



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Richard T. Bradley, Angelo Saviano

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-75 rep.	was 20 ILCS 2105/61f
225 ILCS 305/3	from Ch. 111, par. 1303
225 ILCS 305/4	from Ch. 111, par. 1304
225 ILCS 305/13	from Ch. 111, par. 1313
225 ILCS 305/36	from Ch. 111, par. 1336

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois by repealing provisions establishing design professionals dedicated employees within the Department. Amends the Illinois Architecture Practice Act of 1989. Provides that the involvement of a licensed architect is not required (rather than the Act does not apply) under specified circumstances. Defines "public health", "public safety", and "public welfare". Makes changes in provisions concerning the qualifications for licensure. Provides that an unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure may use the title "architectural intern", but may not engage in the practice of architecture. Makes other changes.

LRB093 19335 AMC 45071 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional regulation.

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

4 (20 ILCS 2105/2105-75 rep.) (was 20 ILCS 2105/61f)

5 Section 5. The Department of Professional Regulation Law of
6 the Civil Administrative Code of Illinois is amended by
7 repealing Section 2105-75.

8 Section 10. The Illinois Architecture Practice Act of 1989
9 is amended by changing Sections 3, 4, 13, and 36 as follows:

10 (225 ILCS 305/3) (from Ch. 111, par. 1303)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 3. Application of Act. Nothing in this Act shall be
13 deemed or construed to prevent the practice of structural
14 engineering as defined in the Structural Engineering Practice
15 Act of 1989, the practice of professional engineering as
16 defined in the Professional Engineering Practice Act of 1989,
17 or the preparation of documents used to prescribe work to be
18 done inside buildings for non-loadbearing interior
19 construction, furnishings, fixtures and equipment, or the
20 offering or preparation of environmental analysis, feasibility
21 studies, programming or construction management services by
22 persons other than those licensed in accordance with this Act,
23 the Structural Engineering Practice Act of 1989 or the
24 Professional Engineering Practice Act of 1989.

25 Nothing contained in this Act shall prevent the draftsmen,
26 students, project representatives and other employees of those
27 lawfully practicing as licensed architects under the
28 provisions of this Act, from acting under the direct
29 supervision and control of their employers, or to prevent the
30 employment of project representatives for enlargement or
31 alteration of buildings or any parts thereof, or prevent such

1 project representatives from acting under the direct
2 supervision and control of the licensed architect by whom the
3 construction documents including drawings and specifications
4 of any such building, enlargement or alteration were prepared.

5 Nothing in this Act or any other Act shall prevent a
6 licensed ~~registered~~ architect from practicing interior design
7 services. Nothing in this Act shall be construed as requiring
8 the services of an interior designer for the interior designing
9 of a single family residence.

10 The involvement of a licensed architect is not required for
11 the following ~~This Act does not apply to any of the following:~~

12 (A) The building, remodeling or repairing of any
13 building or other structure outside of the corporate limits
14 of any city or village, where such building or structure is
15 to be, or is used for farm purposes, or for the purposes of
16 outbuildings or auxiliary buildings in connection with
17 such farm premises.

18 (B) The construction, remodeling or repairing of a
19 detached single family residence on a single lot.

20 (C) The construction, remodeling or repairing of a
21 two-family residence of wood frame construction on a single
22 lot, not more than two stories and basement in height.

23 (D) Interior design services for buildings which do not
24 involve life safety or structural changes.

25 However, when an ordinance of a unit of local government
26 requires the involvement of a licensed architect for any
27 buildings included in the preceding paragraphs (A) through (D),
28 the requirements of this Act shall apply. All ~~all~~ buildings not
29 included in the preceding paragraphs (A) through (D), including
30 multi-family buildings and buildings previously exempt from
31 the involvement of a licensed architect under those paragraphs
32 but subsequently non-exempt due to a change in occupancy or
33 use, are subject to the requirements of this Act. Interior
34 alterations which result in life safety or structural changes
35 of the building are subject to the requirements of this Act.

36 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 92-16,

1 eff. 6-28-01.)

2 (225 ILCS 305/4) (from Ch. 111, par. 1304)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 4. Definitions. In this Act:

5 (a) "Department" means the Department of Professional
6 Regulation.

7 (b) "Director" means the Director of Professional
8 Regulation.

9 (c) "Board" means the Illinois Architecture Licensing
10 Board appointed by the Director.

11 (d) "Public health" as related to the practice of
12 architecture means the state of the well-being of the body or
13 mind of the building user.

14 (e) "Public safety" as related to the practice of
15 architecture means the state of being reasonably free from risk
16 of danger, damage, or injury.

17 (f) "Public welfare" as related to the practice of
18 architecture means the well-being of the building user
19 resulting from the state of a physical environment that
20 accommodates human activity.

21 (Source: P.A. 86-702.)

22 (225 ILCS 305/13) (from Ch. 111, par. 1313)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 13. Qualifications of applicants. Any person who is of
25 good moral character may take an examination for licensure if
26 he or she is a graduate with a first professional degree in
27 architecture from a program accredited by the National
28 Architectural Accrediting Board and has completed such
29 diversified professional training, including academic
30 training, as is required by rules of the Department. Until
31 January 1, 2010, in ~~the~~ lieu of the requirement of graduation
32 with a first professional degree in architecture from a program
33 accredited by the National Architectural Accrediting Board,
34 the Department may admit an applicant who is a graduate with a

1 pre-professional 4 year baccalaureate degree accepted for
2 direct entry into a first professional master of architecture
3 degree program, and who has completed such additional
4 diversified professional training, including academic
5 training, as is required by rules of the Department. The
6 Department may adopt, as its own rules relating to diversified
7 professional training, those guidelines published from time to
8 time by the National Council of Architectural Registration
9 Boards.

10 Good moral character means such character as will enable a
11 person to discharge the fiduciary duties of an architect to
12 that person's client and to the public in a manner which
13 protects health, safety and welfare. Evidence of inability to
14 discharge such duties may include the commission of an offense
15 justifying discipline under Section 19. In addition, the
16 Department may take into consideration whether the applicant
17 has engaged in conduct or actions that would constitute grounds
18 for discipline under this Act.

19 (Source: P.A. 91-133, eff. 1-1-00.)

20 (225 ILCS 305/36) (from Ch. 111, par. 1336)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 36. Violations. Each of the following Acts constitutes
23 a Class A misdemeanor for the first offense and a Class 4
24 felony for a second or subsequent offense:

25 (a) the practice, attempt to practice or offer to
26 practice architecture, or the advertising or putting out of
27 any sign or card or other device which might indicate to
28 the public that the person is entitled to practice
29 architecture, without a license as a licensed architect, or
30 registration as a professional design firm issued by the
31 Department. Each day of practicing architecture or
32 attempting to practice architecture, and each instance of
33 offering to practice architecture, without a license as a
34 licensed architect or registration as a professional
35 design firm constitutes a separate offense;

1 (b) the making of any wilfully false oath or
2 affirmation in any matter or proceeding where an oath or
3 affirmation is required by this Act;

4 (c) the affixing of a licensed architect's seal to any
5 construction documents which have not been prepared by that
6 architect or under the architect's direct supervision and
7 control;

8 (d) the violation of any provision of this Act or its
9 rules;

10 (e) using or attempting to use an expired, inactive,
11 suspended, or revoked license, or the certificate or seal
12 of another, or impersonating another licensee;

13 (f) obtaining or attempting to obtain a license or
14 registration by fraud; or

15 (g) If any person, sole proprietorship, professional
16 service corporation, limited liability company,
17 corporation or partnership, or other entity practices
18 architecture or advertises or displays any sign or card or
19 other device that might indicate to the public that the
20 person or entity is entitled to practice as an architect or
21 use the title "architect" or any of its derivations unless
22 the person or other entity holds an active license as an
23 architect or registration as a professional design firm in
24 the State; then, in addition to any other penalty provided
25 by law any person or other entity who violates this
26 subsection (g) shall forfeit and pay to the Design
27 Professionals Administration and Investigation Fund a
28 civil penalty in an amount determined by the Department of
29 not more than \$5,000 for each offense.

30 An unlicensed person who has completed the education
31 requirements, is actively participating in the diversified
32 professional training, and maintains in good standing a
33 training record as required for licensure by this Act may use
34 the title "architectural intern", but may not engage in the
35 practice of architecture.

36 (Source: P.A. 88-428.)