



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4763

by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.20	
5 ILCS 80/4.30 new	
225 ILCS 325/4	from Ch. 111, par. 5204
225 ILCS 325/4.5 new	
225 ILCS 325/5	from Ch. 111, par. 5205
225 ILCS 325/7	from Ch. 111, par. 5207
225 ILCS 325/7.5 new	
225 ILCS 325/7.10 new	
225 ILCS 325/7.15 new	
225 ILCS 325/7.20 new	
225 ILCS 325/10	from Ch. 111, par. 5210
225 ILCS 325/17	from Ch. 111, par. 5217
225 ILCS 325/42	from Ch. 111, par. 5242
225 ILCS 325/3 rep.	

Amends the Regulatory Sunset Act to change the repeal date of the Professional Engineering Practice Act of 1989 from January 1, 2010 to January 1, 2020. Amends the Professional Engineering Practice Act of 1989. Sets forth additional examples of the practice of professional engineering. Sets forth examples of technical submissions. Sets forth provisions concerning complaint investigation and disposition, complaint information, statistical analysis of complaints, and public participation. Allows the Department of Financial and Professional Regulation to grant the title "Retired" to eligible retirees to be used immediately adjacent to the title of Professional Engineer. Provides for the imposition of a civil penalty not to exceed \$25,000 (instead of \$5,000) for each violation of certain provisions of the Act. Repeals a Section of the Act concerning the application of the Act and exemptions from the Act.

LRB095 19073 RAS 45264 b

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 Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010. The following
8 Acts are repealed on January 1, 2010:

9 The Auction License Act.

10 The Illinois Architecture Practice Act of 1989.

11 The Illinois Landscape Architecture Act of 1989.

12 The Illinois Professional Land Surveyor Act of 1989.

13 The Land Sales Registration Act of 1999.

14 The Orthotics, Prosthetics, and Pedorthics Practice Act.

15 The Perfusionist Practice Act.

16 ~~The Professional Engineering Practice Act of 1989.~~

17 The Real Estate License Act of 2000.

18 The Structural Engineering Practice Act of 1989.

19 (Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132,
20 eff. 7-16-99; 91-133, eff. 7-16-99; 91-245, eff. 12-31-99;
21 91-255, eff. 12-30-99; 91-338, eff. 12-30-99; 91-580, eff.
22 1-1-00; 91-590, eff. 1-1-00; 91-603, eff. 1-1-00; 92-16, eff.
23 6-28-01.)

1 (5 ILCS 80/4.30 new)

2 Sec. 4.30. Act repealed on January 1, 2020. The following
3 Act is repealed on January 1, 2020:

4 The Professional Engineering Practice Act of 1989.

5 Section 10. The Professional Engineering Practice Act of
6 1989 is amended by changing Sections 4, 5, 7, 10, 17, and 42
7 and by adding Sections 4.5, 7.5, 7.10, 7.15, and 7.20 as
8 follows:

9 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

11 Sec. 4. Definitions. As used in this Act:

12 (a) "Approved engineering curriculum" means an engineering
13 curriculum or program of 4 academic years or more which meets
14 the standards established by the rules of the Department.

15 (b) "Board" means the State Board of Professional Engineers
16 of the Department of Professional Regulation, previously known
17 as the Examining Committee.

18 (c) "Department" means the Department of Financial and
19 Professional Regulation.

20 (d) "Design professional" means an architect, structural
21 engineer or professional engineer practicing in conformance
22 with the Illinois Architecture Practice Act of 1989, the
23 Structural Engineering Practice Act of 1989 or the Professional

1 Engineering Practice Act of 1989.

2 (e) "Secretary ~~Director~~" means the Secretary ~~Director~~ of
3 Financial and Professional Regulation.

4 (f) "Direct supervision/responsible charge" means work
5 prepared under the control of a licensed professional engineer
6 or that work as to which that professional engineer has
7 detailed professional knowledge.

8 (g) "Engineering college" means a school, college,
9 university, department of a university or other educational
10 institution, reputable and in good standing in accordance with
11 rules prescribed by the Department, and which grants
12 baccalaureate degrees in engineering.

13 (h) "Engineering system or facility" means a system or
14 facility whose design is based upon the application of the
15 principles of science for the purpose of modification of
16 natural states of being.

17 (i) "Engineer intern" means a person who is a candidate for
18 licensure as a professional engineer and who has been enrolled
19 as an engineer intern.

20 (j) "Enrollment" means an action by the Department to
21 record those individuals who have met the Board's requirements
22 for an engineer intern.

23 (k) "License" means an official document issued by the
24 Department to an individual, a corporation, a partnership, a
25 professional service corporation, a limited liability company,
26 or a sole proprietorship, signifying authority to practice.

1 (1) "Negligence in the practice of professional
2 engineering" means the failure to exercise that degree of
3 reasonable professional skill, judgment and diligence normally
4 rendered by professional engineers in the practice of
5 professional engineering.

6 (m) "Professional engineer" means a person licensed under
7 the laws of the State of Illinois to practice professional
8 engineering.

9 (n) "Professional engineering" means the application of
10 science to the design of engineering systems and facilities
11 using the knowledge, skills, ability and professional judgment
12 developed through professional engineering education, training
13 and experience.

14 (o) "Professional engineering practice" means the
15 consultation on, conception, investigation, evaluation,
16 planning, and design of, and selection of materials to be used
17 in, administration of construction contracts for, or site
18 observation of, an engineering system or facility, where such
19 consultation, conception, investigation, evaluation, planning,
20 design, selection, administration, or observation requires
21 extensive knowledge of engineering laws, formulae, materials,
22 practice, and construction methods. A person shall be construed
23 to practice or offer to practice professional engineering,
24 within the meaning and intent of this Act, who practices, or
25 who, by verbal claim, sign, advertisement, letterhead, card, or
26 any other way, is represented to be a professional engineer, or

1 through the use of the initials "P.E." or the title "engineer"
2 or any of its derivations or some other title implies licensure
3 as a professional engineer, or holds himself out as able to
4 perform any service which is recognized as professional
5 engineering practice.

6 Examples of the practice of professional engineering
7 include, but need not be limited to, transportation facilities,
8 public ~~and publicly owned~~ utilities ~~for a region or community~~,
9 railroads, railways, highways, subways, canals, harbors, and
10 river improvements; land development; stormwater detention,
11 retention, and conveyance; irrigation works; aircraft and
12 airports ~~and landing fields;~~ traffic engineering; waterworks,
13 piping systems ~~and appurtenances~~, sewers, sewage disposal
14 works; plants for the generation of power; devices for the
15 utilization of power; boilers; refrigeration plants, air
16 conditioning systems and plants; heating systems and plants;
17 plants for the transmission or distribution of power;
18 electrical plants which produce, transmit, distribute, or
19 utilize electrical energy; works for the extraction of minerals
20 from the earth; plants for the refining, alloying or treating
21 of metals; chemical works and industrial plants involving the
22 use of chemicals and chemical processes; plants for the
23 production, conversion, or utilization of nuclear, chemical,
24 or radiant energy; forensic engineering, geotechnical
25 engineering including, subsurface investigations; soil and
26 rock classification, geology and geohydrology, incidental to

1 the practice of professional engineering; geohydrological
2 investigations, migration pathway analysis, groundwater
3 management zone analysis and design; energy analysis,
4 environmental risk assessments, corrective action plans,
5 design, remediation, protection plans and systems, hazardous
6 waste mitigation and control, and environmental control or
7 remediation systems; recognition, measurement, evaluation, and
8 control of environmental systems and emissions; design of
9 engineered barriers and modeling of pollutants in water, soil,
10 and air; engineering surveys of sites, facilities, and
11 topography, not including land boundary establishment;
12 ~~recognition, measurement, evaluation and control of~~
13 ~~environmental systems and emissions;~~ automated building
14 management systems; environmental control or remediation
15 systems; computer controlled or integrated systems; automatic
16 fire suppression systems; or the provision of professional
17 engineering site observation of the construction of works and
18 engineering systems. Nothing contained in this Section imposes
19 upon a person licensed under this Act the responsibility for
20 the performance of any of the foregoing functions unless such
21 person specifically contracts to provide it.

22 (p) "Project representative" means the professional
23 engineer's representative at the project site who assists in
24 the administration of the construction contract.

25 (q) "Registered" means the same as "licensed" for purposes
26 of this Act.

1 (r) "Related science curriculum" means a 4 year program of
2 study, the satisfactory completion of which results in a
3 Bachelor of Science degree, and which contains courses from
4 such areas as life, earth, engineering and computer sciences,
5 including but not limited to, physics and chemistry. In the
6 study of these sciences, the objective is to acquire
7 fundamental knowledge about the nature of its phenomena,
8 including quantitative expression, appropriate to particular
9 fields of engineering.

10 (s) "Rules" means those rules promulgated pursuant to this
11 Act.

12 (t) "Seal" means the seal in compliance with Section 14 of
13 this Act.

14 (u) "Site observation" is visitation of the construction
15 site for the purpose of reviewing, as available, the quality
16 and conformance of the work to the technical submissions as
17 they relate to design.

18 (v) "Support design professional" means a professional
19 engineer practicing in conformance with the Professional
20 Engineering Practice Act of 1989, who provides services to the
21 design professional who has contract responsibility.

22 (w) "Technical submissions" means the designs, drawings,
23 and specifications which establish the scope and standard of
24 quality for materials, workmanship, equipment, and ~~the~~
25 ~~construction~~ systems intended for use in construction.

26 "Technical submissions" includes, but is not limited to,

1 studies, analyses, calculations, and other technical reports
2 prepared in the course of the a design professional's practice
3 of professional engineering.

4 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,
5 eff. 6-28-01; 92-145, eff. 1-1-02.)

6 (225 ILCS 325/4.5 new)

7 Sec. 4.5. References to Department or Director of
8 Professional Regulation. References in this Act (i) to the
9 Department of Professional Regulation are deemed, in
10 appropriate contexts, to be references to the Department of
11 Financial and Professional Regulation and (ii) to the Director
12 of Professional Regulation are deemed, in appropriate
13 contexts, to be references to the Secretary of Financial and
14 Professional Regulation.

15 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

17 Sec. 5. Powers and duties of the Department. Subject to the
18 provisions of this Act, the Department shall exercise the
19 following functions, powers and duties:

20 (a) To pass upon the qualifications and conduct
21 examinations of applicants for licensure as professional
22 engineers or enrollment as engineer interns and pass upon
23 the qualifications of applicants by endorsement and issue a
24 license or enrollment to those who are found to be fit and

1 qualified.

2 (b) To prescribe rules for the method, conduct and
3 grading of the examination of applicants.

4 (c) To license corporations, partnerships,
5 professional service corporations, limited liability
6 companies, and sole proprietorships for the practice of
7 professional engineering and issue a license to those who
8 qualify.

9 (d) To conduct investigations and hearings regarding
10 violations of this Act and take disciplinary or other
11 actions as provided in this Act as a result of the
12 proceedings.

13 (e) To prescribe rules as to what shall constitute an
14 engineering or related science curriculum and to determine
15 if a specific engineering curriculum is in compliance with
16 the rules, and to terminate the approval of a specific
17 engineering curriculum for non-compliance with such rules.

18 (f) To promulgate rules required for the
19 administration of this Act, including rules of
20 professional conduct.

21 (g) To maintain membership in the National Council of
22 Examiners for Engineering and Surveying and participate in
23 activities of the Council by designation of individuals for
24 the various classifications of membership, the appointment
25 of delegates for attendance at zone and national meetings
26 of the Council, and the funding of the delegates for

1 attendance at the meetings of the Council.

2 (h) To obtain written recommendations from the Board
3 regarding qualifications of individuals for licensure and
4 enrollment, definitions of curriculum content and approval
5 of engineering curricula, standards of professional
6 conduct and formal disciplinary actions, and the
7 promulgation of the rules affecting these matters.

8 Prior to issuance of any final decision or order that
9 deviates from any report or recommendations of the Board
10 relating to the qualification of applicants, discipline of
11 licensees or registrants, or promulgation of rules, the
12 Director shall notify the Board in writing with an
13 explanation of any such deviation and provide a reasonable
14 time for the Board to submit written comments to the
15 Director regarding the proposed action. In the event that
16 the Board fails or declines to submit such written comments
17 within 30 days of said notification, the Director may issue
18 a final decision or orders consistent with the Director's
19 original decision. The Department may at any time seek the
20 expert advice and knowledge of the Board on any matter
21 relating to the enforcement of this Act.

22 (i) To publish and distribute or to post on the
23 Department's website, at least semi-annually, a newsletter
24 to all persons licensed and registered under this Act. The
25 newsletter shall describe the most recent changes in this
26 Act and the rules adopted under this Act and shall contain

1 information of any final disciplinary action that has been
2 ordered under this Act since the date of the last
3 newsletter.

4 (j) To contract with a corporation or other business
5 entity to provide investigative, legal, prosecutorial, or
6 other services necessary to perform its duties.

7 None of the functions, powers or duties enumerated in this
8 Section shall be exercised by the Department except upon the
9 action and report in writing of the Board.

10 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

11 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

13 Sec. 7. Powers and duties of the Board. Subject to the
14 provisions of this Act, the Board shall exercise the following
15 functions, powers and duties:

16 (a) Review education and experience qualifications of
17 applicants, including conducting oral interviews as deemed
18 necessary by the Board, to determine eligibility as an
19 engineer intern or professional engineer and submit to the
20 Director written recommendations on applicant
21 qualifications for enrollment and licensure;

22 (b) The Board may appoint a subcommittee to serve as a
23 Complaint Committee to recommend the disposition of case
24 files according to procedures established by rule;

25 (c) Conduct hearings regarding disciplinary actions

1 and submit a written report and recommendations to the
2 Director as required by this Act and to provide a Board
3 member at informal conferences;

4 (d) Make visits to universities or colleges to evaluate
5 engineering curricula or to otherwise evaluate engineering
6 curricula and submit to the Director a written
7 recommendation of acceptability of a curriculum;

8 (e) Submit a written recommendation to the Director
9 concerning promulgation of rules as required in Section 5
10 and to recommend to the Director any rules or amendments
11 thereto for the administration of this Act;

12 (f) Hold at least 3 regular meetings each year;

13 (g) Elect annually a chairperson and a
14 vice-chairperson who shall be professional engineers; and

15 (h) Submit written comments to the Director within 30
16 days from notification of any final decision or order from
17 the Director that deviates from any report or
18 recommendation of the Board relating to the qualification
19 of applicants, discipline of licensees or registrants, or
20 promulgation of rules.

21 (i) Contract with a corporation or other business
22 entity to provide investigative, legal, prosecutorial, or
23 other services necessary to perform its duties.

24 (Source: P.A. 91-92, eff. 1-1-00.)

25 (225 ILCS 325/7.5 new)

1 Sec. 7.5. Complaint investigation and disposition.

2 (a) The Board shall receive and investigate complaints
3 against a professional engineer or other person who may have
4 committed a violation of this Act. The Board shall maintain the
5 confidentiality of the complaint during the investigation.

6 (b) The Board shall specify all of the following:

7 (1) The manner by which a person may contact the Board
8 for assistance in filing a complaint.

9 (2) The place at which a complaint must be filed.

10 (3) The proper form of a complaint.

11 (4) The information that must be included in a
12 complaint.

13 (c) The Board's procedures must permit a member of the
14 public who desires to file a complaint to:

15 (1) speak to an investigator on the staff of the
16 Department if the person desires to do so; or

17 (2) easily and conveniently access the Department's
18 complaint process without being required to speak to an
19 investigator on the staff of the Department if the person
20 does not desire to speak to an investigator.

21 (d) The Board shall consider any written grievance against
22 a licensee or other person filed with the Board as a complaint.

23 (e) A complaint must include information sufficient for the
24 Board to determine whether it has the authority to resolve the
25 complaint. A complaint that contains sufficient information
26 for the Board to commence an investigation is not required to

1 include all of the information necessary for the Board to
2 determine the validity of the complaint.

3 (f) On receipt of a complaint, the Board shall determine
4 whether the Board has the authority to resolve the complaint.
5 If the Board does not have the authority to resolve the
6 complaint, the Board shall dismiss the complaint. If the Board
7 has the authority to resolve the complaint, the Board shall
8 initiate a disciplinary proceeding against the person who is
9 the subject of the complaint.

10 (g) The Board shall prescribe a method for prioritizing
11 complaints for purposes of complaint investigation. In
12 establishing priorities the Board shall employ the following
13 practices:

14 (1) a complaint that alleges an action that could
15 potentially harm the public takes precedence over a
16 complaint that does not allege an action that could
17 potentially harm the public; and

18 (2) with regard to complaints that do not allege an
19 action that could potentially harm the public, a complaint
20 filed by a member of the public takes precedence over a
21 complaint filed by the staff of the Department.

22 (h) The Department's staff is responsible for conducting
23 all phases of complaint investigation, including gathering
24 evidence necessary to determine the validity of the complaint.

25 (i) The Department may employ or contract with advisors,
26 consultants, engineers, or other persons to provide technical

1 assistance in investigations and disciplinary proceedings.
2 Except for an action involving fraud, conspiracy, or malice, a
3 person whose services are obtained by the Department under this
4 subsection (i) is immune from civil liability and may not be
5 subjected to a suit for damages for any investigation, report,
6 recommendation, statement, evaluation, finding, or other
7 action taken in the course of performing the person's official
8 duties.

9 (j) The Department's staff shall regularly report to the
10 Board on each complaint dismissed by Department staff and shall
11 include all of the following information:

12 (1) The name of the complainant.

13 (2) The name of the person who is the subject of the
14 complaint.

15 (3) The basis of the complaint.

16 (4) The reason for the dismissal of the complaint.

17 (k) Except as provided by Subsection (l), a complaint filed
18 with the Board is public information.

19 (l) For any complaint determined to be frivolous or without
20 merit, the complaint and other enforcement case information
21 related to that complaint are confidential. The information may
22 be used only by the Board or by the Department's staff or
23 agents directly involved in the enforcement process for that
24 complaint. The information is not subject to discovery,
25 subpoena, or other disclosure.

26 (m) In this Section, "frivolous complaint" means a

1 complaint that the Board determined (i) was made for the
2 purpose of harassment and (ii) does not demonstrate harm to any
3 person.

4 (225 ILCS 325/7.10 new)

5 Sec. 7.10. Complaint information.

6 (a) In the collection of complaint information, the Board
7 shall assign a number to each complaint filed with the Board
8 and ensure that each phase of the processing of a complaint is
9 appropriately documented.

10 (b) The Board shall maintain a file on each written
11 complaint filed with the Board. The file must include each of
12 the following:

13 (1) The name of the complainant.

14 (2) The date the complaint is received by the Board.

15 (3) The subject matter of the complaint.

16 (4) The name of each person contacted in relation to
17 the complaint.

18 (5) A summary of the results of the review or
19 investigation of the complaint.

20 (6) An explanation of the reason the file was closed,
21 if the Department closed the file without taking action
22 other than to investigate the complaint.

23 (c) The Board shall provide to the complainant and to each
24 person who is a subject of the complaint a copy of the Board's
25 policies and procedures relating to complaint investigation

1 and resolution.

2 (d) The Board, at least quarterly and until final
3 disposition of the complaint, shall notify the parties to the
4 complaint of the status of the complaint, unless the notice
5 would jeopardize an undercover investigation.

6 (225 ILCS 325/7.15 new)

7 Sec. 7.15. Statistical analysis of complaints.

8 (a) The Board shall develop and maintain a complaint
9 tracking system to monitor the processing of complaints filed
10 with the Board.

11 (b) The Board shall annually provide a statistical analysis
12 of the complaints filed with the Board during the preceding
13 year, which shall include all of the following information:

14 (1) The number of complaints filed.

15 (2) A categorization of complaints filed according to
16 the basis of the complaint and the number of complaints in
17 each category.

18 (3) The number of complaints filed by Board staff.

19 (4) The number of complaints filed by persons other
20 than Board staff.

21 (5) The average length of time required to resolve a
22 complaint.

23 (6) The number of complaints resolved and the manner in
24 which they were resolved, including the following:

25 (A) the number of complaints dismissed and the

1 reasons for dismissal;

2 (B) the number of complaints resulting in
3 disciplinary action, the disciplinary action taken,
4 and whether the disciplinary action taken was imposed
5 by stipulation, agreed settlement, consent order,
6 default, or order following a contested case hearing;
7 and

8 (C) the number of complaints filed that are
9 unresolved, the number of those complaints filed by
10 Board staff, the number of those complaints filed by
11 persons other than Board staff, and the average length
12 of time that the unresolved complaints have been on
13 file.

14 (225 ILCS 325/7.20 new)

15 Sec. 7.20. Public participation. The Board shall develop
16 and implement policies that provide the public with a
17 reasonable opportunity to appear before the Board and to speak
18 on any issue under the jurisdiction of the Board.

19 (225 ILCS 325/10) (from Ch. 111, par. 5210)

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

21 Sec. 10. Minimum standards for examination for licensure as
22 professional engineer. To qualify for licensure as a
23 professional engineer each applicant shall be:

24 (a) A graduate of an approved engineering curriculum of at

1 least 4 years who submits acceptable evidence to the Board of
2 an additional 4 years or more of experience in engineering work
3 of a grade and character which indicate that the individual may
4 be competent to practice professional engineering, and who then
5 passes a nominal 8-hour written examination in the fundamentals
6 of engineering, and a nominal 8-hour written examination in the
7 principles and practice of engineering. Upon passing both
8 examinations, the applicant, if otherwise qualified, shall be
9 granted a license to practice professional engineering in this
10 State; or

11 (b) A graduate of a non-approved engineering curriculum or
12 a related science curriculum of at least 4 years and meeting
13 the requirements as set forth by rule, who submits acceptable
14 evidence to the Board of an additional 8 years or more of
15 experience in engineering work of a grade and character which
16 indicate that the individual may be competent to practice
17 professional engineering, and who then passes a nominal 8-hour
18 written examination in the fundamentals of engineering and a
19 nominal 8-hour written examination in the principles and
20 practice of engineering. Upon passing both examinations, the
21 applicant, if otherwise qualified, shall be granted a license
22 to practice professional engineering in this State; or

23 (c) An engineer intern ~~who meets the education and~~
24 ~~experience qualifications of subsection (a) or (b) of this~~
25 ~~Section and has passed the nominal 8-hour written examination~~
26 ~~in the fundamentals of engineering,~~ by application and payment

1 of the required fee, may then take the nominal 8-hour written
2 examination in the principles and practice of engineering. If
3 an engineer intern successfully completes the ~~Upon passing that~~
4 examination and submits evidence to the Board of meeting the
5 experience qualifications of subsection (a) or (b) of this
6 Section, he or she ~~the applicant~~, if otherwise qualified, shall
7 be granted a license to practice professional engineering in
8 this State.

9 (d) When considering an applicant's qualifications for
10 licensure under this Act, the Department may take into
11 consideration whether an applicant has engaged in conduct or
12 actions that would constitute a violation of the Standards of
13 Professional Conduct for this Act as provided for by
14 administrative rules.

15 (Source: P.A. 91-92, eff. 1-1-00.)

16 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

18 Sec. 17. Licensure; Renewal; Restoration; Person in
19 military service. The expiration date and renewal period for
20 each professional engineer license issued under this Act shall
21 be set by the Department by rule. The enrollment of an engineer
22 intern shall not expire.

23 Any person whose license has expired or whose license is on
24 inactive status may have such license restored by making
25 application to the Department and filing proof acceptable to

1 the Department of that person's fitness to have such license
2 restored, which may include sworn evidence certifying to active
3 practice in another jurisdiction satisfactory to the
4 Department and by paying the required restoration fee. If the
5 person has not maintained an active practice in another
6 jurisdiction satisfactory to the Department, the Board shall
7 determine, by an evaluation program established by rule, the
8 person's fitness to resume active status and may require the
9 person to complete a period of evaluated experience and may
10 require successful completion of the principles and practice
11 examination.

12 However, any person whose license expired while that person
13 was (1) in Federal Service on active duty with the Armed Forces
14 of the United States, or the State Militia called into service
15 or training, or (2) in training or education under the
16 supervision of the United States preliminary to induction into
17 the military service, may have such license renewed or restored
18 without paying any lapsed renewal fees if, within 2 years after
19 honorable termination of such service, training, or education,
20 except under conditions other than honorable, the Department is
21 furnished with satisfactory evidence that the person has been
22 so engaged and has maintained professional competence and that
23 such service, training or education has been so terminated.

24 Each application for renewal shall contain the original
25 seal and signature of the professional engineer. Applicants for
26 renewal or restoration shall certify that all conditions of

1 their license meet the requirements of the Illinois
2 Professional Engineering Practice Act of 1989.

3 The Department may grant the title "Retired" to eligible
4 retirees to be used immediately adjacent to the title of
5 Professional Engineer. The use of the title "PE Retired" shall
6 not constitute representation of current licensure,
7 registration, or certification. Any person without an active
8 license, registration, or certificate shall not be permitted to
9 practice professional engineering.

10 (Source: P.A. 89-61, eff. 6-30-95.)

11 (225 ILCS 325/42) (from Ch. 111, par. 5242)

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

13 Sec. 42. Civil penalties.

14 (1) In addition to any other penalty provided by law, any
15 person, sole proprietorship, professional service corporation,
16 limited liability company, partnership, or other entity who
17 violates Section 40 of this Act shall forfeit and pay to the
18 Design Professionals Administration and Investigation Fund a
19 civil penalty in an amount determined by the Department of not
20 more than \$25,000 ~~\$5,000~~ for each offense. The penalty shall be
21 assessed in proceedings as provided in Sections 26 through 33
22 and Section 37 of this Act.

23 (2) Unless the amount of the penalty is paid within 60 days
24 after the order becomes final, the order shall constitute a
25 judgment and shall be filed and execution issued thereon in the

1 same manner as the judgment of a court of record.

2 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

3 (225 ILCS 325/3 rep.)

4 Section 15. The Professional Engineering Practice Act of
5 1989 is amended by repealing Section 3.