



Sen. Emil Jones Jr.

**Filed: 5/11/2004**

09300HB3715sam001

LRB093 09844 AMC 50844 a

1 AMENDMENT TO HOUSE BILL 3715

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3715 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Painting, Drywall Finishing, and Glazing Contractor Licensing  
6 Act.

7 Section 5. Definitions. For the purposes of this Act:

8 "Board" means the Painting, Drywall Finishing, and Glazing  
9 Contractor Licensing Board.

10 "Contractor" means a person who manages the daily  
11 activities of a painting, drywall finishing, or glazing  
12 business, including field supervision.

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

15 "Director" means Director of Professional Regulation.

16 "Foreman" means a person who has the knowledge and skill of  
17 a journeyman and directly supervises physical painting,  
18 drywall finishing, or glazing.

19 "Journeyman" means a person who has completed an  
20 apprenticeship program approved by the Department or is an  
21 experienced worker, not a trainee, and is fully qualified and  
22 able to perform painting, drywall finishing, or glazing without  
23 supervision.

24 "Person" means an individual, partnership, or corporation.

1 Section 10. Licensure requirement.

2 (a) Beginning January 1, 2006, a person may not act as a  
3 contractor on a project in which the total cost (labor and  
4 materials) of one or more of the contractor's contracts is \$500  
5 or more without being licensed under this Act.

6 (b) Beginning January 1, 2006, a contractor must be  
7 licensed before submitting bids.

8 Section 12. Exemptions.

9 (a) This Act does not apply to the following specific areas  
10 of the trade:

11 (1) Scraping, sweeping, and general clean-up of steel  
12 beams during bridge construction prior to painting.

13 (2) Power washing and sandblasting work prior to  
14 priming and painting.

15 (3) Lead-based paint removal.

16 (4) Taping compound (mud) clean-up from floors.

17 (5) Plastic or cardboard covering and empty cans  
18 clean-up.

19 (6) Removal of old paint from roadways and direct  
20 traffic.

21 (b) This Act does not apply to the performance of painting,  
22 drywall finishing, or glazing of any property owned or operated  
23 by a public utility or company that generates electricity.

24 (c) This Act does not apply to electrical contractors,  
25 utility workers, or their employees performing painting of  
26 brackets, fixtures, electrical equipment, transmission towers,  
27 traffic signal or lighting poles, welds, or other miscellaneous  
28 equipment that is deemed necessary to complete the electrical  
29 maintenance or installation.

30 Section 15. Powers and duties of the Department. The  
31 Department may exercise the following powers and duties subject

1 to the provisions of this Act:

2 (1) To prescribe forms of application for licensure.

3 (2) To pass upon the qualifications of applicants for  
4 licensure and issue licenses to those found to be fit and  
5 qualified.

6 (3) To conduct hearings on proceedings to revoke,  
7 suspend, or otherwise discipline or to refuse to issue or  
8 renew licenses.

9 (4) To adopt rules when required for the administration  
10 and enforcement of this Act.

11 Section 20. Application for license.

12 (a) To obtain a license, an applicant must indicate if the  
13 license is sought for an individual, partnership, or  
14 corporation. If the license is sought for an individual, the  
15 license shall be issued to the individual, who shall also be  
16 designated as the qualifying party. If the license is sought  
17 for a partnership or corporation, the license shall be issued  
18 in the company name. A company must designate one individual  
19 who will serve as a qualifying party. The qualifying party must  
20 have had, within the 10 years immediately before the filing of  
21 the application, at least 48 months of experience as a  
22 journeyman, foreman, or contractor in the painting, drywall  
23 finishing, or glazing industry. The applicant shall submit an  
24 application in writing to the Department on a form containing  
25 the information prescribed by the Department and accompanied by  
26 \$250 nonrefundable application processing fee. The application  
27 shall include, but shall not be limited to:

28 (1) the name, principal place of business, address, and  
29 telephone number of the person designated as the qualifying  
30 party;

31 (2) for a corporation, the name, address, telephone  
32 number, and position of each officer;

33 (3) a description of the business, including the

1 principal products and services provided;

2 (4) satisfactory evidence of any experience  
3 information, certificate of completion of apprenticeship,  
4 or college transcripts;

5 (5) satisfactory evidence that the contractor has  
6 obtained Workers' Compensation insurance covering his or  
7 her employees or is approved as a self-insurer of Workers'  
8 Compensation in accordance with Illinois law;

9 (6) satisfactory evidence that the contractor has  
10 submitted a bond to the Department in an amount to be  
11 determined by the Department by rule.

12 (b) The Department may credit training, apprenticeship, or  
13 education as follows:

14 (1) A maximum of one and a one-half years upon  
15 submission of transcripts showing a degree from an Bureau  
16 of Apprenticeship and Training accredited school for  
17 painting, drywall finishing, or glazing.

18 (2) A maximum of 2 years upon submission of transcripts  
19 of any of the following:

20 (A) A 4-year degree from an accredited college or  
21 university in the fields of accounting, business,  
22 economics, mathematics, physics, or areas related to  
23 the painting, drywall finishing, or glazing trade.

24 (B) A professional degree in law.

25 (C) Substantial college or university course work  
26 in accounting, architecture, business, construction  
27 technology, drafting, economics, engineering,  
28 mathematics, or physics.

29 (3) A maximum of 3 years upon submission of (i) a  
30 Certificate of Completion of Apprenticeship from an  
31 accredited apprenticeship program or a certified statement  
32 of completion of apprenticeship training from the  
33 International Union of Painters and Allied Trades or (ii)  
34 transcripts for a 4-year degree from an accredited college

1 or university in architecture, construction technology, or  
2 any field of engineering that is directly related to  
3 painting, drywall finishing, or glazing.

4 (c) It is the responsibility of the licensee to provide to  
5 the Department notice in writing of any changes in the  
6 information required to be provided on the application.

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

12 (e) The Department shall issue a license to a person who  
13 meets the requirements of this Section.

14 (f) A license under this Act is not required for persons  
15 who perform custodial and maintenance work and whose job duties  
16 also include incidental drywall repair and related drywall  
17 taping, spot painting, and minor glazing repair work.

18 Section 25. Bond. Before issuing or renewing a license, the  
19 Department shall require each applicant or licensee to file and  
20 maintain in force a surety bond, issued by an insurance company  
21 authorized to transact fidelity and surety business in the  
22 State of Illinois. The bond shall be continuous in form, unless  
23 terminated by the insurance company. An insurance company may  
24 terminate a bond and avoid further liability by filing a 60-day  
25 notice of termination with the Department and, at the same  
26 time, sending the notice to the contractor. A license shall be  
27 cancelled without hearing on the termination date of the  
28 contractor's bond, unless a new bond is filed with the  
29 Department to become effective at the termination date of the  
30 prior bond. If a license has been cancelled without hearing  
31 under this Section, the license shall be reinstated upon  
32 showing proof of compliance with this Act.

1           Section 30. Duties of a qualifying party. While engaged as  
2 or named as a qualifying party for a licensee, no person may be  
3 the named qualifying party for any other licensee. However, the  
4 person may act in the capacity of the qualifying party for one  
5 additional licensee of the same type of licensure if one of the  
6 following conditions exists:

7           (1) There is a common ownership of at least 25% of each  
8 licensed entity for which the person acts as a qualifying  
9 party.

10          (2) The same person acts as a qualifying party for one  
11 licensed entity and its licensed subsidiary.

12          "Subsidiary" as used in this Section means a corporation of  
13 which at least 25% is owned by another licensee.

14          In the event that a qualifying party is terminated or  
15 terminating his or her status as qualifying party of a  
16 licensee, the qualifying party and the licensee shall notify  
17 the Department of that fact in writing. Thereafter, the  
18 licensee shall notify the Department of the name and address of  
19 the newly designated qualifying party. These requirements  
20 shall be met in a timely manner as established by rule of the  
21 Department.

22          Section 35. Expiration of license.

23          (1) Licenses shall expire 2 years from the last day of the  
24 month in which it was issued.

25          (2) Failure to renew the license prior to the expiration  
26 thereof shall cause the license to become nonrenewed and it  
27 shall be unlawful thereafter for the licensee to engage or  
28 offer to engage in painting, drywall finishing, or glazing  
29 contracting business under the license unless and until the  
30 license is restored or reissued as defined by rule.

31          Section 40. Public records.

32          (1) All information required by the Department of any

1 applicant for licensure shall be a public record, except  
2 financial information.

3 (2) If a licensee changes his or her name style, address,  
4 or employment from that which appears on his or her current  
5 license, he or she shall notify the Department of the change  
6 within 30 days after it occurs.

7 (3) All public records of the Department, when duly  
8 certified by the Director, shall be received as prima facie  
9 evidence in any State administrative or judicial proceedings.

10 Section 45. Grounds for disciplinary action. The  
11 Department may refuse to issue or to renew or may revoke,  
12 suspend, place on probation, reprimand, or take other  
13 disciplinary action as the Department may deem proper,  
14 including fines not to exceed \$1,000 for each violation, with  
15 regard to any license for any one or combination of the  
16 following causes:

17 (a) violation of this Act or its rules;

18 (b) conviction of any crime under the laws of any U.S.  
19 jurisdiction which is a felony or which is a misdemeanor,  
20 an essential element of which is dishonesty, or of any  
21 crime which directly relates to the practice of the  
22 profession;

23 (c) making any misrepresentation for the purpose of  
24 obtaining a license;

25 (d) professional incompetence or gross negligence in  
26 the practice of painting, drywall finishing, or glazing  
27 contracting;

28 (e) gross malpractice, prima facie evidence of which  
29 may be a conviction or judgment of malpractice in any court  
30 of competent jurisdiction;

31 (f) aiding or assisting another person in violating any  
32 provision of this Act or rules;

33 (g) failing, within 60 days, to provide information in

1 response to a written request made by the Department which  
2 has been sent by certified or registered mail to the  
3 licensee's last known address;

4 (h) engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud, or harm the public;

7 (i) habitual or excessive use or addiction to alcohol,  
8 narcotics, stimulants, or any other chemical agent or drug  
9 that results in the inability to practice with reasonable  
10 judgment, skill, or safety;

11 (j) discipline by another U.S. jurisdiction or foreign  
12 nation, if at least one of the grounds for the discipline  
13 is the same or substantially equivalent to those set forth  
14 in this Section;

15 (k) directly or indirectly giving to or receiving from  
16 any person, firm, corporation, partnership, or association  
17 any fee, commission, rebate, or other form of compensation  
18 for any professional services not actually or personally  
19 rendered;

20 (l) a finding by the Department that the licensee,  
21 after having his or her license placed on probationary  
22 status, has violated the terms of probation;

23 (m) conviction by any court of competent jurisdiction,  
24 either within or without this State, of any violation of  
25 any law governing the practice of painting, drywall  
26 finishing, or glazing contracting, if the Department  
27 determines, after investigation, that such person has not  
28 been sufficiently rehabilitated to warrant the public  
29 trust;

30 (n) a finding that licensure has been applied for or  
31 obtained by fraudulent means;

32 (o) practicing, attempting to practice, or advertising  
33 under a name other than the full name as shown on the  
34 license or any other legally authorized name;



1           (p) gross and willful overcharging for professional  
2 services including filing false statements for collection  
3 of fees or monies for which services are not rendered;

4           (q) failure to file a return, or to pay the tax,  
5 penalty or interest shown in a filed return, or to pay any  
6 final assessment of tax, penalty or interest, as required  
7 by any tax Act administered by the Illinois Department of  
8 Revenue, until such time as the requirements of any such  
9 tax Act are satisfied;

10          (r) failure to continue to meet the requirements of  
11 this Act shall be deemed a violation;

12          (s) physical or mental disability, including  
13 deterioration through the aging process or loss of  
14 abilities and skills that result in an inability to  
15 practice the profession with reasonable judgment, skill,  
16 or safety;

17          (t) material misstatement in furnishing information to  
18 the Department or to any other State agency;

19          (u) the determination by a court that a licensee is  
20 subject to involuntary admission or judicial admission as  
21 provided in the Mental Health and Developmental  
22 Disabilities Code will result in an automatic suspension of  
23 his or her license. The suspension will end upon a finding  
24 by a court that the licensee is no longer subject to  
25 involuntary admission or judicial admission, the issuance  
26 of an order so finding and discharging the patient, and the  
27 recommendation of the Board to the Director that the  
28 licensee be allowed to resume professional practice;

29          (v) advertising in any manner that is false,  
30 misleading, or deceptive; or

31          (w) a violation of the Union Employee Health and  
32 Benefits Protection Act, the Minimum Wage Law, the Illinois  
33 Wage Payment and Collection Act, the Prevailing Wage Act,  
34 the One Day Rest in Seven Act, or the Employee Benefit

1 Contribution Act.

2 The Department shall deny any license or renewal under this  
3 Act to any person who has defaulted on an educational loan  
4 guaranteed by the Illinois State Scholarship Commission;  
5 however, the Department may issue a license or renewal if the  
6 person in default has established a satisfactory repayment  
7 record as determined by the Illinois State Scholarship  
8 Commission.

9 Section 50. Stenographer; record of proceedings. The  
10 Department, at its expense, shall provide a stenographer to  
11 take down the testimony and preserve a record of all  
12 proceedings initiated pursuant to this Act, the rules for the  
13 administration of this Act, or any other Act or rules relating  
14 to this Act and proceedings for restoration of any license  
15 issued under this Act. The notice of hearing, complaint,  
16 answer, and all other documents in the nature of pleadings and  
17 written motions and responses filed in the proceedings, the  
18 transcript of the testimony, all exhibits admitted into  
19 evidence, the report of the hearing officer, the Board's  
20 findings of fact, conclusions of law, and recommendations to  
21 the Director, and the order shall be the record of the  
22 proceedings. The Department shall furnish a transcript of the  
23 record to any person interested in the hearing upon payment of  
24 the fee required under Section 2105-115 of the Department of  
25 Professional Regulation Law (20 ILCS 2105/2105-115).

26 Section 55. Attendance of witnesses; production of  
27 documents; contempt. Any circuit court may, upon application of  
28 the Department or its designee or of the applicant or licensee  
29 against whom proceedings are pending, enter an order requiring  
30 the attendance of witnesses and their testimony, and the  
31 production of documents, papers, files, books and records in  
32 connection with any hearing or investigation. The court may

1 compel obedience to its order by proceedings for contempt.

2 Section 60. Subpoenas; oaths. The Department has the power  
3 to subpoena and bring before it any person in this State and to  
4 take testimony either orally or by deposition or both, or to  
5 subpoena documents, exhibits, or other materials with the same  
6 fees and mileage and in the same manner as prescribed by law in  
7 judicial proceedings in civil cases in circuit courts of this  
8 State.

9 The Director and any member of the Board have power to  
10 administer oaths to witnesses at any hearing that the  
11 Department or Board is authorized by law to conduct. Further,  
12 the Director has power to administer any other oaths required  
13 or authorized to be administered by the Department under this  
14 Act.

15 Section 65. Findings of facts, conclusions of law, and  
16 recommendations; order. Within 60 days of the Department's  
17 receipt of the transcript of any hearing that is conducted  
18 pursuant to this Act or the rules for its enforcement or any  
19 other statute or rule requiring a hearing under this Act or the  
20 rules for its enforcement, or for any hearing related to  
21 restoration of any license issued pursuant to this Act, the  
22 hearing officer shall submit his or her written findings and  
23 recommendations to the Board. The Board shall review the report  
24 of the hearing officer and shall present its findings of fact,  
25 conclusions of law, and recommendations to the Director by the  
26 date of the Board's second meeting following the Board's  
27 receipt of the hearing officer's report.

28 A copy of the findings of fact, conclusions of law, and  
29 recommendations to the Director shall be served upon the  
30 accused person, either personally or by registered or certified  
31 mail. Within 20 days after service, the accused person may  
32 present to the Department a written motion for a rehearing,

1 which shall state the particular grounds therefor. If the  
2 accused person orders and pays for a transcript pursuant to  
3 Section 50, the time elapsing thereafter and before the  
4 transcript is ready for delivery to him or her shall not be  
5 counted as part of the 20 days.

6 The Director shall issue an order based on the findings of  
7 fact, conclusions of law, and recommendations to the Director.  
8 If the Director disagrees in any regard with the findings of  
9 fact, conclusions of law, and recommendations to the Director,  
10 he may issue an order in contravention of the findings of fact,  
11 conclusions of law, and recommendations to the Director.

12 If the Director issues an order in contravention of the  
13 findings of fact, conclusions of law, and recommendations to  
14 the Director, the Director shall notify the Board in writing  
15 with an explanation for any deviation from the Board's findings  
16 of fact, conclusions of law, and recommendations to the  
17 Director within 30 days of the Director's entry of the order.

18 Section 70. Temporary suspension. The Director may  
19 temporarily suspend the license of a painting, drywall  
20 finishing, or glazing contractor without a hearing,  
21 simultaneously with the institution of proceedings for a  
22 hearing provided for in this Act, if the Director finds that  
23 evidence in his or her possession indicates that continuation  
24 in practice would constitute an imminent danger to the public.  
25 In the event that the Director temporarily suspends a license  
26 without a hearing, a hearing by the Department shall be held  
27 within 30 days after such suspension has occurred.

28 Section 75. Review under Administrative Review Law. All  
29 final administrative decisions of the Department are subject to  
30 judicial review pursuant to the Administrative Review Law and  
31 its rules. The term "administrative decision" is defined as in  
32 Section 3-101 of the Code of Civil Procedure.

1           Section 80. Violations. Any person who is found to have  
2 violated any provision of this Act is guilty of a Class A  
3 misdemeanor. On conviction of a second or subsequent offense  
4 the violator is guilty of a Class 4 felony. Each day of  
5 violation constitutes a separate offense.

6           Section 85. Administrative Procedure Act. The Illinois  
7 Administrative Procedure Act is hereby expressly adopted and  
8 incorporated herein as if all of the provisions of that Act  
9 were included in this Act, except that the provision of  
10 subsection (d) of Section 10-65 of the Illinois Administrative  
11 Procedure Act that provides that at hearings the licensee has  
12 the right to show compliance with all lawful requirements for  
13 retention, continuation or renewal of the license is  
14 specifically excluded. For the purpose of this Act the notice  
15 required under Section 10-25 of the Administrative Procedure  
16 Act is deemed sufficient when mailed to the last known address  
17 of a party.

18           Section 90. Certification of record; costs. The Department  
19 shall not be required to certify any record to the court, to  
20 file an answer in court, or to otherwise appear in any court in  
21 a judicial review proceeding, unless there is filed in the  
22 court, with the complaint, a receipt from the Department  
23 acknowledging payment of the costs of furnishing and certifying  
24 the record. Failure on the part of the plaintiff to file the  
25 receipt in court is grounds for dismissal of the action.

26           Section 95. Returned checks; fines. Any person who  
27 delivers a check or other payment to the Department that is  
28 returned to the Department unpaid by the financial institution  
29 upon which it is drawn shall pay to the Department, in addition  
30 to the amount already owed to the Department, a fine of \$50.

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

19 Section 100. Hearing officers. The Director has the  
20 authority to appoint any attorney duly licensed to practice law  
21 in the State of Illinois to serve as the hearing officer for  
22 any action for refusal to issue or renew a license, for  
23 discipline of a licensee for sanctions for unlicensed practice,  
24 for restoration of a license, or for any other action for which  
25 findings of fact, conclusions of law, and recommendations are  
26 required pursuant to Section 65 of this Act. The hearing  
27 officer shall have full authority to conduct the hearing and  
28 shall issue his or her findings of fact and recommendations to  
29 the Board pursuant to Sections 65 of this Act.

30 Section 105. Investigation; notice; default. The  
31 Department may investigate the actions of any applicant or any  
32 person or persons holding or claiming to hold a license. The

1 Department shall, before suspending, revoking, placing on  
2 probationary status, or taking any other disciplinary action as  
3 the Department may deem proper with regard to any license, at  
4 least 30 days prior to the date set for the hearing, notify the  
5 accused in writing of any charges made and the time and place  
6 for a hearing on the charges before the hearing officer, direct  
7 him or her to file his written answer with the hearing officer  
8 under oath within 30 days after the service on him or her of  
9 such notice, and inform him or her that if he or she fails to  
10 file such answer default will be taken against him or her and  
11 his or her license may be suspended, revoked, placed on  
12 probationary status, or other disciplinary action, including  
13 limiting the scope, nature or extent of his or her practice, as  
14 the Department may deem proper, taken. This written notice may  
15 be served by personal delivery or certified or registered mail  
16 to the Department. In case the person fails to file an answer  
17 after receiving notice, his or her license may, in the  
18 discretion of the Department, be suspended, revoked, or placed  
19 on probationary status, or the Department may take whatever  
20 disciplinary action deemed proper, including limiting the  
21 scope, nature, or extent of the person's practice or the  
22 imposition of a fine, without a hearing, if the act or acts  
23 charged constitute sufficient grounds for such action under  
24 this Act. At the time and place fixed in the notice, the  
25 Department shall proceed to hear the charges and the parties or  
26 their counsel shall be accorded ample opportunity to present  
27 such statements, testimony, evidence and argument as may be  
28 pertinent to the charges or to their defense. The Department  
29 may continue such hearing from time to time. At the discretion  
30 of the Director after having first received the recommendation  
31 of the hearing officer, the accused person's license may be  
32 suspended, revoked, placed on probationary status, or other  
33 disciplinary action may be taken as the Director may deem  
34 proper, including limiting the scope, nature, or extent of said

1 person's practice without a hearing, if the act or acts charged  
2 constitute sufficient grounds for such action under this Act.

3 Section 110. Enforcement; petition to court.

4 (a) If any person violates the provisions of this Act, the  
5 Director through the Attorney General of Illinois, or the  
6 State's Attorney of any county in which a violation is alleged  
7 to exist, may in the name of the People of the State of  
8 Illinois petition for an order enjoining such violation or for  
9 an order enforcing compliance with this Act. Upon the filing of  
10 a verified petition in such court, the court may issue a  
11 temporary restraining order, without notice or bond, and may  
12 preliminarily and permanently enjoin such violation, and if it  
13 is established that such person has violated or is violating  
14 the injunction, the Court may punish the offender for contempt  
15 of court.

16 (b) If any person shall practice as a licensee or hold  
17 himself or herself out as a licensee without being licensed  
18 under the provisions of this Act, then any person licensed  
19 under this Act, any interested party or any person injured  
20 thereby may, in addition to those officers identified in  
21 subsection (a) of this Section, petition for relief as provided  
22 therein.

23 (c) Whenever the Department has reason to believe that any  
24 person has violated the licensing requirements of this Act by  
25 practicing, offering to practice, attempting to practice, or  
26 holding himself or herself out to practice painting, drywall  
27 finishing, or glazing without being licensed under this Act,  
28 the Department may issue a rule to show cause why an order to  
29 cease and desist should not be entered against that person. The  
30 rule shall clearly set forth the grounds relied upon by the  
31 Department and shall provide a period of 7 days from the date  
32 of the rule to file an answer to the satisfaction of the  
33 Department. Failure to answer to the satisfaction of the



1 Department shall cause an order to cease and desist to be  
2 issued immediately. It is not a violation of this Act for a  
3 person whose regular job duties are custodial and maintenance  
4 work, but who in the normal course of work engages in  
5 incidental drywall repair, related drywall taping, spot  
6 painting, and minor glazing repair work.

7 (d) Proceedings under this Section shall be in addition to,  
8 and not in lieu of, all other remedies and penalties which may  
9 be provided by law.

10 Section 115. Unlicensed practice; violation; civil  
11 penalty.

12 (a) Any person who practices, offers to practice, attempts  
13 to practice, or holds himself or herself out to practice  
14 painting, drywall finishing, or glazing without being licensed  
15 under this Act shall, in addition to any other penalty provided  
16 by law, pay a civil penalty to the Department in an amount not  
17 to exceed \$5,000 for each offense as determined by the  
18 Department. The civil penalty shall be assessed by the  
19 Department after a hearing is held in accordance with the  
20 provisions set forth in this Act regarding the provision of a  
21 hearing for the discipline of a licensee.

22 (b) The Department has the authority and power to  
23 investigate any and all unlicensed activity.

24 (c) The civil penalty shall be paid within 60 days after  
25 the effective date of the order imposing the civil penalty. The  
26 order shall constitute a judgment and may be filed and  
27 execution had thereon in the same manner as any judgment from  
28 any court of record.

29 Section 120. Deposit of fees. All fees and fines collected  
30 under this Act shall be deposited into the General Professions  
31 Dedicated Fund and shall be appropriated to the Department for  
32 the purpose of administering and enforcing this Act.

1           Section 125. The Painting, Drywall Finishing, and Glazing  
2 Contractor Licensing Board. The Painting, Drywall Finishing,  
3 and Glazing Contractor Licensing Board is created and shall  
4 consist of 7 persons, one of whom is a knowledgeable public  
5 member and 6 of whom have been issued licenses as painting,  
6 drywall finishing, and glazing contractors by the Department  
7 (for initial appointments, these 6 members must meet the  
8 requirements for licensure under this Act). One of the 6  
9 licensed contractors on the Board shall represent a statewide  
10 association representing painters. The public member shall not  
11 be licensed under this Act or any other Act the Department  
12 administers. Each member shall be appointed by the Director.  
13 Members shall be appointed who reasonably represent the  
14 different geographic areas of the State.

15           Members of the Painting, Drywall Finishing, and Glazing  
16 Contractor Licensing Board shall be immune from suit in any  
17 action based upon any disciplinary proceedings or other acts  
18 performed in good faith as members of the Board, unless the  
19 conduct that gave rise to the suit was willful and wanton  
20 misconduct.

21           The persons appointed shall hold office for 4 years and  
22 until a successor is appointed and qualified. Of the members of  
23 the Board first appointed, 2 shall be appointed to serve for 2  
24 years, 2 shall be appointed to serve for 3 years, and 3 shall  
25 be appointed to serve for 4 years. No member shall serve more  
26 than 2 complete 4-year terms.

27           Within 90 days of a vacancy occurring, the Director shall  
28 fill the vacancy for the unexpired portion of the term with an  
29 appointee who meets the same qualifications as the person whose  
30 position has become vacant. The Board shall meet annually to  
31 elect one member as chairman and one member as vice-chairman.  
32 No officer shall be elected more than twice in succession to  
33 the same office. The members of the Board shall receive

1 reimbursement for actual, necessary, and authorized expenses  
2 incurred in attending the meetings of the Board.

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