

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 Professional Geologist Licensing Act is  
5 amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50,  
6 60, 65, 70, 75, 80, 85, 90, 105, 110, 115, 120, 125, 135, 140,  
7 145, and 160 and by adding Sections 17 and 51 as follows:

8 (225 ILCS 745/15)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 15. Definitions. In this Act:

11 "Board" means the Board of Licensing for Professional  
12 Geologists.

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

15 ~~"Director" means the Director of Professional Regulation.~~

16 "Enrollment" means the recording by the Department of those  
17 individuals who have met the requirements specified in this Act  
18 for a Geologist Intern and the issuance of a certificate of  
19 enrollment to such individuals.

20 "Geologist" means an individual who, by reason of his or  
21 her knowledge of geology, mathematics, and the physical and  
22 life sciences, acquired by education and practical experience  
23 as defined by this Act, is capable of practicing the science of

1 geology.

2 "Geologist Intern" means an individual enrolled with the  
3 Department who has knowledge of geology, mathematics, and the  
4 physical and life sciences, obtained by education, as defined  
5 in this Act, and has passed the examination on the fundamentals  
6 of geology administered by the Department with the advice and  
7 consent of the Board.

8 "Geology" means the science that includes the treatment of  
9 the earth and its origin and history including, but not limited  
10 to, (i) the investigation of the earth's crust and interior and  
11 the solids and fluids, including all surface and underground  
12 waters, gases, and other materials that compose the earth as  
13 they may relate to geologic processes; (ii) the study of the  
14 natural agents, forces, and processes that cause changes in the  
15 earth; and (iii) the utilization of this knowledge of the earth  
16 and its solids, fluids, and gases, and their collective  
17 properties and processes, for the benefit of humankind.

18 "Person" or "individual" means a natural person.

19 "Practice of professional geology" means the performance  
20 of, or the offer to perform, the services of a geologist,  
21 including consultation, investigation, evaluation, planning,  
22 mapping, inspection of geologic work, and other services that  
23 require extensive knowledge of geologic laws, formulas,  
24 principles, practice, and methods of data interpretation.

25 A person shall be construed to practice or offer to  
26 practice professional geology, within the meaning and intent of

1 this Act, if that person (i) by verbal claim, sign,  
2 advertisement, letterhead, card, or any other means,  
3 represents himself or herself to be a Licensed Professional  
4 Geologist ~~professional geologist~~ or through the use of some  
5 title implies that he or she is a Licensed Professional  
6 Geologist ~~professional geologist~~ or is licensed under this Act  
7 or (ii) holds himself or herself out as able to perform or does  
8 perform services or work defined in this Act as the practice of  
9 professional geology.

10 Examples of the practice of professional geology include,  
11 but are not limited to, the conduct of, or responsible charge  
12 for, the following types of activities: (i) mapping, sampling,  
13 and analysis of earth materials, interpretation of data, and  
14 the preparation of oral or written testimony regarding the  
15 probable geological causes of events; (ii) planning, review,  
16 and supervision of data gathering activities, interpretation  
17 of geological data gathered by direct and indirect means,  
18 preparation of geological maps, cross-sections, interpretive  
19 maps and reports for the purpose of evaluating regional or site  
20 specific geological conditions; (iii) the planning, review,  
21 and supervision of data gathering activities and  
22 interpretation of data on regional or site specific geological  
23 characteristics affecting groundwater; (iv) the interpretation  
24 of geological conditions on the surface and at depth at a  
25 specific site on the Earth's surface for the purpose of  
26 determining whether those conditions correspond to a geologic

1 map of the site; and (v) the conducting of environmental  
2 property audits.

3 "Licensed Professional Geologist ~~professional geologist~~"  
4 means an individual who is licensed under this Act to engage in  
5 the practice of professional geology in Illinois.

6 "Responsible charge" means the independent control and  
7 direction, by use of initiative, skill, and independent  
8 judgment, of geological work or the supervision of that work.

9 "Secretary" means the Secretary of Financial and  
10 Professional Regulation.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/17 new)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 17. References to Department or Director of  
15 Professional Regulation. References in this Act (i) to the  
16 Department of Professional Regulation are deemed, in  
17 appropriate contexts, to be references to the Department of  
18 Financial and Professional Regulation and (ii) to the Director  
19 of Professional Regulation are deemed, in appropriate  
20 contexts, to be references to the Secretary of Financial and  
21 Professional Regulation.

22 (225 ILCS 745/20)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 20. Exemptions. Nothing in this Act shall be construed

1 to restrict the use of the title "geologist" or similar words  
2 by any person engaged in a practice of geology exempted under  
3 this Act, provided the person does not hold himself or herself  
4 out as being a Licensed Professional Geologist ~~licensed~~  
5 ~~professional geologist~~ or does not practice professional  
6 geology in a manner requiring licensure under this Act.  
7 Performance of the following activities does not require  
8 licensure as a Licensed Professional Geologist ~~licensed~~  
9 ~~professional geologist~~ under this Act:

10 (a) The practice of professional geology by an employee or  
11 a subordinate of a licensee under this Act, provided the work  
12 does not include responsible charge of geological work and is  
13 performed under the direct supervision of a Licensed  
14 Professional Geologist ~~licensed professional geologist~~ who is  
15 responsible for the work.

16 (b) The practice of professional geology by officers and  
17 employees of the United States government within the scope of  
18 their employment.

19 (c) The practice of professional geology as geologic  
20 research to advance basic knowledge for the purpose of offering  
21 scientific papers, publications, or other presentations (i)  
22 before meetings of scientific societies, (ii) internal to a  
23 partnership, corporation, proprietorship, or government  
24 agency, or (iii) for publication in scientific journals, or in  
25 books.

26 (d) The teaching of geology in schools, colleges, or

1 universities, as defined by rule.

2 (d-5) The practice of professional geology by any person  
3 pursuing a course of study leading to a degree in geology from  
4 an accredited college or university as set forth in this Act  
5 and by rule, provided that (i) such practice constitutes a part  
6 of a supervised course of study, (ii) the person is under the  
7 supervision of a geologist licensed under this Act, and (iii)  
8 the person is designated by a title that clearly indicates his  
9 or her status as a student or trainee.

10 (e) The practice of professional geology exclusively in the  
11 exploration for or development of energy resources or base,  
12 precious and nonprecious minerals, including sand, gravel, and  
13 aggregate, that does not require, by law, rule, or ordinance,  
14 the submission of reports, documents, or oral or written  
15 testimony to public agencies. Public agencies may, by law or by  
16 rule, allow required oral or written testimony, reports, permit  
17 applications, or other documents based on the science of  
18 geology to be submitted to them by persons not licensed under  
19 this Act. Unless otherwise required by State or federal law,  
20 public agencies may not require that the geology-based aspects  
21 of testimony, reports, permits, or other documents so exempted  
22 be reviewed by, approved, or otherwise certified by any person  
23 who is not a Licensed Professional Geologist ~~licensed~~  
24 ~~professional geologist~~. Licensure is not required for the  
25 submission and review of reports or documents or the provision  
26 of oral or written testimony made under the Well Abandonment

1 Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land  
2 Conservation and Reclamation Act, or the Surface-Mined Land  
3 Conservation and Reclamation Act.

4 (f) The practice of professional engineering as defined in  
5 the Professional Engineering Practice Act of 1989.

6 (g) The practice of structural engineering as defined in  
7 the Structural Engineering Practice Act of 1989.

8 (h) The practice of architecture as defined in the Illinois  
9 Architecture Practice Act of 1989.

10 (i) The practice of land surveying as defined in the  
11 Illinois Professional Land Surveyor Act of 1989.

12 (j) The practice of landscape architecture as defined in  
13 the Illinois Landscape Architecture Act of 1989.

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

15 (225 ILCS 745/25)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 25. Restrictions and limitations. No person shall,  
18 without a valid license issued by the Department (i) in any  
19 manner hold himself or herself out to the public as a Licensed  
20 Professional Geologist ~~licensed professional geologist~~; (ii)  
21 attach the title "Licensed Professional Geologist" to his or  
22 her name; or (iii) render or offer to render to individuals,  
23 corporations, or public agencies services constituting the  
24 practice of professional geology.

25 Individuals practicing geology in Illinois as of the

1 effective date of this amendatory Act of 1997 may continue to  
2 practice as provided in this Act until the Department has  
3 adopted rules implementing this Act. To continue practicing  
4 geology after the adoption of rules, individuals shall apply  
5 for licensure within 180 days after the effective date of the  
6 rules. If an application is received during the 180-day period,  
7 the individual may continue to practice until the Department  
8 acts to grant or deny licensure. If an application is not filed  
9 within the 180-day period, the individual must cease the  
10 practice of geology at the conclusion of the 180-day period and  
11 until the Department acts to grant a license to the individual.  
12 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

13 (225 ILCS 745/30)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 30. Powers and duties of the Department. Subject to  
16 the provisions of this Act, the Department may:

17 (a) Authorize examinations to ascertain the qualifications  
18 and fitness of applicants for licensing or enrollment as  
19 Licensed Professional Geologists, Licensed Specialty  
20 Geologists, or Geologist Interns ~~licensed professional~~  
21 ~~geologists or as licensed specialty geologists~~, as defined by  
22 the Board, and pass upon the qualifications of applicants for  
23 licensure by endorsement.

24 (b) Conduct hearings on proceedings to refuse to issue or  
25 renew or to revoke licenses or certificates of enrollment or



1 suspend, place on probation, or reprimand persons licensed or  
2 enrolled under this Act, and to refuse to issue or renew or to  
3 revoke licenses or certificates of enrollment, or suspend,  
4 place on probation, or reprimand persons licensed or enrolled  
5 under this Act.

6 (c) Formulate rules required for the administration of this  
7 Act.

8 (d) Obtain written recommendations from the Board  
9 regarding (i) definitions of curriculum content and approval of  
10 geological curricula, standards of professional conduct, and  
11 formal disciplinary actions and the formulation of rules  
12 affecting these matters and (ii) when petitioned by the  
13 applicant, opinions regarding the qualifications of applicants  
14 for licensing or enrolling.

15 (e) Maintain rosters of the names and addresses of all  
16 licensees, enrollees, and all persons whose licenses or  
17 certificates of enrollment have been suspended, revoked, or  
18 denied renewal for cause within the previous calendar year.  
19 These rosters shall be available upon written request and  
20 payment of the required fee.

21 (Source: P.A. 89-366, eff. 7-1-96.)

22 (225 ILCS 745/35)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 35. Board of Licensing for Professional Geologists;  
25 members; qualifications; duties.

1           (a) The Director shall appoint a Board of Licensing for  
2 Professional Geologists which shall serve in an advisory  
3 capacity to the Director. The Board shall be composed of 8  
4 persons, 7 of whom shall be voting members appointed by the  
5 Director, who shall give due consideration to recommendations  
6 by members of the profession of geology and of geology  
7 organizations within the State. In addition, the State  
8 Geologist or his or her designated representative, shall be an  
9 advisory, non-voting member of the Board.

10           (b) Insofar as possible, the geologists appointed to serve  
11 on the Board shall be generally representative of the  
12 occupational and geographical distribution of geologists  
13 within this State.

14           (c) Of the 7 appointed voting members of the Board, 6 shall  
15 be geologists and one shall be a member of the general public  
16 with no family or business connection with the practice of  
17 geology.

18           (d) Each of the first appointed geologist members of the  
19 Board shall have at least 10 years of active geological  
20 experience and shall possess the education and experience  
21 required for licensure. Each subsequently appointed geologist  
22 member of the Board shall be a Licensed Professional Geologist  
23 ~~professional geologist~~ licensed under this Act.

24           (e) Of the initial appointments, the Director shall appoint  
25 3 voting members for a term of 4 years, 2 voting members for a  
26 term of 3 years, and 2 voting members for a term of 2 years.

1       Thereafter, voting members shall be appointed for 4-year terms.  
2       Terms shall commence on the 3rd Monday in January.

3               (f) Members shall hold office until the expiration of their  
4       terms or until their successors have been appointed and have  
5       qualified.

6               (g) No voting member of the Board shall serve more than 2  
7       consecutive full terms.

8               (h) Vacancies in the membership of the Board shall be  
9       filled by appointment for the unexpired term.

10              (i) The Director may remove or suspend any member of the  
11       Board for cause at any time before the expiration of his or her  
12       term.

13              (j) The Board shall annually elect one of its members as  
14       chairperson.

15              (k) The members of the Board shall be reimbursed for all  
16       legitimate and necessary expenses authorized by the Department  
17       incurred in attending the meetings of the Board.

18              (l) The Board may make recommendations to the Director to  
19       establish the examinations and their method of grading.

20              (m) The Board may submit written recommendations to the  
21       Director concerning formulation of rules and a Code of  
22       Professional Conduct and Ethics. The Board may recommend or  
23       endorse revisions and amendments to the Code and to the rules  
24       from time to time.

25              (n) The Board may make recommendations on matters relating  
26       to continuing education of Licensed Professional Geologists

1 ~~licensed professional geologists~~, including the number of  
2 hours necessary for license renewal, waivers for those unable  
3 to meet that requirement, and acceptable course content. These  
4 recommendations shall not impose an undue burden on the  
5 Department or an unreasonable restriction on those seeking a  
6 license renewal.

7 (o) A majority of Board members constitutes a quorum. A  
8 quorum is required for all Board decisions.

9 (Source: P.A. 89-366, eff. 7-1-96.)

10 (225 ILCS 745/40)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 40. Application for ~~original~~ license or enrollment.

13 (a) Applications for original licensure as a Licensed  
14 Professional Geologist licenses shall be made to the Department  
15 on forms prescribed by the Department and accompanied by the  
16 required fee. All applications shall contain the information  
17 that, in the judgment of the Department, will enable the  
18 Department to pass on the qualifications of the applicant for a  
19 license to practice as a Licensed Professional Geologist  
20 ~~licensed professional geologist~~.

21 (b) Applications for enrollment as a Geologist Intern shall  
22 be made to the Department on forms prescribed by the Department  
23 and accompanied by the required fee. All applications shall  
24 contain the information that, in the judgment of the  
25 Department, will enable the Department to pass on the

1 qualifications of the applicant to take the examination on the  
2 theory and fundamentals of the science of geology and be  
3 enrolled as a Geologist Intern.

4 (Source: P.A. 89-366, eff. 7-1-96.)

5 (225 ILCS 745/45)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 45. Examination; failure or refusal to take the  
8 examination.

9 (a) The Department shall authorize examinations of  
10 applicants for original Professional Geologist licensure and  
11 Geologist Intern enrollment at such times and places as it may  
12 determine. The examination for Professional Geologist  
13 licensure examinations shall be a 2-part exam, with one part of  
14 a character to fairly testing test an applicant's  
15 qualifications to practice professional geology and knowledge  
16 of the theory and practice of the science of geology, including  
17 subjects that are generally taught in curricula of accredited  
18 colleges and universities, and the other part fairly testing  
19 the applicant's knowledge of the practical application and  
20 practice of the theory and science of geology. Applicants for  
21 Geologist Intern enrollment must take only that part of the  
22 examination that fairly tests the knowledge of the theory and  
23 fundamentals of the science of geology.

24 (b) Applicants who are required to take an examination for  
25 examinations shall pay, either to the Department or to the

1 designated testing service, a fee covering the cost of  
2 providing the examination. Failure to appear for the required  
3 examination on the scheduled date at the time and place  
4 specified after the application for examination has been  
5 received and acknowledged by the Department or the designated  
6 testing service shall result in forfeiture of the examination  
7 fee.

8 (c) If the applicant neglects, fails, or refuses to take a  
9 required ~~an~~ examination or fails to pass a required ~~an~~  
10 examination for a license under this Act within 3 years after  
11 filing an application, the application shall be denied.  
12 However, the applicant may thereafter submit a new application  
13 accompanied by the required fee. The applicant shall meet the  
14 requirements in force at the time of making the new  
15 application.

16 (d) The Department may employ consultants for the purpose  
17 of preparing and conducting examinations.

18 (e) The Department shall have the authority to adopt or  
19 recognize, in part or in whole, examinations prepared,  
20 administered, or graded by other organizations that are  
21 determined appropriate to measure the qualifications of an  
22 applicant for licensure as a Licensed Professional Geologist or  
23 enrollment as a Geologist Intern ~~professional geologist~~.

24 (Source: P.A. 89-366, eff. 7-1-96.)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 50. Qualifications for licensure.

3 (a) The Department may issue a license to practice as a  
4 Licensed Professional Geologist ~~licensed professional~~  
5 ~~geologist~~ to any applicant who meets the following  
6 qualifications:

7 (1) The applicant has completed an application form and  
8 paid ~~submitted~~ the required fees.

9 (2) The applicant is of good ethical character,  
10 including compliance with the Code of Professional Conduct  
11 and Ethics under this Act, and has not committed any act or  
12 offense in any jurisdiction that would constitute the basis  
13 for disciplining a Licensed Professional Geologist  
14 ~~professional geologist~~ licensed under this Act.

15 (3) The applicant has earned a degree in geology from  
16 an accredited college or university, as established by  
17 rule, with a minimum of 30 semester or 45 quarter hours of  
18 course credits in geology, of which 24 semester or 36  
19 quarter hours are in upper level courses. The Department  
20 may, upon the recommendation of the Board, allow the  
21 substitution of appropriate experience as a geologist for  
22 prescribed educational requirements as established by  
23 rule.

24 (4) The applicant has a documented record of a minimum  
25 of 4 years of professional experience, obtained after  
26 completion of the education requirements specified in this

1 Section, in geologic or directly related work,  
2 demonstrating that the applicant is qualified to assume  
3 responsible charge of such work upon licensure as a  
4 Licensed Professional Geologist ~~professional geologist~~ or  
5 such specialty of professional geology that the Board may  
6 recommend and the Department may recognize. The Department  
7 may require evidence acceptable to it that up to 2 years of  
8 professional experience have been gained under the  
9 supervision of a person licensed under this Act or similar  
10 Acts in any other state, or under the supervision of others  
11 who, in the opinion of the Department, are qualified to  
12 have responsible charge of geological work under this Act.

13 (5) The applicant has passed an examination authorized  
14 by the Department for ~~the~~ practice as a Licensed  
15 Professional Geologist ~~of professional geology~~.

16 (6) The applicant has complied with all other  
17 requirements of this Act and rules established for the  
18 implementation of this Act.

19 (b) Professional Geologist licensure ~~A license to practice~~  
20 ~~professional geology~~ shall not be denied any applicant because  
21 of the applicant's race, religion, creed, national origin,  
22 political beliefs or activities, age, sex, sexual orientation,  
23 or physical impairment.

24 (Source: P.A. 89-366, eff. 7-1-96.)

25 (225 ILCS 745/51 new)



1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 51. Qualifications for Geologist Intern enrollment;  
3 final expiration of enrollment; Department powers and duties.

4 (a) The Department may enroll as a Geologist Intern any  
5 applicant who meets the following qualifications:

6 (1) The applicant has completed an application form and  
7 paid the required fees.

8 (2) The applicant has (i) earned a degree in geology  
9 from an accredited college or university, with a minimum of  
10 30 semester or 45 quarter hours of course credits in  
11 geology, of which 24 semester or 36 quarter hours are in  
12 upper level courses or (ii) is in the final semester of a  
13 program leading to a degree as set forth in item (i) of  
14 this subparagraph (2). The Department may not issue a  
15 certificate of enrollment under this Section unless and  
16 until an applicant provides proof acceptable to the  
17 Department of having obtained the required degree within 12  
18 months after having passed the required enrollment  
19 examination.

20 (3) The applicant has passed the required examination  
21 on the theory and fundamentals of the science of geology,  
22 as required under Section 45 of this Act.

23 (b) A Geologist Intern in good standing may renew his or  
24 her certificate of enrollment upon payment to the Department of  
25 the required fee; however, the life of a certificate of  
26 enrollment issued under this Section may not extend past a

1 period of 10 years and shall automatically and permanently  
2 expire upon the end of the 10-year period if the enrollee fails  
3 to apply for and successfully meet the requirements for  
4 licensure as a Licensed Professional Geologist, including the  
5 successful passage of that part of the Licensed Professional  
6 Geologist examination that fairly tests the practical  
7 application and practice of the science of geology, as set  
8 forth in Section 45 of this Act.

9 (c) Geologist Intern enrollment shall not be denied any  
10 applicant because of the applicant's race, religion, creed,  
11 national origin, political beliefs or activities, age, sex,  
12 sexual orientation, or physical impairment.

13 (d) Notwithstanding any other rulemaking authority that  
14 may exist, neither the Governor nor any agency or agency head  
15 under the jurisdiction of the Governor has any authority to  
16 make or promulgate rules to implement or enforce the provisions  
17 of this amendatory Act of the 95th General Assembly. If,  
18 however, the Governor believes that rules are necessary to  
19 implement or enforce the provisions of this amendatory Act of  
20 the 95th General Assembly, the Governor may suggest rules to  
21 the General Assembly by filing them with the Clerk of the House  
22 and the Secretary of the Senate and by requesting that the  
23 General Assembly authorize such rulemaking by law, enact those  
24 suggested rules into law, or take any other appropriate action  
25 in the General Assembly's discretion. Nothing contained in this  
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other  
2 Illinois statute where such authority is not otherwise  
3 explicitly given. For the purposes of this amendatory Act of  
4 the 95th General Assembly, "rules" is given the meaning  
5 contained in Section 1-70 of the Illinois Administrative  
6 Procedure Act, and "agency" and "agency head" are given the  
7 meanings contained in Sections 1-20 and 1-25 of the Illinois  
8 Administrative Procedure Act to the extent that such  
9 definitions apply to agencies or agency heads under the  
10 jurisdiction of the Governor.

11 (225 ILCS 745/60)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 60. Seals.

14 (a) Upon licensure, each licensee shall obtain a seal of a  
15 design as required by rule bearing the licensee's name, license  
16 number, and the legend "Licensed Professional Geologist".

17 (b) All preliminary, draft, and final geologic reports,  
18 documents, permits, affidavits, maps, boring logs, sections or  
19 other records offered to the public and prepared or issued by  
20 or under the supervision of a Licensed Professional Geologist  
21 ~~licensed professional geologist~~ shall include the full name,  
22 signature, and license number of the licensee, and the date of  
23 license expiration of the person who prepared the document or  
24 under whose supervision it was prepared, and an impression of  
25 the licensee's seal, in accordance with rules issued by the

1 Department.

2 (c) The Licensed Professional Geologist ~~licensed~~  
3 ~~professional geologist~~ who has contract responsibility shall  
4 seal a cover sheet of the professional work products and those  
5 individual portions of the professional work products for which  
6 the Licensed Professional Geologist ~~licensed professional~~  
7 ~~geologist~~ is legally and professionally responsible. A  
8 Licensed Professional Geologist ~~licensed professional~~  
9 ~~geologist~~ practicing as the support professional shall seal  
10 those individual portions of professional work products for  
11 which that Licensed Professional Geologist ~~licensed~~  
12 ~~professional geologist~~ is legally and professionally  
13 responsible.

14 (d) The use of a Licensed Professional Geologist's ~~licensed~~  
15 ~~professional geologist's~~ seal on professional work products  
16 constitutes a representation that the work prepared by or under  
17 the personal supervision of that Licensed Professional  
18 Geologist ~~licensed professional geologist~~ has been prepared  
19 and administered in accordance with the standards of reasonable  
20 professional skill and diligence.

21 (e) It is unlawful to affix one's seal to professional work  
22 products if it masks the true identity of the person who  
23 actually exercised direction, supervision, and responsible  
24 charge of the preparation of that work. A Licensed Professional  
25 Geologist ~~licensed professional geologist~~ who signs and seals  
26 professional work products is not responsible for damage caused

1 by subsequent changes to or uses of those professional work  
2 products, if the subsequent changes or uses, including changes  
3 or uses made by State or local government agencies, are not  
4 authorized or approved by the Licensed Professional Geologist  
5 ~~licensed professional geologist~~ who originally signed and  
6 sealed the professional work products.

7 (Source: P.A. 89-366, eff. 7-1-96.)

8 (225 ILCS 745/65)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 65. Expiration and renewal of license and certificate  
11 of enrollment. The expiration date and renewal period for each  
12 license and certificate of enrollment shall be set by rule. A  
13 Professional Geologist ~~professional geologist~~ whose license  
14 has expired may reinstate his or her license at any time within  
15 5 years after the expiration thereof, by making a renewal  
16 application and by paying the required fee. However, any  
17 Professional Geologist or Geologist Intern ~~professional~~  
18 ~~geologist~~ whose license expired while he or she was (i) on  
19 active duty with the Armed Forces of the United States or  
20 called into service or training by the State militia or (ii) in  
21 training or education under the supervision of the United  
22 States preliminary to induction into the military service, may  
23 have his or her ~~professional geologist~~ license or certificate  
24 renewed, reinstated, or restored without paying any lapsed  
25 renewal fees if within 2 years after termination of the

1 service, training, or education the Professional Geologist or  
2 Geologist Intern ~~professional geologist~~ furnishes the  
3 Department with satisfactory evidence of service, training, or  
4 education and it has been terminated under honorable  
5 conditions.

6 Any Professional Geologist ~~professional geologist~~ whose  
7 license has expired for more than 5 years may have it restored  
8 by making application to the Department, paying the required  
9 fee, and filing acceptable proof of fitness to have the license  
10 restored. The proof may include sworn evidence certifying  
11 active practice in another jurisdiction. If the geologist has  
12 not practiced for 5 years or more, the Board shall determine by  
13 an evaluation program established by rule, whether that  
14 individual is fit to resume active status. The Board ~~and~~ may  
15 require the Professional Geologist ~~professional geologist~~ to  
16 complete a period of evaluated professional experience and may  
17 require successful completion of an examination.

18 The Department may refuse to issue or may suspend the  
19 license or certificate of enrollment of any person who fails to  
20 file a return, or to pay the tax, penalty or interest shown in  
21 a filed return, or to pay any final assessment of tax, penalty,  
22 or interest, as required by any tax Act administered by the  
23 Illinois Department of Revenue, until such time as the  
24 requirements of any such tax Act are satisfied.

25 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

1 (225 ILCS 745/70)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 70. Fees.

4 (a) Except as provided in subsection (b), the fees for the  
5 administration and enforcement of this Act, including but not  
6 limited to original licensure or enrollment, renewal, and  
7 restoration fees, shall be set by the Department by rule. The  
8 fees shall not be refundable.

9 (b) Applicants for examination shall be required to pay,  
10 either to the Department or the designated testing service, a  
11 fee covering the cost of initial screening to determine  
12 eligibility and the cost of providing the examination. Failure  
13 to appear for the examination on the scheduled date at the time  
14 and place specified after the applicant's application for  
15 examination has been received and acknowledged by the  
16 Department or the designated testing service shall result in  
17 the forfeiture of the examination fee.

18 (c) All fees and other monies collected under this Act  
19 shall be deposited in the General Professions Dedicated Fund.

20 (Source: P.A. 89-366, eff. 7-1-96.)

21 (225 ILCS 745/75)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 75. Returned checks; fines. Any person who delivers a  
24 check or other payment to the Department that is returned to  
25 the Department unpaid by the financial institution upon which

1 it is drawn shall pay to the Department, in addition to the  
2 amount already owed to the Department, a fine of \$50. The fines  
3 imposed by this Section are in addition to any other discipline  
4 provided under this Act for unlicensed or unenrolled practice  
5 or practice on a nonrenewed license or certificate of  
6 enrollment. The Department shall notify the person that payment  
7 of fees and fines shall be paid to the Department by certified  
8 check or money order within 30 calendar days of the  
9 notification. If, after the expiration of 30 days from the date  
10 of the notification, the person has failed to submit the  
11 necessary remittance, the Department shall automatically  
12 terminate the license or certificate of enrollment or deny the  
13 application, without hearing. If, after termination or denial,  
14 the person seeks a license or certificate of enrollment, he or  
15 she shall apply to the Department for restoration or issuance  
16 of the license or certificate of enrollment and pay all fees  
17 and fines due to the Department. The Department may establish a  
18 fee for the processing of an application for restoration of a  
19 license or certificate of enrollment to pay all expenses of  
20 processing this application. The Director may waive the fines  
21 due under this Section in individual cases where the Director  
22 finds that the fines would be unreasonable or unnecessarily  
23 burdensome.

24 (Source: P.A. 92-146, eff. 1-1-02.)



1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 80. Disciplinary actions.

3 (a) The Department may refuse to issue or renew, or may  
4 revoke, suspend, place on probation, reprimand, or take other  
5 disciplinary action as the Department may deem appropriate,  
6 including fines not to exceed \$5,000 for each violation, with  
7 regard to any license or certificate of enrollment for any one  
8 or combination of the following:

9 (1) Material misstatement in furnishing information to  
10 the Department.

11 (2) Violations of this Act, or of the rules promulgated  
12 under this Act.

13 (3) Conviction of any crime under the laws of the  
14 United States or any state or territory of the United  
15 States that is a felony or that is a misdemeanor, an  
16 essential element of which is dishonesty, or of any crime  
17 that is directly related to the practice of the profession.

18 (4) Making any misrepresentation for the purpose of  
19 obtaining licensure or enrollment or violating any  
20 provision of this Act or the rules promulgated under this  
21 Act pertaining to advertising.

22 (5) Professional incompetence.

23 (6) Gross malpractice.

24 (7) Aiding or assisting another person in violating any  
25 provision of this Act or rules promulgated under this Act.

26 (8) Failing, within 60 days, to provide information in

1 response to a written request made by the Department.

2 (9) Engaging in dishonorable, unethical, or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public.

5 (10) Habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants, or any other chemical agent or drug  
7 that results in the inability to practice with reasonable  
8 judgment, skill, or safety.

9 (11) Discipline by another state, District of  
10 Columbia, territory, or foreign nation, if at least one of  
11 the grounds for the discipline is the same or substantially  
12 equivalent to those set forth in this Section.

13 (12) Directly or indirectly giving to or receiving from  
14 any person, firm, corporation, partnership, or association  
15 any fee, commission, rebate or other form of compensation  
16 for professional services not actually or personally  
17 rendered.

18 (13) A finding by the Department that the licensee or  
19 enrollee, after having his or her license or certificate of  
20 enrollment placed on probationary status, has violated the  
21 terms of probation.

22 (14) Willfully making or filing false records or  
23 reports in his or her practice, including but not limited  
24 to, false records filed with State agencies or departments.

25 (15) Physical illness, including but not limited to,  
26 deterioration through the aging process, or loss of motor

1 skill that results in the inability to practice the  
2 profession with reasonable judgment, skill, or safety.

3 (16) Solicitation of professional services other than  
4 permitted advertising.

5 (17) Conviction of or cash compromise of a charge or  
6 violation of the Illinois Controlled Substances Act  
7 regulating narcotics.

8 (18) Failure to (i) file a return, (ii) pay the tax,  
9 penalty, or interest shown in a filed return, or (iii) pay  
10 any final assessment of tax, penalty, or interest, as  
11 required by any tax Act administered by the Illinois  
12 Department of Revenue, until the requirements of that tax  
13 Act are satisfied.

14 (19) Conviction by any court of competent  
15 jurisdiction, either within or outside this State, of any  
16 violation of any law governing the practice of professional  
17 geology, if the Department determines, after  
18 investigation, that the person has not been sufficiently  
19 rehabilitated to warrant the public trust.

20 (20) Gross, willful, or continued overcharging for  
21 professional services, including filing false statements  
22 for collection of fees for which services are not rendered.

23 (21) Practicing under a false or, except as provided by  
24 law, an assumed name.

25 (22) Fraud or misrepresentation in applying for, or  
26 procuring, a license or certificate of enrollment under

1           this Act or in connection with applying for renewal of a  
2           license or certificate of enrollment under this Act.

3           (23) Cheating on or attempting to subvert the licensing  
4           or enrollment examination administered under this Act.

5           (b) The determination by a circuit court that a licensee or  
6           enrollee is subject to involuntary admission or judicial  
7           admission as provided in the Mental Health and Developmental  
8           Disabilities Code operates as an automatic suspension. The  
9           suspension will end only upon a finding by a court that the  
10          licensee or enrollee is no longer subject to the involuntary  
11          admission or judicial admission and issues an order so finding  
12          and discharging the licensee or enrollee; and upon the  
13          recommendation of the Board to the Director that the licensee  
14          or enrollee be allowed to resume his or her practice.

15          (Source: P.A. 89-366, eff. 7-1-96.)

16           (225 ILCS 745/85)

17           (Section scheduled to be repealed on January 1, 2016)

18           Sec. 85. Injunctive action; cease and desist order.

19           (a) If any person violates the provisions of this Act, the  
20          Director, in the name of the People of the State of Illinois,  
21          through the Attorney General or the State's Attorney of the  
22          county in which the violation is alleged to have occurred, may  
23          petition for an order enjoining the violation or for an order  
24          enforcing compliance with this Act. Upon the filing of a  
25          verified petition, the court with appropriate jurisdiction may

1 issue a temporary restraining order, without notice or bond,  
2 and may preliminarily and permanently enjoin the violation. If  
3 it is established that the person has violated or is violating  
4 the injunction, the court may punish the offender for contempt  
5 of court. Proceedings under this Section are in addition to,  
6 and not in lieu of, all other remedies and penalties provided  
7 by this Act.

8 (b) If a person practices as a Licensed Professional  
9 Geologist ~~licensed professional geologist~~ or holds himself or  
10 herself out as a Licensed Professional Geologist ~~licensed~~  
11 ~~professional geologist~~ in Illinois, without being licensed to  
12 do so under this Act, then any Licensed Professional Geologist  
13 ~~licensed professional geologist~~, interested party, or any  
14 person injured thereby may petition for relief as provided in  
15 subsection (a) of this Section.

16 (c) Whenever, in the opinion of the Department, a person  
17 violates any provision of this Act, the Department may issue a  
18 rule to show cause why an order to cease and desist should not  
19 be entered against that person. The rule shall clearly set  
20 forth the grounds relied upon by the Department and shall allow  
21 at least 7 days from the date of the rule to file an answer  
22 satisfactory to the Department. Failure to answer to the  
23 satisfaction of the Department shall cause an order to cease  
24 and desist to be issued.

25 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/90)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 90. Investigations; notice and hearing. The  
4 Department may investigate the actions of any applicant or of  
5 any person or persons rendering or offering to render  
6 geological services or any person holding or claiming to hold a  
7 license as a Licensed Professional Geologist ~~licensed~~  
8 ~~professional geologist~~. The Department shall, before revoking,  
9 suspending, placing on probation, reprimanding, or taking any  
10 other disciplinary action under Section 80 of this Act, at  
11 least 30 days before the date set for the hearing, (i) notify  
12 the accused in writing of the charges made and the time and  
13 place for the hearing on the charges, (ii) direct him or her to  
14 file a written answer to the charges with the Board under oath  
15 within 20 days after the service on him or her of the notice,  
16 and (iii) inform the accused that, if he or she fails to  
17 answer, default will be taken against him or her or that his or  
18 her license may be suspended, revoked, placed on probationary  
19 status, or other disciplinary action taken with regard to the  
20 license, including limiting the scope, nature, or extent of his  
21 or her practice, as the Department may consider proper. At the  
22 time and place fixed in the notice, the Board shall proceed to  
23 hear the charges and the parties or their counsel shall be  
24 accorded ample opportunity to present any pertinent  
25 statements, testimony, evidence, and arguments. The Board may  
26 continue the hearing from time to time. In case the person,

1 after receiving the notice, fails to file an answer, his or her  
2 license may, in the discretion of the Department, be suspended,  
3 revoked, placed on probationary status, or the Department may  
4 take whatever disciplinary action considered proper, including  
5 limiting the scope, nature, or extent of the person's practice  
6 or the imposition of a fine, without a hearing, if the act or  
7 acts charged constitute sufficient grounds for that action  
8 under this Act. The written notice may be served by personal  
9 delivery or by certified mail to the address specified by the  
10 accused in his or her last notification with the Department.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/105)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 105. Compelling testimony. Any circuit court, upon  
15 application of the Department, designated hearing officer, or  
16 the applicant, ~~or~~ licensee, or enrollee against whom  
17 proceedings under Section 80 of this Act are pending, may enter  
18 an order requiring the attendance of witnesses and their  
19 testimony, and the production of documents, papers, files,  
20 books, and records in connection with any hearing or  
21 investigation. The court may compel obedience to its order by  
22 proceedings for contempt.

23 (Source: P.A. 89-366, eff. 7-1-96.)

24 (225 ILCS 745/110)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 110. Findings and recommendations. At the conclusion  
3 of the hearing, the Board shall present to the Director a  
4 written report of its findings of fact, conclusions of law, and  
5 recommendations. The report shall contain a finding whether or  
6 not the accused person violated this Act or its rules or failed  
7 to comply with the conditions required in this Act or its  
8 rules. The Board shall specify the nature of any violations or  
9 failure to comply and shall make its recommendations to the  
10 Director. In making recommendations for any disciplinary  
11 actions, the Board may take into consideration all facts and  
12 circumstances bearing upon the reasonableness of the conduct of  
13 the accused and the potential for future harm to the public,  
14 including but not limited to previous discipline of the accused  
15 by the Department, intent, degree of harm to the public and  
16 likelihood of harm in the future, any restitution made by the  
17 accused, and whether the incident or incidents contained in the  
18 complaint appear to be isolated or represent a continuing  
19 pattern of conduct. In making its recommendations for  
20 discipline, the Board shall endeavor to ensure that the  
21 severity of the discipline recommended is reasonably related to  
22 the severity of the violation.

23 The report of findings of fact, conclusions of law, and  
24 recommendation of the Board shall be the basis for the  
25 Department's order refusing to issue, restore, or renew a  
26 license or certificate of enrollment, or otherwise



1 disciplining a licensee or enrollee. If the Director disagrees  
2 with the recommendations of the Board, the Director may issue  
3 an order in contravention of the Board recommendations. The  
4 Director shall provide a written report to the Board on any  
5 disagreement and shall specify the reasons for the action in  
6 the final order. The finding is not admissible in evidence  
7 against the person in a criminal prosecution brought for a  
8 violation of this Act, but the hearing and finding are not a  
9 bar to a criminal prosecution brought for a violation of this  
10 Act.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/115)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 115. Board; rehearing. At the conclusion of the  
15 hearing, a copy of the Board's report shall be served upon the  
16 applicant, ~~or~~ licensee, or enrollee by the Department, either  
17 personally or as provided in this Act for the service of a  
18 notice of hearing. Within 20 days after service, the applicant, ~~or~~  
19 licensee, or enrollee may present to the Department a motion  
20 in writing for a rehearing, which shall specify the particular  
21 grounds for rehearing. The Department may respond to the motion  
22 for rehearing within 20 days after its service on the  
23 Department. If no motion for rehearing is filed, then upon the  
24 expiration of the time specified for filing such a motion, or  
25 if a motion for rehearing is denied, then upon denial, the

1 Director may enter an order in accordance with recommendations  
2 of the Board except as provided in Section 120 of this Act. If  
3 the applicant, ~~or~~ licensee, or enrollee orders from the  
4 reporting service and pays for a transcript of the record  
5 within the time for filing a motion for rehearing, the 20-day  
6 period within which a motion may be filed shall commence upon  
7 the delivery of the transcript to the applicant, ~~or~~ licensee, ~~or~~  
8 enrollee.

9 (Source: P.A. 89-366, eff. 7-1-96.)

10 (225 ILCS 745/120)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 120. Director; rehearing. Whenever the Director  
13 believes that justice has not been done in the revocation,  
14 suspension, or refusal to issue, restore, or renew a license or  
15 certificate of enrollment, or other discipline of an applicant, ~~or~~  
16 ~~or~~ licensee, or enrollee he or she may order a rehearing by the  
17 same or other examiners.

18 (Source: P.A. 89-366, eff. 7-1-96.)

19 (225 ILCS 745/125)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 125. Appointment of a hearing officer. The Director  
22 has the authority to appoint any attorney licensed to practice  
23 law in the State of Illinois to serve as the hearing officer in  
24 any action for refusal to issue, restore, or renew a license or

1 certificate of enrollment or to discipline a licensee or  
2 enrollee. The hearing officer has full authority to conduct the  
3 hearing. At least one member of the Board shall attend each  
4 hearing. The hearing officer shall report his or her findings  
5 of fact, conclusions of law, and recommendations to the Board  
6 and the Director. The Board shall have 60 calendar days from  
7 receipt of the report to review the report of the hearing  
8 officer and present its findings of fact, conclusions of law,  
9 and recommendations to the Director. If the Board does not  
10 present its report within the 60-day period, the Director may  
11 issue an order based on the report of the hearing officer. If  
12 the Director disagrees with the recommendation of the Board or  
13 of the hearing officer, the Director may issue an order in  
14 contravention of the recommendation. The Director shall  
15 promptly provide a written report to the Board on any  
16 deviation, and shall specify the reasons for the action in the  
17 final order.

18 (Source: P.A. 89-366, eff. 7-1-96.)

19 (225 ILCS 745/135)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 135. Restoration of suspended or revoked license. At  
22 any time after the suspension or revocation of a license or  
23 certificate of enrollment, the Department may restore it to the  
24 licensee or enrollee, upon the written recommendation of the  
25 Board, unless after an investigation and a hearing the Board

1 determines that restoration is not in the public interest.

2 (Source: P.A. 89-366, eff. 7-1-96.)

3 (225 ILCS 745/140)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 140. Surrender of license. Upon the revocation or  
6 suspension of a license or certificate of enrollment, the  
7 licensee or enrollee shall immediately surrender his or her  
8 license or certificate of enrollment to the Department. If the  
9 licensee or enrollee fails to do so, the Department has the  
10 right to seize the license or certificate of enrollment.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/145)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 145. Summary suspension of a license. The Director may  
15 summarily suspend the license of a Licensed Professional  
16 Geologist ~~licensed professional geologist~~ without a hearing,  
17 simultaneously with the institution of proceedings for a  
18 hearing provided for in Section 90 of this Act, if the Director  
19 finds that evidence in the Director's possession indicates that  
20 the continuation of practice by a Licensed Professional  
21 Geologist ~~licensed professional geologist~~ would constitute an  
22 imminent danger to the public. In the event that the Director  
23 summarily suspends the license of a Licensed Professional  
24 Geologist ~~licensed professional geologist~~ without a hearing, a

1 hearing must be commenced within 30 days after the suspension  
2 has occurred and concluded as expeditiously as practical.

3 (Source: P.A. 89-366, eff. 7-1-96.)

4 (225 ILCS 745/160)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 160. Violations.

7 (a) Using or attempting to use an expired license is a  
8 Class A misdemeanor.

9 (b) Each of the following acts is a Class A misdemeanor for  
10 the first offense and a Class 4 felony for a second or  
11 subsequent offense:

12 (1) A violation of any provision of this Act or its  
13 rules, except as noted in subsection (a) of this Section.

14 (2) The making of any wilfully false oath or  
15 affirmation in any matter or proceeding where an oath or  
16 affirmation is required by this Act.

17 (3) Using or attempting to use an inactive, suspended,  
18 or revoked license or the license or seal of another, or  
19 impersonating another licensee, or practicing geology as a  
20 Licensed Professional Geologist ~~licensed professional~~  
21 ~~geologist~~ in Illinois while one's license is inactive,  
22 suspended, or revoked.

23 (4) The practice, attempt to practice, or offer to  
24 practice professional geology in Illinois without a  
25 license as a Licensed Professional Geologist ~~licensed~~

1       ~~professional geologist.~~ Each day of practicing  
2       professional geology or attempting to practice  
3       professional geology, and each instance of offering to  
4       practice professional geology, without a license as a  
5       Licensed Professional Geologist ~~licensed professional~~  
6       ~~geologist~~ constitutes a separate offense.

7           (5) Advertising or displaying any sign or card or other  
8       device that might indicate to the public that the person or  
9       entity is entitled to practice as a Licensed Professional  
10      Geologist ~~licensed professional geologist~~, unless that  
11      person holds an active license as a Licensed Professional  
12      Geologist ~~licensed professional geologist~~ in the State of  
13      Illinois.

14           (6) Obtaining or attempting to obtain a license by  
15      fraud.

16      (Source: P.A. 89-366, eff. 7-1-96.)

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

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