

1 AMENDMENT TO SENATE BILL 713

2 AMENDMENT NO. _____. Amend Senate Bill 713 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Accounting Act is
5 amended by changing Sections 2 and 20.01 as follows:

6 (225 ILCS 450/2) (from Ch. 111, par. 5502)

7 (Section scheduled to be repealed on January 1, 2014)

8 (Text of Section before amendment by P.A. 92-457)

9 Sec. 2. Examinations. The University shall appoint a
10 Board of Examiners that shall determine the qualifications of
11 persons applying for certificates and shall make rules for
12 and conduct examinations for determining the qualifications.

13 The Board shall consist of 9 examiners, at least 7 of
14 whom shall be certified public accountants in this State who
15 have been residents of this State for at least 5 years
16 immediately preceding their appointment. One shall be either
17 an accountant of the grade herein described or an attorney
18 licensed and residing in this State and one shall be a
19 certified public accountant who is an active or retired
20 educator residing in this State. The term of office of each
21 examiner shall be 3 years, except that upon the enactment of
22 this amendatory Act of 1993, those members currently serving

1 on the Board shall continue to serve the duration of their
2 terms, one additional examiner shall be appointed for a term
3 of one year, one additional examiner for a term of 2 years,
4 and 2 additional examiners for a term of 3 years. As the
5 term of each examiner expires, the appointment shall be
6 filled for a term of 3 years from the date of expiration.
7 Any Board member who has served as a member for 6 consecutive
8 years shall not be eligible for reappointment until 2 years
9 after the end of the term in which the sixth consecutive year
10 of service occurred.

11 Information regarding educational requirements, the
12 application process, the examination, and fees shall be
13 available on the the Board's Internet web site as well as in
14 printed documents available from the Board's office. The
15 ~~time---and---place--of--holding--the--examinations--shall--be~~
16 ~~determined-by-the-Board-and-shall-be-duly-advertised--by--the~~
17 ~~Board-~~

18 The examination shall test the applicant's knowledge of
19 accounting, auditing, and other related subjects, if any, as
20 the Board may deem advisable. Prior to implementation of a
21 computer-based examination, a candidate must be examined in
22 all subjects except that a candidate who has passed in 2 or
23 more subjects and who attained a minimum grade in each
24 subject failed as may be established by Board regulations
25 shall have the right to be re-examined in the remaining
26 subjects at one or more of the next 6 succeeding
27 examinations. Upon implementation of a computer-based
28 examination, a candidate shall be required to pass all
29 sections of the examination in order to qualify for a
30 certificate. A candidate may take the required test sections
31 individually and in any order, as long as the examination is
32 taken within a timeframe established by Board rule.

33 The Board may in certain cases waive or defer any of the
34 requirements of this Section regarding the circumstances in

1 which the various Sections of the examination must be passed
2 upon a showing that, by reasons of circumstances beyond the
3 applicant's control, the applicant was unable to meet the
4 requirement.

5 Applicants may also be required to pass an examination on
6 the rules of professional conduct, as determined by Board
7 rule to be appropriate.

8 The examinations shall be given at least twice a year.

9 Any application, document or other information filed by
10 or concerning an applicant and any examination grades of an
11 applicant shall be deemed confidential and shall not be
12 disclosed to anyone without the prior written permission of
13 the applicant, except that it is hereby deemed in the public
14 interest that the names and addresses only of all applicants
15 shall be a public record and be released as public
16 information. Nothing herein shall prevent the Board from
17 making public announcement of the names of persons receiving
18 certificates under this Act.

19 The Board shall adopt all necessary and reasonable rules
20 and regulations for the effective administration of the
21 Sections of this Act for which it is charged with
22 administering. Without limiting the foregoing, the Board
23 shall adopt and prescribe rules and regulations for a fair
24 and wholly and impartial method of determining the
25 qualifications of applicants for examination and for a fair
26 and wholly and impartial method of examination of persons
27 under Section 2 and may establish rules for subjects
28 conditioned and for the transfer of credits from other
29 jurisdictions with respect to subjects passed.

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

31 (Text of Section after amendment by P.A. 92-457)

32 Sec. 2. Examinations. The Governor shall appoint a Board
33 of Examiners that shall determine the qualifications of
34 persons applying for certificates and shall make rules for

1 and conduct examinations for determining the qualifications.
2 The Board shall consist of not less than 9 nor more than 11
3 examiners, as determined by Board rule, including 2 public
4 members. The remainder shall be certified public accountants
5 in this State who have been residents of this State for at
6 least 5 years immediately preceding their appointment, except
7 that one shall be either a certified public accountant of the
8 grade herein described or an attorney licensed and residing
9 in this State and one shall be a certified public accountant
10 who is an active or retired educator residing in this State.
11 The term of office of each examiner shall be 3 years, except
12 that upon the enactment of this amendatory Act of the 92nd
13 General Assembly, those members currently serving on the
14 Board shall continue to serve the duration of their terms,
15 one additional examiner shall be appointed for a term of one
16 year, one additional examiner for a term of 2 years, and any
17 additional examiners for terms of 3 years. As the term of
18 each examiner expires, the appointment shall be filled for a
19 term of 3 years from the date of expiration. Any Board
20 member who has served as a member for 6 consecutive years
21 shall not be eligible for reappointment until 2 years after
22 the end of the term in which the sixth consecutive year of
23 service occurred, except that members of the Board serving on
24 the effective date of this Section shall be eligible for
25 appointment to one additional 3-year term. Where the
26 expiration of any member's term shall result in less than 11
27 members then serving on the Board, the member shall continue
28 to serve until his or her successor is appointed and has
29 qualified. The Governor may terminate the term of any member
30 of the Board at any time for cause.

31 Information regarding educational requirements, the
32 application process, the examination, and fees shall be
33 available on the Board's Internet Web site as well as in
34 printed documents available from the Board's office. The-time

1 and--place-of-holding-the-examinations-shall-be-determined-by
2 the-Board-and-shall-be-duly-advertised-by-the-Board-

3 The examination shall test the applicant's knowledge of
4 accounting, auditing, and other related subjects, if any, as
5 the Board may deem advisable. Prior to implementation of a
6 computer-based examination, a candidate must be examined in
7 all subjects except that a candidate who has passed in 2 or
8 more subjects and who attained a minimum grade in each
9 subject failed as may be established by Board regulations
10 shall have the right to be re-examined in the remaining
11 subjects at one or more of the next 6 succeeding
12 examinations. Upon implementation of a computer-based
13 examination, a candidate shall be required to pass all
14 sections of the examination in order to qualify for a
15 certificate. A candidate may take the required test sections
16 individually and in any order, as long as the examination is
17 taken within a timeframe established by Board rule.

18 The Board may in certain cases waive or defer any of the
19 requirements of this Section regarding the circumstances in
20 which the various Sections of the examination must be passed
21 upon a showing that, by reasons of circumstances beyond the
22 applicant's control, the applicant was unable to meet the
23 requirement.

24 Applicants may also be required to pass an examination on
25 the rules of professional conduct, as determined by Board
26 rule to be appropriate.

27 The examinations shall be given at least twice a year.

28 Any application, document or other information filed by
29 or concerning an applicant and any examination grades of an
30 applicant shall be deemed confidential and shall not be
31 disclosed to anyone without the prior written permission of
32 the applicant, except that it is hereby deemed in the public
33 interest that the names and addresses only of all applicants
34 shall be a public record and be released as public

1 information. Nothing herein shall prevent the Board from
2 making public announcement of the names of persons receiving
3 certificates under this Act.

4 The Board shall adopt all necessary and reasonable rules
5 and regulations for the effective administration of this Act.
6 Without limiting the foregoing, the Board shall adopt and
7 prescribe rules and regulations for a fair and wholly and
8 impartial method of determining the qualifications of
9 applicants for examination and for a fair and wholly and
10 impartial method of examination of persons under Section 2
11 and may establish rules for subjects conditioned and for the
12 transfer of credits from other jurisdictions with respect to
13 subjects passed.

14 (Source: P.A. 92-457, eff. 7-1-04.)

15 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

16 (Section scheduled to be repealed on January 1, 2014)

17 (Text of Section before amendment by P.A. 92-457)

18 Sec. 20.01. Grounds for discipline.

19 (a) The Department may refuse to issue or renew, or may
20 revoke, suspend, or reprimand any license or licensee, place
21 a licensee on probation for a period of time subject to any
22 conditions the Committee may specify including requiring the
23 licensee to attend continuing education courses or to work
24 under the supervision of another licensee, impose a fine not
25 to exceed \$5,000 for each violation, restrict the authorized
26 scope of practice, or require a licensee to undergo a peer
27 review program, for any one or more of the following:

28 (1) Violation of any provision of this Act.

29 (2) Attempting to procure a license to practice
30 public accounting by bribery or fraudulent
31 misrepresentations.

32 (3) Having a license to practice public accounting
33 revoked, suspended, or otherwise acted against, including

1 the denial of licensure, by the licensing authority of
2 another state, territory, or country. No disciplinary
3 action shall be taken in Illinois if the action taken in
4 another jurisdiction was based upon failure to meet the
5 continuing professional education requirements of that
6 jurisdiction and the applicable Illinois continuing
7 professional education requirements are met.

8 (4) Being convicted or found guilty, regardless of
9 adjudication, of a crime in any jurisdiction which
10 directly relates to the practice of public accounting or
11 the ability to practice public accounting.

12 (5) Making or filing a report or record which the
13 registrant knows to be false, willfully failing to file a
14 report or record required by state or federal law,
15 willfully impeding or obstructing the filing, or inducing
16 another person to impede or obstruct the filing. The
17 reports or records shall include only those that are
18 signed in the capacity of a public accountant.

19 (6) Conviction in this or another State or the
20 District of Columbia, or any United States Territory, of
21 any crime that is punishable by one year or more in
22 prison or conviction of a crime in a federal court that
23 is punishable by one year or more in prison.

24 (7) Proof that the licensee is guilty of fraud or
25 deceit, or of gross negligence, incompetency, or
26 misconduct, in the practice of public accounting.

27 (8) Violation of any rule adopted under this Act.

28 (9) Practicing on a revoked, suspended, or inactive
29 license.

30 (10) Suspension or revocation of the right to
31 practice before any state or federal agency.

32 (11) Conviction of any crime under the laws of the
33 United States or any state or territory of the United
34 States that is a felony or misdemeanor and has dishonesty

1 as essential element, or of any crime that is directly
2 related to the practice of the profession.

3 (12) Making any misrepresentation for the purpose
4 of obtaining a license, or material misstatement in
5 furnishing information to the Department.

6 (13) Aiding or assisting another person in
7 violating any provision of this Act or rules promulgated
8 hereunder.

9 (14) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public and violating the rules of
12 professional conduct adopted by the Department.

13 (15) Habitual or excessive use or addiction to
14 alcohol, narcotics, stimulants, or any other chemical
15 agent or drug that results in the inability to practice
16 with reasonable skill, judgment, or safety.

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

22 (17) Physical or mental disability, including
23 deterioration through the aging process or loss of
24 abilities and skills that results in the inability to
25 practice the profession with reasonable judgment, skill
26 or safety.

27 (18) Solicitation of professional services by using
28 false or misleading advertising.

29 (19) Failure to file a return, or pay the tax,
30 penalty or interest shown in a filed return, or to pay
31 any final assessment of tax, penalty or interest, as
32 required by any tax Act administered by the Illinois
33 Department of Revenue or any successor agency or the
34 Internal Revenue Service or any successor agency.

1 (20) Practicing or attempting to practice under a
2 name other than the full name as shown on the license or
3 any other legally authorized name.

4 (21) A finding by the Department that a licensee
5 has not complied with a provision of any lawful order
6 issued by the Department.

7 (22) Making a false statement to the Department
8 regarding compliance with continuing professional
9 education requirements.

10 (23) Failing to make a substantive response to a
11 request for information by the Department within 30 days
12 of the request.

13 (b) (Blank).

14 (c) In rendering an order, the Director shall take into
15 consideration the facts and circumstances involving the type
16 of acts or omissions in subsection (a) including, but not
17 limited to:

18 (1) the extent to which public confidence in the
19 public accounting profession was, might have been, or may
20 be injured;

21 (2) the degree of trust and dependence among the
22 involved parties;

23 (3) the character and degree of financial or
24 economic harm which did or might have resulted; and

25 (4) the intent or mental state of the person
26 charged at the time of the acts or omissions.

27 (d) The Department shall reissue the license upon
28 certification by the Committee that the disciplined licensee
29 has complied with all of the terms and conditions set forth
30 in the final order.

31 (e) The Department shall deny any application for a
32 license or renewal, without hearing, to any person who has
33 defaulted on an educational loan guaranteed by the Illinois
34 Student Assistance Commission; however, the Department may

1 issue a license or renewal if the person in default has
2 established a satisfactory repayment record as determined by
3 the Illinois Student Assistance Commission.

4 (f) The determination by a court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code will result in the automatic suspension of his or her
8 license. The suspension will end upon a finding by a court
9 that the licensee is no longer subject to involuntary
10 admission or judicial admission, the issuance of an order so
11 finding and discharging the patient, and the recommendation
12 of the Committee to the Director that the licensee be allowed
13 to resume professional practice.

14 (Source: P.A. 90-655, eff. 7-30-98; revised 3-7-02.)

15 (Text of Section after amendment by P.A. 92-457)

16 Sec. 20.01. Grounds for discipline; license.

17 (a) The Board may refuse to issue or renew, or may
18 revoke, suspend, or reprimand any license or licensee, place
19 a licensee on probation for a period of time subject to any
20 conditions the Board may specify including requiring the
21 licensee to attend continuing education courses or to work
22 under the supervision of another licensee, impose a fine not
23 to exceed \$5,000 for each violation, restrict the authorized
24 scope of practice, or require a licensee to undergo a peer
25 review program, for any one or more of the following:

26 (1) Violation of any provision of this Act.

27 (2) Attempting to procure a license to practice
28 public accounting by bribery or fraudulent
29 misrepresentations.

30 (3) Having a license to practice public accounting
31 revoked, suspended, or otherwise acted against, including
32 the denial of licensure, by the licensing authority of
33 another state, the District of Columbia, or any United
34 States territory. No disciplinary action shall be taken

1 in Illinois if the action taken in another jurisdiction
2 was based upon failure to meet the continuing
3 professional education requirements of that jurisdiction
4 and the applicable Illinois continuing professional
5 education requirements are met.

6 (4) Being convicted or found guilty, regardless of
7 adjudication, of a crime in any jurisdiction which
8 directly relates to the practice of public accounting or
9 the ability to practice public accounting.

10 (5) Making or filing a report or record which the
11 registrant knows to be false, willfully failing to file a
12 report or record required by state or federal law,
13 willfully impeding or obstructing the filing, or inducing
14 another person to impede or obstruct the filing. The
15 reports or records shall include only those that are
16 signed in the capacity of a licensed certified public
17 accountant.

18 (6) Conviction in this or another State or the
19 District of Columbia, or any United States Territory, of
20 any crime that is punishable by one year or more in
21 prison or conviction of a crime in a federal court that
22 is punishable by one year or more in prison.

23 (7) Proof that the licensee is guilty of fraud or
24 deceit, or of gross negligence, incompetency, or
25 misconduct, in the practice of public accounting.

26 (8) Violation of any rule adopted under this Act.

27 (9) Practicing on a revoked, suspended, or inactive
28 license.

29 (10) Suspension or revocation of the right to
30 practice before any state or federal agency.

31 (11) Conviction of any crime under the laws of the
32 United States or any state or territory of the United
33 States that is a felony or misdemeanor and has dishonesty
34 as an essential element, or of any crime that is directly

1 related to the practice of the profession.

2 (12) Making any misrepresentation for the purpose
3 of obtaining a license, or material misstatement in
4 furnishing information to the Board.

5 (13) Aiding or assisting another person in
6 violating any provision of this Act or rules promulgated
7 hereunder.

8 (14) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public and violating the rules of
11 professional conduct adopted by the Board.

12 (15) Habitual or excessive use or addiction to
13 alcohol, narcotics, stimulants, or any other chemical
14 agent or drug that results in the inability to practice
15 with reasonable skill, judgment, or safety.

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

21 (17) Physical or mental disability, including
22 deterioration through the aging process or loss of
23 abilities and skills that results in the inability to
24 practice the profession with reasonable judgment, skill
25 or safety.

26 (18) Solicitation of professional services by using
27 false or misleading advertising.

28 (19) Failure to file a return, or pay the tax,
29 penalty or interest shown in a filed return, or to pay
30 any final assessment of tax, penalty or interest, as
31 required by any tax Act administered by the Illinois
32 Department of Revenue or any successor agency or the
33 Internal Revenue Service or any successor agency.

34 (20) Practicing or attempting to practice under a

1 name other than the full name as shown on the license or
2 any other legally authorized name.

3 (21) A finding by the Board that a licensee has not
4 complied with a provision of any lawful order issued by
5 the Board.

6 (22) Making a false statement to the Board
7 regarding compliance with continuing professional
8 education requirements.

9 (23) Failing to make a substantive response to a
10 request for information by the Board within 30 days of
11 the request.

12 (b) (Blank).

13 (c) In rendering an order, the Board shall take into
14 consideration the facts and circumstances involving the type
15 of acts or omissions in subsection (a) including, but not
16 limited to:

17 (1) the extent to which public confidence in the
18 public accounting profession was, might have been, or may
19 be injured;

20 (2) the degree of trust and dependence among the
21 involved parties;

22 (3) the character and degree of financial or
23 economic harm which did or might have resulted; and

24 (4) the intent or mental state of the person
25 charged at the time of the acts or omissions.

26 (d) The Board shall reissue the license upon a showing
27 that the disciplined licensee has complied with all of the
28 terms and conditions set forth in the final order.

29 (e) The Board shall deny any application for a license
30 or renewal, without hearing, to any person who has defaulted
31 on an educational loan guaranteed by the Illinois Student
32 Assistance Commission; however, the Board may issue a license
33 or renewal if the person in default has established a
34 satisfactory repayment record as determined by the Illinois

1 Student Assistance Commission.

2 (f) The determination by a court that a licensee is
3 subject to involuntary admission or judicial admission as
4 provided in the Mental Health and Developmental Disabilities
5 Code will result in the automatic suspension of his or her
6 license. The suspension will end upon a finding by a court
7 that the licensee is no longer subject to involuntary
8 admission or judicial admission and the issuance of an order
9 so finding and discharging the patient.

10 (Source: P.A. 92-457, eff. 7-1-04; revised 3-7-02.)

11 Section 95. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i)
16 the changes made by this Act or (ii) provisions derived from
17 any other Public Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."