

SB0573



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0573

Introduced 2/8/2007, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Landscape Architecture Act of 1989. Replaces all references to "Director of Professional Regulation" with "Secretary of Financial and Professional Regulation", all references to "Department of Professional Regulation" with "Department of Financial and Professional Regulation", and all references to "registration" with "licensure" throughout the Act. Adds provisions concerning the application of the Act, the display of a license, a seal, and continuing education. Repeals a Section that exempts any person who engages in the practice of landscape architecture, but does not represent himself as or use the title of "landscape architect" or "registered landscape architect", from the Act. Makes other changes. Effective January 1, 2008.

LRB095 09119 RAS 29312 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 Illinois Landscape Architecture Act of 1989
5 is amended by changing Sections 1, 3, 4, 4.5, 6, 7, 8, 9, 10,
6 11, 12, 13, 15, 16, 17, 18, 18.1, 19, 21, 22.1, 23, 24, 25, and
7 28 and by adding Sections 2.5, 6.5, 11.5, and 12.5 as follows:

8 (225 ILCS 315/1) (from Ch. 111, par. 8101)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 1. Purpose; public policy. The practice of landscape
11 architecture in the State of Illinois is hereby declared to
12 affect the public health, safety, and welfare and to be subject
13 to regulation and control in the public interest. It is further
14 declared to be a matter of public interest and concern that the
15 practice of landscape architecture, as defined in this Act,
16 merit and receive the confidence of the public and that only
17 qualified persons be authorized to practice landscape
18 architecture in the State of Illinois. This Act shall be
19 liberally construed to best carry out these subjects and
20 purposes. It is the purpose of this Act to provide for the
21 registration of landscape architects.

22 (Source: P.A. 86-932.)

1 (225 ILCS 315/2.5 new)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 2.5. Application of Act.

4 (a) Nothing in this Act shall be deemed or construed to
5 prevent the practice of architecture, as defined in the
6 Architecture Practice Act of 1989, or the practice of
7 professional engineering, as defined in the Professional
8 Engineering Practice Act of 1989, by persons other than those
9 licensed in accordance with this Act, the Architectural
10 Practice Act of 1989, or the Professional Engineering Practice
11 Act of 1989.

12 (b) Nothing contained in this Act shall prevent students,
13 project representatives, or other employees of those lawfully
14 practicing as licensed landscape architects under the
15 provisions of this Act from acting under the direct supervision
16 and control of their supervisors or employers or prevent such
17 project representatives from acting under the direct
18 supervision and control of the licensed landscape architect by
19 whom the construction documents, including drawings and
20 specifications, were prepared.

21 (c) Nothing in this Act shall be deemed or construed to
22 prohibit persons, such as landscape contractors; landscape
23 designers; horticulturalists; arborists; irrigation
24 consultants or designers; landscape lighting designers or
25 contractors; foresters; resident gardeners; resident
26 caretakers; nurserymen; garden center merchandisers; golf

1 course architects, designers, or planners; land surveyors;
2 farmers or agriculturalists; wildlife management or habitat
3 restoration personnel; wetland ecologists; employees or
4 volunteers working under the direction of a landscape
5 architect; employees or volunteers working under the direction
6 of a unit of local government for public purposes; or persons
7 performing activities on their own behalf upon their own
8 property from engaging in any of the following activities: (i)
9 consultation, (ii) research, (iii) investigation, (iv)
10 conceptual designing, (iv) preparation of plans, (v) drawings,
11 (vi) supervision, (vii) placement of tangible objects, (viii)
12 landscape features, (ix) plantings, (x) arrangement of
13 plantings or other ornamental features, or (xi) preservation.

14 (d) This Act shall not be deemed or construed to restrict
15 the services customarily performed in the practice of land use
16 planning and associated services that are performed by urban
17 planners, city and regional planners, park and recreation
18 planners, or land planners. This Act shall not apply to the
19 work of direct manmade connections to offsite designed sewer
20 pipe, drainage pipe, or other utility systems of a regional or
21 municipal unit of government.

22 (225 ILCS 315/3) (from Ch. 111, par. 8103)

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

24 Sec. 3. Definitions. As used in this Act:

25 (a) "Board" means the Illinois Landscape Architect

1 Licensing ~~Registration~~ Board.

2 (b) "Department" means the Illinois Department of
3 Financial and Professional Regulation.

4 (c) "Secretary ~~Director~~" means the Secretary ~~Director~~ of
5 Financial and Professional Regulation.

6 (d) "Landscape Architect" means a person who, based on
7 education, experience, and examination ~~or both~~ in the field of
8 landscape architecture, is licensed ~~eligible to register~~ under
9 this Act.

10 (e) "Landscape Architecture" means the art and science of
11 arranging land, together with the spaces and objects upon it,
12 for the purpose of creating a safe, efficient, healthful, and
13 aesthetically pleasing physical environment for human use and
14 enjoyment.

15 (f) "Landscape Architectural Practice" means the offering
16 or furnishing of professional services in connection with a
17 landscape architecture project including, but not limited to,
18 providing preliminary studies; developing design concepts;
19 planning for the relationships of physical improvements and
20 intended uses of the site; establishing form and aesthetic
21 elements; analyzing and providing for life safety
22 requirements; developing those construction details on the
23 site which are exclusive of any building or structure and do
24 not require the seal of an engineer, architect, or structural
25 engineer; administering construction projects, managing
26 projects, and managing construction, as these activities

1 relate to landscaping features; preparing and coordinating
2 technical submissions; and conducting site observation of a
3 landscape architecture project.

4 (g) "Person" means any person, sole proprietorship, or
5 entity such as a partnership, professional service
6 corporation, or corporation.

7 (Source: P.A. 86-932.)

8 (225 ILCS 315/4) (from Ch. 111, par. 8104)

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

10 Sec. 4. After the effective date of this Act, no person may
11 represent himself to be a landscape architect, ~~or~~ use the title
12 "landscape architect", ~~"registered landscape architect"~~, or
13 any other title which includes the words "landscape architect"
14 or "landscape architecture", or engage in landscape
15 architectural practice, unless licensed ~~registered~~ under this
16 Act.

17 (Source: P.A. 86-932.)

18 (225 ILCS 315/4.5)

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

20 Sec. 4.5. Unlicensed ~~Unregistered~~ practice; violation;
21 civil penalty.

22 (a) Any person who practices, offers to practice, attempts
23 to practice, or holds oneself out to practice landscape
24 architecture without being licensed ~~registered~~ under this Act

1 shall, in addition to any other penalty provided by law, pay a
2 civil penalty to the Department in an amount not to exceed
3 \$5,000 for each offense as determined by the Department. The
4 civil penalty shall be assessed by the Department after a
5 hearing is held in accordance with the provisions set forth in
6 this Act regarding the provision of a hearing for the
7 discipline of a licensee.

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

10 (c) The civil penalty shall be paid within 60 days after
11 the effective date of the order imposing the civil penalty. The
12 order shall constitute a judgment and may be filed and
13 execution had thereon in the same manner as any judgment from
14 any court of record.

15 (Source: P.A. 89-474, eff. 6-18-96.)

16 (225 ILCS 315/6) (from Ch. 111, par. 8106)

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

18 Sec. 6. Issuance of license ~~Certificate~~. Whenever an
19 applicant for licensure ~~registration~~ has complied with the
20 provisions of Section 11 of this Act, the Department shall
21 issue a license ~~certificate of registration~~ to the applicant as
22 a licensed ~~registered~~ landscape architect subject to the
23 provisions of this Act.

24 (Source: P.A. 86-932.)

1 (225 ILCS 315/6.5 new)

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

3 Sec. 6.5. Display of license; seal.

4 (a) Every holder of a landscape architect license shall
5 display it in a conspicuous place in his or her principal
6 office.

7 (b) Every licensed landscape architect shall have a
8 reproducible seal or facsimile the print of which shall contain
9 the name of the landscape architect, the license number, and
10 the words "Licensed Landscape Architect, State of Illinois".
11 The licensed landscape architect shall affix the signature,
12 current date, date of license expiration, and seal to the first
13 sheet of any bound set or loose sheets of technical submissions
14 utilized as contract documents between the parties to the
15 contract or prepared for the review and approval of any
16 governmental or public authority having jurisdiction by that
17 landscape architect or under that landscape architect's
18 responsible control. The sheet of technical submissions in
19 which the seal is affixed shall indicate those documents or
20 parts thereof for which the seal shall apply. The seal and
21 dates may be electronically affixed. The signature must be in
22 the original handwriting of the licensee. Signatures generated
23 by computer shall not be permitted. All technical submissions
24 issued by any corporation, partnership, professional service
25 corporation, or professional design firm as licensed under this
26 Act shall contain the corporate or assumed business name and

1 design firm license number, in addition to any other seal
2 requirements set forth in this Section.

3 (c) In this Section, "responsible control" means that
4 amount of control over, and detailed professional knowledge of,
5 the content of technical submissions during their preparation
6 as is ordinarily exercised by landscape architects applying the
7 required professional standard of care. Merely reviewing, or
8 reviewing and correcting, the technical submissions or any
9 portion thereof prepared by those not in the regular employment
10 of the office where the landscape architect is resident without
11 control over the content of such work throughout its
12 preparation does not constitute "responsible control".

13 (d) A landscape architect licensed under this Act shall not
14 sign and seal technical submissions that have not been prepared
15 by or under the responsible control of the landscape architect,
16 except that:

17 (1) the landscape architect may sign and seal those
18 portions of the technical submissions that were prepared by
19 or under the responsible control of persons who hold a
20 license under this Act, and who have signed and sealed the
21 documents, if the architect has reviewed, in whole or in
22 part, such portions and has either coordinated their
23 preparation or integrated them into his or her work;

24 (2) the landscape architect may sign and seal portions
25 of the professional work that are not required by this Act
26 to be prepared by or under the responsible control of a

1 landscape architect, if the landscape architect has
2 reviewed and adopted, in whole or in part, such portions
3 and has integrated them into his or her work; and

4 (3) a partner or corporate officer of a professional
5 design firm registered in Illinois and licensed under this
6 Act, who has professional knowledge of the content of the
7 technical submissions and intends to be responsible for the
8 adequacy of the technical submissions, may sign and seal
9 technical submissions that are prepared by or under the
10 responsible control of architects who are licensed in this
11 State and who are in the regular employment of the
12 professional design firm.

13 (e) The landscape architect exercising responsible control
14 over the preparation of documents or portions of documents
15 shall be identified on the documents or portions of documents
16 by name and Illinois license number.

17 (f) Any licensed landscape architect who signs and seals
18 technical submissions not prepared by that landscape architect
19 but prepared under his or her responsible control by persons
20 not regularly employed in the office where the landscape
21 architect is resident shall maintain and make available to the
22 Board upon request for at least 5 years following such signing
23 and sealing, adequate and complete records demonstrating the
24 nature and extent of the landscape architect's control over and
25 detailed professional knowledge of such technical submissions
26 throughout their preparation.

1 (225 ILCS 315/7) (from Ch. 111, par. 8107)

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

3 Sec. 7. Current Address. Every landscape architect shall
4 maintain a current address with the Department. It shall be the
5 responsibility of the licensee ~~registrant~~ to notify the
6 Department in writing of any change of address.

7 (Source: P.A. 91-255, eff. 12-30-99.)

8 (225 ILCS 315/8) (from Ch. 111, par. 8108)

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

10 Sec. 8. Powers and Duties of the Department.

11 (a) The Department shall exercise the powers and duties
12 prescribed by the Civil Administrative Code of Illinois for the
13 administration of licensing acts and shall exercise such other
14 powers and duties vested by this Act.

15 (b) The Department shall promulgate rules and regulations
16 consistent with the provisions of this Act for the
17 administration and enforcement thereof which shall include
18 standards and criteria for licensure ~~registration~~ and for the
19 payment of fees connected therewith. The Department shall
20 prescribe forms required for the administration of this Act.

21 (c) The Department shall consult the ~~Landscape~~
22 ~~Architecture~~ Board in promulgating rules and regulations.
23 Notice of proposed rulemaking shall be transmitted to the Board
24 and the Department shall review the Board's response and any

1 recommendations made therein. The Department shall notify the
2 Board in writing of the explanation for any deviations from the
3 Board's recommendations and response.

4 (d) The Department may at any time seek the advice and the
5 expert knowledge of the Board on any matter relating to the
6 administration of this Act.

7 (e) The Department shall issue a quarterly report to the
8 Board setting forth the status of all complaints received by
9 the Department related to the landscape architecture practice.

10 (f) The Department shall maintain membership and
11 representation in the national body composed of state licensing
12 and testing boards for landscape architects.

13 (Source: P.A. 86-932.)

14 (225 ILCS 315/9) (from Ch. 111, par. 8109)

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

16 Sec. 9. Composition, qualification, and terms of Board.

17 (a) The Secretary ~~Director~~ shall appoint the Illinois
18 Landscape Architecture Licensing a Board consisting of 5
19 persons who are residents of the State of Illinois and who
20 shall be appointed by and shall serve in an advisory capacity
21 to the Secretary ~~Director~~. Four persons shall be individuals
22 experienced in landscape architectural work who would qualify
23 upon application to the Department under the provisions of this
24 Act to be a licensed ~~registered~~ landscape architects, one of
25 whom shall be a tenured member of the landscape architecture

1 faculty of a university located within this State that
2 maintains an accredited school of landscape architecture ~~the~~
3 ~~University of Illinois~~ and 3 of whom shall have engaged in
4 landscape architectural work for at least 5 years. The fifth
5 person shall be a public member, not an employee of the State
6 of Illinois, who is not licensed ~~registered~~ under this Act or a
7 similar Act of another jurisdiction. The public member may not
8 be elected or appointed as chairman of the Board or serve in
9 such capacity in any other manner.

10 (b) Members of the Board shall serve 5 year terms and until
11 their successors are appointed and qualified. No member shall
12 be reappointed to the Board for a term which would cause that
13 member's cumulative service on the Board to be longer than 10
14 years. No member who is an initial appointment to the Board
15 shall be reappointed to the Board for a term which would cause
16 that member's cumulative service on the Board to be longer than
17 13 years. Appointments to fill vacancies shall be made in the
18 same manner as original appointments for the unexpired portion
19 of the vacated term. Initial terms shall begin upon the
20 effective date of this Act.

21 (c) The Secretary ~~Director~~ may remove any member of the
22 Board for cause, which may include without limitation a member
23 who does not attend 2 consecutive meetings.

24 (d) The Secretary ~~Director~~ shall consider the
25 recommendations of the Board on questions involving standards
26 of professional conduct, discipline, and qualifications of

1 candidates and registrants under this Act.

2 (e) A quorum of the Board shall consist of a majority of
3 members currently appointed. A majority vote of the quorum is
4 required for Board ~~board~~ decisions.

5 (f) The Board shall annually elect a chairperson and vice
6 chairperson, both of whom shall be licensed landscape
7 architects.

8 (Source: P.A. 91-255, eff. 12-30-99.)

9 (225 ILCS 315/10) (from Ch. 111, par. 8110)

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

11 Sec. 10. Application for licensure ~~Registration~~. An
12 application for licensure ~~registration~~ shall be made to the
13 Department in writing on forms prescribed by the Department and
14 shall be accompanied by the required fee, which shall not be
15 returnable. The application shall require such information as,
16 in the judgment of the Department, will enable the Department
17 to pass on the qualifications of the applicant for licensure
18 ~~registration~~.

19 (Source: P.A. 86-932.)

20 (225 ILCS 315/11) (from Ch. 111, par. 8111)

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

22 Sec. 11. Licensure ~~Registration~~ Qualifications.

23 (a) Every person applying to the Department for licensure
24 ~~registration~~ shall do so on forms approved by the Department

1 and shall pay the required fee. Every person applying to the
2 Department for licensure ~~registration~~ shall submit, with his
3 application, satisfactory evidence that the person holds an
4 approved professional degree in landscape architecture from an
5 approved and accredited program, as such terms are defined by
6 the rules and regulations of the Department, and that he has
7 had such practical experience in landscape architectural work
8 as shall be required by the rules and regulations of the
9 Department. Every ~~In lieu of evidence of any approved~~
10 ~~professional degree in landscape architecture, the applicant~~
11 ~~may submit satisfactory evidence of such other education or~~
12 ~~experience as shall be required by the rules and regulations of~~
13 ~~the Department; provided, however, that after January 1, 1993~~
14 ~~every~~ applicant for initial licensure ~~registration~~ must have an
15 approved professional degree. If an applicant is qualified the
16 Department shall, by means of a written examination, examine
17 the applicant on such technical and professional subjects as
18 shall be required by the rules and regulations of the
19 Department.

20 (b) The Department may exempt from such written examination
21 an applicant who holds a certificate of qualification issued by
22 the National Council of Landscape Architecture Registration
23 Boards, or who holds a license ~~registration~~ in another state
24 which has equivalent or substantially equivalent requirements
25 as the State of Illinois.

26 (c) The Department shall adopt rules determining

1 requirements for practical training and education. The
2 Department may also adopt the examinations and recommended
3 grading procedures of the National Council of Landscape
4 Architectural Registration Boards and the accreditation
5 procedures of the Landscape Architectural Accrediting Board.
6 The Department shall issue a license ~~certificate of~~
7 ~~registration~~ to each applicant who satisfies the requirements
8 set forth in this Section. Such licensure ~~registration~~ shall be
9 effective upon issuance.

10 (d) If an applicant neglects, fails without an approved
11 excuse, or refuses to take an examination or fails to pass an
12 examination to obtain a license ~~certificate of registration~~
13 under this Act within 3 years after filing the application, the
14 application shall be denied. However, such applicant may
15 thereafter submit a new application accompanied by the required
16 fee.

17 (e) For a period of 2 years after the effective date of
18 this amendatory Act of the 95th General Assembly, persons
19 demonstrating to the Department that they have been engaged in
20 the practice of landscape architecture for a period of 10 years
21 and have an accredited degree and license in urban or regional
22 planning (AICP), architecture, or civil engineering are
23 eligible to achieve licensure through examination as set forth
24 in this Act. ~~Any person who has been engaged in the practice of~~
25 ~~landscape architecture prior to the effective date of this Act,~~
26 ~~shall, upon application within 2 years from the effective date~~

1 ~~of this Act and upon payment of the required current~~
2 ~~registration fee and application fee, be issued registration~~
3 ~~without examination upon furnishing to the Department~~
4 ~~satisfactory proof that he was so engaged prior to such date.~~
5 ~~The Director, through the Board, shall accept as satisfactory~~
6 ~~evidence of the competency and qualifications of the applicant~~
7 ~~for registration the following:~~

8 ~~(1) A diploma of graduation or satisfactory completion~~
9 ~~certificate from a college, school, or university offering~~
10 ~~an accredited program in landscape architecture, together~~
11 ~~with evidence of at least 2 years of actual, practical~~
12 ~~experience in landscape architectural work of a grade and~~
13 ~~character acceptable to the Board; or~~

14 ~~(2) Evidence that the applicant has a total of at least~~
15 ~~7 years of actual, practical experience in landscape~~
16 ~~architectural work of a grade and character acceptable to~~
17 ~~the Board and has been actually engaged in the active~~
18 ~~practice of landscape architecture for not less than 4~~
19 ~~years immediately prior to the effective date of this Act.~~

20 (Source: P.A. 91-255, eff. 12-30-99.)

21 (225 ILCS 315/11.5 new)

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

23 Sec. 11.5. Registrants deemed licensed. Any landscape
24 architect registered under this Act on the effective date of
25 this amendatory Act of the 95th General Assembly shall be

1 deemed licensed under this Act until such time as his or her
2 registration is revoked. Upon the revocation of the valid
3 registration, the requirements for license renewal, license
4 restoration, or administrative proceedings shall apply.

5 (225 ILCS 315/12) (from Ch. 111, par. 8112)

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

7 Sec. 12. Licensure; renewal; restoration ~~Registration,~~
8 ~~Renewal, Restoration.~~

9 (a) The expiration date and renewal period for each license
10 ~~registration~~ issued under this Act shall be prescribed by the
11 rules and regulations of the Department.

12 (b) Any person who has permitted his license ~~registration~~
13 to expire or who has had his license ~~registration~~ on inactive
14 status may have his license ~~registration~~ restored by applying
15 to the Department, filing proof acceptable to the Department of
16 his fitness to have the license ~~registration~~ restored, which
17 may include sworn evidence certifying to active practice in
18 another jurisdiction satisfactory to the Department and paying
19 the required restoration fee.

20 (c) If the person has not maintained an active practice in
21 another jurisdiction satisfactory to the Department, the Board
22 shall determine, by an evaluation program established by rule,
23 the person's fitness to resume active status and may require
24 the successful completion of an examination.

25 (d) However, any person whose license ~~registration~~ has

1 expired while he has been engaged: (1) in Federal Service on
2 active duty with the Armed Forces of the United States or the
3 State Militia called into service or training; or (2) in
4 training or education under the supervision of the United
5 States preliminary to induction into the military service, may
6 have his license ~~registration~~ renewed or restored without
7 paying any lapsed renewal fees if, within 2 years after
8 termination of such service, training or education other than
9 by dishonorable discharge, he furnishes the Department with
10 satisfactory evidence to the effect that he has been so engaged
11 and that the service, training or education has been so
12 terminated.

13 (e) Each application for renewal shall contain the
14 signature of the landscape architect.

15 (Source: P.A. 86-932.)

16 (225 ILCS 315/12.5 new)

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

18 Sec. 12.5. Continuing education. The Department may adopt
19 rules of continuing education for persons licensed under this
20 Act. The Department shall consider the recommendations of the
21 Board in establishing the guidelines for the continuing
22 education requirements. Rules adopted under this Section apply
23 to any person seeking renewal or restoration of licensure under
24 this Act. The continuing education shall consist of at least 6
25 hours per year and may include relevant courses offered in

1 various formats or mediums.

2 (225 ILCS 315/13) (from Ch. 111, par. 8113)

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

4 Sec. 13. Inactive Status.

5 (a) Any landscape architect who notifies the Department in
6 writing on forms prescribed by the Department may elect to
7 place his license ~~registration~~ on an inactive status and shall
8 be excused from payment of renewal fees until he notifies the
9 Department in writing of his desire to resume active status.

10 (b) Any person whose license has been expired for more than
11 3 years may have his license restored by making application to
12 the Department and filing proof acceptable to the Department of
13 his fitness to have his license restored, including evidence
14 certifying to active practice in another jurisdiction, and by
15 paying the required restoration fee.

16 (c) Any landscape architect whose license ~~registration~~ is
17 in an inactive status, has been suspended or revoked, or has
18 expired shall not practice landscape architecture nor
19 represent himself to be a landscape architect or use the title
20 "landscape architect", "licensed~~registered~~ landscape
21 architect", or any other title which includes the words
22 "landscape architect".

23 (Source: P.A. 86-932.)

24 (225 ILCS 315/15) (from Ch. 111, par. 8115)

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

2 Sec. 15. Disposition of funds. All of the fees collected
3 pursuant to this Act shall be deposited in the General
4 Professions Dedicated Fund.

5 On January 1, 2000 the State Comptroller shall transfer the
6 balance of the monies in the Landscape Architects'
7 Administration and Investigation Fund into the General
8 Professions Dedicated Fund. Amounts appropriated for fiscal
9 year 2000 out of the Landscape Architects' Administration and
10 Investigation Fund may be paid out of the General Professions
11 Dedicated Fund.

12 The monies deposited in the General Professions Dedicated
13 Fund may be used for the expenses of the Department in the
14 administration of this Act.

15 Moneys from the Fund may also be used for direct and
16 allocable indirect costs related to the public purposes of the
17 Department of Financial and Professional Regulation. Moneys in
18 the Fund may be transferred to the Professions Indirect Cost
19 Fund as authorized by Section 2105-300 of the Department of
20 Professional Regulation Law (20 ILCS 2105/2105-300).

21 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;
22 92-16, eff. 6-28-01.)

23 (225 ILCS 315/16) (from Ch. 111, par. 8116)

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

25 Sec. 16. Roster. The Department shall maintain a roster of

1 the names and addresses of all licensed ~~registered~~ landscape
2 architects. This roster shall be available upon written request
3 and payment of the required fee.

4 (Source: P.A. 86-932.)

5 (225 ILCS 315/17) (from Ch. 111, par. 8117)

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

7 Sec. 17. Advertising. Any person licensed ~~registered~~ under
8 this Act may advertise the availability of professional
9 services in the public media or on the premises where such
10 professional services are rendered provided that such
11 advertising is truthful and not misleading.

12 (Source: P.A. 86-932.)

13 (225 ILCS 315/18) (from Ch. 111, par. 8118)

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

15 Sec. 18. Violation; injunction; cease and desist order.

16 (a) If any person violates the provisions of this Act, the
17 Secretary ~~Director~~ may, in the name of the People of the State
18 of Illinois, through the Attorney General of the State of
19 Illinois or the State's Attorney of any county in which the
20 action is brought, petition for an order enjoining such
21 violation and for an order enforcing compliance with this Act.
22 Upon the filing of a verified petition in court, the court may
23 issue a temporary restraining order, without notice or bond,
24 and may preliminarily and permanently enjoin such violation. If

1 it is established that such person has violated or is violating
2 the injunction, the Court may punish the offender for contempt
3 of court. Proceedings under this Section shall be in addition
4 to, and not in lieu of, all other remedies and penalties
5 provided by this Act.

6 (b) If any person shall practice landscape architecture or
7 hold himself out as a "landscape architect" ~~or "registered~~
8 ~~landscape architect"~~ without being licensed ~~registered~~ under
9 the provisions of this Act, then any licensed ~~registered~~
10 landscape architect, any interested party, or any person
11 injured thereby may, in addition to the Secretary ~~Director~~,
12 petition for relief as provided in subsection (a) of this
13 Section.

14 (c) Whoever holds himself out as a "landscape architect" or
15 a "licensed ~~registered~~ landscape architect" or engages in
16 landscape architectural practice in this State without being
17 licensed ~~registered~~ for that purpose shall be guilty of a Class
18 A misdemeanor, and for each subsequent conviction shall be
19 guilty of a Class 4 felony.

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

1 answer to the satisfaction of the Department shall cause an
2 order to cease and desist to be issued.

3 (Source: P.A. 88-363.)

4 (225 ILCS 315/18.1)

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

6 Sec. 18.1. Grounds for Discipline.

7 (a) The Department may refuse to issue, renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary action as the Department considers appropriate,
10 including the issuance of fines not to exceed \$1,000 for each
11 violation, with regard to any license for any one or more of
12 the following:

13 (1) Material misstatement in furnishing information to
14 the Department or to any other State agency.

15 (2) Negligent or intentional disregard of this Act, or
16 violation of any rules under this Act.

17 (3) Conviction of or plea of guilty or nolo contendere
18 to any crime under the laws of the United States or any
19 state or territory thereof that is a felony, or that is a
20 misdemeanor, an essential element of which is dishonesty,
21 or ~~of~~ any crime that is directly related to the practice of
22 the profession.

23 (4) Making any misrepresentation for the purpose of
24 obtaining a license, or violating any provision of this Act
25 or its rules.

1 (5) Professional incompetence or gross negligence in
2 the rendering of landscape architectural services.

3 (6) Aiding or assisting another person in violating any
4 provision of this Act or any rules.

5 (7) Failing to provide information within 60 days in
6 response to a written request made by the Department.

7 (8) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public and violating the rules of
10 professional conduct adopted by the Department.

11 (9) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in an inability to practice with reasonable
14 skill, judgment, or safety.

15 (10) Discipline by another jurisdiction, if at least
16 one of the grounds for the discipline is the same or
17 substantially equivalent to those set forth in this
18 Section.

19 (11) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate, or other form of compensation
22 for any professional service not actually rendered.

23 (12) A finding by the Board that the licensee, after
24 having the license placed on probationary status, has
25 violated the terms of probation.

26 (12.5) A finding by the Board that the licensee has

1 failed to pay a fine imposed by the Department.

2 (13) Abandonment of a client.

3 (14) Willfully filing false reports relating to a
4 licensee's practice, including but not limited to, false
5 records filed with federal or State agencies or
6 departments.

7 (15) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act, and
10 upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (16) Physical or mental disability, including
15 deterioration through the aging process or loss of
16 abilities and skills that results in the inability to
17 practice the profession with reasonable judgment, skill,
18 or safety.

19 (17) Solicitation of professional services by using
20 false or misleading advertising.

21 (18) Failure to file a return, or to pay the tax,
22 penalty, or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty, or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue or any successor agency or the Internal Revenue
26 Service or any successor agency.

1 (b) Any fines imposed under this Section shall not exceed
2 \$10,000 ~~\$1,000~~ for each violation.

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

13 (d) In enforcing this Section, the Board, upon a showing of
14 a possible violation, may compel a person licensed ~~registered~~
15 under this Act or who has applied for licensure ~~registration~~
16 pursuant to this Act to submit to a mental or physical
17 examination, or both, as required by and at the expense of the
18 Department. The examining physicians shall be those
19 specifically designated by the Board. The Board or the
20 Department may order the examining physician to present
21 testimony concerning this mental or physical examination of the
22 registrant or applicant. No information shall be excluded by
23 reason of any common law or statutory privilege relating to
24 communications between the licensee ~~registrant~~ or applicant
25 and the examining physician. The person to be examined may
26 have, at his or her own expense, another physician of his or

1 her choice present during all aspects of the examination.
2 Failure of any person to submit to a mental or physical
3 examination when directed shall be grounds for suspension of a
4 license ~~registration~~ until the person submits to the
5 examination if the Board finds, after notice and hearing, that
6 the refusal to submit to the examination was without reasonable
7 cause.

8 If the Board finds a person unable to practice because of
9 the reasons set forth in this Section, the Board may require
10 that person to submit to care, counseling, or treatment by
11 physicians approved or designated by the Board as a condition,
12 term, or restriction for continued, reinstated, or renewed
13 licensure ~~registration~~; or, in lieu of care, counseling, or
14 treatment, the Board may recommend that the Department file a
15 complaint to immediately suspend, revoke, or otherwise
16 discipline the license ~~registration~~ of the person. Any person
17 whose license ~~registration~~ was granted, continued, reinstated,
18 renewed, disciplined, or supervised subject to such terms,
19 conditions, or restrictions and who fails to comply with such
20 terms, conditions, or restrictions shall be referred to the
21 Secretary ~~Director~~ for a determination as to whether the person
22 shall have his or her license ~~registration~~ suspended
23 immediately, pending a hearing by the Board.

24 (Source: P.A. 91-255, eff. 12-30-99.)

25 (225 ILCS 315/19) (from Ch. 111, par. 8119)

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

2 Sec. 19. Investigation; notice and hearing. The Department
3 may investigate the actions or qualifications of any applicant
4 or person holding or claiming to hold a certificate of license
5 ~~registration~~. The Department shall, before suspending or
6 revoking, placing on probation, reprimanding, or taking any
7 other disciplinary action under Section 18.1 of this Act, at
8 least 30 days before the date set for the hearing, notify the
9 applicant or holder of a certificate of license ~~registration~~ in
10 writing of the nature of the charges and that a hearing will be
11 held on the date designated. The written notice may be served
12 by personal delivery or certified or registered mail to the
13 applicant or licensee at the address of his last notification
14 to the Department. The Department shall direct the applicant or
15 licensee to file a written answer with the Department, under
16 oath, within 20 days after the service of the notice, and
17 inform the person that if he or she fails to file an answer,
18 his or her license may be revoked, suspended, placed on
19 probation, reprimanded, or the Department may take any other
20 additional disciplinary action including the issuance of
21 fines, not to exceed \$1,000 for each violation, as the
22 Department may consider necessary, without a hearing. At the
23 time and place fixed in the notice, the Board shall proceed to
24 hear the charges and the parties or their counsel. All parties
25 shall be accorded an opportunity to present any statements,
26 testimony, evidence, and arguments as may be pertinent to the

1 charges or to their defense. The Board may continue the hearing
2 from time to time.

3 (Source: P.A. 87-1031; 88-363.)

4 (225 ILCS 315/21) (from Ch. 111, par. 8121)

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

6 Sec. 21. Subpoenas; depositions; oaths. The Department has
7 power to subpoena and bring before it any person and to take
8 testimony either orally or by deposition, or both, with the
9 same fees and mileage and in the same manner as prescribed in
10 civil cases in circuit courts of this State.

11 The Secretary ~~Director~~, the designated hearing officer,
12 and every member of the Board has the power to administer oaths
13 to witnesses at any hearing which the Department is authorized
14 to conduct, and any other oaths authorized in any Act
15 administered by the Department.

16 (Source: P.A. 88-363.)

17 (225 ILCS 315/22.1)

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

19 Sec. 22.1. Findings and recommendations. At the conclusion
20 of the hearing, the Board shall present to the Secretary
21 ~~Director~~ a written report of its findings of fact, conclusions
22 of law, and recommendations. The report shall contain a finding
23 whether the licensee violated this Act or failed to comply with
24 the conditions required in this Act. The Board shall specify

1 the nature of the violation or failure to comply, and shall
2 make its recommendations to the Secretary ~~Director~~.

3 The report of findings of fact, conclusions of law, and
4 recommendation of the Board shall be the basis for the
5 Department's order for refusal or for the granting of the
6 license. If the Secretary ~~Director~~ disagrees with the
7 recommendations of the Board, the Secretary ~~Director~~ may issue
8 an order in contravention of the Board recommendations. The
9 Secretary ~~Director~~ shall provide a written report to the Board
10 on any disagreement and shall specify the reasons for the
11 action in the final order. The findings are not admissible in
12 evidence against the person in a criminal prosecution for
13 violation of this Act, but the hearing and findings are not a
14 bar to a criminal prosecution for violation of this Act.

15 (Source: P.A. 88-363.)

16 (225 ILCS 315/23) (from Ch. 111, par. 8123)

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

18 Sec. 23. Board; Rehearing. At the conclusion of the
19 hearing, a copy of the Board's report shall be served upon the
20 accused person, either personally or as provided in this Act
21 for the service of the notice. Within 20 days after such
22 service, the applicant or licensee may present to the
23 Department a motion in writing for a rehearing which shall
24 specify the particular grounds for rehearing. If no motion for
25 a rehearing is filed, then upon the expiration of the time

1 specified for filing such a motion, or if a motion for
2 rehearing is denied, then upon the denial, the Secretary
3 ~~Director~~ may enter any order in accordance with recommendations
4 of the Board, except as provided in Section 120 of this Act. If
5 the applicant or licensee requests and pays for a transcript of
6 the record within the time for filing a motion for rehearing,
7 the 20-day period within which a motion may be filed shall
8 commence upon the delivery of the transcript to the applicant
9 or licensee.

10 Whenever the Secretary ~~Director~~ is not satisfied that
11 substantial justice has been done, he may order a rehearing by
12 the same or another special board. At the expiration of the
13 time specified for filing a motion for a rehearing the
14 Secretary ~~Director~~ has the right to take the action recommended
15 by the Board.

16 (Source: P.A. 88-363.)

17 (225 ILCS 315/24) (from Ch. 111, par. 8124)

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

19 Sec. 24. Appointment of a hearing officer. The Secretary
20 ~~Director~~ has the authority to appoint any attorney licensed to
21 practice law in the State of Illinois to serve as the hearing
22 officer in any action for refusal to issue or renew a license
23 or permit or to discipline a licensee. The Secretary ~~Director~~
24 shall notify the Board of any such appointment. The hearing
25 officer has full authority to conduct the hearing. At least one

1 member of the Board shall attend each hearing. The hearing
2 officer shall report his findings of fact, conclusions of law
3 and recommendations to the Board and the Secretary ~~Director~~.
4 The Board has 60 days from receipt of the report to review it
5 and present its findings of fact, conclusions of law and
6 recommendations to the Secretary ~~Director~~. If the Board fails
7 to present its report within the 60 day period, the Secretary
8 ~~Director~~ shall issue an order based on the report of the
9 hearing officer. If the Secretary ~~Director~~ disagrees with the
10 recommendation of the Board or hearing officer, the Secretary
11 ~~Director~~ may issue an order in contravention of the
12 recommendation. The Secretary ~~Director~~ shall promptly provide
13 a written explanation to the Board on any disagreement.

14 (Source: P.A. 88-363.)

15 (225 ILCS 315/25) (from Ch. 111, par. 8125)

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

17 Sec. 25. Order or certified copy; prima facie proof. An
18 order or a certified copy thereof, over the seal of the
19 Department and purporting to be signed by the Secretary
20 ~~Director~~, shall be prima facie proof that:

21 (a) the signature is the genuine signature of the
22 Secretary ~~Director~~;

23 (b) the Secretary ~~Director~~ is duly appointed and
24 qualified; and

25 (c) the Board and the members thereof are qualified to

1 act.

2 (Source: P.A. 91-357, eff. 7-29-99.)

3 (225 ILCS 315/28) (from Ch. 111, par. 8128)

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

5 Sec. 28. Summary suspension of a license. The Secretary
6 ~~Director~~ may summarily suspend the license of a landscape
7 architect without a hearing, simultaneously with the
8 institution of proceedings for a hearing provided for in
9 Section 24 of this Act, if the Secretary ~~Director~~ finds that
10 evidence in the possession of the Secretary ~~Director~~ indicates
11 that the continuation in practice by the landscape architect
12 would constitute an imminent danger to the public. In the event
13 that the Secretary ~~Director~~ temporarily suspends the license of
14 an individual without a hearing, a hearing must be held within
15 30 days after such suspension has occurred.

16 (Source: P.A. 88-363.)

17 Section 10. The Professional Engineering Practice Act of
18 1989 is amended by changing Section 4 as follows:

19 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

22 (a) "Approved engineering curriculum" means an engineering
23 curriculum or program of 4 academic years or more which meets

1 the standards established by the rules of the Department.

2 (b) "Board" means the State Board of Professional Engineers
3 of the Department of Professional Regulation, previously known
4 as the Examining Committee.

5 (c) "Department" means the Department of Professional
6 Regulation.

7 (d) "Design professional" means an architect, structural
8 engineer ~~or~~ professional engineer, or landscape architect
9 practicing in conformance with the Illinois Architecture
10 Practice Act of 1989, the Structural Engineering Practice Act
11 of 1989, ~~or~~ the Professional Engineering Practice Act of 1989, or
12 the Illinois Landscape Architecture Act of 1989.

13 (e) "Director" means the Director of Professional
14 Regulation.

15 (f) "Direct supervision/responsible charge" means work
16 prepared under the control of a licensed professional engineer
17 or that work as to which that professional engineer has
18 detailed professional knowledge.

19 (g) "Engineering college" means a school, college,
20 university, department of a university or other educational
21 institution, reputable and in good standing in accordance with
22 rules prescribed by the Department, and which grants
23 baccalaureate degrees in engineering.

24 (h) "Engineering system or facility" means a system or
25 facility whose design is based upon the application of the
26 principles of science for the purpose of modification of

1 natural states of being.

2 (i) "Engineer intern" means a person who is a candidate for
3 licensure as a professional engineer and who has been enrolled
4 as an engineer intern.

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

8 (k) "License" means an official document issued by the
9 Department to an individual, a corporation, a partnership, a
10 professional service corporation, a limited liability company,
11 or a sole proprietorship, signifying authority to practice.

12 (l) "Negligence in the practice of professional
13 engineering" means the failure to exercise that degree of
14 reasonable professional skill, judgment and diligence normally
15 rendered by professional engineers in the practice of
16 professional engineering.

17 (m) "Professional engineer" means a person licensed under
18 the laws of the State of Illinois to practice professional
19 engineering.

20 (n) "Professional engineering" means the application of
21 science to the design of engineering systems and facilities
22 using the knowledge, skills, ability and professional judgment
23 developed through professional engineering education, training
24 and experience.

25 (o) "Professional engineering practice" means the
26 consultation on, conception, investigation, evaluation,

1 planning, and design of, and selection of materials to be used
2 in, administration of construction contracts for, or site
3 observation of, an engineering system or facility, where such
4 consultation, conception, investigation, evaluation, planning,
5 design, selection, administration, or observation requires
6 extensive knowledge of engineering laws, formulae, materials,
7 practice, and construction methods. A person shall be construed
8 to practice or offer to practice professional engineering,
9 within the meaning and intent of this Act, who practices, or
10 who, by verbal claim, sign, advertisement, letterhead, card, or
11 any other way, is represented to be a professional engineer, or
12 through the use of the initials "P.E." or the title "engineer"
13 or any of its derivations or some other title implies licensure
14 as a professional engineer, or holds himself out as able to
15 perform any service which is recognized as professional
16 engineering practice.

17 Examples of the practice of professional engineering
18 include, but need not be limited to, transportation facilities
19 and publicly owned utilities for a region or community,
20 railroads, railways, highways, subways, canals, harbors, river
21 improvements; irrigation works; aircraft, airports and landing
22 fields; waterworks, piping systems and appurtenances, sewers,
23 sewage disposal works; plants for the generation of power;
24 devices for the utilization of power; boilers; refrigeration
25 plants, air conditioning systems and plants; heating systems
26 and plants; plants for the transmission or distribution of

1 power; electrical plants which produce, transmit, distribute,
2 or utilize electrical energy; works for the extraction of
3 minerals from the earth; plants for the refining, alloying or
4 treating of metals; chemical works and industrial plants
5 involving the use of chemicals and chemical processes; plants
6 for the production, conversion, or utilization of nuclear,
7 chemical, or radiant energy; forensic engineering,
8 geotechnical engineering including, subsurface investigations;
9 soil classification, geology and geohydrology, incidental to
10 the practice of professional engineering; energy analysis,
11 environmental design, hazardous waste mitigation and control;
12 recognition, measurement, evaluation and control of
13 environmental systems and emissions; automated building
14 management systems; or the provision of professional
15 engineering site observation of the construction of works and
16 engineering systems. Nothing contained in this Section imposes
17 upon a person licensed under this Act the responsibility for
18 the performance of any of the foregoing functions unless such
19 person specifically contracts to provide it.

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

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

25 (r) "Related science curriculum" means a 4 year program of
26 study, the satisfactory completion of which results in a

1 Bachelor of Science degree, and which contains courses from
2 such areas as life, earth, engineering and computer sciences,
3 including but not limited to, physics and chemistry. In the
4 study of these sciences, the objective is to acquire
5 fundamental knowledge about the nature of its phenomena,
6 including quantitative expression, appropriate to particular
7 fields of engineering.

8 (s) "Rules" means those rules promulgated pursuant to this
9 Act.

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

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

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

20 (w) "Technical submissions" means designs, drawings, and
21 specifications which establish the standard of quality for
22 materials, workmanship, equipment, and the construction
23 systems, studies, and other technical reports prepared in the
24 course of a design professional's practice.

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

1 (225 ILCS 315/5 rep.)

2 Section 15. The Illinois Landscape Architecture Act of 1989
3 is amended by repealing Section 5.

4 Section 99. Effective date. This Act takes effect January
5 1, 2008.

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2		Statutes amended in order of appearance
3	225 ILCS 315/1	from Ch. 111, par. 8101
4	225 ILCS 315/2.5 new	
5	225 ILCS 315/3	from Ch. 111, par. 8103
6	225 ILCS 315/4	from Ch. 111, par. 8104
7	225 ILCS 315/4.5	
8	225 ILCS 315/6	from Ch. 111, par. 8106
9	225 ILCS 315/6.5 new	
10	225 ILCS 315/7	from Ch. 111, par. 8107
11	225 ILCS 315/8	from Ch. 111, par. 8108
12	225 ILCS 315/9	from Ch. 111, par. 8109
13	225 ILCS 315/10	from Ch. 111, par. 8110
14	225 ILCS 315/11	from Ch. 111, par. 8111
15	225 ILCS 315/11.5 new	
16	225 ILCS 315/12	from Ch. 111, par. 8112
17	225 ILCS 315/12.5 new	
18	225 ILCS 315/13	from Ch. 111, par. 8113
19	225 ILCS 315/15	from Ch. 111, par. 8115
20	225 ILCS 315/16	from Ch. 111, par. 8116
21	225 ILCS 315/17	from Ch. 111, par. 8117
22	225 ILCS 315/18	from Ch. 111, par. 8118
23	225 ILCS 315/18.1	
24	225 ILCS 315/19	from Ch. 111, par. 8119
25	225 ILCS 315/21	from Ch. 111, par. 8121

- 1 225 ILCS 315/22.1
- 2 225 ILCS 315/23 from Ch. 111, par. 8123
- 3 225 ILCS 315/24 from Ch. 111, par. 8124
- 4 225 ILCS 315/25 from Ch. 111, par. 8125
- 5 225 ILCS 315/28 from Ch. 111, par. 8128
- 6 225 ILCS 325/4 from Ch. 111, par. 5204
- 7 225 ILCS 315/5 rep.