



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5073

by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

225 ILCS 2/20.1  
225 ILCS 335/3.5  
225 ILCS 407/30-6 new  
225 ILCS 407/30-35 rep.

Amends that Acupuncture Practice Act. Allows an invited guest acupuncturist from another state or country to engage in professional education if he or she is currently licensed in another state or country and has an active, undisciplined license, or he or she is currently certified in good standing as an acupuncturist by the National Certification Commission for Acupuncture and Oriental Medicine (instead of requiring both components). Amends the Illinois Roofing Industry Act. Removes a provision that exempts a person who has a certain type of license from the examination requirement, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2003. Amends the Auction License Act. Adds a Section concerning the powers and duties of the Department of Financial and Professional Regulation. Repeals a Section requiring the appointment of a Director of Auction Regulation.

LRB095 19165 RAS 45400 b

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 Acupuncture Practice Act is amended by  
5 changing Section 20.1 as follows:

6 (225 ILCS 2/20.1)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 20.1. Guest instructors of acupuncture; professional  
9 education. The provisions of this Act do not prohibit an  
10 acupuncturist from another state or country, who is not  
11 licensed under this Act and who is an invited guest of a  
12 professional acupuncture association or scientific acupuncture  
13 foundation or an acupuncture training program or continuing  
14 education provider approved by the Department under this Act,  
15 from engaging in professional education through lectures,  
16 clinics, or demonstrations, provided that the acupuncturist is  
17 currently licensed in another state or country and,~~7~~ his or her  
18 license is active and has not been disciplined, or ~~and~~ he or  
19 she is currently certified in good standing as an acupuncturist  
20 by the National Certification Commission for Acupuncture and  
21 Oriental Medicine.

22 Licensees under this Act may engage in professional  
23 education through lectures, clinics, or demonstrations as an

1 invited guest of a professional acupuncture association or  
2 scientific acupuncture foundation or an acupuncture training  
3 program or continuing education provider approved by the  
4 Department under this Act. The Department may, but is not  
5 required to, establish rules concerning this Section.

6 (Source: P.A. 95-450, eff. 8-27-07.)

7 Section 10. The Illinois Roofing Industry Licensing Act is  
8 amended by changing Section 3.5 as follows:

9 (225 ILCS 335/3.5)

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

11 Sec. 3.5. Examination.

12 (a) The Department shall authorize examinations for  
13 applicants for initial licenses at the time and place it may  
14 designate. The examinations shall be of a character to fairly  
15 test the competence and qualifications of applicants to act as  
16 roofing contractors. Each applicant for limited licenses shall  
17 designate a qualifying party who shall take an examination, the  
18 technical portion of which shall cover residential roofing  
19 practices. Each applicant for an unlimited license shall  
20 designate a qualifying party who shall take an examination, the  
21 technical portion of which shall cover residential,  
22 commercial, and industrial roofing practices.

23 (b) An applicant for a limited license or an unlimited  
24 license or a qualifying party designated by an applicant for a

1 limited license or unlimited license shall pay, either to the  
2 Department or the designated testing service, a fee established  
3 by the Department to cover the cost of providing the  
4 examination. Failure of the individual scheduled to appear for  
5 the examination on the scheduled date at the time and place  
6 specified after his or her application for examination has been  
7 received and acknowledged by the Department or the designated  
8 testing service shall result in forfeiture of the examination  
9 fee.

10 ~~(c) A person who has a license as described in subsection~~  
11 ~~(1.5) of Section 3 is exempt from the examination requirement~~  
12 ~~of this Section, so long as (1) the license continues to be~~  
13 ~~valid and is renewed before expiration and (2) the person is~~  
14 ~~not newly designated as a qualifying party after July 1, 2003.~~

15 The qualifying party for an applicant for a new license must  
16 have passed an examination authorized by the Department before  
17 the Department may issue a license.

18 (d) The application for a license as a corporation,  
19 business trust, or other legal entity submitted by a sole  
20 proprietor who is currently licensed under this Act and exempt  
21 from the examination requirement of this Section shall not be  
22 considered an application for initial licensure for the  
23 purposes of this subsection (d) if the sole proprietor is named  
24 in the application as the qualifying party and is the sole  
25 owner of the legal entity. Upon issuance of a license to the  
26 new legal entity, the sole proprietorship license is

1 terminated.

2 The application for initial licensure as a partnership,  
3 corporation, business trust, or other legal entity submitted by  
4 a currently licensed partnership, corporation, business trust,  
5 or other legal entity shall not be considered an application  
6 for initial licensure for the purposes of this subsection (d)  
7 if the entity's current qualifying party is exempt from the  
8 examination requirement of this Section, that qualifying party  
9 is named as the new legal entity's qualifying party, and the  
10 majority of ownership in the new legal entity remains the same  
11 as the currently licensed entity. Upon issuance of a license to  
12 the new legal entity under this subsection (d), the former  
13 license issued to the applicant is terminated.

14 (e) An applicant has 3 years after the date of his or her  
15 application to complete the application process. If the process  
16 has not been completed within 3 years, the application shall be  
17 denied, the fee shall be forfeited, and the applicant must  
18 reapply and meet the requirements in effect at the time of  
19 reapplication.

20 (Source: P.A. 95-303, eff. 1-1-08.)

21 Section 15. The Auction License Act is amended by adding  
22 Section 30-6 as follows:

23 (225 ILCS 407/30-6 new)

24 Sec. 30-6. Department; powers and duties. The Department

1 shall exercise the powers and duties prescribed by the Civil  
2 Administrative Code of Illinois for the administration of  
3 licensing acts and shall exercise such other powers and duties  
4 as prescribed by this Act. The Department may contract with  
5 third parties for services necessary for the proper  
6 administration of this Act.

7 (225 ILCS 407/30-35 rep.)

8 Section 20. The Auction License Act is amended by repealing  
9 Section 30-35.