



Sen. Deanna Demuzio

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1 AMENDMENT TO SENATE BILL 1876

2 AMENDMENT NO. _____. Amend Senate Bill 1876 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-75 as follows:

7 (20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

8 Sec. 2105-75. Design professionals designated employees.
9 There are established within the Department certain design
10 professionals designated employees. These employees shall be
11 devoted primarily to the administration and enforcement of the
12 Illinois Architecture Practice Act, the Illinois Professional
13 Land Surveyor Act of 1989, the Professional Engineering
14 Practice Act of 1989, and the Structural Engineering Practice
15 Act of 1989. The design professionals designated employees that
16 the Director shall employ, in conformity with the Personnel
17 Code, shall include but not be limited to one full-time Design
18 Licensing Manager, one full-time Assistant Licensing Manager,
19 3 ~~4~~ full-time licensing clerks, one full-time attorney, and 3 ~~2~~
20 full-time investigators. These employees shall work primarily
21 in the licensing and enforcement of the design profession Acts
22 set forth in this Section and may be used, when available, for
23 other duties in the Department subject to the authorization of
24 the Department.

1 (Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

2 Section 10. The Illinois Architecture Practice Act of 1989
3 is amended by changing Sections 13, 20, 22, and 23.5 as
4 follows:

5 (225 ILCS 305/13) (from Ch. 111, par. 1313)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 13. Qualifications of applicants. Any person who is of
8 good moral character may take an examination for licensure if
9 he or she is a graduate with a first professional degree in
10 architecture from a program accredited by the National
11 Architectural Accrediting Board and has completed such
12 diversified professional training, including academic
13 training, as is required by rules of the Department. Until
14 January 1, 2014 ~~2010~~, in lieu of the requirement of graduation
15 with a first professional degree in architecture from a program
16 accredited by the National Architectural Accrediting Board,
17 the Department may admit an applicant who is a graduate with a
18 pre-professional 4 year baccalaureate degree accepted for
19 direct entry into a first professional master of architecture
20 degree program, and who has completed such additional
21 diversified professional training, including academic
22 training, as is required by rules of the Department. The
23 Department may adopt, as its own rules relating to diversified
24 professional training, those guidelines published from time to
25 time by the National Council of Architectural Registration
26 Boards.

27 Good moral character means such character as will enable a
28 person to discharge the fiduciary duties of an architect to
29 that person's client and to the public in a manner which
30 protects health, safety and welfare. Evidence of inability to
31 discharge such duties may include the commission of an offense
32 justifying discipline under Section 19. In addition, the

1 Department may take into consideration whether the applicant
2 has engaged in conduct or actions that would constitute grounds
3 for discipline under this Act.

4 (Source: P.A. 93-1009, eff. 1-1-05.)

5 (225 ILCS 305/20) (from Ch. 111, par. 1320)

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

7 Sec. 20. Roster of licensees and registrants. A roster
8 showing the names and addresses of all architects,
9 architectural corporations and partnerships and professional
10 design firms licensed or registered under this Act shall be
11 prepared by the Department each year. This roster shall be
12 organized by discipline and available by discipline upon
13 written request and payment of the required fee.

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

15 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

17 Sec. 22. Refusal, suspension and revocation of licenses;
18 Causes.

19 (a) The Department may, singularly or in combination,
20 refuse to issue, renew or restore, or may suspend or revoke any
21 license or registration, or may place on probation, reprimand,
22 or fine, with a civil penalty not to exceed \$10,000 for each
23 violation, any person, corporation, or partnership, or
24 professional design firm licensed or registered under this Act
25 for any of the following reasons:

26 (1) material misstatement in furnishing information to
27 the Department;

28 (2) negligence, incompetence or misconduct in the
29 practice of architecture;

30 (3) failure to comply with any of the provisions of
31 this Act or any of the rules;

32 (4) making any misrepresentation for the purpose of

1 obtaining licensure;

2 (5) purposefully making false statements or signing
3 false statements, certificates or affidavits to induce
4 payment;

5 (6) conviction of any crime under the laws of the
6 United States, or any state or territory thereof, which is
7 a felony, whether related to the practice of architecture
8 or not; or conviction of any crime, whether a felony,
9 misdemeanor, or otherwise, an essential element of which is
10 dishonesty, wanton disregard for the rights of others, or
11 which is directly related to the practice of architecture;

12 (7) aiding or assisting another person in violating any
13 provision of this Act or its rules;

14 (8) signing, affixing the licensed architect's seal or
15 permitting the architect's seal to be affixed to any
16 construction documents not prepared by the architect or
17 under that architect's direct supervision and control;

18 (9) engaging in dishonorable, unethical or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public;

21 (10) habitual intoxication or addiction to the use of
22 drugs;

23 (11) making a statement of compliance pursuant to the
24 Environmental Barriers Act that construction documents
25 prepared by the Licensed Architect or prepared under the
26 licensed architect's direct supervision and control for
27 construction or alteration of an occupancy required to be
28 in compliance with the Environmental Barriers Act are in
29 compliance with the Environmental Barriers Act when such
30 construction documents are not in compliance;

31 (12) a finding by the Board that an applicant or
32 registrant has failed to pay a fine imposed by the
33 Department or a registrant, whose license has been placed
34 on probationary status, has violated the terms of

1 probation;

2 (13) discipline by another state, territory, foreign
3 country, the District of Columbia, the United States
4 government, or any other governmental agency, if at least
5 one of the grounds for discipline is the same or
6 substantially equivalent to those set forth herein;

7 (14) failure to provide information in response to a
8 written request made by the Department within 30 days after
9 the receipt of such written request;

10 (15) physical illness, including, but not limited to,
11 deterioration through the aging process or loss of motor
12 skill which results in the inability to practice the
13 profession with reasonable judgment, skill or safety.

14 (a-5) In enforcing this Section, the Board upon a showing
15 of a possible violation may request that the Department compel
16 a person licensed to practice under this Act, or who has
17 applied for licensure or certification pursuant to this Act, to
18 submit to a mental or physical examination, or both, as
19 required by and at the expense of the Department. The examining
20 physicians shall be those specifically designated by the
21 Department Board. The ~~Board or the~~ Department may order the
22 examining physician to present testimony concerning this
23 mental or physical examination of the licensee or applicant. No
24 information shall be excluded by reason of any common law or
25 statutory privilege relating to communications between the
26 licensee or applicant and the examining physician. The person
27 to be examined may have, at his or her own expense, another
28 physician of his or her choice present during all aspects of
29 the examination. Failure of any person to submit to a mental or
30 physical examination, when directed, shall be grounds for
31 suspension of a license until the person submits to the
32 examination if the Department Board finds, after notice and
33 hearing, that the refusal to submit to the examination was
34 without reasonable cause.

1 If the Board finds a person unable to practice because of
2 the reasons set forth in this Section, the Board may recommend
3 that the Department require that person to submit to care,
4 counseling, or treatment by physicians approved or designated
5 by the Department Board as a condition, term, or restriction
6 for continued, reinstated, or renewed licensure to practice;
7 or, in lieu of care, counseling, or treatment, the Board may
8 recommend to the Department to file a complaint to immediately
9 suspend, revoke or otherwise discipline the license of the
10 person. Any person whose license was granted, continued,
11 reinstated, renewed, disciplined, or supervised subject to
12 such terms, conditions, or restrictions and who fails to comply
13 with such terms, conditions, or restrictions shall be referred
14 to the Director for a determination as to whether the person
15 shall have his or her license suspended immediately, pending a
16 hearing by the Board.

17 (b) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. Such suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission,
23 the issuance of an order so finding and discharging the
24 patient, and the recommendation of the Board to the Director
25 that the licensee be allowed to resume practice.

26 The Department may refuse to issue or may suspend the
27 license of any person who fails to file a return, or to pay the
28 tax, penalty or interest shown in a filed return, or to pay any
29 final assessment of tax, penalty or interest, as required by
30 any tax Act administered by the Illinois Department of Revenue,
31 until such time as the requirements of any such tax Act are
32 satisfied.

33 Persons who assist the Department as consultants or expert
34 witnesses in the investigation or prosecution of alleged

1 violations of the Act, licensure matters, restoration
2 proceedings, or criminal prosecutions, shall not be liable for
3 damages in any civil action or proceeding as a result of such
4 assistance, except upon proof of actual malice. The attorney
5 general shall defend such persons in any such action or
6 proceeding.

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

8 (225 ILCS 305/23.5)

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

10 Sec. 23.5. Unlicensed practice; violation; civil penalty.

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

20 (a-5) Any entity that advertises architecture services in a
21 telecommunications directory must include its architecture
22 firm registration number or, in the case of a sole proprietor,
23 his or her individual license number. Nothing in this
24 subsection (a-5) requires the publisher of a
25 telecommunications directory to investigate or verify the
26 accuracy of the registration or license number provided by the
27 advertiser of architecture services.

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

30 (c) The civil penalty shall be paid within 60 days after
31 the effective date of the order imposing the civil penalty. The
32 order shall constitute a judgment and may be filed and
33 execution had thereon in the same manner as any judgment from

1 any court of record.

2 (Source: P.A. 89-474, eff. 6-18-96.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2005.".