

HB4407



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4407

by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

See Index

Amends the Structural Pest Control Act. Provides for the continuation, validation, and re-enactment of the Act, which was inadvertently repealed on January 1, 2008. Amends the Regulatory Sunset Act to extend the repeal of the Structural Pest Control Act from January 1, 2008 to December 31, 2009. Effective immediately.

LRB095 16529 RAS 42560 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 changing
5 Sections 4.18 and 4.19b as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed ~~January 1, 2008~~ and December 31,
8 2008. ~~(a) The following Acts are repealed on January 1, 2008:~~
9 ~~The Structural Pest Control Act.~~ (b) The following Acts are
10 repealed on December 31, 2008:

11 The Medical Practice Act of 1987.

12 The Environmental Health Practitioner Licensing Act.

13 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
14 94-1085, eff. 1-19-07; 95-187, eff. 8-16-07; 95-235, eff.
15 8-17-07; 95-450, eff. 8-27-07; 95-465, eff. 8-27-07; 95-639,
16 eff. 10-5-07; 95-687, eff. 10-23-07; 95-689, eff. 10-29-07;
17 95-703, eff. 12-31-07; revised 1-7-08.)

18 (5 ILCS 80/4.19b)

19 Sec. 4.19b. Acts ~~Act~~ repealed on January 1, 2009 and
20 December 31, 2009.

21 (a) The following Act is repealed on January 1, 2009:

22 The Interpreters for the Deaf Act.

1 (b) The following Act is repealed on December 31, 2009:

2 The Structural Pest Control Act.

3 (Source: P.A. 95-617, eff. 9-12-07.)

4 Section 10. The Structural Pest Control Act is amended by
5 adding Section 26 as follows:

6 (225 ILCS 235/26 new)

7 Sec. 26. Continuation of Act; validation.

8 (a) The General Assembly finds and declares that:

9 (1) Public Act 94-754, which became effective on May
10 10, 2006, changed the repeal date set for the Structural
11 Pest Control Act within the Regulatory Sunset Act from
12 January 1, 2007 to January 1, 2008.

13 (2) The Statute on Statutes sets forth general rules on
14 the repeal of statutes and the construction of multiple
15 amendments, but Section 1 of that Act also states that
16 these rules will not be observed when the result would be
17 "inconsistent with the manifest intent of the General
18 Assembly or repugnant to the context of the statute".

19 (3) This amendatory Act of the 95th General Assembly
20 manifests the intention of the General Assembly to remove
21 the current repealer of the Structural Pest Control Act set
22 forth in the Regulatory Sunset Act and have the Structural
23 Pest Control Act continue in effect beyond January 1, 2008.

24 (4) The Structural Pest Control Act was originally

1 enacted to protect, promote, and preserve the public health
2 and general welfare. Any construction of subsection (a) of
3 Section 4.18 of the Regulatory Sunset Act that results in
4 the repeal of the Structural Pest Control Act on January 1,
5 2008 would be inconsistent with the manifest intent of the
6 General Assembly and repugnant to the context of the
7 Regulatory Sunset Act and the Structural Pest Control Act,
8 and would create serious potential risks to the health and
9 safety of the people of Illinois.

10 (b) It is hereby declared to have been the intent of the
11 General Assembly that the Structural Pest Control Act not be
12 subject to repeal on January 1, 2008.

13 (c) The Structural Pest Control Act shall be deemed to have
14 been in continuous effect since May 10, 2006 (the effective
15 date of Public Act 94-754), and it shall continue to be in
16 effect henceforward until it is otherwise lawfully repealed.
17 All previously enacted amendments to the Act taking effect on
18 or after January 1, 2008, are hereby validated.

19 (d) All actions taken in reliance on or pursuant to the
20 Structural Pest Control Act by the Department of Public Health
21 or any other person or entity are hereby validated.

22 (e) In order to ensure the continuing effectiveness of the
23 Structural Pest Control Act, it is set forth in full and
24 re-enacted by this amendatory Act of the 95th General Assembly.
25 This re-enactment is intended as a continuation of the Act. It
26 is not intended to supersede any amendment to the Act that is

1 enacted by the 95th General Assembly.

2 (f) The Structural Pest Control Act applies to all
3 claims, civil actions, and proceedings pending on or filed on
4 or before the effective date of this Act.

5 Section 15. The Structural Pest Control Act is re-enacted
6 as follows:

7 (225 ILCS 235/Act title) (Structural Pest Control Act.)

8 An Act to license and regulate structural pest control
9 operators and certify pest control technicians, to make certain
10 exemptions for the State and its political subdivisions and to
11 provide penalties for the violation thereof.

12 (225 ILCS 235/1) (from Ch. 111 1/2, par. 2201)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 1. Short title). This Act shall be known and may be
15 cited as the "Structural Pest Control Act".

16 (Source: P.A. 82-725.)

17 (225 ILCS 235/2) (from Ch. 111 1/2, par. 2202)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 2. Legislative intent. It is declared that there
20 exists and may in the future exist within the State of Illinois
21 locations where pesticides are received, stored, formulated or
22 prepared and subsequently used for the control of structural

1 pests, and improper selection, formulation and application of
2 pesticides may adversely affect the public health and general
3 welfare.

4 It is further established that the use of certain
5 pesticides is restricted or may in the future be restricted to
6 use only by or under the supervision of persons certified in
7 accordance with this Act.

8 It is recognized that pests can best be controlled through
9 an integrated pest management program that combines preventive
10 techniques, nonchemical pest control methods, and the
11 appropriate use of pesticides with preference for products that
12 are the least harmful to human health and the environment.
13 Integrated pest management is a good practice in the management
14 of pest populations, and it is prudent to employ pest control
15 strategies that are the least hazardous to human health and the
16 environment.

17 Therefore, the purpose of this Act is to protect, promote
18 and preserve the public health and general welfare by providing
19 for the establishment of minimum standards for selection,
20 formulation and application of restricted pesticides and to
21 provide for the licensure of commercial structural pest control
22 businesses, the registration of persons who own or operate
23 non-commercial structural pest control locations where
24 restricted pesticides are used, and the certification of pest
25 control technicians.

26 It is also the purpose of this Act to reduce economic,

1 health, and environmental risks by promoting the use of
2 integrated pest management for structural pest control in
3 schools and day care centers, by making guidelines on
4 integrated pest management available to schools and day care
5 centers.

6 (Source: P.A. 93-381, eff. 7-1-04.)

7 (225 ILCS 235/3) (from Ch. 111 1/2, par. 2203)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 3. Definitions. As used in this Act, unless the
10 context otherwise requires, the terms specified in Sections
11 3.01 through 3.27 have the meanings ascribed to them in those
12 Sections.

13 (Source: P.A. 93-381, eff. 7-1-04.)

14 (225 ILCS 235/3.01) (from Ch. 111 1/2, par. 2203.01)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 3.01. "Department" means the Department of Public
17 Health.

18 (Source: P.A. 82-725.)

19 (225 ILCS 235/3.02) (from Ch. 111 1/2, par. 2203.02)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 3.02. "Director" means the Director of Public Health.

22 (Source: P.A. 82-725.)

1 (225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 3.03. "Person" means any individual, group of
4 individuals, association, trust, partnership, corporation,
5 person doing business under an assumed name, the State of
6 Illinois, or department thereof, any other state-owned and
7 operated institution, or any other entity.

8 (Source: P.A. 82-725.)

9 (225 ILCS 235/3.04) (from Ch. 111 1/2, par. 2203.04)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 3.04. "Commercial Structural Pest Control Business
12 Location" means any location at or from which any person
13 advertises or contracts to perform structural pest control
14 services for hire or where a person is engaged or employed by
15 that business to perform the services, store materials, keep
16 records, or perform other pertinent activities, for the purpose
17 of operating a structural pest control business at that
18 business location, but does not include locations which exist
19 solely for the purpose of accepting telephone calls and
20 messages on behalf of the licensee.

21 (Source: P.A. 83-825.)

22 (225 ILCS 235/3.05) (from Ch. 111 1/2, par. 2203.05)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 3.05. "Licensee" means a person licensed in accordance

1 with this Act.

2 (Source: P.A. 82-725.)

3 (225 ILCS 235/3.06) (from Ch. 111 1/2, par. 2203.06)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 3.06. "Certified Technician" means an individual who
6 has met the qualifications set forth under Section 5 of this
7 Act.

8 (Source: P.A. 82-725.)

9 (225 ILCS 235/3.07) (from Ch. 111 1/2, par. 2203.07)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 3.07. "Pests" include arthropods (insects, spiders,
12 mites, ticks and related pests), wood infesting organisms,
13 rats, mice, nuisance birds and any other obnoxious or
14 undesirable animals in, on or under structures, but does not
15 include bacteria or other micro-organisms on or in living man
16 or other living animals.

17 (Source: P.A. 84-362.)

18 (225 ILCS 235/3.08) (from Ch. 111 1/2, par. 2203.08)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 3.08. "Structure" means any edifice, building or other
21 constructed entity including the contents therein, any patio or
22 terrace connected thereto and the land on which it is situated,
23 and including any portion of land within the given

1 proprietorship which might constitute a potential harborage
2 for pests which could affect the edifice or building or its
3 contents, any portion of land upon which work has begun for the
4 erection of an edifice, any vehicle used as a common carrier,
5 any dock, wharf, railroad siding or refuse area.

6 (Source: P.A. 85-227.)

7 (225 ILCS 235/3.09) (from Ch. 111 1/2, par. 2203.09)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 3.09. "Structural Pest Control" means and includes the
10 on-site identification of an infestation in, on or under a
11 structure or the use of any method or device or the application
12 of any substance to prevent, repel, mitigate, curb, control or
13 eradicate any pest in, on or under a structure or within a part
14 of, or materials used in building, a structure; the use of any
15 pesticide, including insecticides, fungicides and other wood
16 treatment products, attractants, repellents, rodenticides,
17 fumigants or mechanical devices for preventing, controlling,
18 eradicating, identifying, mitigating, diminishing or curbing
19 insects, vermin, rats, mice or other pests in, on or under a
20 structure or within a part of, or materials used in building, a
21 structure; vault fumigation and fumigation of box cars, trucks,
22 ships, airplanes, docks, warehouses and common carriers or
23 soliciting to perform any of the foregoing functions.

24 (Source: P.A. 85-227.)

1 (225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 3.11. "Commercial Structural Pest Control Business"
4 means any business in the course of which any person advertises
5 or contracts to perform structural pest control services on
6 property under the ownership or control of another in exchange
7 for any consideration.

8 (Source: P.A. 82-725.)

9 (225 ILCS 235/3.12) (from Ch. 111 1/2, par. 2203.12)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 3.12. "Non-commercial Structural Pest Control" means
12 structural pest control performed by a person who is not, and
13 is not employed by, a commercial structural pest control
14 business.

15 (Source: P.A. 82-725.)

16 (225 ILCS 235/3.13) (from Ch. 111 1/2, par. 2203.13)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 3.13. "Non-commercial Structural Pest Control
19 Location" means any location from which a person, who is not
20 engaged in commercial structural pest control, performs
21 structural pest control activities which are confined to
22 structures directly associated with the activity, business,
23 product or service of such person.

24 (Source: P.A. 82-725.)

1 (225 ILCS 235/3.14) (from Ch. 111 1/2, par. 2203.14)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 3.14. "Restricted Pesticide" means any substance or
4 mixture of substances intended for preventing, destroying,
5 repelling, or mitigating any pest, the use of which has been
6 categorized as restricted under subparagraph (C) of paragraph
7 (1) of subsection (d) of Section 3 of the Federal Insecticide,
8 Fungicide, Rodenticide Act as amended or under the Illinois
9 Pesticide Act.

10 (Source: P.A. 85-177.)

11 (225 ILCS 235/3.15) (from Ch. 111 1/2, par. 2203.15)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 3.15. "Registrant" means a person registered in
14 accordance with the provisions of this Act.

15 (Source: P.A. 82-725.)

16 (225 ILCS 235/3.16) (from Ch. 111 1/2, par. 2203.16)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 3.16. "Supervision" means the direction and
19 management by certified personnel of the activities of
20 non-certified personnel in use and storage of general use or
21 restricted pesticides.

22 (Source: P.A. 83-1452.)

1 (225 ILCS 235/3.17) (from Ch. 111 1/2, par. 2203.17)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 3.17. "Sub-category" means a specific area of pest
4 control in which a pest control technician may be separately
5 certified as specified by this Act or by rule promulgated
6 thereunder.

7 (Source: P.A. 82-725.)

8 (225 ILCS 235/3.18) (from Ch. 111 1/2, par. 2203.18)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 3.18. "Planned Use Inspection" means an inspection of
11 a certified or non-certified technician to observe the
12 procedures for preparation, application and disposal of
13 pesticides to ensure that they are performed in accordance with
14 this Act, the "Illinois Pesticide Act", as amended, the
15 "Environmental Protection Act", as amended, the rules and
16 regulations of the Illinois Pollution Control Board, and other
17 applicable State law.

18 (Source: P.A. 85-177.)

19 (225 ILCS 235/3.19) (from Ch. 111 1/2, par. 2203.19)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 3.19. "Label" means the written, printed or graphic
22 matter on or attached to the pesticide or device or any of its
23 containers or wrappings.

24 (Source: P.A. 83-825.)

1 (225 ILCS 235/3.20) (from Ch. 111 1/2, par. 2203.20)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 3.20. "Labeling" means the label and all other
4 written, printed or graphic matters: (a) on the pesticide or
5 device or any of its containers or wrappings, (b) accompanying
6 the pesticide or device or referring to it in any other media
7 used to disseminate information to the public, (c) to which
8 reference is made to the pesticide or device except when
9 references are made to current official publications of the U.
10 S. Environmental Protection Agency, Departments of
11 Agriculture, Health and Human Services or other federal
12 Government institutions, the State experiment station or
13 colleges of agriculture or other similar state institutions
14 authorized to conduct research in the field of pesticides.

15 (Source: P.A. 83-825.)

16 (225 ILCS 235/3.21) (from Ch. 111 1/2, par. 2203.21)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 3.21. "FIFRA" means the "Federal Insecticide,
19 Fungicide and Rodenticide Act".

20 (Source: P.A. 83-825.)

21 (225 ILCS 235/3.22) (from Ch. 111 1/2, par. 2203.22)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 3.22. "General Use Pesticide" means any substance or

1 mixture of substances intended for preventing, destroying,
2 repelling or mitigating any pest, as defined in Section 3.07 of
3 this Act, the use of which has been categorized as general
4 under subparagraph (B) of paragraph (1) of subsection (d) of
5 Section 3 of FIFRA.

6 (Source: P.A. 83-1452.)

7 (225 ILCS 235/3.23) (from Ch. 111 1/2, par. 2203.23)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 3.23. "USEPA" means the United States Environmental
10 Protection Agency.

11 (Source: P.A. 83-825.)

12 (225 ILCS 235/3.24) (from Ch. 111 1/2, par. 2203.24)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 3.24. "Device" means any instrument or contrivance,
15 other than a firearm or equipment for application of pesticides
16 when sold separately from pesticides, which is intended for
17 trapping, repelling, destroying, or mitigating any pest, other
18 than bacteria, virus, or other microorganisms on or living in
19 man or other living animals.

20 (Source: P.A. 83-825.)

21 (225 ILCS 235/3.25) (from Ch. 111 1/2, par. 2203.25)

22 (Section scheduled to be repealed on January 1, 2008)

23 Sec. 3.25. "Integrated pest management" is defined as a

1 pest management system that includes the following elements:

2 (a) identifying pests and their natural enemies;

3 (b) establishing an ongoing monitoring and recordkeeping
4 system for regular sampling and assessment of pest and natural
5 enemy populations;

6 (c) determining the pest population levels that can be
7 tolerated based on aesthetic, economic, and health concerns,
8 and setting action thresholds where pest populations or
9 environmental conditions warrant remedial action;

10 (d) the prevention of pest problems through improved
11 sanitation, management of waste, addition of physical
12 barriers, and the modification of habitats that attract or
13 harbor pests;

14 (e) reliance to the greatest extent possible on nontoxic,
15 biological, cultural or mechanical pest management methods, or
16 on the use of natural control agents;

17 (f) when necessary, the use of chemical pesticides, with
18 preference for products that are the least harmful to human
19 health and the environment; and

20 (g) recordkeeping and reporting of pest populations,
21 surveillance techniques, and remedial actions taken.

22 (Source: P.A. 87-1106.)

23 (225 ILCS 235/3.26)

24 (Section scheduled to be repealed on January 1, 2008)

25 Sec. 3.26. "School" means any structure used as a public

1 school in this State.

2 (Source: P.A. 91-525, eff. 8-1-00.)

3 (225 ILCS 235/3.27)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 3.27. "Day care center" means any structure used as a
6 licensed day care center in this State.

7 (Source: P.A. 93-381, eff. 7-1-04.)

8 (225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 4. Licensing requirements).

11 (a) It shall be unlawful for any person to engage in a
12 commercial structural pest control business at any location in
13 this State after October 21, 1977, unless such person is
14 licensed by the Department. A person shall have a separate
15 license for each commercial structural pest control business
16 location. It shall also be unlawful for any person to engage in
17 a commercial pest control business in Illinois from any
18 location outside this State unless such person is licensed by
19 this Department. The licensee may use its state identification
20 number in all forms of advertising.

21 (b) It shall be unlawful for any person who owns or
22 operates a non-commercial structural pest control location to
23 engage in non-commercial structural pest control using
24 restricted pesticides in this State after October 21, 1977,

1 unless registered by the Department.

2 (c) No person shall be licensed or registered as a
3 commercial or non-commercial structural pest control business
4 at any location without complying with the certification
5 requirements as prescribed in Section 5 of this Act.

6 (d) If a licensee or registrant changes its location of
7 operation during the year of issuance, the Department shall be
8 notified in writing of the new location within 15 days. The
9 license or registration shall be surrendered and a replacement
10 issued for a fee of \$10.

11 (e) All licenses and registrations issued under this Act
12 shall expire on December 31 of the year issued, except that an
13 original license or registration issued after October 1 and
14 before December 31 shall expire on December 31 of the following
15 year. A license or registration may be renewed by making
16 application on a form prescribed by the Department and by
17 paying the fee required by this Act. Renewal applications shall
18 be filed with the Department prior to December 1 of each year.

19 (f) No license or registration shall be transferable from
20 one person to another.

21 (Source: P.A. 83-825.)

22 (225 ILCS 235/5) (from Ch. 111 1/2, par. 2205)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 5. Certification requirements. No individual shall
25 apply any general use or restricted pesticide while engaged in

1 commercial structural pest control in this State unless
2 certified, or supervised by someone who is certified, by the
3 Department in accordance with this Section.

4 No individual shall apply any restricted pesticide while
5 engaged in non-commercial structural pest control in this State
6 unless certified, or supervised by someone who is certified, by
7 the Department in accordance with this Section. In addition,
8 any individual at any non-commercial structural pest control
9 location using general use pesticides shall comply with the
10 labeling requirements of the pesticides used at that location.

11 Each commercial structural pest control location shall be
12 required to employ at least one certified technician at each
13 location. In addition, each non-commercial structural pest
14 control location utilizing restricted pesticides shall be
15 required to employ at least one certified technician at each
16 location. Individuals who are not certified technicians may
17 work under the supervision of a certified technician employed
18 at the commercial or non-commercial location who shall be
19 responsible for their pest control activities. Any technician
20 providing supervision for the use of restricted pesticides must
21 be certified in the sub-category for which he is providing
22 supervision.

23 A. Any individual engaging in commercial structural pest
24 control and utilizing general use pesticides shall meet the
25 following requirements:

26 1. He has a high school diploma or a GED certificate;

1 2. He has filed an original application, paid the fee
2 required for examination, and successfully passed the
3 General Standards examination.

4 B. Any individual engaging in commercial or non-commercial
5 structural pest control and utilizing restricted pesticides in
6 any one of the sub-categories in Section 7 of this Act shall
7 meet the following requirements:

8 1. He has a high school diploma or a GED certificate;

9 2. He has:

10 a. six months of practical experience in one or
11 more sub-categories in structural pest control; or

12 b. successfully completed a minimum of 16 semester
13 hours, or their equivalent, in entomology or related
14 fields from a recognized college or university; or

15 c. successfully completed a pest control course,
16 approved by the Department, from a recognized
17 educational institution or other entity.

18 Each applicant shall have filed an original application and
19 paid the fee required for examination. Every applicant who
20 successfully passes the General Standards examination and at
21 least one sub-category examination shall be certified in each
22 sub-category which he has successfully passed.

23 A certified technician who wishes to be certified in
24 sub-categories for which he has not been previously certified
25 may apply for any sub-category examination provided he meets
26 the requirements set forth in this Section, files an original

1 application, and pays the fee for examination.

2 An applicant who fails to pass the General Standards
3 examination or any sub-category examination may reapply for
4 that examination, provided that he files an application and
5 pays the fee required for an original examination.
6 Re-examination applications shall be on forms prescribed by the
7 Department.

8 (Source: P.A. 87-703.)

9 (225 ILCS 235/5.01) (from Ch. 111 1/2, par. 2205.01)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 5.01. Upon the payment of the required fee, an
12 applicant who is certified in another state, may, without
13 examination, be granted a certificate as a certified structural
14 pest control technician by the Department in those
15 sub-categories for which he has been certified by another
16 state, provided that the Department finds that the requirements
17 for certification of structural pest control technicians in
18 that state were, at the date of certification, substantially
19 equal to the requirements then in force in this State and
20 provided that the same privilege of certification is similarly
21 granted by said state to technicians certified by the State of
22 Illinois.

23 (Source: P.A. 82-725.)

24 (225 ILCS 235/5.02) (from Ch. 111 1/2, par. 2205.02)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 5.02. Upon submission of an application and the
3 required fee, a structural pest control technician certified or
4 licensed as a structural pest control technician by another
5 state is eligible for and may be issued an Illinois structural
6 pest control technician's certificate upon successful
7 completion of the examination administered in accordance with
8 the provisions of this Act, provided that the state in which
9 the applicant is certified or licensed has license or
10 certification requirements substantially equal to those of the
11 State of Illinois and does not have a reciprocal agreement with
12 the State of Illinois.

13 (Source: P.A. 82-725.)

14 (225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 6. Certificate renewal). A certified technician's
17 certificate shall be valid for a period of 3 years and must be
18 renewed by January 1 of each third year. A certificate may be
19 renewed by application upon a form prescribed by the
20 Department, provided that the certified technician furnishes
21 evidence that he has attended during the 3 year period, a
22 minimum of 9 classroom hours, in increments of 3 hours or more,
23 of training at Department approved pest control training
24 seminars and pays the fee required by this Act. Renewal
25 applications shall be filed with the Department prior to

1 December 1 preceding the date of expiration.

2 Certified technician's certificates are not transferable
3 from one person to another person, and no licensee or
4 registrant shall use the certificate of a certified technician
5 to secure or hold a license or registration unless the holder
6 of such certificate is actively engaged in the direction of
7 pest control operations of the licensee or registrant.

8 A certified technician who has not renewed his certificate
9 for a period of not more than one year after its expiration may
10 secure a renewal upon payment of the renewal fee, late filing
11 charge and the furnishing of evidence of training as may be
12 required by the Department. If a technician has not renewed his
13 certificate for a period of more than one year after its
14 expiration, he shall file an application for examination, pay
15 all required fees, and successfully pass the examination before
16 his certificate is renewed.

17 (Source: P.A. 93-922, eff. 1-1-05.)

18 (225 ILCS 235/7) (from Ch. 111 1/2, par. 2207)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 7. Written examination required). Applications for
21 examination shall be in the form prescribed by the Department
22 and shall be accompanied by the required fee. The Department
23 shall conduct written examinations at least 4 times each year
24 and may require a practical demonstration by each applicant.
25 The written examination shall be prepared from suggested study

1 materials.

2 All applicants shall be tested and required to attain a
3 passing grade on a General Standards examination which
4 evaluates their general knowledge of label and labeling
5 comprehension, safety, environment, equipment, application
6 techniques, laws and regulations, and pests and pesticides.
7 Applicants who pass the General Standards examination may also,
8 if qualified, be examined in any one or more of the other
9 sub-categories in which they desire to use restricted
10 pesticides:

11 (a) Insects (excluding termites and other wood destroying
12 organisms), rodents and other pests including those pests in
13 food manufacturing, food processing, food storage and grain
14 handling;

15 (b) Termites and other wood destroying organisms;

16 (c) Bird control;

17 (d) Fumigation;

18 (e) Food manufacturing, food processing and food storage
19 facilities;

20 (f) Institutional and multi-unit residential housing pest
21 control;

22 (g) Public health pest control; and

23 (h) Wood products pest control, which includes the
24 application of restricted use wood treatment pesticides by
25 individuals working for commercial wood treatment companies or
26 non-commercial wood treatment plants using pressure, as well as

1 nonpressure, treatment methods to control or prevent wood
2 degradation by wood destroying organisms which include but are
3 not limited to insects, and by fungi or bacteria which cause
4 surface molding, surface staining, sap staining, brown rot,
5 white rot and soft rot.

6 An applicant who is examined and certified in
7 sub-categories (a), (b), (c), (d) and (h) shall be qualified to
8 use restricted pesticides in performing structural pest
9 control activities in commercial and non-commercial structural
10 pest control in those sub-categories in which he has been
11 certified.

12 An applicant who is examined and certified in
13 sub-categories (e), (f), or (g) shall be permitted to apply
14 restricted pesticides only to structures of the non-commercial
15 structural pest control registrant of which he is an employee.

16 (Source: P.A. 85-227.)

17 (225 ILCS 235/8) (from Ch. 111 1/2, par. 2208)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 8. Change of certified technician). When the licensee
20 or registrant is without a certified technician the licensee or
21 registrant shall notify the Director in writing within 7 days
22 and shall employ a technician certified in accordance with
23 Section 5 of this Act no later than 45 days from the time the
24 position of certified technician becomes vacant. All
25 structural pest control operations shall be suspended until

1 such time that the licensee or registrant obtains the services
2 of a certified technician.

3 (Source: P.A. 84-362.)

4 (225 ILCS 235/9) (from Ch. 111 1/2, par. 2209)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 9. Fees and required insurance. The fees required by
7 this Act are as follows:

8 (a) For an original license and each renewal - \$100.

9 (b) For an original registration and each renewal -
10 \$50.

11 (c) For each certificate renewal - \$40.

12 (d) For an application for examination including an
13 original certificate - \$40.

14 (e) Any person who fails to file a renewal application
15 by the date of expiration of a license, certification or
16 registration shall be assessed a late filing charge of \$75.

17 (f) For duplicate copies of certificates, licenses or
18 registrations - \$10.

19 All fees shall be paid by check or money order. Any fee
20 required by this Act is not refundable in the event that the
21 original application or application for renewal is denied.
22 Every application for an original license shall be accompanied
23 by a certificate of insurance issued by an insurance company
24 authorized to do business in the State of Illinois or by a risk
25 retention or purchasing group formed pursuant to the federal

1 Liability Risk Retention Act of 1986, which provides primary,
2 first dollar public liability coverage of the applicant or
3 licensee for personal injuries for not less than \$100,000 per
4 person, or \$300,000 per occurrence, and, in addition, for not
5 less than \$50,000 per occurrence for property damage, resulting
6 from structural pest control. The insurance policy shall be in
7 effect at all times during the license year and a new
8 certificate of insurance shall be filed with the Department
9 within 30 days after the renewal of the insurance policy.
10 Applicants for registration or registration renewal shall not
11 be required to provide evidence of public liability insurance
12 coverage.

13 All administrative civil fines and fees collected pursuant
14 to this Act shall be deposited into the Pesticide Control Fund
15 established pursuant to the Illinois Pesticide Act. The amount
16 annually collected as administrative civil fines and fees shall
17 be appropriated by the General Assembly to the Department for
18 the purposes of conducting a public education program on the
19 proper use of pesticides and for other activities related to
20 enforcement of this Act and the Illinois Pesticide Act.

21 (Source: P.A. 87-703.)

22 (225 ILCS 235/10) (from Ch. 111 1/2, par. 2210)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 10. Powers and duties of the Department). The
25 Department has the following powers and duties:

1 (a) To prescribe and furnish application forms, licenses,
2 registrations, certificates and any other forms necessary
3 under this Act;

4 (b) To suspend, revoke or refuse to issue or renew
5 registrations, licenses or certificates for cause;

6 (c) To prescribe examinations which reasonably test the
7 knowledge of the practical and scientific aspects of structural
8 pest control of an applicant for certification as a certified
9 technician;

10 (d) To conduct hearings concerning the suspension,
11 revocation or refusal to issue or renew certificates,
12 registrations or licenses;

13 (e) To promulgate rules and regulations necessary for the
14 administration of this Act;

15 (f) To prohibit the use of specific materials and methods
16 in the application of pesticides when necessary to protect
17 health and property or prevent injury to desirable plants and
18 animals, including pollinating insects, birds and aquatic
19 life. In issuing such regulations, the Director shall give
20 consideration to pertinent research findings and to
21 recommendations of other agencies of the State and of the
22 Federal government;

23 (g) To conduct inspections, which may include planned use
24 inspections, during business hours, the purpose of which shall
25 be reduced to writing, to determine satisfactory compliance
26 with this Act, after consent of the person, licensee or

1 registrant has been obtained or after an order for such
2 inspection has been issued by the court;

3 (h) To cause investigations to be made when the Department
4 has reasonable grounds for believing that a violation of any
5 provision of this Act or rules or regulations promulgated
6 thereunder has occurred or is occurring; and

7 (i) To conduct a public education program to improve
8 citizen awareness and participation in the reporting of
9 pesticide misuse to better protect the public from such
10 dangerous chemicals. Such program shall include, as a minimum,
11 the dissemination of information to the public and the news
12 media on the requirements of this Act and the Illinois
13 Pesticide Act and the methods of reporting cases of improper
14 pesticide application and use to the Department.

15 (Source: P.A. 85-177.)

16 (225 ILCS 235/10.1) (from Ch. 111 1/2, par. 2210.1)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 10.1. Structural Pest Control Advisory Council. The
19 Governor shall appoint a Structural Pest Control Advisory
20 Council consisting of 10 members to consult with and advise the
21 Department. Their functions shall be to advise the Department
22 in the preparation of rules necessary to carry out the
23 provisions of the Act, offer suggestions for examination
24 questions, provide suggestions for the efficient
25 administration of the Act, develop criteria for issuance of

1 administrative fines, and perform other duties as may be
2 prescribed by the Director. Membership on the council shall be
3 as follows:

4 (a) One member shall be an Illinois certified
5 technician representing the food industry.

6 (b) One member shall be an Illinois certified
7 technician representing a noncommercial industry other
8 than the food industry but regulated under this Act.

9 (c) Three members shall be Illinois certified
10 technicians representing the commercial structural pest
11 control industry. To the extent possible, these 3 members
12 shall represent a geographical balance in the State.

13 (d) One member shall be a representative of a local
14 health department.

15 (e) One member shall be a representative of an Illinois
16 college or university with expertise in entomology,
17 biology, or chemistry as it relates to structural pest
18 control.

19 (f) One member shall be a member of the general public.

20 (g) One member shall be a representative of an Illinois
21 chapter of a national environmental, wildlife, or
22 conservation group or association.

23 (h) One member shall be a representative of the
24 Illinois Department of Agriculture.

25 The term of office for each member of the council shall be
26 4 calendar years with no representative serving more than 2

1 consecutive terms.

2 The Council shall be chaired by the Director, or his or her
3 authorized representative, and shall meet at least twice
4 annually, or whenever a majority of the council members vote to
5 hold a meeting to discuss their duties as previously indicated.

6 (Source: P.A. 87-703.)

7 (225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 10.2. Integrated pest management guidelines;
10 notification; training of designated persons; request for
11 copies.

12 (a) The Department shall prepare guidelines for an
13 integrated pest management program for structural pest control
14 practices at school buildings and other school facilities and
15 day care centers. Such guidelines shall be made available to
16 schools, day care centers and the public upon request.

17 (b) When economically feasible, each school and day care
18 center is required to develop and implement an integrated pest
19 management program that incorporates the guidelines developed
20 by the Department. Each school and day care center must notify
21 the Department, within one year after the effective date of
22 this amendatory Act of the 95th General Assembly and every 5
23 years thereafter, on forms provided by the Department that the
24 school or day care center has developed and is implementing an
25 integrated pest management program. In implementing an

1 integrated pest management program, a school or day care center
2 must assign a designated person to assume responsibility for
3 the oversight of pest management practices in that school or
4 day care center and for recordkeeping requirements.

5 (b-1) If adopting an integrated pest management program is
6 not economically feasible because such adoption would result in
7 an increase in the pest control costs of the school or day care
8 center, the school or day care center must provide, within one
9 year after the effective date of this amendatory Act of the
10 95th General Assembly and every 5 years thereafter, written
11 notification to the Department, on forms provided by the
12 Department, that the development and implementation of an
13 integrated pest management program is not economically
14 feasible. The notification must include projected pest control
15 costs for the term of the pest control program and projected
16 costs for implementing an integrated pest management program
17 for that same time period.

18 (b-2) Each school or day care center that provides written
19 notification to the Department that the adoption of an
20 integrated pest management program is not economically
21 feasible pursuant to subsection (b-1) of this Section must have
22 its designated person attend a training course on integrated
23 pest management within one year after the effective date of
24 this amendatory Act of the 95th General Assembly, and every 5
25 years thereafter until an integrated pest management program is
26 developed and implemented in the school or day care center. The

1 training course shall be approved by the Department in
2 accordance with the minimum standards established by the
3 Department under this Act.

4 (b-3) Each school and day care center shall ensure that all
5 parents, guardians, and employees are notified at least once
6 each school year that the notification requirements
7 established by this Section have been met. The school and day
8 care center shall keep copies of all notifications required by
9 this Section and any written integrated pest management program
10 plan developed in accordance with this Section and make these
11 copies available for public inspection at the school or day
12 care center.

13 (c) The Structural Pest Control Advisory Council shall
14 assist the Department in developing the guidelines for
15 integrated pest management programs. In developing the
16 guidelines, the Council shall consult with individuals
17 knowledgeable in the area of integrated pest management.

18 (d) The Department, with the assistance of the Cooperative
19 Extension Service and other relevant agencies, may prepare a
20 training program for school or day care center pest control
21 specialists.

22 (e) The Department may request copies of a school's or day
23 care center's integrated pest management program plan and
24 notification required by this Act and offer assistance and
25 training to schools and day care centers on integrated pest
26 management programs.

1 (f) The requirements of this Section are subject to
2 appropriation to the Department for the implementation of
3 integrated pest management programs.

4 (Source: P.A. 95-58, eff. 8-10-07.)

5 (225 ILCS 235/10.3)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 10.3. Notification. School districts and day care
8 centers must maintain a registry of parents and guardians of
9 students and employees who have registered to receive written
10 notification prior to application of pesticides to school
11 property or day care centers or provide written notification to
12 all parents and guardians of students before such pesticide
13 application. Written notification may be included in
14 newsletters, bulletins, calendars, or other correspondence
15 currently published by the school district or day care center.
16 The written notification must be given at least 2 business days
17 before application of the pesticide application and should
18 identify the intended date of the application of the pesticide
19 and the name and telephone contact number for the school or day
20 care center personnel responsible for the pesticide
21 application program. Prior written notice shall not be required
22 if there is an imminent threat to health or property. If such a
23 situation arises, the appropriate school or day care center
24 personnel must sign a statement describing the circumstances
25 that gave rise to the health threat and ensure that written

1 notice is provided as soon as practicable. For purposes of this
2 Section, pesticides subject to notification requirements shall
3 not include (i) an antimicrobial agent, such as disinfectant,
4 sanitizer, or deodorizer, or (ii) insecticide baits and
5 rodenticide baits.

6 (Source: P.A. 93-381, eff. 7-1-04.)

7 (225 ILCS 235/12) (from Ch. 111 1/2, par. 2212)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 12. Subject to the requirement for public hearings as
10 hereinafter provided, the Department shall promulgate,
11 publish, and adopt, and may from time to time after public
12 hearing amend such rules and regulations as may be necessary
13 for the proper enforcement of this Act, to protect the health
14 and safety of the public and may, when necessary, utilize the
15 services of any other state agencies to assist in carrying out
16 the purposes of this Act. The Department shall hold a public
17 hearing on all proposed rules and regulations.

18 (Source: P.A. 82-725.)

19 (225 ILCS 235/13) (from Ch. 111 1/2, par. 2213)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 13. Violations of the Act. It is a violation of this
22 Act and the Department may suspend, revoke or refuse to issue
23 or renew any certificate, registration or license, in
24 accordance with Section 14 of this Act, upon proof of any of

1 the following:

2 (a) Violation of this Act or any rule or regulation
3 promulgated hereunder.

4 (b) Conviction of a certified technician, registrant, or
5 licensee of a violation of any provision of this Act or of pest
6 control laws in any other state, or any other laws or rules and
7 regulations adopted thereto relating to pesticides.

8 (c) Knowingly making false or fraudulent claims,
9 misrepresenting the effects of materials or methods or failing
10 to use methods or materials suitable for structural pest
11 control.

12 (d) Performing structural pest control in a careless or
13 negligent manner so as to be detrimental to health.

14 (e) Failure to supply within a reasonable time, upon
15 request from the Department or its authorized representative,
16 true information regarding methods and materials used, work
17 performed or other information essential to the administration
18 of this Act.

19 (f) Fraudulent advertising or solicitations relating to
20 structural pest control.

21 (g) Aiding or abetting a person to evade any provision of
22 this Act, conspiring with any person to evade provisions of
23 this Act or allowing a license, permit, certification or
24 registration to be used by another person.

25 (h) Impersonating any federal, state, county or city
26 official.

1 (i) Performing structural pest control, utilizing or
2 authorizing the use or sale of, pesticides which are in
3 violation of the FIFRA, or the Illinois Pesticide Act.

4 (Source: P.A. 85-177.)

5 (225 ILCS 235/14) (from Ch. 111 1/2, par. 2214)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 14. Suspension, revocation or refusal to renew
8 license, registration or certification.

9 (a) Whenever the Department determines that there are
10 reasonable grounds to believe that there has been violation of
11 any provision of this Act or the rules or regulations issued
12 hereunder, the Department shall give notice of the alleged
13 violation to the person to whom the license, registration or
14 certificate was issued, as herein provided. Such notice shall:

15 (1) be in writing;

16 (2) include a statement of the alleged violation which
17 necessitates issuance of the notice;

18 (3) contain an outline of remedial action which, if
19 taken, will effect compliance with the provisions of this
20 Act and the rules and regulations issued hereunder;

21 (4) prescribe a reasonable time as determined by the
22 Department for the performance of any action required by
23 the notice; and

24 (5) be served upon the licensee, registrant or
25 certified technician as the case may require, provided that

1 such notice shall be deemed to have been properly served
2 upon the person when a copy thereof has been sent by
3 registered or certified mail to his last known address as
4 furnished to the Department or when he has been served with
5 such notice by any other method authorized by law.

6 (b) If the person to whom the notice is served does not
7 comply with the terms of the notice within the time limitations
8 specified in the notice, the Department may proceed with action
9 to suspend, revoke or refuse to issue a license, registration
10 or certificate as provided in this Section. Other requirements
11 of this Act to the contrary notwithstanding, when the
12 Department determines that reasonable grounds exist to
13 indicate that a violation of this Act has been committed which
14 is the third separate violation by that person in an 18-month
15 period, the Department shall not be required to issue notice as
16 required by subsection (a) of this Section but may proceed
17 immediately with action to suspend, revoke or refuse to issue a
18 license, registration or certificate.

19 (c) In any proceeding to suspend, revoke or refuse to issue
20 a license, registration or certificate, the Department shall
21 first serve or cause to be served upon the person violating
22 this Act or the rules or regulations promulgated under this Act
23 a written notice of the Department's intent to take action. The
24 notice shall specify the way in which the person has failed to
25 comply with this Act or any rules, regulations or standards of
26 the Department. In the case of revocation or suspension, the

1 notice shall require the person to remove or abate the
2 violation or objectionable condition specified in the notice
3 within 5 days or within a longer period of time as the
4 Department may allow. If the person fails to comply with the
5 terms and conditions of the revocation or suspension notice
6 within the time specified or the time extension allowed by the
7 Department, the Department may revoke or suspend the license,
8 registration or certification. In the case of refusal to issue
9 a license, registration or certification, if the person fails
10 to comply with the Act or rules, regulations or standards
11 promulgated under the Act, the Department may refuse to issue a
12 license, registration or certification.

13 (Source: P.A. 82-725.)

14 (225 ILCS 235/15) (from Ch. 111 1/2, par. 2215)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 15. Administrative hearing. The Department shall give
17 written notice by certified or registered mail to any
18 applicant, licensee, registrant or certified technician of the
19 Department's intent to suspend, revoke, or refuse to issue a
20 license, registration, or certificate or to assess a fine. Such
21 person has a right to a hearing before the Department; however,
22 a written notice of a request for such a hearing shall be
23 served on the Department within 10 days of notice of such
24 refusal, suspension, or revocation of a license, registration,
25 or certification, or imposition of a fine. The hearing shall be

1 conducted by the Director, or a Hearing Officer designated in
2 writing by the Director, to conduct the hearing. A stenographic
3 record shall be made of the hearing and the cost borne by the
4 Department; however, a transcription of the hearing will be
5 made only if a person requests and shall be transcribed at the
6 cost of such person.

7 The hearing shall be conducted at such place as designated
8 by the Department.

9 (Source: P.A. 87-703.)

10 (225 ILCS 235/16) (from Ch. 111 1/2, par. 2216)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 16. Subpoena powers of Department or hearing officer).
13 The Director of Hearing Officer may compel by subpoena or
14 subpoena duces tecum the attendance and testimony of witnesses
15 and the production of books and papers and administer oaths to
16 witnesses. All subpoenas issued by the Director or Hearing
17 Officer may be served as provided for in a civil action. The
18 fees of witnesses for attendance and travel shall be the same
19 as the fees for witnesses before the circuit court and shall be
20 paid by the party to such proceeding at whose request the
21 subpoena is issued. If such subpoena is issued at the request
22 of the Department, the witness fee shall be paid as an
23 administrative expense.

24 In the cases of refusal of a witness to attend or testify,
25 or to produce books or papers, concerning any matter upon which

1 he might be lawfully examined, the circuit court of the county
2 where the hearing is held, upon application of any party to the
3 proceeding, may compel obedience by proceeding as for contempt.
4 (Source: P.A. 83-334.)

5 (225 ILCS 235/17) (from Ch. 111 1/2, par. 2217)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 17. Deposition of witnesses; testimony at hearing
8 recorded). In the event of the inability of any party, or the
9 Department, to procure the attendance of witnesses to give
10 testimony or produce books and papers, such party or the
11 Department may take the deposition of witnesses in accordance
12 with the laws of this State. All testimony taken at a hearing
13 shall be reduced to writing, and all such testimony and other
14 evidence introduced at the hearing shall be a part of the
15 record of the hearing.

16 (Source: P.A. 82-725.)

17 (225 ILCS 235/19) (from Ch. 111 1/2, par. 2219)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 19. Certification of record). The Department is not
20 required to certify any record or file any answer or otherwise
21 appear in any proceeding for judicial review unless the party
22 filing the complaint deposits with the clerk of the court the
23 sum of \$1 per page representing costs of such certification.
24 Failure on the part of the plaintiff to make such deposit shall

1 be grounds for dismissal of the action.

2 (Source: P.A. 82-725.)

3 (225 ILCS 235/20) (from Ch. 111 1/2, par. 2220)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 20. Injunction). The performance of structural pest
6 control or the operation of a business location as defined in
7 Section 3 of this Act within this State in violation of this
8 Act or the rules and regulations promulgated hereunder is
9 declared a nuisance and inimical to the public health, welfare
10 and safety and a deceptive business practice. The Director, in
11 the name of the people of the State, through the Attorney
12 General or the State's Attorney of the county in which such
13 violation occurs may, in addition to other remedies herein
14 provided, bring an action for an injunction to restrain such
15 violation or enjoin the future performance of structural pest
16 control or the operating of a business location until
17 compliance with the provisions of this Act has been obtained.

18 (Source: P.A. 83-825.)

19 (225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 21. Penalty). Any person who violates this Act or any
22 rule or regulation adopted by the Department, or who violates
23 any determination or order of the Department under this Act
24 shall be guilty of a Class A misdemeanor and shall be fined a

1 sum not less than \$100.

2 Each day's violation constitutes a separate offense. The
3 State's Attorney of the county in which the violation occurred
4 or the Attorney General shall bring such actions in the name of
5 the people of the State of Illinois.

6 (Source: P.A. 82-725.)

7 (225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 21.1. Administrative Civil Fines. The Department is
10 empowered to assess administrative civil fines against a
11 licensee, registrant or certified technician for violations of
12 this Act or its rules and regulations. These fines shall be
13 established by the Department by rule and may be assessed in
14 addition to, or in lieu of, license, registration, or
15 certification suspensions and revocations. Rules to implement
16 this Section shall be proposed by the Department by January 1,
17 1993.

18 The amount of these fines shall be determined by the
19 hearing officer upon determination that a violation or
20 violations of the Act or rules has occurred. Any fine assessed
21 and not paid within 60 days of notice from the Department may
22 be submitted to the Attorney General's Office for collection.
23 Failure to pay a fine shall also be grounds for immediate
24 suspension or revocation of a license, registration, or
25 certification issued under this Act.

1 (Source: P.A. 87-703.)

2 (225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 22. Scope of Act). The provisions of this Act apply to
5 any structural pest control operations performed by the State
6 or agency thereof. However, the State or agency thereof or any
7 unit of local government shall not be required to pay any fees,
8 nor shall the employees thereof be required to pay any fees for
9 examination, certification or renewal of certification in the
10 sub-categories of either (f) or (g) specified in Section 7 of
11 this Act.

12 This Act does not apply to any person certified by the
13 Illinois Department of Agriculture to use restricted
14 pesticides in structures on his own individual property.

15 (Source: P.A. 82-725.)

16 (225 ILCS 235/23) (from Ch. 111 1/2, par. 2223)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 23. Judicial review of final administrative
19 decision). The Administrative Review Law, as amended, and the
20 rules adopted under the Administrative Review Law, apply to and
21 govern all proceedings for judicial review of final
22 administrative decisions of the Department under this Act. Such
23 judicial review shall be had in the circuit court of the county
24 in which the cause of action arose. The term "Administrative

1 decision" is defined as in Section 3-101 of the Code of Civil
2 Procedure.

3 (Source: P.A. 82-783.)

4 (225 ILCS 235/23.1) (from Ch. 111 1/2, par. 2223.1)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 23.1. The provisions of the Illinois Administrative
7 Procedure Act are hereby expressly adopted and shall apply to
8 all administrative rules and procedures of the Department of
9 Public Health under this Act, except that in case of conflict
10 between the Illinois Administrative Procedure Act and this Act
11 the provisions of this Act shall control, and except that
12 Section 5-35 of the Illinois Administrative Procedure Act
13 relating to procedures for rule-making does not apply to the
14 adoption of any rule required by federal law in connection with
15 which the Department is precluded by law from exercising any
16 discretion.

17 (Source: P.A. 88-45.)

18 (225 ILCS 235/24) (from Ch. 111 1/2, par. 2224)

19 (Section scheduled to be repealed on January 1, 2008)

20 Sec. 24. Severability clause). If any part of this Act is
21 adjudged invalid, such adjudication shall not affect the
22 validity of the Act as a whole or of any other part.

23 (Source: P.A. 82-725.)

1 (225 ILCS 235/25) (from Ch. 111 1/2, par. 2225)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 25. The provisions of "The Illinois Administrative
4 Procedure Act", approved September 22, 1975, are hereby
5 expressly adopted and shall apply to all administrative rules
6 and procedures of the Department of Public Health under this
7 Act.

8 (Source: P.A. 82-725.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

1 INDEX
2 Statutes amended in order of appearance

3	5 ILCS 80/4.18	
4	5 ILCS 80/4.19b	
5	225 ILCS 235/26 new	
6	225 ILCS 235/Act title	Structural Pest Control Act.
7	225 ILCS 235/1	from Ch. 111 1/2, par. 2201
8	225 ILCS 235/2	from Ch. 111 1/2, par. 2202
9	225 ILCS 235/3	from Ch. 111 1/2, par. 2203
10	225 ILCS 235/3.01	from Ch. 111 1/2, par. 2203.01
11	225 ILCS 235/3.02	from Ch. 111 1/2, par. 2203.02
12	225 ILCS 235/3.03	from Ch. 111 1/2, par. 2203.03
13	225 ILCS 235/3.04	from Ch. 111 1/2, par. 2203.04
14	225 ILCS 235/3.05	from Ch. 111 1/2, par. 2203.05
15	225 ILCS 235/3.06	from Ch. 111 1/2, par. 2203.06
16	225 ILCS 235/3.07	from Ch. 111 1/2, par. 2203.07
17	225 ILCS 235/3.08	from Ch. 111 1/2, par. 2203.08
18	225 ILCS 235/3.09	from Ch. 111 1/2, par. 2203.09
19	225 ILCS 235/3.11	from Ch. 111 1/2, par. 2203.11
20	225 ILCS 235/3.12	from Ch. 111 1/2, par. 2203.12
21	225 ILCS 235/3.13	from Ch. 111 1/2, par. 2203.13
22	225 ILCS 235/3.14	from Ch. 111 1/2, par. 2203.14
23	225 ILCS 235/3.15	from Ch. 111 1/2, par. 2203.15
24	225 ILCS 235/3.16	from Ch. 111 1/2, par. 2203.16
25	225 ILCS 235/3.17	from Ch. 111 1/2, par. 2203.17

1	225 ILCS 235/3.18	from Ch. 111 1/2, par. 2203.18
2	225 ILCS 235/3.19	from Ch. 111 1/2, par. 2203.19
3	225 ILCS 235/3.20	from Ch. 111 1/2, par. 2203.20
4	225 ILCS 235/3.21	from Ch. 111 1/2, par. 2203.21
5	225 ILCS 235/3.22	from Ch. 111 1/2, par. 2203.22
6	225 ILCS 235/3.23	from Ch. 111 1/2, par. 2203.23
7	225 ILCS 235/3.24	from Ch. 111 1/2, par. 2203.24
8	225 ILCS 235/3.25	from Ch. 111 1/2, par. 2203.25
9	225 ILCS 235/3.26	
10	225 ILCS 235/3.27	
11	225 ILCS 235/4	from Ch. 111 1/2, par. 2204
12	225 ILCS 235/5	from Ch. 111 1/2, par. 2205
13	225 ILCS 235/5.01	from Ch. 111 1/2, par. 2205.01
14	225 ILCS 235/5.02	from Ch. 111 1/2, par. 2205.02
15	225 ILCS 235/6	from Ch. 111 1/2, par. 2206
16	225 ILCS 235/7	from Ch. 111 1/2, par. 2207
17	225 ILCS 235/8	from Ch. 111 1/2, par. 2208
18	225 ILCS 235/9	from Ch. 111 1/2, par. 2209
19	225 ILCS 235/10	from Ch. 111 1/2, par. 2210
20	225 ILCS 235/10.1	from Ch. 111 1/2, par. 2210.1
21	225 ILCS 235/10.2	from Ch. 111 1/2, par. 2210.2
22	225 ILCS 235/10.3	
23	225 ILCS 235/12	from Ch. 111 1/2, par. 2212
24	225 ILCS 235/13	from Ch. 111 1/2, par. 2213
25	225 ILCS 235/14	from Ch. 111 1/2, par. 2214
26	225 ILCS 235/15	from Ch. 111 1/2, par. 2215

1	225 ILCS 235/16	from Ch. 111 1/2, par. 2216
2	225 ILCS 235/17	from Ch. 111 1/2, par. 2217
3	225 ILCS 235/19	from Ch. 111 1/2, par. 2219
4	225 ILCS 235/20	from Ch. 111 1/2, par. 2220
5	225 ILCS 235/21	from Ch. 111 1/2, par. 2221
6	225 ILCS 235/21.1	from Ch. 111 1/2, par. 2221.1
7	225 ILCS 235/22	from Ch. 111 1/2, par. 2222
8	225 ILCS 235/23	from Ch. 111 1/2, par. 2223
9	225 ILCS 235/23.1	from Ch. 111 1/2, par. 2223.1
10	225 ILCS 235/24	from Ch. 111 1/2, par. 2224
11	225 ILCS 235/25	from Ch. 111 1/2, par. 2225