department,
9 in its discretion, may allow an armed employee who does not
10 have reasonable access to a designated vendor to provide the
11 employee's ~~his or her~~ fingerprints in an alternative manner.
12 The Department, in its discretion, may also use other
13 procedures in performing or obtaining criminal background
14 checks of armed employees. Instead of submitting the
15 employee's ~~his or her~~ fingerprints, an individual may submit
16 proof that is satisfactory to the Department that an
17 equivalent security clearance has been conducted. Also, an
18 individual who has retired as a peace officer within 12 months
19 before application may submit verification, on forms provided
20 by the Department and signed by the employee's ~~his or her~~
21 employer, of the employee's ~~his or her~~ previous full-time
22 employment as a peace officer.

23 (d) The Department may provide rules for the
24 administration of this Section.

25 (Source: P.A. 102-152, eff. 1-1-22.)

1 (225 ILCS 447/40-5)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 40-5. Injunctive relief.

4 (a) The practice of a private detective, private security
5 contractor, private alarm contractor, fingerprint vendor,
6 locksmith, private detective agency, private security
7 contractor agency, private alarm contractor agency,
8 fingerprint vendor agency, or locksmith agency by any person,
9 firm, corporation, or other legal entity that has not been
10 issued a license by the Department or whose license has been
11 suspended, revoked, or not renewed is hereby declared to be
12 inimical to the public safety and welfare and to constitute a
13 public nuisance. The Secretary may, in the name of the People
14 of the State of Illinois through the Attorney General of the
15 State of Illinois or the State's Attorney of any county in
16 which the violation is alleged to have occurred in the State of
17 Illinois, petition for an order enjoining the violation or for
18 an order enforcing compliance with this Act. Upon the filing
19 of a verified petition in court, if satisfied by affidavit or
20 otherwise that the person, firm, corporation, or other legal
21 entity is or has been conducting activities in violation of
22 this Act, the court may enter a temporary restraining order or
23 preliminary injunction, without bond, enjoining the defendant
24 from further activity. A copy of the verified complaint shall
25 be served upon the defendant and the proceedings shall be
26 conducted as in civil cases. If it is established the

1 defendant has been or is conducting activities in violation of
2 this Act, the court may enter a judgment enjoining the
3 defendant from that activity. In case of violation of any
4 injunctive order or judgment entered under this Section, the
5 court may punish the offender for contempt of court.
6 Injunctive proceedings shall be in addition to all other
7 penalties under this Act.

8 (b) If any person practices as a private detective,
9 private security contractor, private alarm contractor,
10 fingerprint vendor, locksmith, private detective agency,
11 private security contractor agency, private alarm contractor
12 agency, fingerprint vendor agency, or locksmith agency or
13 holds himself or herself out as such without having a valid
14 license under this Act, then any licensee, any interested
15 party, or any person injured thereby may, in addition to the
16 Secretary, petition for relief as provided in subsection (a)
17 of this Section. Reasonable attorney's fees and costs may be
18 awarded to the licensee, interested party, or person injured
19 if the licensee, interested party, or person injured ~~he or she~~
20 successfully obtains injunctive relief, whether by consent or
21 otherwise.

22 (Source: P.A. 102-418, eff. 8-20-21.)

23 (225 ILCS 447/40-10)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 40-10. Disciplinary sanctions.

1 (a) The Department may deny issuance, refuse to renew, or
2 restore or may reprimand, place on probation, suspend, revoke,
3 or take other disciplinary or non-disciplinary action against
4 any license, registration, permanent employee registration
5 card, canine handler authorization card, canine trainer
6 authorization card, or firearm control card, may impose a fine
7 not to exceed \$10,000 for each violation, and may assess costs
8 as provided for under Section 45-60, for any of the following:

9 (1) Fraud, deception, or misrepresentation in
10 obtaining or renewing of a license or registration.

11 (2) Professional incompetence as manifested by poor
12 standards of service.

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

16 (4) Conviction of or plea of guilty or plea of nolo
17 contendere to a felony or misdemeanor in this State or any
18 other jurisdiction or the entry of an administrative
19 sanction by a government agency in this State or any other
20 jurisdiction; action taken under this paragraph (4) for a
21 misdemeanor or an administrative sanction is limited to a
22 misdemeanor or administrative sanction that has as an
23 essential element of dishonesty or fraud or involves
24 larceny, embezzlement, or obtaining money, property, or
25 credit by false pretenses or by means of a confidence
26 game.

1 (5) Performing any services in a grossly negligent
2 manner or permitting any of a licensee's employees to
3 perform services in a grossly negligent manner, regardless
4 of whether actual damage to the public is established.

5 (6) Continued practice, although the person has become
6 unfit to practice due to any of the following:

7 (A) Physical illness, mental illness, or other
8 impairment, including, but not limited to,
9 deterioration through the aging process or loss of
10 motor skills that results in the inability to serve
11 the public with reasonable judgment, skill, or safety.

12 (B) (Blank).

13 (C) Habitual or excessive use or abuse of drugs
14 defined in law as controlled substances, alcohol, or
15 any other substance that results in the inability to
16 practice with reasonable judgment, skill, or safety.

17 (7) Receiving, directly or indirectly, compensation
18 for any services not rendered.

19 (8) Willfully deceiving or defrauding the public on a
20 material matter.

21 (9) Failing to account for or remit any moneys or
22 documents coming into the licensee's possession that
23 belong to another person or entity.

24 (10) Discipline by another United States jurisdiction,
25 foreign nation, or governmental agency, if at least one of
26 the grounds for the discipline is the same or

1 substantially equivalent to those set forth in this Act.

2 (11) Giving differential treatment to a person that is
3 to that person's detriment because of race, color, creed,
4 sex, religion, or national origin.

5 (12) Engaging in false or misleading advertising.

6 (13) Aiding, assisting, or willingly permitting
7 another person to violate this Act or rules promulgated
8 under it.

9 (14) Performing and charging for services without
10 authorization to do so from the person or entity serviced.

11 (15) Directly or indirectly offering or accepting any
12 benefit to or from any employee, agent, or fiduciary
13 without the consent of the latter's employer or principal
14 with intent to or the understanding that this action will
15 influence the person's ~~his or her~~ conduct in relation to
16 the person's ~~his or her~~ employer's or principal's affairs.

17 (16) Violation of any disciplinary order imposed on a
18 licensee by the Department.

19 (17) Performing any act or practice that is a
20 violation of this Act or the rules for the administration
21 of this Act, or having a conviction or administrative
22 finding of guilty as a result of violating any federal or
23 State laws, rules, or regulations that apply exclusively
24 to the practices of private detectives, private alarm
25 contractors, private security contractors, fingerprint
26 vendors, or locksmiths.

1 (18) Owning, operating, or managing ~~Conducting~~ an
2 agency without a valid license.

3 (19) Revealing confidential information, except as
4 required by law, including but not limited to information
5 available under Section 2-123 of the Illinois Vehicle
6 Code.

7 (20) Failing to make available to the Department, upon
8 request, any books, records, or forms required by this
9 Act.

10 (21) Failing, within 30 days, to respond to a written
11 request for information from the Department.

12 (22) Failing to provide employment information or
13 experience information required by the Department
14 regarding an applicant for licensure.

15 (23) Failing to make available to the Department at
16 the time of the request any indicia of licensure or
17 registration issued under this Act.

18 (24) Purporting to be a licensee-in-charge of an
19 agency without active participation in the agency.

20 (25) A finding by the Department that the licensee,
21 after having the licensee's ~~his or her~~ license placed on
22 probationary status, has violated the terms of probation.

23 (26) Violating subsection (f) of Section 30-30.

24 (27) A firearm control card holder having more
25 firearms in the holder's ~~his or her~~ immediate possession
26 than the holder ~~he or she~~ can reasonably exercise control

1 over.

2 (28) Failure to report in writing to the Department,
3 within 60 days of an entry of a settlement or a verdict in
4 excess of \$10,000, any legal action in which the quality
5 of the licensee's or registrant's professional services
6 was the subject of the legal action.

7 (b) All fines imposed under this Section shall be paid
8 within 60 days after the effective date of the order imposing
9 the fine.

10 (c) The Department shall adopt rules that set forth
11 standards of service for the following: (i) acceptable error
12 rate in the transmission of fingerprint images and other data
13 to the Illinois State Police; (ii) acceptable error rate in
14 the collection and documentation of information used to
15 generate fingerprint work orders; and (iii) any other standard
16 of service that affects fingerprinting services as determined
17 by the Department.

18 The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. The suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission
24 and the issuance of an order so finding and discharging the
25 patient.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (225 ILCS 447/40-20)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 40-20. Confidential information; violation. Any
4 person who is or has been an employee of a licensee shall not
5 divulge to anyone, other than to the person's ~~his or her~~
6 employer, except as required by law or at the ~~his~~ employer's
7 direction, any confidential or proprietary information
8 acquired during the person's ~~his or her~~ employment. Any
9 individual who violates this Section or who files false papers
10 or reports to the person's ~~his or her~~ employer may be
11 disciplined under Section 40-10 of this Act.

12 (Source: P.A. 93-438, eff. 8-5-03.)

13 (225 ILCS 447/40-25)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 40-25. Submission to physical or mental examination.

16 (a) The Department or Board upon a showing of a possible
17 violation may compel an individual licensed to practice under
18 this Act, or who has applied for licensure under this Act, to
19 submit to a mental or physical examination, or both, which may
20 include a substance abuse or sexual offender evaluation, as
21 required by and at the expense of the Department. The
22 Department or Board shall specifically designate the examining
23 physician licensed to practice medicine in all of its branches
24 or, if applicable, the multidisciplinary team involved in

1 providing the mental or physical examination, evaluation, or
2 both. The multidisciplinary team shall be led by a physician
3 licensed to practice medicine in all of its branches and may
4 consist of one or more or a combination of physicians licensed
5 to practice medicine in all of its branches, licensed
6 chiropractic physicians, licensed clinical psychologists,
7 licensed clinical social workers, licensed clinical
8 professional counselors, and other professional and
9 administrative staff. Any examining physician or member of the
10 multidisciplinary team may require any person ordered to
11 submit to an examination and evaluation pursuant to this
12 Section to submit to any additional supplemental testing
13 deemed necessary to complete any examination or evaluation
14 process, including, but not limited to, blood testing,
15 urinalysis, psychological testing, or neuropsychological
16 testing. The Department or the Board may order the examining
17 physician or any member of the multidisciplinary team to
18 provide to the Department any and all records, including
19 business records, that relate to the examination and
20 evaluation, including any supplemental testing performed. The
21 Department or the Board may order the examining physician or
22 any member of the multidisciplinary team to present testimony
23 concerning this examination and evaluation of the licensee or
24 applicant, including testimony concerning any supplemental
25 testing or documents relating to the examination and
26 evaluation. No information, report, record, or other documents

1 in any way related to the examination and evaluation shall be
2 excluded by reason of any common law or statutory privilege
3 relating to communication between the licensee or applicant
4 and the examining physician or any member of the
5 multidisciplinary team. No authorization is necessary from the
6 licensee or applicant ordered to undergo an evaluation and
7 examination for the examining physician or any member of the
8 multidisciplinary team to provide information, reports,
9 records, or other documents or to provide any testimony
10 regarding the examination and evaluation. The individual to be
11 examined may have, at the individual's ~~his or her~~ own expense,
12 another physician of the individual's ~~his or her~~ choice
13 present during all aspects of this examination. Failure of an
14 individual to submit to a mental or physical examination, or
15 both, when directed, shall result in automatic suspension
16 without hearing, until such time as the individual submits to
17 the examination.

18 (b) In instances in which the Secretary immediately
19 suspends a person's license for the person's ~~his or her~~
20 failure to submit to a mental or physical examination when
21 directed, a hearing on that person's license must be convened
22 by the Department within 15 days after the suspension and
23 completed without appreciable delay.

24 (c) In instances in which the Secretary otherwise suspends
25 a person's license pursuant to the results of a compelled
26 mental or physical examination, a hearing on that person's

1 license must be convened by the Department within 15 days
2 after the suspension and completed without appreciable delay.
3 The Department and Board shall have the authority to review
4 the subject individual's record of treatment and counseling
5 regarding the impairment to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 (d) An individual licensed under this Act and affected
9 under this Section shall be afforded an opportunity to
10 demonstrate to the Department or Board that the individual ~~he~~
11 ~~or she~~ can resume practice in compliance with acceptable and
12 prevailing standards under the provisions of the individual's
13 ~~his or her~~ license.

14 (Source: P.A. 98-253, eff. 8-9-13.)

15 (225 ILCS 447/40-30)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 40-30. Insufficient funds; checks. A person who
18 delivers a check or other payment to the Department that is
19 returned to the Department unpaid by the financial institution
20 upon which it was drawn shall pay to the Department, in
21 addition to the amount already owed, a penalty of \$50. The
22 Department shall notify the person by first class mail that
23 the person's ~~his or her~~ check or payment was returned and that
24 the person shall pay to the Department by certified check or
25 money order the amount of the returned check plus a \$50 penalty

1 within 30 calendar days after the date of the notification.
2 If, after the expiration of 30 calendar days of the
3 notification, the person has failed to remit the necessary
4 funds and penalty, the Department shall automatically
5 terminate the license or deny the application without a
6 hearing. If the returned check or other payment was for
7 issuance of a license under this Act and that person practices
8 as a licensee, that person may be subject to discipline for
9 unlicensed practice as provided in this Act. If, after
10 termination or denial, the person seeks a license, the person
11 ~~he or she~~ shall petition the Department for restoration and
12 the person ~~he or she~~ may be subject to additional discipline or
13 fines. The Secretary may waive the penalties or fines due
14 under this Section in individual cases where the Secretary
15 finds that the penalties or fines would be unreasonable or
16 unnecessarily burdensome.

17 (Source: P.A. 98-253, eff. 8-9-13.)

18 (225 ILCS 447/45-10)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 45-10. Complaints; investigations; hearings.

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

24 (b) The Department shall, before disciplining a licensee
25 under Section 40-10 or refusing to issue or license, at least

1 30 days before the date set for the hearing, (i) notify the
2 accused in writing of the charges made and the time and place
3 for the hearing on the charges, (ii) direct the accused ~~him or~~
4 ~~her~~ to file a written answer to the charges under oath within
5 20 days after service, and (iii) inform the applicant or
6 licensee that failure to answer will result in a default being
7 entered against the applicant or licensee.

8 (c) At the time and place fixed in the notice, the Board or
9 the hearing officer appointed by the Secretary shall proceed
10 to hear the charges, and the parties or their counsel shall be
11 accorded ample opportunity to present any pertinent
12 statements, testimony, evidence, and arguments. The Board or
13 hearing officer may continue the hearing from time to time. In
14 case the person, after receiving the notice, fails to file an
15 answer, the person's ~~his or her~~ license may, in the discretion
16 of the Secretary, having first received the recommendation of
17 the Board, be suspended, revoked, or placed on probationary
18 status, or be subject to whatever disciplinary action the
19 Secretary considers proper, including limiting the scope,
20 nature, or extent of the person's practice or the imposition
21 of a fine, without hearing, if the act or acts charged
22 constitute sufficient grounds for that action under this Act.

23 (d) The written notice and any notice in the subsequent
24 proceeding may be served by regular or certified mail to the
25 licensee's address of record or electronically to the
26 licensee's email address of record, or, if in the course of the

1 administrative proceeding the party has previously designated
2 a specific email address at which to accept electronic service
3 for that specific proceeding, by sending a copy by email to the
4 party's email address on record.

5 (e) The Secretary has the authority to appoint any
6 attorney licensed to practice law in the State of Illinois to
7 serve as the hearing officer in any action for refusal to
8 issue, restore, or renew a license or to discipline a
9 licensee. The hearing officer has full authority to conduct
10 the hearing.

11 (Source: P.A. 98-253, eff. 8-9-13.)

12 (225 ILCS 447/45-15)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 45-15. Hearing; rehearing.

15 (a) The Board or the hearing officer authorized by the
16 Department shall hear evidence in support of the formal
17 charges and evidence produced by the licensee. At the
18 conclusion of the hearing, the Board shall present to the
19 Secretary a written report of its findings of fact,
20 conclusions of law, and recommendations. The report shall
21 contain a finding of whether the accused person violated this
22 Act or failed to comply with the conditions required in this
23 Act. The Board shall specify the nature of the violation or
24 failure to comply and shall make its recommendation to the
25 Secretary.

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

20 (c) If the Secretary disagrees in any regard with the
21 report of the Board or the hearing officer, the Secretary may
22 issue an order contrary to the report. The finding is not
23 admissible in evidence against the person in a criminal
24 prosecution brought for the violation of this Act, but the
25 hearing and findings are not a bar to a criminal prosecution
26 for the violation of this Act.

1 (d) Whenever the Secretary is not satisfied that
2 substantial justice has been done, the Secretary may order a
3 rehearing by the same or another hearing officer.

4 (e) All proceedings under this Section are matters of
5 public record and shall be preserved.

6 (f) Upon the suspension or revocation of a license, the
7 licensee shall surrender the license to the Department and,
8 upon failure to do so, the Department shall seize the same.

9 (Source: P.A. 98-253, eff. 8-9-13.)

10 (225 ILCS 447/45-40)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 45-40. Administrative review. All final
13 administrative decisions of the Department are subject to
14 judicial review under Article III of the Code of Civil
15 Procedure. The term "administrative decision" is defined as in
16 Section 3-101 of the Code of Civil Procedure. The proceedings
17 for judicial review shall be commenced in the circuit court of
18 the county in which the party applying for review resides; but
19 if the party is not a resident of Illinois, the venue shall be
20 in Sangamon County. The Department shall not be required to
21 certify any record to the court or file any answer in court or
22 otherwise appear in any court in a judicial review proceeding,
23 unless and until the Department has received from the
24 plaintiff payment of the costs of furnishing and certifying
25 the record, which costs shall be determined by the Department.

1 ~~Exhibits shall be certified without cost.~~ Failure on the part
2 of the applicant or licensee to file a receipt in court is
3 grounds for dismissal of the action. During all judicial
4 proceedings incident to a disciplinary action, the sanctions
5 imposed upon a licensee by the Department shall remain in
6 effect, unless the court determines justice requires a stay of
7 the order.

8 (Source: P.A. 96-1445, eff. 8-20-10.)

9 (225 ILCS 447/45-55)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 45-55. Subpoenas.

12 (a) The Department may subpoena and bring before it any
13 person to take the oral or written testimony or compel the
14 production of any books, papers, records, or any other
15 documents that the Secretary or the Secretary's ~~his or her~~
16 designee deems relevant or material to any such investigation
17 or hearing conducted by the Department with the same fees and
18 in the same manner as prescribed in civil cases in the courts
19 of this State.

20 (b) Any circuit court, upon the application of the
21 applicant, licensee, or Department, may order the attendance
22 and testimony of witnesses and the production of relevant
23 documents, files, records, books and papers in connection with
24 any hearing or investigation. The circuit court may compel
25 obedience to its order by proceedings for contempt.

1 (c) The Secretary, the hearing officer, any member of the
2 Board, or a certified shorthand court reporter may administer
3 oaths at any hearing the Department conducts. Notwithstanding
4 any other statute or Department rule to the contrary, all
5 requests for testimony, production of documents or records
6 shall be in accordance with this Act.

7 (Source: P.A. 98-253, eff. 8-9-13.)

8 (225 ILCS 447/50-5)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 50-5. Personnel; investigators. The Secretary shall
11 employ, pursuant to the Personnel Code, personnel, on a
12 full-time or part-time basis, for the enforcement of this Act.
13 Each investigator shall have a minimum of 2 years
14 investigative experience out of the immediately preceding 5
15 years. No investigator may hold an active license issued
16 pursuant to this Act, nor may an investigator have a financial
17 interest in a business licensed under this Act. This
18 prohibition, however, does not apply to an investigator
19 holding stock in a business licensed under this Act, provided
20 the investigator does not hold more than 5% of the stock in the
21 business. Any person licensed under this Act who is employed
22 by the Department shall surrender the person's ~~his or her~~
23 license to the Department for the duration of that employment.
24 The licensee shall be exempt from all renewal fees while
25 employed. While employed by the Department, the licensee is

1 not required to maintain the general liability insurance
2 coverage required by this Act.

3 (Source: P.A. 98-253, eff. 8-9-13.)

4 (225 ILCS 447/50-10)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 50-10. The Private Detective, Private Alarm, Private
7 Security, Fingerprint Vendor, and Locksmith Board.

8 (a) The Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Board shall
10 consist of 13 members appointed by the Secretary and comprised
11 of 2 licensed private detectives, 3 licensed private security
12 contractors, one licensed private detective or licensed
13 private security contractor who provides canine odor detection
14 services, 2 licensed private alarm contractors, one licensed
15 fingerprint vendor ~~except for the initial appointment who~~
16 ~~shall be required to have experience in the fingerprint vendor~~
17 ~~industry that is acceptable to the Department,~~ 2 licensed
18 locksmiths, one public member who is not licensed or
19 registered under this Act and who has no connection with a
20 business licensed under this Act, and one member representing
21 the employees registered under this Act. Each member shall be
22 a resident of Illinois. Each ~~Except for the initial~~
23 ~~appointment of a licensed fingerprint vendor after the~~
24 ~~effective date of this amendatory Act of the 95th General~~
25 ~~Assembly,~~ each licensed member shall have at least 5 years

1 experience as a licensee in the professional area in which the
2 person is licensed and be in good standing and actively
3 engaged in that profession. In making appointments, the
4 Secretary shall consider the recommendations of the
5 professionals and the professional organizations representing
6 the licensees. The membership shall reasonably reflect the
7 different geographic areas in Illinois.

8 (b) Members shall serve 4-year ~~4-year~~ terms and may serve
9 until their successors are appointed. No member shall serve
10 for more than 2 successive terms. Appointments to fill
11 vacancies shall be made in the same manner as the original
12 appointments for the unexpired portion of the vacated term.

13 (c) A member of the Board may be removed for cause. A
14 member subject to formal disciplinary proceedings shall
15 disqualify oneself ~~himself or herself~~ from all Board business
16 until the charge is resolved. A member also shall disqualify
17 oneself ~~himself or herself~~ from any matter on which the member
18 cannot act objectively.

19 (d) Members shall receive compensation as set by law. Each
20 member shall receive reimbursement as set by the Governor's
21 Travel Control Board for expenses incurred in carrying out the
22 duties as a Board member.

23 (e) A majority of Board members constitutes a quorum. A
24 majority vote of the quorum is required for a decision.

25 (f) The Board shall elect a chairperson and vice
26 chairperson annually.

1 (g) Board members are not liable for their acts,
2 omissions, decisions, or other conduct in connection with
3 their duties on the Board, except those determined to be
4 willful, wanton, or intentional misconduct.

5 (h) The Board may recommend policies, procedures, and
6 rules relevant to the administration and enforcement of this
7 Act.

8 (Source: P.A. 98-253, eff. 8-9-13.)

9 (225 ILCS 447/50-15)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 50-15. Powers and duties of the Department. Subject
12 to the provisions of this Act, the Department may exercise the
13 following powers and duties:

14 (1) Prescribe forms to be issued for the
15 administration and enforcement of this Act.

16 (2) Authorize examinations to ascertain the
17 qualifications and fitness of applicants for licensing as
18 a locksmith, private alarm contractor, private detective,
19 or private security contractor and pass upon the
20 qualifications of applicants for licensure.

21 (3) Examine the records of licensees or investigate
22 any other aspect of fingerprint vending, locksmithing,
23 private alarm contracting, private security contracting,
24 or practicing as a private detective that is relevant to
25 the Department's investigation or hearing.

1 (4) Conduct hearings on proceedings to refuse to issue
2 or renew licenses or to revoke, suspend, place on
3 probation, reprimand, or otherwise discipline a license
4 under this Act or take other non-disciplinary action.

5 (5) Adopt rules required for the administration of
6 this Act.

7 (6) (Blank). ~~Maintain rosters of the names and~~
8 ~~addresses of all licensees and all persons whose licenses~~
9 ~~have been suspended, revoked, denied renewal, or otherwise~~
10 ~~disciplined within the previous calendar year. These~~
11 ~~rosters shall be available upon written request and~~
12 ~~payment of the required fee as established by rule.~~

13 (Source: P.A. 98-253, eff. 8-9-13.)

14 (225 ILCS 447/50-20)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 50-20. Rules. The Department may promulgate rules for
17 the administration and enforcement of this Act. The rules
18 shall include standards for registration, licensure,
19 professional conduct, and discipline. The Department shall
20 consult with the Board prior to promulgating any rule.
21 Proposed rules shall be transmitted, prior to publication in
22 the Illinois Register, to the Board and the Department shall
23 review the Board's recommendations ~~and shall notify the Board~~
24 ~~with an explanation of any deviations from the Board's~~
25 ~~recommendations.~~

1 (Source: P.A. 93-438, eff. 8-5-03.)

2 (225 ILCS 447/50-45)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 50-45. Illinois Administrative Procedure Act;
5 application. The Illinois Administrative Procedure Act is
6 expressly adopted and incorporated in this Act as if all of the
7 provisions of that Act were included in this Act, except that
8 the provision of paragraph (d) of Section 10-65 of the
9 Illinois Administrative Procedure Act, which provides that at
10 hearings the registrant or licensee has the right to show
11 compliance with all lawful requirements for retention or
12 continuation or renewal of the license, is specifically
13 excluded. For the purpose of this Act, the notice required
14 under Section 10-25 of the Illinois Administrative Procedure
15 Act is considered sufficient when mailed to the address of
16 record or sent electronically to the email address of record
17 or, if in the course of the administrative proceeding the
18 party has previously designated a specific email address at
19 which to accept electronic service for that specific
20 proceeding, by sending a copy by email to the party's email
21 address on record ~~last known address of a party.~~

22 (Source: P.A. 96-1445, eff. 8-20-10.)

23 (225 ILCS 447/50-35 rep.)

24 Section 35. The Private Detective, Private Alarm, Private

1 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
2 amended by repealing Section 50-35.

3 Section 40. The Illinois Public Accounting Act is amended
4 by changing Sections 0.02, 0.03, 1, 2, 2.05, 2.1, 3, 4, 5.2,
5 6.1, 8, 9.3, 13, 13.5, 14.2, 14.5, 16, 17, 17.1, 17.2, 20.01,
6 20.1, 20.2, 20.6, 20.7, 21, 27, and 30 and by adding Section
7 0.04 as follows:

8 (225 ILCS 450/0.02) (from Ch. 111, par. 5500.02)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 0.02. Declaration of public policy. It is the policy
11 of this State and the purpose of this Act:

12 (a) to promote the dependability of information which
13 is used for guidance in financial transactions or for
14 accounting for or assessing the status or performance of
15 commercial and noncommercial enterprises, whether public,
16 private, or governmental; and

17 (b) to protect the public interest by requiring that
18 persons engaged in the practice of public accounting be
19 qualified; that a public authority competent to prescribe
20 and assess the qualifications of public accountants be
21 established; and

22 (c) that preparing, auditing, or examining financial
23 statements and issuing a report expressing or disclaiming
24 an opinion on such statements or expressing assurance on

1 such statements be reserved to persons who demonstrate the
2 ~~their~~ ability and fitness to observe and apply the
3 standards of the accounting profession; and that the use
4 of accounting titles likely to confuse the public be
5 prohibited.

6 (Source: P.A. 98-254, eff. 8-9-13; 99-78, eff. 7-20-15.)

7 (225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 0.03. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 "Accountancy activities" means the services as set forth
12 in Section 8.05 of this ~~the~~ Act.

13 "Address of record" means the designated address recorded
14 by the Department in the applicant's, licensee's, or
15 registrant's application file or license file maintained by
16 the Department's licensure maintenance unit. It is the duty of
17 the applicant, licensee, or registrant to inform the
18 Department of any change of address, and those changes must be
19 made either through the Department's website or by directly
20 contacting the Department.

21 "Certification" means certification by the Board or
22 University or similar jurisdictions specifying an individual
23 has successfully passed all sections and requirements of the
24 Uniform Certified Public Accountant Examination and
25 verification of completion of 150 credit hours. Certification

1 by the Board or University or similar jurisdiction does not
2 confer the ability to use the CPA title and is not equivalent
3 to a registration or license under this Act.

4 "Compilation" means providing a service to be performed in
5 accordance with Statements on Standards for Accounting and
6 Review Services that is presented in the form of financial
7 statements or information that is the representation of
8 management or owners without undertaking to express any
9 assurance on the statements.

10 "Coordinator" means the CPA Coordinator.

11 "CPA" or "C.P.A." means a certified public accountant who
12 holds a license or registration issued by the Department or an
13 individual authorized to use the CPA title under Section 5.2
14 of this Act.

15 "CPA firm" means a sole proprietorship, a corporation,
16 registered limited liability partnership, limited liability
17 company, partnership, professional service corporation, or any
18 other form of organization issued a license in accordance with
19 this Act or a CPA firm authorized to use the CPA firm title
20 under Section 5.2 of this Act.

21 "CPA (inactive)" means a licensed certified public
22 accountant who elects to have the Department place the
23 licensee's ~~his or her~~ license on inactive status pursuant to
24 Section 17.2 of this Act.

25 "Email address of record" means the designated email
26 address recorded by the Department in the applicant's

1 application file or the licensee's license file, as maintained
2 by the Department's licensure maintenance unit.

3 "Exam certificate" means an exam certificate issued by the
4 Board, the University, or a similar jurisdiction specifying
5 that an individual has successfully passed all sections and
6 requirements of the Uniform Certified Public Accountant
7 Examination. An exam certificate issued by the Board, the
8 University, or a similar jurisdiction does not confer the
9 ability to use the CPA title and is not equivalent to a
10 registration or license under this Act.

11 "Financial statement" means a structured presentation of
12 historical financial information, including, but not limited
13 to, related notes intended to communicate an entity's economic
14 resources and obligations at a point in time or the changes
15 therein for a period of time in accordance with generally
16 accepted accounting principles (GAAP) or other comprehensive
17 basis of accounting (OCBOA).

18 "Other attestation engagements" means an engagement
19 performed in accordance with the Statements on Standards for
20 Attestation Engagements.

21 "Registered Certified Public Accountant" or "registered
22 CPA" means any person who has been issued a registration under
23 this Act as a Registered Certified Public Accountant.

24 "Report", when used with reference to financial
25 statements, means an opinion, report, or other form of
26 language that states or implies assurance as to the

1 reliability of any financial statements and that also includes
2 or is accompanied by any statement or implication that the
3 person or firm issuing it has special knowledge or competence
4 in accounting or auditing. Such a statement or implication of
5 special knowledge or competence may arise from use by the
6 issuer of the report of names or titles indicating that the
7 person or firm is an accountant or auditor, or from the
8 language of the report itself. "Report" includes any form of
9 language that disclaims an opinion when the form of language
10 is conventionally understood to imply any positive assurance
11 as to the reliability of the financial statements referred to
12 or special competence on the part of the person or firm issuing
13 such language; it includes any other form of language that is
14 conventionally understood to imply such assurance or such
15 special knowledge or competence.

16 "Licensed Certified Public Accountant" or "licensed CPA"
17 means any person licensed under this Act as a Licensed
18 Certified Public Accountant.

19 "Committee" means the Public Accountant Registration and
20 Licensure Committee appointed by the Secretary.

21 "Department" means the Department of Financial and
22 Professional Regulation.

23 "License", "licensee", and "licensure" refer to the
24 authorization to practice under the provisions of this Act.

25 "Peer review" means a study, appraisal, or review of one
26 or more aspects of a CPA firm's or sole practitioner's

1 compliance with applicable accounting, auditing, and other
2 attestation standards adopted by generally recognized
3 standard-setting bodies.

4 "Principal place of business" means the office location
5 designated by the licensee from which the person directs,
6 controls, and coordinates one's ~~his or her~~ professional
7 services.

8 "Review committee" means any person or persons conducting,
9 reviewing, administering, or supervising a peer review
10 program.

11 "Secretary" means the Secretary of the Department of
12 Financial and Professional Regulation.

13 "University" means the University of Illinois.

14 "Board" means the Board of Examiners established under
15 Section 2.

16 "Registration", "registrant", and "registered" refer to
17 the authorization to hold oneself out as or use the title
18 "Registered Certified Public Accountant" or "Certified Public
19 Accountant", unless the context otherwise requires.

20 "Peer Review Administrator" means an organization
21 designated by the Department that meets the requirements of
22 subsection (f) of Section 16 of this Act and other rules that
23 the Department may adopt.

24 (Source: P.A. 102-222, eff. 1-1-22.)

25 (225 ILCS 450/0.04 new)

1 Sec. 0.04. Address of record; email address of record.

2 All applicants and registrants shall:

3 (1) provide a valid address and email address to the
4 Department, which shall serve as the address of record and
5 email address of record, respectively, at the time of
6 application for registration or renewal of a registration;
7 and

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

12 (225 ILCS 450/1) (from Ch. 111, par. 5501)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 1. No person shall hold oneself ~~himself or herself~~
15 out to the public in this State in any manner by using the
16 title "Certified Public Accountant", "Licensed Certified
17 Public Accountant", "Registered Certified Public Accountant",
18 "Public Accountant", or use the abbreviation "C.P.A.", "CPA",
19 "LCPA", "RCPA", "PA", or any words or letters to indicate that
20 the person using the same is a licensed CPA or registered CPA,
21 unless the person ~~he or she~~ has been issued a license or
22 registration by the Department under this Act or is exercising
23 the practice privilege afforded under Section 5.2 of this Act.

24 (Source: P.A. 98-254, eff. 8-9-13.)

1 (225 ILCS 450/2) (from Ch. 111, par. 5502)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 2. Board of Examiners. The Governor shall appoint a
4 Board of Examiners that shall determine the qualifications of
5 persons applying for certification and shall make rules for
6 and conduct examinations for determining the qualifications.

7 The Board shall consist of 11 examiners, including 2
8 public members. The remainder shall be certified public
9 accountants in this State who have been residents of this
10 State for at least 5 years immediately preceding ~~their~~
11 appointment to the Board, except that one shall be either a
12 certified public accountant of the grade herein described or
13 an attorney licensed and residing in this State and one shall
14 be a certified public accountant who is an active or retired
15 educator residing in this State. The term of office of each
16 examiner shall be 3 years. As the term of each examiner
17 expires, the appointment shall be filled for a term of 3 years
18 from the date of expiration. Any Board member who has served as
19 a member for 6 consecutive years shall not be eligible for
20 reappointment until 2 years after the end of the term in which
21 the sixth consecutive year of service occurred, except that
22 members of the Board serving on the effective date of this
23 Section shall be eligible for appointment to one additional
24 3-year term. Where the expiration of any member's term shall
25 result in less than 11 members then serving on the Board, the
26 member shall continue to serve until a his or her successor is

1 appointed and has qualified. Except as otherwise provided in
2 this Section, no Board member shall serve more than 2 full
3 consecutive terms. Anyone appointed to the Board shall be
4 ineligible to be appointed to the Illinois Public Accountants
5 Registration and Licensure Committee appointed by the
6 Secretary. Appointments to fill vacancies shall be made in the
7 same manner as original appointments for the unexpired portion
8 of the vacated term. The membership of the Board shall
9 reasonably reflect representation from the geographic areas in
10 this State. The members of the Board appointed by the Governor
11 shall receive reasonable compensation for the member's ~~their~~
12 necessary, legitimate, and authorized expenses in accordance
13 with the Governor's Travel Control Board rules and the Travel
14 Regulation Rules. The Governor may terminate the term of any
15 member of the Board at any time for cause.

16 Information regarding educational requirements, the
17 application process, the examination, and fees shall be
18 available on the Board's Internet web site as well as in
19 printed documents available from the Board's office.

20 The Board shall adopt all necessary and reasonable rules
21 and regulations for the effective administration of this Act.
22 Without limiting the foregoing, the Board shall adopt and
23 prescribe rules and regulations for a fair and impartial
24 method of determining the qualifications of applicants for
25 examination and for a fair and impartial method of examination
26 of persons under Section 2 and may establish rules for

1 subjects conditioned and for the transfer of credits from
2 other jurisdictions with respect to subjects passed. The Board
3 shall verify completion of educational requirements for
4 certification as required under this Act.

5 The Board shall make an annual report of its activities to
6 the Governor and the Secretary. This report shall include a
7 complete operating and financial statement covering its
8 operations during the year, the number of examinations given,
9 the pass/fail ratio for examinations, and any other
10 information deemed appropriate. The Board shall have an audit
11 of its books and accounts every 2 years by the Auditor General.
12 (Source: P.A. 102-222, eff. 1-1-22.)

13 (225 ILCS 450/2.05)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 2.05. Public Accountant Registration and Licensure
16 Committee. The Secretary shall appoint a Public Accountant
17 Registration and Licensure Committee consisting of 7 persons,
18 who shall be appointed by and shall serve in an advisory
19 capacity to the Secretary. A majority of the members must be
20 licensed CPAs in good standing and must be actively engaged in
21 the practice of public accounting in this State. The remaining
22 members must include registered CPAs in good standing in this
23 State and one member of the public who is not licensed or
24 registered under this Act or a similar Act of another
25 jurisdiction and who has no connection with the accounting or

1 public accounting profession. Four members of the Committee
2 shall constitute a quorum. A quorum is required for all
3 Committee decisions. Members shall serve 4-year terms and
4 until the member's ~~their~~ successors are appointed and
5 qualified. No member shall be reappointed to the Committee for
6 more than 2 full consecutive terms. Appointments to fill
7 vacancies shall be made in the same manner as original
8 appointments for the unexpired portion of the vacated term.
9 The members of the Committee appointed by the Secretary shall
10 receive reasonable compensation, as determined by the
11 Department, for the necessary, legitimate, and authorized
12 expenses approved by the Department. All expenses shall be
13 paid from the Registered Certified Public Accountants'
14 Administration and Disciplinary Fund. The Secretary may
15 terminate the appointment of any member for cause. The
16 Secretary shall consider the advice and recommendations of the
17 Committee on questions involving standards of professional
18 conduct, discipline, and qualifications of applicants and
19 licensees under this Act.

20 (Source: P.A. 98-254, eff. 8-9-13.)

21 (225 ILCS 450/2.1) (from Ch. 111, par. 5503)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 2.1. Illinois Administrative Procedure Act. The
24 Illinois Administrative Procedure Act is hereby expressly
25 adopted and incorporated herein as if all of the provisions of

1 that Act were included in this Act, except that the provision
2 of subsection (d) of Section 10-65 of the Illinois
3 Administrative Procedure Act that provides that at hearings
4 the licensee has the right to show compliance with all lawful
5 requirements for retention, continuation or renewal of the
6 license is specifically excluded. For the purposes of this Act
7 the notice required under Section 10-25 of the Illinois
8 Administrative Procedure Act is deemed sufficient when mailed
9 to the licensee's address of record or email address of
10 record.

11 (Source: P.A. 98-254, eff. 8-9-13; 98-756, eff. 7-16-14.)

12 (225 ILCS 450/3) (from Ch. 111, par. 5504)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 3. Qualifications of applicants. The Board shall
15 certify applicants who successfully complete all portions of
16 the examination and verify completion of 150 semester credit
17 hours.

18 (a) To be admitted to take the examination after the year
19 2000 and before January 1, 2023, for the purpose of
20 determining the qualifications of applicants for certificates
21 as certified public accountants under this Act, the applicants
22 shall be required to present proof of the successful
23 completion of 150 college or university semester hours of
24 study or the applicant's ~~their~~ quarter-hour or other academic
25 credit unit equivalent, to include a baccalaureate or higher

1 degree conferred by a college or university acceptable to the
2 Board, the total educational program to include an accounting
3 concentration or equivalent as determined by Board rule. In
4 adopting those rules, the Board shall consider, among other
5 things, any impediments to the interstate practice of public
6 accounting that may result from differences in the
7 requirements in other states.

8 (b) Beginning January 1, 2023, an applicant for the
9 examination shall be required to present proof of 120 college
10 or university semester hours of study or the applicant's ~~their~~
11 quarter-hour or other academic credit unit equivalent, to
12 include a baccalaureate or higher degree conferred by a
13 college or university acceptable to the Board, the total
14 education program to include an accounting concentration or
15 equivalent as determined by Board rule. Applicants shall
16 receive certification by the Board upon successful passage of
17 all sections and requirements of the Uniform Certified Public
18 Accountant Examination and verification of completion of
19 educational requirements as determined by rule.

20 (c) In adopting rules, the Board shall consider, among
21 other things, any impediments to the interstate practice of
22 public accounting that may result from differences in the
23 requirements in other states.

24 (Source: P.A. 102-222, eff. 1-1-22.)

25 (225 ILCS 450/4) (from Ch. 111, par. 5505)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 4. Transitional language.

3 (a) The provisions of this Act shall not be construed to
4 invalidate any certificates as certified public accountants
5 issued by the University under "An Act to regulate the
6 profession of public accountants", approved May 15, 1903, as
7 amended, or any certificates as Certified Public Accountants
8 issued by the University or the Board under Section 4 of "An
9 Act to regulate the practice of public accounting and to
10 repeal certain acts therein named", approved July 22, 1943, as
11 amended, which certificates shall be valid and in force as
12 though issued under the provisions of this Act.

13 (b) Before July 1, 2012, persons who have received a
14 Certified Public Accountant (CPA) Certificate issued by the
15 Board or University or holding similar certifications from
16 other jurisdictions with equivalent educational requirements
17 and examination standards may apply to the Department on forms
18 supplied by the Department for and may be granted a
19 registration as a registered CPA from the Department upon
20 payment of the required fee.

21 (c) Beginning with the 2006 renewal, the Department shall
22 cease to issue a license as a Public Accountant. Any person
23 holding a valid license as a Public Accountant prior to
24 September 30, 2006 who meets the conditions for renewal of a
25 license under this Act, shall be issued a license as a licensed
26 CPA under this Act and shall be subject to continued

1 regulation by the Department under this Act. The Department
2 may adopt rules to implement this Section.

3 (d) The Department shall not issue any new registrations
4 as a registered CPA on or after July 1, 2012. After that date,
5 any applicant for licensure under this Act shall apply for a
6 license as a licensed CPA and shall meet the requirements set
7 forth in this Act. Any person who has been issued a
8 registration as a registered CPA may renew the registration
9 under the provisions of this Act and that person may continue
10 to renew or restore the registration during the registrant's
11 ~~his or her~~ lifetime, subject only to the renewal or
12 restoration requirements for the registration under this Act.
13 Such registration shall be subject to the disciplinary
14 provisions of this Act.

15 (e) (Blank).

16 (f) The changes made by this amendatory Act of the 102nd
17 General Assembly do not invalidate any certificate issued
18 before the effective date of this amendatory Act of the 102nd
19 General Assembly.

20 (Source: P.A. 102-222, eff. 1-1-22.)

21 (225 ILCS 450/5.2)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 5.2. Substantial equivalency.

24 (a) An individual whose principal place of business is not
25 in this State shall have all the privileges of a person

1 licensed under this Act as a licensed CPA without the need to
2 obtain a license from the Department or to file notice with the
3 Department, if the individual:

4 (1) holds a valid license as a certified public
5 accountant issued by another state that the National
6 Qualification Appraisal Service of the National
7 Association of State Boards of Accountancy has verified to
8 be in substantial equivalence with the CPA licensure
9 requirements of the Uniform Accountancy Act of the
10 American Institute of Certified Public Accountants and the
11 National Association of State Boards of Accountancy; or

12 (2) holds a valid license as a certified public
13 accountant issued by another state and obtains from the
14 National Qualification Appraisal Service of the National
15 Association of State Boards of Accountancy verification
16 that the individual's CPA qualifications are substantially
17 equivalent to the CPA licensure requirements of the
18 Uniform Accountancy Act of the American Institute of
19 Certified Public Accountants and the National Association
20 of State Boards of Accountancy; however, any individual
21 who has passed the Uniform CPA Examination and holds a
22 valid license issued by any other state prior to January
23 1, 2012 shall be exempt from the education requirements of
24 Section 3 of this Act for the purposes of this item (2).

25 (a-5) A CPA firm whose principal place of business is not
26 in this State shall have all the privileges of a CPA firm

1 licensed under this Act without the need to obtain a license
2 from the Department or to file notice with the Department if
3 the CPA firm complies with the requirements outlined in
4 Sections 14.4 and 16 through substantial equivalency of the
5 firm's ~~their~~ licensed state.

6 (b) Notwithstanding any other provision of law, an
7 individual or CPA firm who offers or renders professional
8 services under this Section, whether in person or by mail,
9 telephone, or electronic means, shall be granted practice
10 privileges in this State and no notice or other submission
11 must be provided by any such individual or CPA firm.

12 (c) An individual licensee or CPA firm of another state
13 exercising the privilege afforded under this Section and the
14 CPA firm that employs such individual licensee, if any, as a
15 condition of the grant of this privilege, hereby
16 simultaneously consents:

17 (1) to the personal and subject matter jurisdiction
18 and disciplinary authority of the Department;

19 (2) to comply with this Act and the Department's rules
20 adopted under this Act;

21 (3) that in the event that the license from the state
22 of the individual's or CPA firm's principal place of
23 business is no longer valid, the individual or CPA firm
24 shall cease offering or rendering accountancy activities
25 as outlined in paragraphs (1) and (2) of Section 8.05 in
26 this State individually or on behalf of a CPA firm; and

1 (4) to the appointment of the state board that issued
2 the individual's or the CPA firm's license as the agent
3 upon which process may be served in any action or
4 proceeding by the Department against the individual or CPA
5 firm.

6 (d) An individual licensee who qualifies for practice
7 privileges under this Section who, for any entity
8 headquartered in this State, performs (i) a financial
9 statement audit or other engagement in accordance with
10 Statements on Auditing Standards; (ii) an examination of
11 prospective financial information in accordance with
12 Statements on Standards for Attestation Engagements; or (iii)
13 an engagement in accordance with Public Company Accounting
14 Oversight Board Auditing Standards may only do so through a
15 CPA firm licensed under this Act or a CPA firm with practice
16 privileges under this Section.

17 (e) A CPA firm that qualifies for practice privileges
18 under this Section and, for any entity headquartered in this
19 State, performs the following may only do so through an
20 individual or individuals licensed under this Act or an
21 individual or individuals with practice privileges under this
22 Section:

23 (1) a financial statement audit or other engagement in
24 accordance with Statements on Auditing Standards;

25 (2) an examination of prospective financial
26 information in accordance with Statements on Standards for

1 Attestation Engagements; or

2 (3) an engagement in accordance with Public Company
3 Accounting Oversight Board auditing standards.

4 (Source: P.A. 100-419, eff. 8-25-17.)

5 (225 ILCS 450/6.1)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 6.1. Examinations.

8 (a) The examination shall test the applicant's knowledge
9 of accounting, auditing, and other related subjects, if any,
10 as the Board may deem advisable. A candidate shall be required
11 to pass all sections of the examination in order to qualify for
12 certification. A candidate may take the required test sections
13 individually and in any order, as long as the examination is
14 taken within a timeframe established by Board rule.

15 (b) On and after January 1, 2005, applicants shall also be
16 required to pass an examination on the rules of professional
17 conduct for certification by the Board.

18 (c) Pursuant to compliance with the Americans with
19 Disabilities Act, the Board may provide alternative test
20 administration arrangements that are reasonable in the context
21 of the Certified Public Accountant examination for applicants
22 who are unable to take the examination under standard
23 conditions upon an applicant's submission of evidence as the
24 Board may require, which may include a signed statement from a
25 medical or other licensed medical professional, identifying

1 the applicant's disabilities and the specific alternative
2 accommodations the applicant may need. Any alteration in test
3 administration arrangements does not waive the requirement of
4 sitting for and passing the examination.

5 (d) Any application, document, or other information filed
6 by or concerning an applicant and any examination grades of an
7 applicant shall be deemed confidential and shall not be
8 disclosed to anyone without the prior written permission of
9 the applicant, except ~~that~~ the names ~~and addresses~~ only of all
10 applicants shall be a public record and be released as public
11 information. Nothing in this subsection shall prevent the
12 Board from making public announcement of the names of persons
13 receiving certificates under this Act.

14 (Source: P.A. 102-222, eff. 1-1-22.)

15 (225 ILCS 450/8) (from Ch. 111, par. 5509)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 8. Practicing as a licensed CPA. Persons, either
18 individually, as members of a partnership or limited liability
19 company, or as officers of a corporation, who sign, affix, or
20 associate ~~their~~ names or any trade or assumed names used by the
21 persons ~~them~~ in a profession or business to any report
22 expressing or disclaiming an opinion on a financial statement
23 based on an audit or examination of that statement, or
24 expressing assurance on a financial statement, shall be deemed
25 to be in practice as licensed CPAs and are performing

1 accountancy activities as outlined in paragraph (1) of
2 subsection (a) of Section 8.05.

3 (Source: P.A. 98-254, eff. 8-9-13.)

4 (225 ILCS 450/9.3)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 9.3. Sharing of information. Notwithstanding any
7 other provision of this Act, for the purpose of carrying out
8 the their respective duties and responsibilities of the Board
9 and the Department under this Act and to effectuate the
10 purpose of this Act, both the Board and the Department are
11 authorized and directed to share information with each other
12 regarding those individuals and entities licensed or certified
13 or applying for licensure or certification under this Act.

14 (Source: P.A. 98-254, eff. 8-9-13.)

15 (225 ILCS 450/13) (from Ch. 111, par. 5514)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 13. Application for licensure.

18 (a) A person or CPA firm that wishes to perform
19 accountancy activities in this State, as defined in paragraph
20 (1) of subsection (a) of Section 8.05 of this Act, or use the
21 CPA title shall make application to the Department and shall
22 pay the fee required by rule.

23 Applicants have 3 years from the date of application to
24 complete the application process. If the process has not been

1 completed in 3 years, the application shall be denied, the fee
2 forfeited and the applicant must reapply and meet the
3 requirements in effect at the time of reapplication.

4 (b) Any CPA firm that (i) has an office in this State that
5 uses the title "CPA" or "CPA firm"; (ii) has an office in this
6 State that performs accountancy activities, as defined in
7 paragraph (1) of subsection (a) of Section 8.05 of this Act; or
8 (iii) does not have an office in this State and does not meet
9 the practice privilege requirements as defined in Section 5.2
10 of this Act, but offers or renders services, as set forth in
11 subsection (e) of Section 5.2 of this Act, for a client that is
12 headquartered in this State must hold a license as a CPA firm
13 issued under this Act.

14 (c) (Blank).

15 (d) A CPA firm that is not subject to the requirements of
16 subsection (b) of this Section may perform professional
17 services that are not regulated under subsection (b) of this
18 Section while using the title "CPA" or "CPA firm" in this State
19 without obtaining a license as a CPA firm under this Act if the
20 firm (i) performs such services through individuals with
21 practice privileges under Section 5.2 of this Act and (ii) may
22 lawfully perform such services in the state where those
23 individuals with practice privileges under Section 5.2 of this
24 Act have a ~~their~~ principal place of business.

25 (Source: P.A. 100-419, eff. 8-25-17.)

1 (225 ILCS 450/13.5)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 13.5. Social Security Number or individual taxpayer
4 identification number on license application. In addition to
5 any other information required to be contained in the
6 application, every application for an original license under
7 this Act shall include the applicant's Social Security Number
8 or individual taxpayer identification number, which shall be
9 retained in the agency's records pertaining to the license. As
10 soon as practical, the Department shall assign a customer's
11 identification number to each applicant for a license.

12 Every application for a renewal or restored license shall
13 require the applicant's customer identification number.

14 (Source: P.A. 97-400, eff. 1-1-12.)

15 (225 ILCS 450/14.2)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 14.2. Licensure by endorsement.

18 (a) The Department shall issue a license as a licensed CPA
19 to any applicant who holds a current, valid, and unrevoked
20 license as a certified public accountant issued from another
21 state with equivalent educational requirements and examination
22 standards, applies to the Department on forms supplied by the
23 Department, and pays the required fee, provided:

24 (1) the individual applicant is determined by the
25 Department to possess qualifications substantially

1 equivalent to this State's current licensing requirements;

2 (2) at the time the applicant became licensed ~~received~~
3 ~~his or her license~~, the applicant possessed qualifications
4 substantially equivalent to the qualifications for
5 licensure then in effect in this State; or

6 (3) the applicant has, after passing the examination
7 upon which licensure ~~his or her license~~ to practice was
8 based, not less than 4 years of experience as outlined in
9 Section 14 of this Act within the 10 years immediately
10 before the application.

11 (b) In determining the substantial equivalency of any
12 state's requirements to Illinois' requirements, the Department
13 may rely on the determinations of the National Qualification
14 Appraisal Service of the National Association of State Boards
15 of Accountancy or such other qualification appraisal service
16 as it deems appropriate.

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

22 (d) Any individual who is the holder of a current, valid,
23 and not previously disciplined license as a certified public
24 accountant of any state and has applied in writing to the
25 Department in form and substance satisfactory to the
26 Department for a license as a licensed CPA may perform

1 accountancy activities as set forth in Section 8.05 until the
2 earlier of the following dates:

3 (1) the expiration of 6 months after filing the
4 written application; or

5 (2) the denial of the application by the Department.

6 Any individual performing accountancy activities under
7 this subsection (d) shall be subject to discipline in the same
8 manner as an individual licensed under this Act.

9 (Source: P.A. 98-254, eff. 8-9-13; 98-730, eff. 1-1-15.)

10 (225 ILCS 450/14.5)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 14.5. CPA Coordinator; duties. The Secretary shall
13 appoint a full-time CPA Coordinator, who shall hold a
14 currently valid CPA license or registration. The Coordinator
15 shall not practice during the term of the Coordinator's ~~his or~~
16 ~~her~~ appointment. The Coordinator shall be exempt from all fees
17 related to the ~~his or her~~ CPA license or registration that come
18 due during the Coordinator's ~~his or her~~ employment. In
19 appointing the Coordinator, the Secretary shall give due
20 consideration to recommendations made by members,
21 organizations, and associations of the CPA and accounting
22 profession, if possible. The Coordinator shall:

23 (1) act as Chairperson of the Committee, ex officio,
24 without a vote;

25 (2) be the direct liaison between the Department, the

1 profession, and CPA and accounting organizations and
2 associations;

3 (3) prepare and circulate to licensees any educational
4 and informational material that the Department deems
5 necessary for providing guidance or assistance to
6 licensees;

7 (4) appoint any necessary committees to assist in the
8 performance of the functions and duties of the Department
9 under this Act; and

10 (5) subject to the administrative approval of the
11 Secretary, supervise all activities relating to the
12 regulation of the CPA profession.

13 (Source: P.A. 100-419, eff. 8-25-17.)

14 (225 ILCS 450/16) (from Ch. 111, par. 5517)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 16. Expiration and renewal of licenses; renewal of
17 registration; continuing education; peer review.

18 (a) The expiration date and renewal period for each
19 license or registration issued under this Act shall be set by
20 rule.

21 (b) Every holder of a license or registration under this
22 Act may renew such license or registration before the
23 expiration date upon payment of the required renewal fee as
24 set by rule.

25 (c) Every application for renewal of a license by a

1 licensed CPA who has been licensed under this Act for 3 years
2 or more shall be accompanied or supported by any evidence the
3 Department shall prescribe, in satisfaction of completing
4 continuing professional education as prescribed by Department
5 rules. All continuing education sponsors applying to the
6 Department for registration shall be required to submit an
7 initial nonrefundable application fee set by Department rule.
8 Each registered continuing education sponsor shall be required
9 to pay an annual renewal fee set by Department rule. Publicly
10 supported colleges, universities, and governmental agencies
11 located in Illinois are exempt from payment of any fees
12 required for continuing education sponsor registration.
13 Failure by a continuing education sponsor to be licensed or
14 pay the fees prescribed in this Act, or to comply with the
15 rules and regulations established by the Department under this
16 Section regarding requirements for continuing education
17 courses or sponsors, shall constitute grounds for revocation
18 or denial of renewal of the sponsor's registration.

19 (d) Licensed CPAs are exempt from the continuing
20 professional education requirement for the first renewal
21 period following the original issuance of the license.

22 Failure by an applicant for renewal of a license as a
23 licensed CPA to furnish the evidence shall constitute grounds
24 for disciplinary action, unless the Department in its
25 discretion shall determine the failure to have been due to
26 reasonable cause. The Department, in its discretion, may renew

1 a license despite failure to furnish evidence of satisfaction
2 of requirements of continuing education upon condition that
3 the applicant follow a particular program or schedule of
4 continuing education. In issuing rules and individual orders
5 in respect of requirements of continuing education, the
6 Department in its discretion may, among other things, use and
7 rely upon guidelines and pronouncements of recognized
8 educational and professional associations; may prescribe rules
9 for the content, duration, and organization of courses; shall
10 take into account the accessibility to applicants of such
11 continuing education as it may require, and any impediments to
12 interstate practice of public accounting that may result from
13 differences in requirements in other states; and may provide
14 for relaxation or suspension of requirements in regard to
15 applicants who certify that they do not intend to engage in the
16 performance of accountancy activities, and for instances of
17 individual hardship.

18 The Department shall establish by rule a means for the
19 verification of completion of the continuing education
20 required by this Section. This verification may be
21 accomplished through audits of records maintained by
22 licensees; by requiring the filing of continuing education
23 certificates with the Department; or by other means
24 established by the Department.

25 The Department may establish, by rule, guidelines for
26 acceptance of continuing education on behalf of licensed CPAs

1 taking continuing education courses in other jurisdictions.

2 (e) For renewals on and after July 1, 2012, as a condition
3 for granting a renewal license to CPA firms and sole
4 practitioners who perform accountancy activities outlined in
5 paragraph (1) of subsection (a) of Section 8.05 under this
6 Act, the Department shall require that the CPA firm or sole
7 practitioner satisfactorily complete a peer review during the
8 immediately preceding 3-year period, accepted by a Peer Review
9 Administrator in accordance with established standards for
10 performing and reporting on peer reviews, unless the CPA firm
11 or sole practitioner is exempted under the provisions of
12 subsection (i) of this Section. All CPA firms or sole
13 practitioners required to undergo a peer review under this
14 Section shall submit to the Department peer review reports;
15 letters of response, if applicable; acceptance letters;
16 letters signed by the reviewed CPA firm accepting the peer
17 review documents with the understanding that the CPA firm
18 agrees to take certain actions, if applicable; and letters
19 notifying the reviewed CPA firm that certain required actions
20 have been completed, if applicable. CPA firms and sole
21 practitioners shall satisfy this document submission
22 requirement by allowing the Peer Review Administrator to
23 provide the Department access to the documents through the
24 Association of International Certified Public Accountants'
25 Facilitated State Board Access within 45 days after the peer
26 review has been conducted. Nothing in this subsection shall

1 prevent the Department from requesting this documentation or
2 any other documentation from the licensee. A CPA firm or sole
3 practitioner shall, at the request of the Department, submit
4 to the Department a letter from the Peer Review Administrator
5 stating the date on which the peer review was satisfactorily
6 completed.

7 A new CPA firm or sole practitioner shall not be required
8 to comply with the peer review requirements for the first
9 license renewal. A CPA firm or sole practitioner shall comply
10 with the Department's rules adopted under this Act and agree
11 to notify the Peer Review Administrator by the report date of
12 the initial ~~within 30 days after accepting an~~ engagement for
13 services requiring a license under this Act and to undergo a
14 peer review within 18 months of the report date for the initial
15 ~~after the end of the period covered by the~~ engagement.

16 The requirements of this subsection (e) shall not apply to
17 any person providing services requiring a license under this
18 Act to the extent that such services are provided in the
19 capacity of an employee of the Office of the Auditor General or
20 to a nonprofit cooperative association engaged in the
21 rendering of licensed service to its members only under
22 paragraph (3) of Section 14.4 of this Act or any of its
23 employees to the extent that such services are provided in the
24 capacity of an employee of the association.

25 (f) The Department shall approve only Peer Review
26 Administrators that the Department finds comply with

1 established standards for performing and reporting on peer
2 reviews. The Department may adopt rules establishing
3 guidelines for peer reviews, which shall do all of the
4 following:

5 (1) Require that a peer review be conducted by a
6 reviewer that is independent of the CPA firm or sole
7 practitioner reviewed and approved by the Peer Review
8 Administrator under established standards.

9 (2) Other than in the peer review process, prohibit
10 the use or public disclosure of information obtained by
11 the reviewer, the Peer Review Administrator, or the
12 Department during or in connection with the peer review
13 process. The requirement that information not be publicly
14 disclosed shall not apply to a hearing before the
15 Department that the CPA firm or sole practitioner requests
16 be public or to the information described in paragraph (3)
17 of subsection (i) of this Section.

18 (g) If a CPA firm or sole practitioner fails to
19 satisfactorily complete a peer review as required by
20 subsection (e) of this Section or does not comply with any
21 remedial actions determined necessary by the Peer Review
22 Administrator, the Peer Review Administrator shall notify the
23 Department of the failure and shall submit a record with
24 specific references to the rule, statutory provision,
25 professional standards, or other applicable authority upon
26 which the Peer Review Administrator made its determination and

1 the specific actions taken or failed to be taken by the
2 licensee that in the opinion of the Peer Review Administrator
3 constitutes a failure to comply. The Department may at its
4 discretion or shall upon submission of a written application
5 by the CPA firm or sole practitioner hold a hearing under
6 Section 20.1 of this Act to determine whether the CPA firm or
7 sole practitioner has complied with subsection (e) of this
8 Section. The hearing shall be confidential and shall not be
9 open to the public unless requested by the CPA firm or sole
10 practitioner.

11 (h) The CPA firm or sole practitioner reviewed shall pay
12 for any peer review performed. The Peer Review Administrator
13 may charge a fee to each firm and sole practitioner sufficient
14 to cover costs of administering the peer review program.

15 (i) A CPA firm or sole practitioner shall not be required
16 to comply with the peer review requirements if any one or more
17 of the following conditions are met:

18 (1) Within 3 years before the date of application for
19 renewal licensure, the sole practitioner or CPA firm has
20 undergone a peer review conducted in another state or
21 foreign jurisdiction that meets the requirements of
22 paragraphs (1) and (2) of subsection (f) of this Section.
23 The sole practitioner or CPA firm shall submit to the
24 Department peer review reports; letters of response, if
25 applicable; acceptance letters; letters signed by the
26 reviewed CPA firm accepting the peer review documents with

1 the understanding that the CPA firm agrees to take certain
2 actions, if applicable; and letters notifying the reviewed
3 CPA firm that certain required actions have been
4 completed, if applicable. CPA firms and sole practitioners
5 shall satisfy this document submission requirement by
6 allowing the Peer Review Administrator to provide the
7 Department access to the documents through the Association
8 of International Certified Public Accountants' Facilitated
9 State Board Access within 45 days after the peer review
10 has been conducted. Nothing in this subsection shall
11 prevent the Department from requesting this documentation
12 or any other documentation from the licensee., ~~at the~~
13 ~~request of the Department, submit to the Department a~~
14 ~~letter from the organization administering the most recent~~
15 ~~peer review stating the date on which the peer review was~~
16 ~~completed; or~~

17 (2) Within 2 years before the date of application for
18 renewal licensure, the sole practitioner or CPA firm
19 satisfies all of the following conditions:

20 (A) has not accepted or performed any accountancy
21 activities outlined in paragraph (1) of subsection (a)
22 of Section 8.05 of this Act; and

23 (B) the firm or sole practitioner agrees to notify
24 the Peer Review Administrator by the date of the
25 initial ~~within 30 days of accepting an~~ engagement for
26 services requiring a license under this Act and to

1 undergo a peer review within 18 months of the report
2 date for the initial ~~after the end of the period~~
3 ~~covered by the engagement.~~; ~~or~~

4 (3) For reasons of personal health, military service,
5 or other good cause, the Department determines that the
6 sole practitioner or firm is entitled to an exemption,
7 which may be granted for a period of time not to exceed 12
8 months.

9 (j) If a peer review report indicates that a CPA firm or
10 sole practitioner complies with the appropriate professional
11 standards and practices set forth in the rules of the
12 Department and no further remedial action is required, the
13 Peer Review Administrator shall, after issuance of the final
14 letter of acceptance, destroy all working papers and documents
15 related to the peer review, other than report-related
16 documents and documents evidencing completion of remedial
17 actions, if any, in accordance with rules established by the
18 Department.

19 (k) (Blank).

20 (Source: P.A. 100-419, eff. 8-25-17.)

21 (225 ILCS 450/17) (from Ch. 111, par. 5518)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 17. Fees; returned checks; fines. The fees for the
24 administration and enforcement of this Act, including, but not
25 limited to, original licensure, registration, renewal, and

1 restoration fees, shall be set by the Department by rule. The
2 fees shall be nonrefundable.

3 Any person who delivers a check or other payment to the
4 Department that is returned to the Department unpaid by the
5 financial institution upon which it is drawn shall pay to the
6 Department, in addition to the amount already owed to the
7 Department, a fine of \$50. The fines imposed by this Section
8 are in addition to any other discipline provided under this
9 Act for unlicensed practice or practice on a nonrenewed
10 license or registration. The Department shall notify the
11 person that payment of fees and fines shall be paid to the
12 Department by certified check or money order within 30
13 calendar days of the notification. If, after the expiration of
14 30 days from the date of the notification, the person has
15 failed to submit the necessary remittance, the Department
16 shall automatically terminate the license or registration or
17 deny the application, without a hearing. If, after termination
18 or denial, the person seeks a license or registration, the
19 person ~~he or she~~ shall apply to the Department for restoration
20 or issuance of the license or registration and pay all fees and
21 fines due to the Department. The Department may establish a
22 fee for the processing of an application for restoration of a
23 license or registration to pay all expenses of processing this
24 application. The Department may waive the fines due under this
25 Section in individual cases where the Department finds that
26 the fines would be unreasonable or unnecessarily burdensome.

1 (Source: P.A. 98-254, eff. 8-9-13.)

2 (225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 17.1. Restoration.

5 (a) Any registered CPA who has permitted the registrant's
6 ~~his or her~~ registration to expire or who has had the
7 registrant's ~~his or her~~ registration on inactive status may
8 have the ~~his or her~~ registration restored by making
9 application to the Department and filing proof acceptable to
10 the Department as defined by rule of the registrant's ~~his or~~
11 ~~her~~ fitness to have the ~~his or her~~ registration restored,
12 which may include sworn evidence certifying to active practice
13 in another jurisdiction satisfactory to the Department and by
14 paying the required restoration fee.

15 (b) Any licensed CPA who has permitted the licensee's ~~his~~
16 ~~or her~~ license to expire or who has had the licensee's ~~his or~~
17 ~~her~~ license on inactive status may have the ~~his or her~~ license
18 restored by (1) making application to the Department and
19 filing proof acceptable to the Department as defined by rule
20 of the licensee's ~~his or her~~ fitness to have the ~~his or her~~
21 license restored, including sworn evidence certifying to
22 active practice in another jurisdiction satisfactory to the
23 Department, (2) paying the required restoration fee, (3)
24 submitting proof of the required continuing education and (4)
25 in the case of a sole practitioner, satisfactory completion of

1 peer review outlined in subsection (e) of Section 16, unless
2 exempt from peer review under subsection (i) of Section 16.

3 (c) Any firm that has permitted its license to expire may
4 have its license restored by (1) making application to the
5 Department and filing proof acceptable to the Department as
6 defined by rule of its fitness to have its license restored,
7 including sworn evidence certifying to active practice in
8 another jurisdiction satisfactory to the Department, (2)
9 paying the required restoration fee, and (3) satisfactory
10 completion of peer review outlined in subsection (e) of
11 Section 16, unless exempt from peer review under subsection
12 (i) of Section 16.

13 (d) If the licensed CPA or registered CPA has not
14 maintained an active practice in another jurisdiction
15 satisfactory to the Department, the Department shall
16 determine, by an evaluation program established by rule, the
17 licensee or registrant's fitness to resume active status and
18 may require the applicant to complete a period of supervised
19 experience.

20 Any licensed CPA or registered CPA whose license or
21 registration expired while ~~he or she was~~ (1) in Federal
22 Service on active duty with the Armed Forces of the United
23 States, or the State Militia called into service or training,
24 or (2) in training or education under the supervision of the
25 United States preliminary to induction into the military
26 service, may have the ~~his or her~~ license or registration

1 renewed reinstated or restored without paying any lapsed
2 renewal and restoration fees if within 2 years after honorable
3 termination of such service, training or education except
4 under conditions other than honorable, the Department is
5 furnished with satisfactory evidence to the effect that the
6 licensee or registrant has been so engaged and that the
7 service, training, or education has been terminated ~~he or she~~
8 ~~furnished the Department with satisfactory evidence to the~~
9 ~~effect that he or she has been so engaged and that his or her~~
10 ~~service, training, or education has been so terminated.~~

11 (Source: P.A. 98-254, eff. 8-9-13; 98-730, eff. 1-1-15.)

12 (225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 17.2. Inactive status.

15 (a) Any licensed or registered CPA with an active,
16 unencumbered license or registration who notifies the
17 Department in writing on forms prescribed by the Department,
18 may elect to place the ~~his or her~~ license or registration on an
19 inactive status and shall, subject to rules of the Department,
20 be excused from payment of renewal fees and completion of
21 continuing education hours until ~~he or she notifies~~ the
22 Department is notified in writing of the licensee or
23 registrant's ~~his or her~~ desire to resume active status.

24 (b) Any licensed CPA requesting restoration from inactive
25 status shall be required to pay the current renewal fee, shall

1 be required to submit proof of the required continuing
2 education, and shall be required to comply with any
3 requirements established by rule.

4 (c) Any registered CPA requesting restoration from
5 inactive status shall be required to pay the current renewal
6 fee and shall be required to comply with any requirements
7 established by rule.

8 (d) Any licensed CPA or registered CPA whose license is in
9 an inactive status shall not perform accountancy activities
10 outlined in Section 8.05 of this Act.

11 (e) Any licensed CPA or registered CPA whose license or
12 registration is in an inactive status shall not in any manner
13 hold oneself ~~himself or herself~~ out to the public as a CPA,
14 except in accordance with subsection (f) of this Section.

15 (f) Any licensed CPA whose license is in inactive status
16 may use the title "CPA (inactive)" if:

17 (1) the licensee ~~he or she~~ is not performing
18 accountancy activities outlined in Section 8.05; or

19 (2) the licensee ~~he or she~~ is performing governance
20 functions on a non-profit volunteer board using the
21 licensee's ~~his or her~~ accountancy skills and competencies
22 and complies with the following requirements:

23 (A) the licensee ~~he or she~~ discloses to the
24 non-profit volunteer board and respective committees
25 that the ~~his or her~~ license is on inactive status; and

26 (B) the licensee ~~he or she~~ is not serving as an

1 audit committee financial expert as defined in Section
2 407 of the federal Sarbanes-Oxley Act of 2002.

3 (Source: P.A. 98-254, eff. 8-9-13.)

4 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 20.01. Grounds for discipline; license or
7 registration.

8 (a) The Department may refuse to issue or renew, or may
9 revoke, suspend, or reprimand any registration or registrant,
10 any license or licensee, place a licensee or registrant on
11 probation for a period of time subject to any conditions the
12 Department may specify including requiring the licensee or
13 registrant to attend continuing education courses or to work
14 under the supervision of another licensee or registrant,
15 impose a fine not to exceed \$10,000 for each violation,
16 restrict the authorized scope of practice, require a licensee
17 or registrant to undergo a peer review program, assess costs
18 as provided for under Section 20.4, or take other disciplinary
19 or non-disciplinary action for any one or more of the
20 following:

21 (1) Violation of any provision of this Act or rule
22 adopted by the Department under this Act or violation of
23 professional standards.

24 (2) Dishonesty, fraud, or deceit in obtaining,
25 reinstating, or restoring a license or registration.

1 (3) Cancellation, revocation, suspension, denial of
2 licensure or registration, or refusal to renew a license
3 or privileges under Section 5.2 for disciplinary reasons
4 in any other U.S. jurisdiction, unit of government, or
5 government agency for any cause.

6 (4) Failure, on the part of a licensee under Section
7 13 or registrant under Section 16, to maintain compliance
8 with the requirements for issuance or renewal of a license
9 or registration or to report changes to the Department.

10 (5) Revocation or suspension of the right to practice
11 by or before any state or federal regulatory authority or
12 by the Public Company Accounting Oversight Board.

13 (6) Dishonesty, fraud, deceit, or gross negligence in
14 the performance of services as a licensee or registrant or
15 individual granted privileges under Section 5.2.

16 (7) Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or
18 sentencing, including, but not limited to, convictions,
19 preceding sentences of supervision, conditional discharge,
20 or first offender probation, under the laws of any
21 jurisdiction of the United States that is (i) a felony or
22 (ii) a misdemeanor, an essential element of which is
23 dishonesty, or that is directly related to the practice of
24 public accounting.

25 (8) Performance of any fraudulent act while holding a
26 license or privilege issued under this Act or prior law.

1 (9) Practicing on a revoked, suspended, or inactive
2 license or registration.

3 (10) Making or filing a report or record that the
4 registrant or licensee knows to be false, willfully
5 failing to file a report or record required by State or
6 federal law, willfully impeding or obstructing the filing
7 or inducing another person to impede or obstruct only
8 those that are signed in the capacity of a licensed CPA or
9 a registered CPA.

10 (11) Aiding or assisting another person in violating
11 any provision of this Act or rules promulgated hereunder.

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

15 (13) Habitual or excessive use or abuse of drugs,
16 alcohol, narcotics, stimulants, or any other substance
17 that results in the inability to practice with reasonable
18 skill, judgment, or safety.

19 (14) Directly or indirectly giving to or receiving
20 from any person, firm, corporation, partnership, or
21 association any fee, commission, rebate, or other form of
22 compensation for any professional service not actually
23 rendered.

24 (15) Physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill that results in the licensee or registrant's

1 inability to practice under this Act with reasonable
2 judgment, skill, or safety.

3 (16) Solicitation of professional services by using
4 false or misleading advertising.

5 (17) Any conduct reflecting adversely upon the
6 licensee's fitness to perform services while a licensee or
7 individual granted privileges under Section 5.2.

8 (18) Practicing or attempting to practice under a name
9 other than the full name as shown on the license or
10 registration or any other legally authorized name.

11 (19) A finding by the Department that a licensee or
12 registrant has not complied with a provision of any lawful
13 order issued by the Department.

14 (20) Making a false statement to the Department
15 regarding compliance with continuing professional
16 education or peer review requirements.

17 (21) Failing to make a substantive response to a
18 request for information by the Department within 30 days
19 of the request.

20 (b) (Blank).

21 (b-5) All fines or costs imposed under this Section shall
22 be paid within 60 days after the effective date of the order
23 imposing the fine or costs or in accordance with the terms set
24 forth in the order imposing the fine or cost.

25 (c) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency
3 to the Department, the Department may refuse to issue or renew
4 or may revoke or suspend that person's license or may take
5 other disciplinary or non-disciplinary action against that
6 person based solely upon the certification of delinquency made
7 by the Department of Healthcare and Family Services in
8 accordance with item (5) of subsection (a) of Section 2105-15
9 of the Department of Professional Regulation Law of the Civil
10 Administrative Code of Illinois.

11 (d) The Department may refuse to issue or may suspend
12 without hearing, as provided for in the Code of Civil
13 Procedure, the license or registration of any person who fails
14 to file a return, to pay a tax, penalty, or interest shown in a
15 filed return, or to pay any final assessment of tax, penalty,
16 or interest, as required by any tax Act administered by the
17 Illinois Department of Revenue, until such time as the
18 requirements of any such tax Act are satisfied in accordance
19 with subsection (g) of Section 2105-15 of the Department of
20 Professional Regulation Law of the Civil Administrative Code
21 of Illinois.

22 (e) (Blank).

23 (f) The determination by a court that a licensee or
24 registrant is subject to involuntary admission or judicial
25 admission as provided in the Mental Health and Developmental
26 Disabilities Code will result in the automatic suspension of

1 the ~~his or her~~ license or registration. The licensee or
2 registrant shall be responsible for notifying the Department
3 of the determination by the court that the licensee or
4 registrant is subject to involuntary admission or judicial
5 admission as provided in the Mental Health and Developmental
6 Disabilities Code. The suspension shall end only upon a
7 finding by a court that the patient is no longer subject to
8 involuntary admission or judicial admission, the issuance of
9 an order so finding and discharging the patient, and the
10 filing of a petition for restoration demonstrating fitness to
11 practice.

12 (g) In enforcing this Section, the Department, upon a
13 showing of a possible violation, may compel, any licensee or
14 registrant or any individual who has applied for licensure
15 under this Act, to submit to a mental or physical examination
16 and evaluation, or both, which may include a substance abuse
17 or sexual offender evaluation, at the expense of the
18 Department. The Department shall specifically designate the
19 examining physician licensed to practice medicine in all of
20 its branches or, if applicable, the multidisciplinary team
21 involved in providing the mental or physical examination and
22 evaluation, or both. The multidisciplinary team shall be led
23 by a physician licensed to practice medicine in all of its
24 branches and may consist of one or more or a combination of
25 physicians licensed to practice medicine in all of its
26 branches, licensed chiropractic physicians, licensed clinical

1 psychologists, licensed clinical social workers, licensed
2 clinical professional counselors, and other professional and
3 administrative staff. Any examining physician or member of the
4 multidisciplinary team may require any person ordered to
5 submit to an examination and evaluation under this Section to
6 submit to any additional supplemental testing deemed necessary
7 to complete any examination or evaluation process, including,
8 but not limited to, blood testing, urinalysis, psychological
9 testing, or neuropsychological testing. The Department may
10 order the examining physician or any member of the
11 multidisciplinary team to provide to the Department any and
12 all records, including business records, that relate to the
13 examination and evaluation, including any supplemental testing
14 performed. The Department may order the examining physician or
15 any member of the multidisciplinary team to present testimony
16 concerning this examination and evaluation of the licensee,
17 registrant, or applicant, including testimony concerning any
18 supplemental testing or documents relating to the examination
19 and evaluation. No information, report, record, or other
20 documents in any way related to the examination and evaluation
21 shall be excluded by reason of any common law or statutory
22 privilege relating to communication between the licensee,
23 registrant, or applicant and the examining physician or any
24 member of the multidisciplinary team. No authorization is
25 necessary from the individual ordered to undergo an evaluation
26 and examination for the examining physician or any member of

1 the multidisciplinary team to provide information, reports,
2 records, or other documents or to provide any testimony
3 regarding the examination and evaluation.

4 The individual to be examined may have, at the
5 individual's ~~his or her~~ own expense, another physician of the
6 individual's ~~his or her~~ choice present during all aspects of
7 the examination. Failure of any individual to submit to mental
8 or physical examination and evaluation, or both, when
9 directed, shall result in an automatic suspension, without
10 hearing, until such time as the individual submits to the
11 examination. If the Department finds a licensee, registrant,
12 or applicant unable to practice because of the reasons set
13 forth in this Section, the Department shall require such
14 licensee, registrant, or applicant to submit to care,
15 counseling, or treatment by physicians approved or designated
16 by the Department, as a condition for continued, reinstated,
17 or renewed licensure to practice.

18 When the Secretary immediately suspends a license or
19 registration under this Section, a hearing upon such person's
20 license or registration must be convened by the Department
21 within 15 days after such suspension and completed without
22 appreciable delay. The Department shall have the authority to
23 review the subject's record of treatment and counseling
24 regarding the impairment, to the extent permitted by
25 applicable federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 Individuals licensed or registered under this Act,
2 affected under this Section, shall be afforded an opportunity
3 to demonstrate to the Department that they can resume practice
4 in compliance with acceptable and prevailing standards under
5 the provisions of the individual's ~~their~~ license or
6 registration.

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

8 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 20.1. Investigations; notice; hearing.

11 (a) The Department may investigate the actions of an
12 applicant, person, or entity holding or claiming to hold a
13 license.

14 (b) The Department shall, before revoking, suspending,
15 placing on probation, reprimanding, or taking any other
16 disciplinary or non-disciplinary action under Section 20.01 of
17 this Act, at least 30 days before the date set for the hearing,
18 (i) notify the accused in writing of the charges made and the
19 time and place for the hearing on the charges, (ii) direct the
20 accused ~~him or her~~ to file a written answer to the charges with
21 the Department under oath within 20 days after the service ~~on~~
22 ~~him or her~~ of the notice is made, and (iii) inform the accused
23 that, if the Department ~~he or she~~ fails to receive an answer,
24 default shall be taken against the accused ~~him or her~~ or the
25 accused's ~~that his or her~~ license or registration may be

1 suspended, revoked, placed on probationary status, or other
2 disciplinary action taken with regard to the licensee,
3 including limiting the scope, nature, or extent of the
4 accused's ~~his or her~~ practice, as the Department may consider
5 proper.

6 (c) With respect to determinations by a Peer Review
7 Administrator duly appointed by the Department under
8 subsection (f) of Section 16 of this Act that a licensee has
9 failed to satisfactorily complete a peer review as required
10 under subsection (e) of Section 16, the Department may
11 consider the Peer Review Administrator's findings of fact as
12 prima facie evidence, and upon request by a licensee for a
13 hearing the Department shall review the record presented and
14 hear arguments by the licensee or the licensee's counsel but
15 need not conduct a trial or hearing de novo or accept
16 additional evidence.

17 (d) At the time and place fixed in the notice, the
18 Department shall proceed to hear the charges and the parties
19 or the parties' ~~their~~ counsel shall be accorded ample
20 opportunity to present any pertinent statements, testimony,
21 evidence, and arguments. The Department may continue the
22 hearing from time to time.

23 (e) In case the person, after receiving the notice, fails
24 to file an answer, the ~~his or her~~ license or registration may,
25 in the discretion of the Department, be suspended, revoked,
26 placed on probationary status, or the Department may take

1 whatever disciplinary action considered proper, including
2 limiting the scope, nature, or extent of the person's practice
3 or the imposition of a fine, without a hearing, if the act or
4 acts charged constitute sufficient grounds for that action
5 under this Act. The written notice may be served by registered
6 or certified mail to the licensee or registrant's address of
7 record or, if in the course of the administrative proceeding
8 the party has previously designated a specific email address
9 at which to accept electronic service for that specific
10 proceeding, by sending a copy by email to an email address on
11 record.

12 (Source: P.A. 98-254, eff. 8-9-13.)

13 (225 ILCS 450/20.2) (from Ch. 111, par. 5523)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 20.2. Subpoenas; depositions; oaths.

16 (a) The Department may subpoena and bring before it any
17 person to take the oral or written testimony or compel the
18 production of any books, papers, records, or any other
19 documents that the Secretary or the Secretary's ~~his or her~~
20 designee deems relevant or material to any investigation or
21 hearing conducted by the Department with the same fees and
22 mileage as prescribed in civil cases in circuit courts of this
23 State and in the same manner as prescribed by this Act and its
24 rules.

25 (b) The Secretary, any member of the Committee designated

1 by the Secretary, a certified shorthand reporter, or any
2 hearing officer appointed may administer oaths at any hearing
3 which the Department conducts. Notwithstanding any statute or
4 Department rule to the contrary, all requests for testimony,
5 production of documents, or records shall be in accordance
6 with this Act.

7 (Source: P.A. 98-254, eff. 8-9-13.)

8 (225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 20.6. Hearing officer. Notwithstanding the provisions
11 of Section 20.2 of this Act, the Secretary shall have the
12 authority to appoint any attorney duly licensed to practice
13 law in the State of Illinois to serve as the hearing officer in
14 any disciplinary action.

15 The hearing officer shall have full authority to conduct
16 the hearing. The hearing officer shall report the hearing
17 officer's ~~his~~ findings of fact, conclusions of law, and
18 recommendations to the Committee ~~and the Secretary~~.

19 (Source: P.A. 98-254, eff. 8-9-13.)

20 (225 ILCS 450/20.7)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 20.7. Findings and recommendations.

23 (a) The Committee shall review the report of the hearing
24 officer and present its findings of fact, conclusions of law,

1 and recommendations to the Secretary. The report of the
2 findings and recommendations of the Committee shall be the
3 basis for the Secretary's order for refusing to issue,
4 restore, or renew a license or registration, or otherwise
5 discipline a licensee or registrant.

6 (b) If the Secretary disagrees in any regard with the
7 report of the Committee or hearing officer, the Secretary ~~he~~
8 ~~or she~~ may issue an order contrary to the report.

9 (c) The findings are not admissible in evidence against
10 the person in a criminal prosecution brought for the violation
11 of this Act, but the hearing and findings are not a bar to a
12 criminal prosecution brought for the violation of this Act.

13 (Source: P.A. 98-254, eff. 8-9-13.)

14 (225 ILCS 450/21) (from Ch. 111, par. 5527)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 21. Administrative review; certification of record;
17 order as prima facie proof.

18 (a) All final administrative decisions of the Department
19 hereunder shall be subject to judicial review pursuant to the
20 provisions of the Administrative Review Law, and all
21 amendments and modifications thereof, and the rules adopted
22 pursuant thereto. The term "administrative decision" is
23 defined as in Section 3-101 of the Code of Civil Procedure.

24 Proceedings for judicial review shall be commenced in the
25 Circuit Court of the county in which the party applying for

1 review resides; provided, that if such party is not a resident
2 of this State, the venue shall be in Sangamon, Champaign, or
3 Cook County.

4 (b) The Department shall not be required to certify any
5 record to the court or file any answer in court or otherwise
6 appear in any court in a judicial review proceeding, unless
7 and until the Department has received from the plaintiff
8 payment of the costs of furnishing and certifying the record,
9 which costs shall be established by the Department. ~~Exhibits~~
10 ~~shall be certified without cost.~~ Failure on the part of the
11 plaintiff to file such receipt in court shall be grounds for
12 dismissal of the action.

13 (c) An order of disciplinary action or a certified copy
14 thereof, over the seal of the Department and purporting to be
15 signed by the Secretary or authorized agent of the Secretary,
16 shall be prima facie proof, subject to being rebutted, that:

17 (1) the signature is the genuine signature of the
18 Secretary or authorized agent of the Secretary;

19 (2) the Secretary or authorized agent of the Secretary
20 is duly appointed and qualified; and

21 (3) the Committee and the members thereof are
22 qualified to act.

23 (Source: P.A. 98-254, eff. 8-9-13.)

24 (225 ILCS 450/27) (from Ch. 111, par. 5533)

25 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 27. Confidentiality of licensee's and registrant's
2 records. A licensed or registered CPA shall not be required by
3 any court to divulge information or evidence which has been
4 obtained ~~by him~~ in the licensee or registrant's ~~his~~
5 confidential capacity as a licensed or registered CPA. This
6 Section shall not apply to any investigation or hearing
7 undertaken pursuant to this Act.

8 (Source: P.A. 98-254, eff. 8-9-13.)

9 (225 ILCS 450/30) (from Ch. 111, par. 5535)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 30. Injunctions; cease and desist.

12 (a) If any person or entity violates any provision of this
13 Act, the Secretary may, in the name of the people of the State
14 of Illinois by the Attorney General of the State of Illinois or
15 the State's Attorney of any county in which the violation is
16 alleged to have occurred, petition for an order enjoining the
17 violation or 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 the violation. If
21 it is established that the person has violated or is violating
22 the injunction, the court may punish the offender for contempt
23 of court. The injunction proceeding shall be in addition to
24 and not in lieu of any penalties or other remedies provided by
25 this Act. No injunction shall issue under this section against

1 any person for any act exempted under Section 11 of this Act.

2 (b) If any person shall practice as a licensed CPA or a
3 registered CPA or hold oneself ~~himself or herself~~ out as a
4 licensed CPA or registered CPA without being licensed or
5 registered under the provisions ~~provision~~ of this Act then any
6 licensed CPA or registered CPA, any interested party, or any
7 person injured thereby may, in addition to the Department,
8 petition for relief as provided in subsection (a) ~~of this~~
9 ~~Section~~.

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

19 (Source: P.A. 98-254, eff. 8-9-13.)

20 Section 99. Effective date. This Section and Section 5
21 take effect upon becoming law.