

1 AN ACT concerning regulation.

2 WHEREAS, Adherence to the Painting, Drywall Finishing, and
3 Glazing Contractor Licensing Act ensures that employers
4 performing work in fields regulated by the Act are accountable
5 for their work and provides a mechanism through which employers
6 may be aided in their compliance with the Act; and

7 WHEREAS, The Painting, Drywall Finishing, and Glazing
8 Contractor Licensing Act is intended to serve as a means to
9 effectively and efficiently collect State taxes and other fees
10 from out-of-State employers that perform work within this State
11 by requiring an appropriate bond to be held until such time as
12 all applicable State taxes and other fees are remitted to the
13 State by the out-of-State employer; therefore

14 **Be it enacted by the People of the State of Illinois,**
15 **represented in the General Assembly:**

16 Section 1. Short title. This Act may be cited as the
17 Painting, Drywall Finishing, and Glazing Contractor Licensing
18 Act.

19 Section 5. Definitions. In this Act:

20 "Board" means the Painting, Drywall Finishing, and Glazing
21 Contractor Licensing Board.

1 "Contractor" means a person who manages the daily
2 activities of a painting, drywall finishing, or glazing
3 business, including field supervision.

4 "Department" means the Department of Financial and
5 Professional Regulation.

6 "Drywall finishing" includes the taping, surfacing, and
7 finishing of drywall.

8 "Foreman" means a person who has the knowledge and skill of
9 a journeyman and directly supervises physical painting,
10 drywall finishing, or glazing.

11 "Glazing" means setting glass in window frames.

12 "Journeyman" means a person who has completed an
13 apprenticeship program approved by the Department or is an
14 experienced worker, not a trainee, and is fully qualified and
15 able to perform painting, drywall finishing, or glazing without
16 supervision.

17 "Paint" consists of vehicle, pigment, binder, and dryers.

18 "Painting" means the application of paint. "Painting" does
19 not include the application of paint used in conjunction with
20 the repair, maintenance, or customization of a vehicle, as
21 defined in the Illinois Vehicle Code.

22 "Person" means an individual, partnership, corporation,
23 business trust, limited liability company, or other legal
24 entity.

25 "Secretary" means the Secretary of Financial and
26 Professional Regulation.

1 Section 10. Licensure requirement.

2 (a) Beginning January 1, 2008, a person may not act as a
3 contractor on a project in which the total cost (labor and
4 materials) of one or more of the contractor's contracts is
5 \$1,500 or more without being licensed under this Act.

6 (b) Beginning January 1, 2008, a contractor must be
7 licensed before submitting bids.

8 Section 12. Exemptions.

9 (a) This Act does not apply to the following specific areas
10 of the trade:

11 (1) Scraping, sweeping, and general clean-up of steel
12 beams during bridge construction prior to painting.

13 (2) Power washing and sandblasting work prior to
14 priming and painting.

15 (3) Lead-based paint removal.

16 (4) Taping compound (mud) clean-up from floors.

17 (5) Plastic or cardboard covering and empty cans
18 clean-up.

19 (6) Removal of old paint from roadways and direct
20 traffic.

21 (7) Waterproofing applications of non-pigmented
22 coatings.

23 (8) Staining of concrete.

24 (9) Removal and application of materials related to the

1 abatement of asbestos.

2 (b) This Act does not apply to the performance of painting,
3 drywall finishing, or glazing of any property owned or operated
4 by a public utility, a public utility affiliate, a
5 telecommunications carrier or its affiliate, an electric
6 cooperative as defined in Section 3.4 of the Electric Supplier
7 Act, a telephone cooperative as defined in Section 13-212 of
8 the Public Utilities Act, a utility owned and operated by a
9 municipal corporation or unit of local government, or a company
10 that generates electricity.

11 (c) This Act does not apply to electrical contractors,
12 utility workers, or their employees performing painting of
13 brackets, fixtures, electrical equipment, transmission towers,
14 traffic signal or lighting poles, welds, or other miscellaneous
15 equipment that is deemed necessary to complete the electrical
16 maintenance or installation.

17 (d) This Act does not apply to licensed plumbers, sprinkler
18 fitters, and pipefitters performing work in plumbing,
19 pipefitting, heating, irrigation, ventilation, air
20 conditioning, refrigeration (HVACR) systems, instrumentation,
21 and stress relieving.

22 (e) This Act does not apply to a manufacturer as part of
23 ongoing maintenance on property owned or leased by such
24 manufacturer.

25 (f) The provisions of this Act do not apply to painting,
26 drywall finishing, or glazing supplies or services sold or

1 provided by employees or agents of a business entity primarily
2 engaged in the retail sale of consumer products.

3 (g) This Act does not apply to the performance of painting,
4 drywall finishing, or glazing of any property owned or operated
5 by a water or wastewater system that serves a municipality with
6 a population of 10,000 citizens or less or any size rural water
7 or wastewater system.

8 (h) This Act does not apply to individuals performing
9 custodial and maintenance work whose job duties also include
10 drywall repair and related drywall taping, spot painting, and
11 minor glazing repair work.

12 (i) This Act does not apply to the painting of roadway
13 surfaces.

14 (j) This Act does not apply to overall interior and
15 exterior demolition.

16 (k) Nothing in this Act shall be construed to require a
17 person who performs painting, drywall finishing, or glazing on
18 his or her own property to be licensed under this Act.

19 (l) Nothing in this Act shall be construed to require a
20 person who performs painting, drywall finishing, or glazing
21 work on his or her employer's property to be licensed under
22 this Act where there exists an employer-employee relationship.

23 (m) This Act does not apply to a person, or to the person's
24 employees, who perform painting, drywall finishing, or glazing
25 work incidental to the management of real property on behalf of
26 the owner of the property, so long as the person or employee

1 does not hold himself or herself out as, or bid for work
2 separately as, a painting, drywall finishing, or glazing
3 contractor.

4 Section 15. Powers and duties of the Department. The
5 Department may exercise the following powers and duties subject
6 to the provisions of this Act:

7 (1) To prescribe forms of application for licensure.

8 (2) To pass upon the qualifications of applicants for
9 licensure and issue licenses to those found to be fit and
10 qualified.

11 (3) To conduct hearings on proceedings to revoke,
12 suspend, or otherwise discipline or to refuse to issue or
13 renew licenses.

14 (4) To adopt rules when required for the administration
15 and enforcement of this Act.

16 Section 20. Application for original licensure.

17 (a) To obtain an original license, an applicant shall
18 submit an application in writing to the Department on a form
19 containing the information prescribed by the Department and
20 accompanied by the required application fee, which shall not be
21 refundable. An application shall require information that in
22 the judgment of the Department will enable the Department to
23 pass on the qualifications of the applicant for a license.

24 (b) An applicant for a license must submit satisfactory

1 evidence that he or she:

2 (1) has obtained public liability and property damage
3 insurance in such amounts and under such circumstances as
4 may be determined by the Department;

5 (2) has obtained workers' compensation insurance
6 covering his or her employees or is approved as a
7 self-insurer of workers' compensation in accordance with
8 Illinois law;

9 (3) has an Illinois Unemployment Insurance
10 identification number or has proof of application to the
11 Illinois Department of Labor for such an identification
12 number; and

13 (4) has submitted a bond to the Department in the
14 amount of \$10,000.

15 (c) It is the responsibility of the licensee to provide to
16 the Department notice in writing of any changes in the
17 information required to be provided on the application.

18 Section 23. Business as an individual; application as legal
19 entity.

20 (a) When an individual proposes to do business in his or
21 her own name, licensure, when granted, shall be issued only to
22 that individual.

23 (b) If the applicant is proposing to qualify as a
24 partnership, corporation, business trust, or other legal
25 entity, application shall be made for each such entity and

1 shall state the name of the partnership and of its partners,
2 the name of the corporation and of its officers and directors,
3 the name of the business trust and its trustees, or the name of
4 such other legal entity and its members, and the use of
5 fictitious names, if a fictitious name is used. The application
6 shall also show that the person applying for the certification
7 is legally qualified to act for the business organization in
8 all matters connected with its contracting business and that he
9 or she has authority to supervise painting, drywall finishing,
10 and glazing operations.

11 Section 27. License number on contracts and bids.

12 (a) Each contractor shall affix his or her license number
13 to all his or her contracts and bids. In addition, the official
14 issuing building permits shall affix the contractor's license
15 number to each application for a building permit and on each
16 building permit issued and recorded.

17 (b) Every contractor shall affix his or her license number
18 and name on all vehicles used as part of his or her business as
19 a contractor.

20 (c) Every holder of a license shall display it in a
21 conspicuous place in his or her principal office, place of
22 business, or employment.

23 Section 30. Qualifications for a license as a contractor.

24 (a) To qualify for a license as a contractor, a person

1 shall have at least 48 months of practical experience as
2 defined by rule.

3 (b) The Department may credit training, apprenticeship, or
4 education in lieu of the 48 months of practical experience as
5 follows:

6 (1) a maximum of one and one-half years upon submission
7 of a certificate of completion from a U.S. D.O.L. Bureau of
8 Apprenticeship and Training accredited school for
9 painting, drywall finishing, or glazing completed in not
10 less than 12 months; or

11 (2) a maximum of 2 years upon submission of transcripts
12 of one of the following:

13 (A) a 4-year degree from an accredited college or
14 university in the fields of accounting, business,
15 economics, mathematics, physics, or other areas
16 related to the profession;

17 (B) a professional degree in law; or

18 (C) substantial college or university course work
19 in accounting, architecture, business, construction
20 technology, drafting, economics, engineering,
21 mathematics, or physics; or

22 (3) a maximum of 3 years upon submission of:

23 (A) a Certificate of Completion of Apprenticeship
24 from an U.S. D.O.L. Bureau of Apprenticeship and
25 Training accredited apprenticeship program or a
26 certified statement of a completion of apprenticeship

1 training from the International Union of Painters and
2 Allied Trades; or

3 (B) transcripts for a 4-year degree from an
4 accredited college or university in architecture,
5 construction technology, or any field of engineering
6 that is directly related to painting, drywall
7 finishing, or glazing.

8 (c) Applicants have 3 years from the date of application to
9 complete the application process. If the application has not
10 been completed within 3 years, the application shall be denied,
11 the fee shall be forfeited, and the applicant must reapply and
12 meet the requirements in effect at the time of reapplication.

13 Section 33. Bond. Before issuing or renewing a license, the
14 Department shall require each applicant or licensee to file and
15 maintain in force a surety bond in the amount specified in
16 paragraph (4) of subsection (b) of Section 20, issued by an
17 insurance company authorized to transact fidelity and surety
18 business in the State of Illinois. The bond shall be continuous
19 in form, unless terminated by the insurance company. An
20 insurance company may terminate a bond and avoid further
21 liability by filing a 60-day notice of termination with the
22 Department and, at the same time, sending the notice to the
23 contractor. A license shall be cancelled without hearing on the
24 termination date of the contractor's bond, unless a new bond is
25 filed with the Department to become effective at the

1 termination date of the prior bond. If a license has been
2 cancelled without hearing under this Section, the license shall
3 be reinstated upon showing proof of compliance with this Act.

4 Section 35. Expiration of license.

5 (1) A license shall expire 2 years from the last day of the
6 month in which it was issued.

7 (2) Failure to renew the license prior to the expiration
8 thereof shall cause the license to become nonrenewed and it
9 shall be unlawful thereafter for the licensee to engage or
10 offer to engage in painting, drywall finishing, or glazing
11 contracting business under the license unless and until the
12 license is restored or reissued as defined by rule.

13 Section 40. Public records.

14 (1) All information required by the Department of any
15 applicant for licensure shall be a public record, except
16 financial information.

17 (2) If a licensee changes his or her name style, address,
18 or employment from that which appears on his or her current
19 license, he or she shall notify the Department of the change
20 within 30 days after it occurs.

21 (3) All public records of the Department, when duly
22 certified by the Secretary, shall be received as prima facie
23 evidence in any State administrative or judicial proceedings.

1 Section 45. Grounds for disciplinary action. The
2 Department may refuse to issue or to renew or may revoke,
3 suspend, place on probation, reprimand, or take other
4 disciplinary action as the Department may deem proper,
5 including fines not to exceed \$1,000 for each violation, with
6 regard to any license for any one or combination of the
7 following causes:

8 (a) violation of this Act or its rules;

9 (b) conviction of any crime under the laws of any U.S.
10 jurisdiction which is a felony or which is a misdemeanor,
11 an essential element of which is dishonesty, or of any
12 crime which directly relates to the practice of the
13 profession;

14 (c) making any misrepresentation for the purpose of
15 obtaining a license;

16 (d) professional incompetence or gross negligence in
17 the practice of painting, drywall finishing, or glazing
18 contracting;

19 (e) gross malpractice, prima facie evidence of which
20 may be a conviction or judgment of malpractice in any court
21 of competent jurisdiction;

22 (f) aiding or assisting another person in violating any
23 provision of this Act or rules;

24 (g) failing, within 60 days, to provide information in
25 response to a written request made by the Department which
26 has been sent by certified or registered mail to the

1 licensee's last known address;

2 (h) engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public;

5 (i) 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 (j) discipline by another U.S. jurisdiction or foreign
10 nation, if at least one of the grounds for the discipline
11 is the same or substantially equivalent to those set forth
12 in this Section;

13 (k) 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 any professional services not actually or personally
17 rendered;

18 (l) a finding by the Department that the licensee,
19 after having his or her license placed on probationary
20 status, has violated the terms of probation;

21 (m) conviction by any court of competent jurisdiction,
22 either within or without this State, of any violation of
23 any law governing the practice of painting, drywall
24 finishing, or glazing contracting, if the Department
25 determines, after investigation, that such person has not
26 been sufficiently rehabilitated to warrant the public

1 trust;

2 (n) a finding that licensure has been applied for or
3 obtained by fraudulent means;

4 (o) practicing, attempting to practice, or advertising
5 under a name other than the full name as shown on the
6 license or any other legally authorized name;

7 (p) gross and willful overcharging for professional
8 services including filing false statements for collection
9 of fees or monies for which services are not rendered;

10 (q) failure to file a return, or to pay the tax,
11 penalty or interest shown in a filed return, or to pay any
12 final assessment of tax, penalty or interest, as required
13 by any tax Act administered by the Illinois Department of
14 Revenue, until such time as the requirements of any such
15 tax Act are satisfied;

16 (r) failure to continue to meet the requirements of
17 this Act shall be deemed a violation;

18 (s) physical or mental disability, including
19 deterioration through the aging process or loss of
20 abilities and skills that result in an inability to
21 practice the profession with reasonable judgment, skill,
22 or safety;

23 (t) material misstatement in furnishing information to
24 the Department or to any other State agency;

25 (u) the determination by a court that a licensee is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental
2 Disabilities Code will result in an automatic suspension of
3 his or her license. The suspension will end upon a finding
4 by a court that the licensee is no longer subject to
5 involuntary admission or judicial admission, the issuance
6 of an order so finding and discharging the patient, and the
7 recommendation of the Board to the Secretary that the
8 licensee be allowed to resume professional practice;

9 (v) advertising in any manner that is false,
10 misleading, or deceptive; or

11 (w) a violation of the Union Employee Health and
12 Benefits Protection Act, the Minimum Wage Law, the Illinois
13 Wage Payment and Collection Act, the Prevailing Wage Act,
14 the One Day Rest in Seven Act, or the Employee Benefit
15 Contribution Act.

16 The Department shall deny any license or renewal under this
17 Act to any person who has defaulted on an educational loan
18 guaranteed by the Illinois Student Assistance Commission;
19 however, the Department may issue a license or renewal if the
20 person in default has established a satisfactory repayment
21 record as determined by the Illinois Student Assistance
22 Commission.

23 Section 50. Stenographer; record of proceedings. The
24 Department, at its expense, shall provide a stenographer to
25 take down the testimony and preserve a record of all

1 proceedings initiated pursuant to this Act, the rules for the
2 administration of this Act, or any other Act or rules relating
3 to this Act and proceedings for restoration of any license
4 issued under this Act. The notice of hearing, complaint,
5 answer, and all other documents in the nature of pleadings and
6 written motions and responses filed in the proceedings, the
7 transcript of the testimony, all exhibits admitted into
8 evidence, the report of the hearing officer, the Board's
9 findings of fact, conclusions of law, and recommendations to
10 the Secretary, and the order shall be the record of the
11 proceedings. The Department shall furnish a transcript of the
12 record to any person interested in the hearing upon payment of
13 the fee required under Section 2105-115 of the Department of
14 Professional Regulation Law (20 ILCS 2105/2105-115).

15 Section 55. Attendance of witnesses; production of
16 documents; contempt. Any circuit court may, upon application of
17 the Department or its designee or of the applicant or licensee
18 against whom proceedings are pending, enter an order requiring
19 the attendance of witnesses and their testimony, and the
20 production of documents, papers, files, books, and records in
21 connection with any hearing or investigation. The court may
22 compel obedience to its order by proceedings for contempt.

23 Section 60. Subpoenas; oaths. The Department has the power
24 to subpoena and bring before it any person in this State and to

1 take testimony either orally or by deposition or both, or to
2 subpoena documents, exhibits, or other materials with the same
3 fees and mileage and in the same manner as prescribed by law in
4 judicial proceedings in civil cases in circuit courts of this
5 State.

6 The Secretary and any member of the Board have power to
7 administer oaths to witnesses at any hearing that the
8 Department or Board is authorized by law to conduct. Further,
9 the Secretary has power to administer any other oaths required
10 or authorized to be administered by the Department under this
11 Act.

12 Section 65. Findings of facts, conclusions of law, and
13 recommendations; order. Within 60 days of the Department's
14 receipt of the transcript of any hearing that is conducted
15 pursuant to this Act or the rules for its enforcement or any
16 other statute or rule requiring a hearing under this Act or the
17 rules for its enforcement, or for any hearing related to
18 restoration of any license issued pursuant to this Act, the
19 hearing officer shall submit his or her written findings and
20 recommendations to the Board. The Board shall review the report
21 of the hearing officer and shall present its findings of fact,
22 conclusions of law, and recommendations to the Secretary by the
23 date of the Board's second meeting following the Board's
24 receipt of the hearing officer's report.

25 A copy of the findings of fact, conclusions of law, and

1 recommendations to the Secretary shall be served upon the
2 accused person, either personally or by registered or certified
3 mail. Within 20 days after service, the accused person may
4 present to the Department a written motion for a rehearing,
5 which shall state the particular grounds therefor. If the
6 accused person orders and pays for a transcript pursuant to
7 Section 50, the time elapsing thereafter and before the
8 transcript is ready for delivery to him or her shall not be
9 counted as part of the 20 days.

10 The Secretary shall issue an order based on the findings of
11 fact, conclusions of law, and recommendations to the Secretary.
12 If the Secretary disagrees in any regard with the findings of
13 fact, conclusions of law, and recommendations to the Secretary,
14 he or she may issue an order in contravention of the findings
15 of fact, conclusions of law, and recommendations to the
16 Secretary.

17 If the Secretary issues an order in contravention of the
18 findings of fact, conclusions of law, and recommendations to
19 the Secretary, the Secretary shall notify the Board in writing
20 with an explanation for any deviation from the Board's findings
21 of fact, conclusions of law, and recommendations to the
22 Secretary within 30 days of the Secretary's entry of the order.

23 Section 70. Temporary suspension. The Secretary may
24 temporarily suspend the license of a painting, drywall
25 finishing, or glazing contractor without a hearing,

1 simultaneously with the institution of proceedings for a
2 hearing provided for in this Act, if the Secretary finds that
3 evidence in his or her possession indicates that continuation
4 in practice would constitute an imminent danger to the public.
5 In the event that the Secretary temporarily suspends a license
6 without a hearing, a hearing by the Department shall be held
7 within 30 days after such suspension has occurred.

8 Section 75. Review under Administrative Review Law. All
9 final administrative decisions of the Department are subject to
10 judicial review pursuant to the Administrative Review Law and
11 its rules. The term "administrative decision" is defined as in
12 Section 3-101 of the Code of Civil Procedure.

13 Section 80. Violations. A violation of this Act is
14 punishable by a \$1,000 fine for a first offense and a \$2,500
15 fine for a second offense. A third or subsequent violation of
16 this Act is a Class A misdemeanor.

17 Section 85. Administrative Procedure Act. The Illinois
18 Administrative Procedure Act is hereby expressly adopted and
19 incorporated herein as if all of the provisions of that Act
20 were included in this Act, except that the provision of
21 subsection (d) of Section 10-65 of the Illinois Administrative
22 Procedure Act that provides that at hearings the licensee has
23 the right to show compliance with all lawful requirements for

1 retention, continuation or renewal of the license is
2 specifically excluded. For the purpose of this Act the notice
3 required under Section 10-25 of the Administrative Procedure
4 Act is deemed sufficient when mailed to the last known address
5 of a party.

6 Section 90. Certification of record; costs. The Department
7 shall not be required to certify any record to the court, to
8 file an answer in court, or to otherwise appear in any court in
9 a judicial review proceeding, unless there is filed in the
10 court, with the complaint, a receipt from the Department
11 acknowledging payment of the costs of furnishing and certifying
12 the record. Failure on the part of the plaintiff to file the
13 receipt in court is grounds for dismissal of the action.

14 Section 95. Returned checks; fines. Any person who
15 delivers a check or other payment to the Department that is
16 returned to the Department unpaid by the financial institution
17 upon which it is drawn shall pay to the Department, in addition
18 to the amount already owed to the Department, a fine of \$50.
19 The fines imposed by this Section are in addition to any other
20 discipline provided under this Act for unlicensed practice or
21 practice on a nonrenewed license. The Department shall notify
22 the person that payment of fees and fines shall be paid to the
23 Department by certified check or money order within 30 calendar
24 days of the notification. If, after the expiration of 30 days

1 from the date of the notification, the person has failed to
2 submit the necessary remittance, the Department shall
3 automatically terminate the license or deny the application,
4 without hearing. If, after termination or denial, the person
5 seeks a license, he or she shall apply to the Department for
6 restoration or issuance of the license and pay all the
7 application fees as set by rule. The Department may establish a
8 fee for the processing of an application for restoration of a
9 license to pay all expenses of processing this application. The
10 Secretary may waive the fines due under this Section in
11 individual cases where the Secretary finds that the fines would
12 be unreasonable or unnecessarily burdensome.

13 Section 100. Hearing officers. The Secretary has the
14 authority to appoint any attorney duly licensed to practice law
15 in the State of Illinois to serve as the hearing officer for
16 any action for refusal to issue or renew a license, for
17 discipline of a licensee for sanctions for unlicensed practice,
18 for restoration of a license, or for any other action for which
19 findings of fact, conclusions of law, and recommendations are
20 required pursuant to Section 65 of this Act. The hearing
21 officer shall have full authority to conduct the hearing and
22 shall issue his or her findings of fact and recommendations to
23 the Board pursuant to Section 65 of this Act.

24 Section 105. Investigation; notice; default. The

1 Department may investigate the actions of any applicant or any
2 person or persons holding or claiming to hold a license. The
3 Department shall, before suspending, revoking, placing on
4 probationary status, or taking any other disciplinary action as
5 the Department may deem proper with regard to any license, at
6 least 30 days prior to the date set for the hearing, notify the
7 accused in writing of any charges made and the time and place
8 for a hearing on the charges before the hearing officer, direct
9 him or her to file his written answer with the hearing officer
10 under oath within 30 days after the service on him or her of
11 such notice, and inform him or her that if he or she fails to
12 file such answer default will be taken against him or her and
13 his or her license may be suspended, revoked, placed on
14 probationary status, or other disciplinary action, including
15 limiting the scope, nature or extent of his or her practice, as
16 the Department may deem proper, taken. This written notice may
17 be served by personal delivery or certified or registered mail
18 to the Department. In case the person fails to file an answer
19 after receiving notice, his or her license may, in the
20 discretion of the Department, be suspended, revoked, or placed
21 on probationary status, or the Department may take whatever
22 disciplinary action deemed proper, including limiting the
23 scope, nature, or extent of the person's practice or the
24 imposition of a fine, without a hearing, if the act or acts
25 charged constitute sufficient grounds for such action under
26 this Act. At the time and place fixed in the notice, the

1 Department shall proceed to hear the charges and the parties or
2 their counsel shall be accorded ample opportunity to present
3 such statements, testimony, evidence and argument as may be
4 pertinent to the charges or to their defense. The Department
5 may continue such hearing from time to time. At the discretion
6 of the Secretary after having first received the recommendation
7 of the hearing officer, the accused person's license may be
8 suspended, revoked, placed on probationary status, or other
9 disciplinary action may be taken as the Secretary may deem
10 proper, including limiting the scope, nature, or extent of said
11 person's practice without a hearing, if the act or acts charged
12 constitute sufficient grounds for such action under this Act.

13 Section 110. Enforcement; petition to court.

14 (a) If any person violates the provisions of this Act, the
15 Secretary through the Attorney General of Illinois, or the
16 State's Attorney of any county in which a violation is alleged
17 to exist, may in the name of the People of the State of
18 Illinois petition for an order enjoining such violation or for
19 an order enforcing compliance with this Act. Upon the filing of
20 a verified petition in such court, the court may issue a
21 temporary restraining order, without notice or bond, and may
22 preliminarily and permanently enjoin such violation, and if it
23 is established that such person has violated or is violating
24 the injunction, the court may punish the offender for contempt
25 of court.

1 (b) If any person shall practice as a licensee or hold
2 himself or herself out as a licensee without being licensed
3 under the provisions of this Act, then any person licensed
4 under this Act, any interested party or any person injured
5 thereby may, in addition to those officers identified in
6 subsection (a) of this Section, petition for relief as provided
7 therein.

8 (c) Whenever the Department has reason to believe that any
9 person has violated the licensing requirements of this Act by
10 practicing, offering to practice, attempting to practice, or
11 holding himself or herself out to practice painting, drywall
12 finishing, or glazing without being licensed under this Act,
13 the Department may issue a rule to show cause why an order to
14 cease and desist should not be entered against that person. The
15 rule shall clearly set forth the grounds relied upon by the
16 Department and shall provide a period of 7 days from the date
17 of the rule to file an answer to the satisfaction of the
18 Department. Failure to answer to the satisfaction of the
19 Department shall cause an order to cease and desist to be
20 issued immediately. It is not a violation of this Act for a
21 person whose regular job duties are custodial and maintenance
22 work, but who in the normal course of work engages in
23 incidental drywall repair, related drywall taping, spot
24 painting, and minor glazing repair work.

25 (d) Proceedings under this Section shall be in addition to,
26 and not in lieu of, all other remedies and penalties which may

1 be provided by law.

2 Section 115. Unlicensed practice; violation; civil
3 penalty.

4 (a) Any person who practices, offers to practice, attempts
5 to practice, or holds himself or herself out to practice
6 painting, drywall finishing, or glazing without being licensed
7 under this Act shall, in addition to any other penalty provided
8 by law, pay a civil penalty to the Department in an amount not
9 to exceed \$5,000 for each offense as determined by the
10 Department. The civil penalty shall be assessed by the
11 Department after a hearing is held in accordance with the
12 provisions set forth in this Act regarding the provision of a
13 hearing for the discipline of a licensee.

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

16 (c) The civil penalty shall be paid within 60 days after
17 the effective date of the order imposing the civil penalty. The
18 order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of record.

21 Section 120. Deposit of fees. All fees and fines collected
22 under this Act shall be deposited into the General Professions
23 Dedicated Fund and shall be appropriated to the Department for
24 the purpose of administering and enforcing this Act.

1 Section 125. The Painting, Drywall Finishing, and Glazing
2 Contractor Licensing Board. The Painting, Drywall Finishing,
3 and Glazing Contractor Licensing Board is created and shall
4 consist of 7 persons, one of whom is a knowledgeable public
5 member and 6 of whom have been issued licenses as painting,
6 drywall finishing, and glazing contractors by the Department
7 (for initial appointments, these 6 members must meet the
8 requirements for licensure under this Act). One of the 6
9 licensed contractors on the Board shall represent a statewide
10 association representing painters. The public member shall not
11 be licensed under this Act or any other Act the Department
12 administers. Each member shall be appointed by the Secretary.
13 Members shall be appointed who reasonably represent the
14 different geographic areas of the State.

15 Members of the Painting, Drywall Finishing, and Glazing
16 Contractor Licensing Board shall be immune from suit in any
17 action based upon any disciplinary proceedings or other acts
18 performed in good faith as members of the Board, unless the
19 conduct that gave rise to the suit was willful and wanton
20 misconduct.

21 The persons appointed shall hold office for 4 years and
22 until a successor is appointed and qualified. Of the members of
23 the Board first appointed, 2 shall be appointed to serve for 2
24 years, 2 shall be appointed to serve for 3 years, and 3 shall
25 be appointed to serve for 4 years. No member shall serve more

1 than 2 complete 4-year terms.

2 Within 90 days of a vacancy occurring, the Secretary shall
3 fill the vacancy for the unexpired portion of the term with an
4 appointee who meets the same qualifications as the person whose
5 position has become vacant. The Board shall meet annually to
6 elect one member as chairman and one member as vice-chairman.
7 No officer shall be elected more than twice in succession to
8 the same office. The members of the Board shall receive
9 reimbursement for actual, necessary, and authorized expenses
10 incurred in attending the meetings of the Board.

11 Section 900. The Regulatory Sunset Act is amended by
12 changing Section 4.21 as follows:

13 (5 ILCS 80/4.21)

14 Sec. 4.21. Acts repealed on January 1, 2011. The following
15 Acts are repealed on January 1, 2011:

16 The Fire Equipment Distributor and Employee Regulation Act
17 of 2000.

18 The Radiation Protection Act of 1990.

19 The Painting, Drywall Finishing, and Glazing Contractor
20 Licensing Act.

21 (Source: P.A. 91-752, eff. 6-2-00; 91-835, eff. 6-16-00; 92-16,
22 eff. 6-28-01.)

23 Section 999. Effective date. This Act takes effect upon
24 becoming law.