



Sen. William R. Haine

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09500SB2760sam001

LRB095 19945 AMC 49141 a

1 AMENDMENT TO SENATE BILL 2760

2 AMENDMENT NO. _____. Amend Senate Bill 2760 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

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 Acts repealed on January 1, 2010.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8 Acts are repealed on January 1, 2010:

9 The Auction License Act.

10 ~~The Illinois Architecture Practice Act of 1989.~~

11 The Illinois Landscape Architecture Act of 1989.

12 The Illinois Professional Land Surveyor Act of 1989.

13 The Land Sales Registration Act of 1999.

14 The Orthotics, Prosthetics, and Pedorthics Practice Act.

15 The Perfusionist Practice Act.

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

1 The Real Estate License Act of 2000.

2 The Structural Engineering Practice Act of 1989.

3 (Source: P.A. 91-91, eff. 7-9-99; 91-92, eff. 7-9-99; 91-132,
4 eff. 7-16-99; 91-133, eff. 7-16-99; 91-245, eff. 12-31-99;
5 91-255, eff. 12-30-99; 91-338, eff. 12-30-99; 91-580, eff.
6 1-1-00; 91-590, eff. 1-1-00; 91-603, eff. 1-1-00; 92-16, eff.
7 6-28-01.)

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Act repealed on January 1, 2020. The following
10 Act is repealed on January 1, 2020:

11 The Illinois Architecture Practice Act of 1989.

12 The Professional Engineering Practice Act of 1989.

13 Section 10. The Illinois Architecture Practice Act of 1989
14 is amended by changing Sections 3, 4, 5, 6, 8, 9, 10, 12, 13,
15 21, 22, 23.5, 24, 36, and 38 and by adding Sections 4.5, 10.5,
16 and 17.5 as follows:

17 (225 ILCS 305/3) (from Ch. 111, par. 1303)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 3. Application of Act. Nothing in this Act shall be
20 deemed or construed to prevent the practice of structural
21 engineering as defined in the Structural Engineering Practice
22 Act of 1989, the practice of professional engineering as
23 defined in the Professional Engineering Practice Act of 1989,

1 or the preparation of documents used to prescribe work to be
2 done inside buildings for non-loadbearing interior
3 construction, furnishings, fixtures and equipment, or the
4 offering or preparation of environmental analysis, feasibility
5 studies, programming or construction management services by
6 persons other than those licensed in accordance with this Act,
7 the Structural Engineering Practice Act of 1989 or the
8 Professional Engineering Practice Act of 1989.

9 Nothing contained in this Act shall prevent the draftsmen,
10 students, project representatives and other employees of those
11 lawfully practicing as licensed architects under the
12 provisions of this Act, from acting under the responsible
13 control ~~direct supervision and control~~ of their employers, or
14 to prevent the employment of project representatives for
15 enlargement or alteration of buildings or any parts thereof, or
16 prevent such project representatives from acting under the
17 direct supervision and control of the licensed architect by
18 whom the construction documents including drawings and
19 specifications of any such building, enlargement or alteration
20 were prepared.

21 Nothing in this Act or any other Act shall prevent a
22 licensed architect from practicing interior design services.
23 Nothing in this Act shall be construed as requiring the
24 services of an interior designer for the interior designing of
25 a single family residence.

26 No officer, board, commission, or other public entity

1 charged with the enforcement of codes and ordinances requiring
2 the involvement of an architect shall accept for filing or
3 approval any technical submissions that do not bear the seal
4 and signature of an architect licensed under this Act. A
5 building permit issued with respect to technical submissions
6 that does not conform to the requirements of this Act shall be
7 invalid.

8 The involvement of a licensed architect is not required for
9 the following:

10 (A) The building, remodeling or repairing of any
11 building or other structure outside of the corporate limits
12 of any city or village, where such building or structure is
13 to be, or is used for farm purposes, or for the purposes of
14 outbuildings or auxiliary buildings in connection with
15 such farm premises.

16 (B) The construction, remodeling or repairing of a
17 detached single family residence on a single lot.

18 (C) The construction, remodeling or repairing of a
19 two-family residence of wood frame construction on a single
20 lot, not more than two stories and basement in height.

21 (D) Interior design services for buildings which do not
22 involve life safety or structural changes.

23 However, when an ordinance of a unit of local government
24 requires the involvement of a licensed architect for any
25 buildings included in the preceding paragraphs (A) through (D),
26 the requirements of this Act shall apply. All buildings not

1 included in the preceding paragraphs (A) through (D), including
2 multi-family buildings and buildings previously exempt from
3 the involvement of a licensed architect under those paragraphs
4 but subsequently non-exempt due to a change in occupancy or
5 use, are subject to the requirements of this Act. Interior
6 alterations which result in life safety or structural changes
7 of the building are subject to the requirements of this Act.

8 (Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

9 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

11 Sec. 4. Definitions. In this Act:

12 "Architect, Retired" means a person who has been duly
13 licensed as an architect by the Department and has chosen to
14 relinquish or not renew his or her license pursuant to Section
15 17.5 of this Act.

16 "Architectural intern" means an unlicensed person who has
17 completed the education requirements, is actively
18 participating in the diversified professional training, and
19 maintains in good standing a training record as required for
20 licensure by this Act and may use the title "architectural
21 intern", but may not independently engage in the practice of
22 architecture.

23 ~~(a)~~ "Department" means the Department of Financial and
24 Professional Regulation.

25 "Design build" and "design build entity" means the project

1 delivery process defined in Title 68, Section 1150.85 of the
2 Illinois Administrative Code.

3 ~~(b) "Director" means the Director of Professional~~
4 ~~Regulation.~~

5 (c) "Board" means the Illinois Architecture Licensing
6 Board appointed by the Director.

7 (d) "Public health" as related to the practice of
8 architecture means the state of the well-being of the body or
9 mind of the building user.

10 (e) "Public safety" as related to the practice of
11 architecture means the state of being reasonably free from risk
12 of danger, damage, or injury.

13 (f) "Public welfare" as related to the practice of
14 architecture means the well-being of the building user
15 resulting from the state of a physical environment that
16 accommodates human activity.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 (Source: P.A. 93-1009, eff. 1-1-05.)

20 (225 ILCS 305/4.5 new)

21 Sec. 4.5. References to Department or Director of
22 Professional Regulation. References in this Act (i) to the
23 Department of Professional Regulation are deemed, in
24 appropriate contexts, to be references to the Department of
25 Financial and Professional Regulation and (ii) to the Director

1 of Professional Regulation are deemed, in appropriate
2 contexts, to be references to the Secretary of Financial and
3 Professional Regulation.

4 (225 ILCS 305/5) (from Ch. 111, par. 1305)

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

6 Sec. 5. Architect defined; Acts constituting practice.

7 (a) An architect is a person who is qualified by education,
8 training, experience, and examination, and who is licensed
9 under the laws of this State, to practice architecture.

10 (b) The practice of architecture within the meaning and
11 intent of this Act includes the offering or furnishing of
12 professional services, such as consultation, environmental
13 analysis, feasibility studies, programming, planning,
14 aesthetic and structural design, technical submissions
15 consisting of drawings and specifications and other documents
16 required in the construction process, administration of
17 construction contracts, project representation, and
18 construction management, in connection with the construction
19 of any private or public building, building structure, building
20 project, or addition to or alteration or restoration thereof.

21 (c) Nothing contained in this Section imposes upon a person
22 licensed under this Act the responsibility for the performance
23 of any of the activities set forth in subsection (b), unless
24 such person specifically contracts to provide the function.

25 (Source: P.A. 92-360, eff. 1-1-02.)

1 (225 ILCS 305/6) (from Ch. 111, par. 1306)

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

3 Sec. 6. Technical submissions. All technical submissions
4 intended for use in construction in the State of Illinois shall
5 be prepared and administered in accordance with standards of
6 reasonable professional skill and diligence. Care shall be
7 taken to reflect the requirements of State statutes and, where
8 applicable, county and municipal building ordinances in such
9 submissions. In recognition that architects are licensed for
10 the protection of the public health, safety and welfare,
11 submissions shall be of such quality and scope, and be so
12 administered, as to conform to professional standards.

13 Technical submissions are the designs, drawings and
14 specifications which establish the scope of the architecture to
15 be constructed, the standard of quality for materials,
16 workmanship, equipment, and construction systems, and the
17 studies and other technical reports and calculations prepared
18 in the course of the practice of architecture.

19 No person involved in an architectural project requiring
20 the involvement of an architect during the design,
21 construction, addition to, or alteration of a project, or any
22 parts thereof, shall have the authority to deviate from the
23 technical submissions without the prior approval of the
24 licensed architect for the project.

25 (Source: P.A. 92-360, eff. 1-1-02.)

1 (225 ILCS 305/8) (from Ch. 111, par. 1308)

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

3 Sec. 8. Powers and duties of the Department.

4 (1) Subject to the provisions of this Act, the Department
5 shall exercise the following functions, powers, and duties:

6 (a) conduct examinations to ascertain the
7 qualifications and fitness of applicants for licensure as
8 licensed architects, and pass upon the qualifications and
9 fitness of applicants for licensure by endorsement;

10 (b) prescribe rules for a method of examination of
11 candidates;

12 (c) prescribe rules defining what constitutes a
13 school, college or university, or department of a
14 university, or other institution, reputable and in good
15 standing, to determine whether or not a school, college or
16 university, or department of a university, or other
17 institution is reputable and in good standing by reference
18 to compliance with such rules, and to terminate the
19 approval of such school, college or university or
20 department of a university or other institution that
21 refuses admittance to applicants solely on the basis of
22 race, color, creed, sex or national origin. The Department
23 may adopt, as its own rules relating to education
24 requirements, those guidelines published from time to time
25 by the National Architectural Accrediting Board;

1 (d) prescribe rules for diversified professional
2 training;

3 (e) conduct oral interviews, disciplinary conferences
4 and formal evidentiary hearings on proceedings to impose
5 fines or to suspend, revoke, place on probationary status,
6 reprimand, and refuse to issue or restore any license
7 issued under the provisions of this Act for the reasons set
8 forth in Section 22 of this Act;

9 (f) issue licenses to those who meet the requirements
10 of this Act;

11 (g) formulate and publish rules necessary or
12 appropriate to carrying out the provisions of this Act; and

13 (h) maintain membership in the National Council of
14 Architectural Registration Boards and participate in
15 activities of the Council by designation of individuals for
16 the various classifications of membership and the
17 appointment of delegates for attendance at regional and
18 national meetings of the Council. All costs associated with
19 membership and attendance of such delegates to any national
20 meetings shall ~~may~~ be funded from the Design Professionals
21 Administration and Investigation Fund.

22 (i) retain the right to employ or utilize the legal
23 services of outside counsel and the investigative services
24 of outside personnel; however, no attorney employed or used
25 by the Department shall prosecute a matter and provide
26 legal services to the Department or Board with respect to

1 the same matter.

2 (2) Prior to issuance of any final decision or order that
3 deviates from any report or recommendation of the Board
4 relating to the qualification of applicants, discipline of
5 licensees or registrants, or promulgation of rules, the
6 Director shall notify the Board in writing with an explanation
7 of the deviation and provide a reasonable time for the Board to
8 submit written comments to the Director regarding the proposed
9 action. In the event that the Board fails or declines to submit
10 written comments within 30 days of the notification, the
11 Director may issue a final decision or order consistent with
12 the Director's original decision. The Department may at any
13 time seek the expert advice and knowledge of the Board on any
14 matter relating to the enforcement of this Act.

15 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

16 (225 ILCS 305/9) (from Ch. 111, par. 1309)

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

18 Sec. 9. Creation of the Board. The Director shall appoint
19 an Architecture Licensing Board which will consist of 6
20 members. Five members shall be licensed architects, one of whom
21 shall be a tenured member of the architectural faculty of an
22 Illinois public university accredited by the National
23 Architectural Accrediting Board ~~the University of Illinois.~~
24 The other 4 shall be licensed architects, residing in this
25 State, who have been engaged in the practice of architecture at

1 least 10 years. In addition to the 5 licensed architects, there
2 shall be one public member. The public member shall be a voting
3 member and shall not hold a license as an architect,
4 professional engineer, structural engineer or land surveyor.

5 Board members shall serve 5 year terms and until their
6 successors are appointed and qualified. In making the
7 designation of persons to the Board, the Director shall give
8 due consideration to recommendations by members and
9 organizations of the profession.

10 The membership of the Board should reasonably reflect
11 representation from the geographic areas in this State.

12 No member shall be reappointed to the Board for a term
13 which would cause his or her continuous service on the Board to
14 be longer than 10 successive years. ~~Service prior to the~~
15 ~~effective date of this Act shall not be considered.~~

16 Appointments to fill vacancies shall be made in the same
17 manner as original appointments, for the unexpired portion of
18 the vacated term. Initial terms shall begin upon the effective
19 date of this Act and Board members in office on that date under
20 the predecessor Act may be appointed to specific terms as
21 indicated in this Section.

22 Persons holding office as members of the Board under the
23 Illinois Architecture Act immediately prior to the effective
24 date of this Act shall continue as members of the Board under
25 this Act until the expiration of the term for which they were
26 appointed and until their successors are appointed and

1 qualified.

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

5 The Director may remove any member of the Board for
6 misconduct, incompetence, neglect of duty, or for reasons
7 prescribed by law for removal of State officials.

8 The Director may remove a member of the Board who does not
9 attend 2 consecutive meetings.

10 Notice of proposed rulemaking shall be transmitted to the
11 Board and the Department shall review the response of the Board
12 and any recommendations made therein. The Department may, at
13 any time, seek the expert advice and knowledge of the Board on
14 any matter relating to the administration or enforcement of
15 this Act.

16 Members of the Board are immune from suit in any action
17 based upon any disciplinary proceedings or other activities
18 performed in good faith as members of the Board.

19 (Source: P.A. 91-133, eff. 1-1-00.)

20 (225 ILCS 305/10) (from Ch. 111, par. 1310)

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

22 Sec. 10. Powers and duties of the Board.

23 (a) The Board shall hold at least 3 regular meetings each
24 year.

25 (b) The Board shall annually elect a Chairperson and a Vice

1 Chairperson who shall be licensed architects.

2 (c) The Board, upon request by the Department, may make a
3 curriculum evaluation to determine if courses conform to the
4 requirements of approved architectural programs.

5 (d) The Board shall assist the Department in conducting
6 oral interviews, disciplinary conferences and formal
7 evidentiary hearings.

8 (e) The Department may, at any time, seek the expert advice
9 and knowledge of the Board on any matter relating to the
10 enforcement of this Act.

11 (f) The Board may appoint a subcommittee to serve as a
12 Complaint Committee to recommend the disposition of case files
13 according to procedures established in Section 10.5 of this Act
14 or by rule.

15 (g) The Board shall review applicant qualifications to sit
16 for the examination or for licensure and shall make
17 recommendations to the Department. The Department shall review
18 the Board's recommendations on applicant qualifications. The
19 Director shall notify the Board in writing with an explanation
20 of any deviation from the Board's recommendation on applicant
21 qualifications. After review of the Director's written
22 explanation of his or her reasons for deviation, the Board
23 shall have the opportunity to comment upon the Director's
24 decision.

25 (h) The Board shall submit written comments to the Director
26 within 30 days from notification of any final decision or order

1 from the Director that deviates from any report or
2 recommendation of the Board relating to the qualifications of
3 applicants, discipline of licensees or registrants, unlicensed
4 practice, or promulgation of rules.

5 (i) The Board may recommend that the Department contract
6 with a corporation or other business entity to provide
7 investigative, legal, prosecutorial, and other services
8 necessary to perform its duties.

9 (Source: P.A. 91-133, eff. 1-1-00.)

10 (225 ILCS 305/10.5 new)

11 Sec. 10.5. Complaint Committee.

12 (a) There is created the Architecture Complaint Committee
13 of the Board composed of 2 voting members of the Board, a
14 Supervisor over Design Investigations, and a Chief of
15 Prosecutions over Design Prosecutions. The Director of
16 Enforcement shall designate the Supervisor and Chief assigned
17 to the Complaint Committee.

18 (b) The Complaint Committee shall meet at least once every
19 2 months to exercise its functions and duties as set forth in
20 subsection (c). Two members of the Board shall be in attendance
21 in order for any business to be transacted by the Complaint
22 Committee. The Complaint Committee shall make every effort to
23 consider expeditiously and take prompt action on each item on
24 its agenda.

25 (c) The Complaint Committee shall have the following duties

1 and functions:

2 (1) To review any complaint filed against an involved
3 party under this Act.

4 (2) To refer the complaint to the Supervisor over
5 Design Investigations for further action.

6 (3) To recommend to the Board that a complaint file be
7 closed.

8 (4) To make all other decisions in conjunction with the
9 Supervisor over Design Investigations regarding an action
10 to be taken on a complaint.

11 (5) To report the actions of the Complaint Committee at
12 each meeting of the Board.

13 (6) To provide an annual statistical report of all
14 complaints filed, the average length of time to resolve a
15 complaint, the number of complaints resolved or dismissed,
16 the reasons for dismissed complaints, the number of
17 complaints that resulted in disciplinary action, and the
18 number of unresolved complaints. Such report shall be made
19 available to the public.

20 (d) In determining what action to take or whether to
21 proceed with prosecution of a complaint, the Complaint
22 Committee shall consider, but not be limited to, the following
23 factors: the effect on the public's health, safety, and
24 welfare; the sufficiency of the evidence presented;
25 prosecutorial merit; and sufficient cooperation from
26 complaining parties.

1 (e) No complaint file shall be closed nor complaint
2 dismissed except upon recommendation of the Complaint
3 Committee or approval by the Board.

4 (f) When a complaint is made to the Department that alleges
5 that a building or other structure that requires the
6 involvement of an architect in its design is under
7 construction, construction is imminent, or construction has
8 been completed and an architect is not or was not involved in
9 its design, the investigation of that complaint shall be
10 expedited to ensure the health and safety of the public. This
11 investigation shall be referred to as an emergency
12 investigation.

13 An emergency investigation must be given priority
14 attention and assigned to an investigator as soon as possible.

15 Once assigned to an investigator, the Department, through
16 its investigator, must convene a meeting of the Complaint
17 Committee by teleconference to determine if the complaint shall
18 continue to be treated as an emergency investigation. Such
19 meetings will be deemed an emergency and notice of the meeting
20 shall be provided in accordance with the Open Meetings Act.

21 Upon determination by the Complaint Committee that the
22 complaint should be treated as an emergency investigation, the
23 complaint must be investigated as soon as possible.

24 Upon completion of the emergency investigation, the
25 investigator must again convene a meeting of the Complaint
26 Committee by teleconference. This meeting shall also be

1 considered an emergency and notice of the meeting shall be
2 provided in accordance with the Open Meetings Act. The
3 Complaint Committee must then decide whether to recommend to
4 the Department that the complaint be referred to the Attorney
5 General to seek a temporary restraining order and permanent
6 injunction against the start or further construction of the
7 project or, where the project has already been completed, to
8 enjoin the use of the building or structure. The Complaint
9 Committee shall recommend that the case be referred to the
10 Attorney General only upon a finding that the facts alleged in
11 the complaint are credible and constitute an imminent danger to
12 the public.

13 (225 ILCS 305/12) (from Ch. 111, par. 1312)

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

15 Sec. 12. Examinations; subjects; failure or refusal to take
16 examination. The Department shall authorize examination of
17 applicants as architects at such times and places as it may
18 determine. The examination shall be in English and shall be
19 written or written and graphic. It shall include at a minimum
20 the following subjects:

21 (a) pre-design (environmental analysis, architectural
22 programming, and application of principles of project
23 management and coordination);

24 (b) site planning (site analysis, design and
25 development, parking, and application of zoning

1 requirements);

2 (c) building planning (conceptual planning of
3 functional and space relationships, building design,
4 interior space layout, barrier-free design, and the
5 application of the life safety code requirements and
6 principles of energy efficient design);

7 (d) building technology (application of structural
8 systems, building components, and mechanical and
9 electrical systems);

10 (e) general structures (identification, resolution,
11 and incorporation of structural systems and the long span
12 design on the technical aspects of the design of buildings
13 and the process and construction);

14 (f) lateral forces (identification and resolution of
15 the effects of lateral forces on the technical aspects of
16 the design of buildings and the process of construction);

17 (g) mechanical and electrical systems (as applied to
18 the design of buildings, including plumbing and acoustical
19 systems);

20 (h) materials and methods (as related to the design of
21 buildings and the technical aspects of construction); and

22 (i) construction documents and services (conduct of
23 architectural practice as it relates to construction
24 documents, bidding, and construction administration and
25 contractual documents from beginning to end of a building
26 project).

1 It shall be the responsibility of the applicant to be
2 familiar with this Act and its rules.

3 Examination subject matter headings and bases on which
4 examinations are graded shall be indicated in rules pertaining
5 to this Act. The Department may adopt the examinations and
6 grading procedures of the National Council of Architectural
7 Registration Boards. Content of any particular examination
8 shall not be considered public record under the Freedom of
9 Information Act.

10 An applicant shall have 5 years from passage of the first
11 examination to successfully complete all examinations required
12 by rule of the Department. ~~If an applicant neglects without an~~
13 ~~approved excuse or refuses to take the next available~~
14 ~~examination offered for licensure under this Act, the fee paid~~
15 ~~by the applicant shall be forfeited. If an applicant fails to~~
16 ~~pass an examination for licensure under this Act within 3 years~~
17 ~~after filing an application, the application shall be denied.~~
18 ~~The applicant may, however, make a new application for~~
19 ~~examination accompanied by the required fee and must furnish~~
20 ~~proof of meeting the qualifications for examination in effect~~
21 ~~at the time of the new application.~~

22 The Department may by rule prescribe additional subjects
23 for examination.

24 ~~An applicant has one year from the date of notification of~~
25 ~~successful completion of all the examination requirements to~~
26 ~~apply to the Department for a license. If an applicant fails to~~

1 ~~apply within one year, the applicant shall be required to again~~
2 ~~take and pass the examination.~~

3 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

4 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

6 Sec. 13. Qualifications of applicants. Any person who is of
7 good moral character may apply ~~take an examination~~ for
8 licensure if he or she is a graduate with a first professional
9 degree in architecture from a program accredited by the
10 National Architectural Accrediting Board, has completed the
11 examination requirements set forth under Section 12 of this
12 Act, and has completed such diversified professional training,
13 including academic training, as is required by rules of the
14 Department. Until January 1, 2014, in lieu of the requirement
15 of graduation with a first professional degree in architecture
16 from a program accredited by the National Architectural
17 Accrediting Board, the Department may admit an applicant who is
18 a graduate with a pre-professional 4 year baccalaureate degree
19 accepted for direct entry into a first professional master of
20 architecture degree program, and who has completed such
21 additional diversified professional training, including
22 academic training, as is required by rules of the Department.
23 The Department may adopt, as its own rules relating to
24 diversified professional training, those guidelines published
25 from time to time by the National Council of Architectural

1 Registration Boards.

2 Good moral character means such character as will enable a
3 person to discharge the fiduciary duties of an architect to
4 that person's client and to the public in a manner which
5 protects health, safety and welfare. Evidence of inability to
6 discharge such duties may include the commission of an offense
7 justifying discipline under Section 22 ~~19~~. In addition, the
8 Department may take into consideration whether the applicant
9 has engaged in conduct or actions that would constitute grounds
10 for discipline under this Act.

11 (Source: P.A. 93-1009, eff. 1-1-05; 94-543, eff. 8-10-05.)

12 (225 ILCS 305/17.5 new)

13 Sec. 17.5. Architect, Retired. Pursuant to Section 2105-15
14 of the Department of Professional Regulation Law of the Civil
15 Administrative Code of Illinois, the Department may grant the
16 title "Architect, Retired" to any person who has been duly
17 licensed as an architect by the Department and who chooses to
18 relinquish or not renew his or her license. The Department may,
19 by rule, exempt from continuing education requirements those
20 who are granted the title "Architect, Retired". Those persons
21 granted the title "Architect, Retired" may request restoration
22 to active status under the applicable provisions of this Act.

23 The use of the title "Architect, Retired" shall not
24 constitute representation of current licensure. Any person
25 without an active license shall not be permitted to practice

1 architecture as defined in this Act.

2 (225 ILCS 305/21) (from Ch. 111, par. 1321)

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

4 Sec. 21. Professional design firm registration;
5 conditions.

6 (a) Nothing in this Act shall prohibit the formation, under
7 the provisions of the Professional Service Corporation Act, of
8 a corporation to offer the practice of architecture.

9 Any business, including a Professional Service
10 Corporation, that includes the practice of architecture within
11 its stated purposes, practices architecture, or holds itself
12 out as available to practice architecture shall register with
13 the Department under this Section. Any professional service
14 corporation, sole proprietorship, or professional design firm
15 offering architectural services must have a resident architect
16 overseeing the architectural practices in each location in
17 which architectural services are provided.

18 Any sole proprietorship not owned and operated by an
19 Illinois licensed design professional licensed under this Act
20 shall be prohibited from offering architectural services to the
21 public. "Illinois licensed design professional" means a person
22 who holds an active license as an architect under this Act, as
23 a structural engineer under the Structural Engineering
24 Practice Act of 1989, or as a professional engineer under the
25 Professional Engineering Practice Act of 1989. Any sole

1 proprietorship owned and operated by an architect with an
2 active license issued under this Act and conducting or
3 transacting such business under an assumed name in accordance
4 with the provisions of the Assumed Business Name Act shall
5 comply with the registration requirements of a professional
6 design firm. Any sole proprietorship owned and operated by an
7 architect with an active license issued under this Act and
8 conducting or transacting such business under the real name of
9 the sole proprietor is exempt from the registration
10 requirements of a professional design firm.

11 (b) Any corporation, including a Professional Service
12 Corporation, partnership, limited liability company, or
13 professional design firm seeking to be registered under this
14 Section shall not be registered unless:

15 (1) two-thirds of the board of directors, in the case
16 of a corporation, or two-thirds of the general partners, in
17 the case of a partnership, or two-thirds of the members, in
18 the case of a limited liability company, are licensed under
19 the laws of any State to practice architecture,
20 professional engineering, land surveying, or structural
21 engineering; and

22 (2) the person having the architectural practice in
23 this State in his charge is (A) a director in the case of a
24 corporation, a general partner in the case of a
25 partnership, or a member in the case of a limited liability
26 company, and (B) holds a license under this Act.

1 Any corporation, limited liability company, professional
2 service corporation, or partnership qualifying under this
3 Section and practicing in this State shall file with the
4 Department any information concerning its officers, directors,
5 members, managers, partners or beneficial owners as the
6 Department may, by rule, require.

7 (c) No business shall offer the practice or hold itself out
8 as available to offer the practice of architecture until it is
9 registered with the Department. Every entity registered as a
10 professional design firm shall display its certificate of
11 registration or a facsimile thereof in a conspicuous place in
12 each office offering architectural services.

13 (d) Any business seeking to be registered under this
14 Section shall make application on a form provided by the
15 Department and shall provide any information requested by the
16 Department, which shall include but shall not be limited to all
17 of the following:

18 (1) The name and architect's license number of at least
19 one person designated as the managing agent in responsible
20 charge of the practice of architecture in Illinois. In the
21 case of a corporation, the corporation shall also submit a
22 certified copy of the resolution by the board of directors
23 designating at least one managing agent. If a limited
24 liability company, the company shall submit a certified
25 copy of either its articles of organization or operating
26 agreement designating the managing agent.

1 (2) The names and architect's, professional
2 engineer's, structural engineer's, or land surveyor's
3 license numbers of the directors, in the case of a
4 corporation, the members, in the case of a limited
5 liability company, or general partners, in the case of a
6 partnership.

7 (3) A list of all locations at which the professional
8 design firm provides architectural services.

9 (4) A list of all assumed names of the business.
10 Nothing in this Section shall be construed to exempt a
11 business from compliance with the requirements of the
12 Assumed Business Name Act.

13 It is the responsibility of the professional design firm to
14 provide the Department notice, in writing, of any changes in
15 the information requested on the application.

16 (e) In the event a managing agent is terminated or
17 terminates his or her status as managing agent of the
18 professional design firm, the managing agent and professional
19 design firm shall notify the Department of this fact in
20 writing, by certified mail, within 10 business days of
21 termination.

22 Thereafter, the professional design firm, if it has so
23 informed the Department, has 30 days in which to notify the
24 Department of the name and architect's license number of the
25 architect who is the newly designated managing agent. If a
26 corporation, the corporation shall also submit a certified copy

1 of a resolution by the board of directors designating the new
2 managing agent. If a limited liability company, the company
3 shall also submit a certified copy of either its articles of
4 organization or operating agreement designating the new
5 managing agent. The Department may, upon good cause shown,
6 extend the original 30 day period.

7 If the professional design firm has not notified the
8 Department in writing, by certified mail within the specified
9 time, the registration shall be terminated without prior
10 hearing. Notification of termination shall be sent by certified
11 mail to the last known address of the business. If the
12 professional design firm continues to operate and offer
13 architectural services after the termination, the Department
14 may seek prosecution under Sections 22, 36, and 36a of this Act
15 for the unlicensed practice of architecture.

16 (f) No professional design firm shall be relieved of
17 responsibility for the conduct or acts of its agents,
18 employees, or officers by reason of its compliance with this
19 Section, nor shall any individual practicing architecture be
20 relieved of the responsibility for professional services
21 performed by reason of the individual's employment or
22 relationship with a professional design firm registered under
23 this Section.

24 (g) Disciplinary action against a professional design firm
25 registered under this Section shall be administered in the same
26 manner and on the same grounds as disciplinary action against a

1 licensed architect. All disciplinary action taken or pending
2 against a corporation or partnership before the effective date
3 of this amendatory Act of 1993 shall be continued or remain in
4 effect without the Department filing separate actions.

5 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00.)

6 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

8 Sec. 22. Refusal, suspension and revocation of licenses;
9 Causes.

10 (a) The Department may, singularly or in combination,
11 refuse to issue, renew or restore, or may suspend or revoke any
12 license or registration, or may place on probation, reprimand,
13 or fine, with a civil penalty not to exceed \$10,000 for each
14 violation, any person, corporation, or partnership, or
15 professional design firm licensed or registered under this Act
16 for any of the following reasons:

17 (1) material misstatement in furnishing information to
18 the Department;

19 (2) negligence, incompetence or misconduct in the
20 practice of architecture;

21 (3) failure to comply with any of the provisions of
22 this Act or any of the rules;

23 (4) making any misrepresentation for the purpose of
24 obtaining licensure;

25 (5) purposefully making false statements or signing

1 false statements, certificates or affidavits to induce
2 payment;

3 (6) conviction of any crime under the laws of the
4 United States, or any state or territory thereof, which is
5 a felony, whether related to the practice of architecture
6 or not; or conviction of any crime, whether a felony,
7 misdemeanor, or otherwise, an essential element of which is
8 dishonesty, wanton disregard for the rights of others, or
9 which is directly related to the practice of architecture;

10 (7) aiding or assisting another person in violating any
11 provision of this Act or its rules;

12 (8) signing, affixing the licensed architect's seal or
13 permitting the architect's seal to be affixed to any
14 technical submission ~~construction documents~~ not prepared
15 by the architect or under that architect's responsible
16 ~~direct supervision and control~~;

17 (9) engaging in dishonorable, unethical or
18 unprofessional conduct of a character likely to deceive,
19 defraud or harm the public;

20 (10) habitual intoxication or addiction to the use of
21 drugs;

22 (11) making a statement of compliance pursuant to the
23 Environmental Barriers Act that construction documents
24 prepared by the Licensed Architect or prepared under the
25 licensed architect's direct supervision and control for
26 construction or alteration of an occupancy required to be

1 in compliance with the Environmental Barriers Act are in
2 compliance with the Environmental Barriers Act when such
3 technical submissions ~~construction documents~~ are not in
4 compliance;

5 (12) a finding by the Board that an applicant or
6 registrant has failed to pay a fine imposed by the
7 Department or a registrant, whose license has been placed
8 on probationary status, has violated the terms of
9 probation;

10 (13) discipline by another state, territory, foreign
11 country, the District of Columbia, the United States
12 government, or any other governmental agency, if at least
13 one of the grounds for discipline is the same or
14 substantially equivalent to those set forth herein;

15 (14) failure to provide information in response to a
16 written request made by the Department within 30 days after
17 the receipt of such written request;

18 (15) physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill which results in the inability to practice the
21 profession with reasonable judgment, skill or safety.

22 (a-5) In enforcing this Section, the Board upon a showing
23 of a possible violation may request that the Department compel
24 a person licensed to practice under this Act, or who has
25 applied for licensure or certification pursuant to this Act, to
26 submit to a mental or physical examination, or both, as

1 required by and at the expense of the Department. The examining
2 physicians shall be those specifically designated by the
3 Department. The Department may order the examining physician to
4 present testimony concerning this mental or physical
5 examination of the licensee or applicant. No information shall
6 be excluded by reason of any common law or statutory privilege
7 relating to communications between the licensee or applicant
8 and the examining physician. The person to be examined may
9 have, at his or her own expense, another physician of his or
10 her choice present during all aspects of the examination.
11 Failure of any person to submit to a mental or physical
12 examination, when directed, shall be grounds for suspension of
13 a license until the person submits to the examination if the
14 Department finds, after notice and hearing, that the refusal to
15 submit to the examination was without reasonable cause.

16 If the Board finds a person unable to practice because of
17 the reasons set forth in this Section, the Board may recommend
18 that the Department require that person to submit to care,
19 counseling, or treatment by physicians approved or designated
20 by the Department as a condition, term, or restriction for
21 continued, reinstated, or renewed licensure to practice; or, in
22 lieu of care, counseling, or treatment, the Board may recommend
23 to the Department to file a complaint to immediately suspend,
24 revoke or otherwise discipline the license of the person. Any
25 person whose license was granted, continued, reinstated,
26 renewed, disciplined, or supervised subject to such terms,

1 conditions, or restrictions and who fails to comply with such
2 terms, conditions, or restrictions shall be referred to the
3 Director for a determination as to whether the person shall
4 have his or her license suspended immediately, pending a
5 hearing by the Board.

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

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

22 Persons who assist the Department as consultants or expert
23 witnesses in the investigation or prosecution of alleged
24 violations of the Act, licensure matters, restoration
25 proceedings, or criminal prosecutions, shall not be liable for
26 damages in any civil action or proceeding as a result of such

1 assistance, except upon proof of actual malice. The attorney
2 general shall defend such persons in any such action or
3 proceeding.

4 (Source: P.A. 94-543, eff. 8-10-05.)

5 (225 ILCS 305/23.5)

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

7 Sec. 23.5. Unlicensed practice; violation; civil penalty.

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

17 (a-5) Any entity that advertises architecture services in a
18 telecommunications directory must include its architecture
19 firm registration number or, in the case of a sole proprietor,
20 his or her individual license number. Nothing in this
21 subsection (a-5) requires the publisher of a
22 telecommunications directory to investigate or verify the
23 accuracy of the registration or license number provided by the
24 advertiser of architecture services.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

7 (Source: P.A. 94-543, eff. 8-10-05.)

8 (225 ILCS 305/24) (from Ch. 111, par. 1324)

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

10 Sec. 24. Investigations; notice and hearing. The
11 Department may investigate the actions of any applicant or of
12 any person or entity holding or claiming to hold a license or
13 registration. Before the initiation of an investigation, the
14 matter shall be reviewed by a subcommittee of the Board
15 according to procedures established in Section 10.5 of this Act
16 or by rule for the Complaint Committee. The Department shall,
17 before refusing to restore, issue or renew a license or
18 registration, or discipline a licensee or registrant, at least
19 30 days prior to the date set for the hearing, notify in
20 writing the applicant for, or holder of, a license or
21 registrant of the nature of the charges and that a hearing will
22 be held on the date designated, and direct the applicant or
23 entity or licensee or registrant to file a written answer to
24 the Board under oath within 20 days after the service of the
25 notice and inform the applicant or entity or licensee or

1 registrant that failure to file an answer will result in
2 default being taken against the applicant or entity or licensee
3 or registrant and that the license or certificate may be
4 suspended, revoked, placed on probationary status, or other
5 disciplinary action may be taken, including limiting the scope,
6 nature or extent of practice, as the Director may deem proper.
7 Written notice may be served by personal delivery or certified
8 or registered mail to the respondent at the address of his last
9 notification to the Department. In case the person or entity
10 fails to file an answer after receiving notice, his or her
11 license or certificate may, in the discretion of the
12 Department, be suspended, revoked, or placed on probationary
13 status, or the Department may take whatever disciplinary action
14 deemed proper, including limiting the scope, nature, or extent
15 of the person's practice or the imposition of a fine, without a
16 hearing, if the act or acts charged constitute sufficient
17 grounds for such action under this Act. At the time and place
18 fixed in the notice, the Board shall proceed to hear the
19 charges and the parties or their counsel shall be accorded
20 ample opportunity to present such statements, testimony,
21 evidence and argument as may be pertinent to the charges or to
22 their defense. The Board may continue the hearing from time to
23 time.

24 (Source: P.A. 87-1031; 88-428.)

25 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

2 Sec. 36. Violations. Each of the following Acts constitutes
3 a Class A misdemeanor for the first offense and a Class 4
4 felony for a second or subsequent offense:

5 (a) the practice, attempt to practice or offer to
6 practice architecture, or the advertising or putting out of
7 any sign or card or other device which might indicate to
8 the public that the person is entitled to practice
9 architecture, without a license as a licensed architect, or
10 registration as a professional design firm issued by the
11 Department. Each day of practicing architecture or
12 attempting to practice architecture, and each instance of
13 offering to practice architecture, without a license as a
14 licensed architect or registration as a professional
15 design firm constitutes a separate offense;

16 (b) the making of any wilfully false oath or
17 affirmation in any matter or proceeding where an oath or
18 affirmation is required by this Act;

19 (c) the affixing of a licensed architect's seal to any
20 technical submissions ~~construction documents~~ which have
21 not been prepared by that architect or under the
22 architect's responsible ~~direct supervision and~~ control;

23 (d) the violation of any provision of this Act or its
24 rules;

25 (e) using or attempting to use an expired, inactive,
26 suspended, or revoked license, or the certificate or seal

1 of another, or impersonating another licensee;

2 (f) obtaining or attempting to obtain a license or
3 registration by fraud; or

4 (g) If any person, sole proprietorship, professional
5 service corporation, limited liability company,
6 corporation or partnership, or other entity practices
7 architecture or advertises or displays any sign or card or
8 other device that might indicate to the public that the
9 person or entity is entitled to practice as an architect or
10 use the title "architect" or any of its derivations unless
11 the person or other entity holds an active license as an
12 architect or registration as a professional design firm in
13 the State; then, in addition to any other penalty provided
14 by law any person or other entity who violates this
15 subsection (g) shall forfeit and pay to the Design
16 Professionals Administration and Investigation Fund a
17 civil penalty in an amount determined by the Department of
18 not more than \$10,000 ~~\$5,000~~ for each offense.

19 An unlicensed person who has completed the education
20 requirements, is actively participating in the diversified
21 professional training, and maintains in good standing a
22 training record as required for licensure by this Act may use
23 the title "architectural intern", but may not independently
24 engage in the practice of architecture.

25 (Source: P.A. 93-1009, eff. 1-1-05.)

1 (225 ILCS 305/38) (from Ch. 111, par. 1338)

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

3 Sec. 38. Fund; appropriations; investments; audits. Moneys
4 deposited in the Design Professionals Administration and
5 Investigation Fund shall be appropriated to the Department
6 exclusively for expenses of the Department and the Board in the
7 administration of this Act, the Illinois Professional Land
8 Surveyor Act of 1989, the Professional Engineering Practice Act
9 of 1989, and the Structural Engineering Practice Act of 1989.
10 The expenses of the Department under this Act shall be limited
11 to the ordinary and contingent expenses of the Design
12 Professionals Dedicated Employees within the Department as
13 established under Section 2105-75 of the Department of
14 Professional Regulation Law (20 ILCS 2105/2105-75) and other
15 expenses related to the administration and enforcement of this
16 Act.

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

23 All fines and penalties under Sections 22 and 36 shall be
24 deposited in the Design Professionals Administration and
25 Investigation Fund.

26 Moneys in the Design Professionals Administration and

1 Investigation Fund may be invested and reinvested, with all
2 earnings received from the investments to be deposited in the
3 Design Professionals Administration and Investigation Fund and
4 used for the same purposes as fees deposited in the Fund.

5 Upon the completion of any audit of the Department as
6 prescribed by the Illinois State Auditing Act that includes an
7 audit of the Design Professionals Administration and
8 Investigation Fund, the Department shall make the audit open to
9 inspection by any interested person. The copy of the audit
10 report required to be submitted to the Department by this
11 Section is in addition to copies of audit reports required to
12 be submitted to other State officers and agencies by Section
13 3-14 of the Illinois State Auditing Act.

14 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 91-239,
15 eff. 1-1-00; 92-16, eff. 6-28-01.)

16 Section 15. The Professional Engineering Practice Act of
17 1989 is amended by changing Sections 3, 4, 5, 7, 10, 17, and 42
18 and by adding Sections 4.5 and 7.5 as follows:

19 (225 ILCS 325/3) (from Ch. 111, par. 5203)

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

21 Sec. 3. Application of the Act; Exemptions.

22 (a) Nothing in this Act shall be construed to prevent the
23 practice of structural engineering as defined in the Structural
24 Engineering Practice Act of 1989 or the practice of

1 architecture as defined in the Illinois Architecture Practice
2 Act of 1989 or the regular and customary practice of
3 construction contracting and construction management as
4 performed by construction contractors.

5 (b) Nothing in this Act shall prevent:

6 (1) Employees, including project representatives, of
7 professional engineers lawfully practicing as sole owners,
8 partnerships or corporations under this Act, from acting
9 under the direct supervision of their employers.

10 (2) The employment of owner's representatives by the
11 owner during the constructing, adding to, or altering of a
12 project, or any parts thereof, provided that such owner's
13 representative shall not have the authority to deviate from
14 the technical submissions without the prior approval of the
15 professional engineer for the project.

16 (3) The practice of officers and employees of the
17 Government of the United States while engaged within this
18 State in the practice of the profession of engineering for
19 the Government.

20 (4) Services performed by employees of a business
21 organization engaged in utility, industrial or
22 manufacturing operations, or by employees of laboratory
23 research affiliates of such business organization which
24 are rendered in connection with the fabrication or
25 production, sale, and installation of products, systems,
26 or nonengineering services of the business organization or

1 its affiliates.

2 (5) Inspection, maintenance and service work done by
3 employees of the State of Illinois, any political
4 subdivision thereof or any municipality.

5 (6) The activities performed by those ordinarily
6 designated as chief engineer of plant operation, chief
7 operating engineer, locomotive, stationary, marine, power
8 plant or hoisting and portable engineers, electrical
9 maintenance or service engineers, personnel employed in
10 connection with construction, operation or maintenance of
11 street lighting, traffic control signals, police and fire
12 alarm systems, waterworks, steam, electric, and sewage
13 treatment and disposal plants, or the services ordinarily
14 performed by any worker regularly employed as a locomotive,
15 stationary, marine, power plant, or hoisting and portable
16 engineer or electrical maintenance or service engineer for
17 any corporation, contractor or employer.

18 (7) The activities performed by a person ordinarily
19 designated as a supervising engineer or supervising
20 electrical maintenance or service engineer who supervises
21 the operation of, or who operates, machinery or equipment,
22 or who supervises construction or the installation of
23 equipment within a plant which is under such person's
24 immediate supervision.

25 (8) The services, for private use, of contractors or
26 owners in the construction of engineering works or the

1 installation of equipment.

2 (c) No officer, board, commission, or other public entity
3 charged with the enforcement of codes and ordinances involving
4 a professional engineering project shall accept for filing or
5 approval any technical submissions that do not bear the seal
6 and signature of a professional engineer licensed under this
7 Act. A building permit issued with respect to technical
8 submissions that do not conform to the requirements of this Act
9 shall be invalid.

10 (d) Nothing contained in this Section imposes upon a person
11 licensed under this Act the responsibility for the performance
12 of any of the foregoing functions unless such person
13 specifically contracts to provide it.

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

15 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

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

21 (b) "Board" means the State Board of Professional Engineers
22 of the Department of Professional Regulation, previously known
23 as the Examining Committee.

24 (c) "Department" means the Department of Financial and
25 Professional Regulation.

1 (d) "Design professional" means an architect, structural
2 engineer or professional engineer practicing in conformance
3 with the Illinois Architecture Practice Act of 1989, the
4 Structural Engineering Practice Act of 1989 or the Professional
5 Engineering Practice Act of 1989.

6 (e) "Secretary ~~Director~~" means the Secretary ~~Director~~ of
7 Financial and Professional Regulation.

8 (f) "Direct supervision/responsible charge" means work
9 prepared under the control of a licensed professional engineer
10 or that work as to which that professional engineer has
11 detailed professional knowledge.

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

17 (h) "Engineering system or facility" means a system or
18 facility whose design is based upon the application of the
19 principles of science for the purpose of modification of
20 natural states of being.

21 (i) "Engineer intern" means a person who is a candidate for
22 licensure as a professional engineer and who has been enrolled
23 as an engineer intern.

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

1 (k) "License" means an official document issued by the
2 Department to an individual, a corporation, a partnership, a
3 professional service corporation, a limited liability company,
4 or a sole proprietorship, signifying authority to practice.

5 (l) "Negligence in the practice of professional
6 engineering" means the failure to exercise that degree of
7 reasonable professional skill, judgment and diligence normally
8 rendered by professional engineers in the practice of
9 professional engineering.

10 (m) "Professional engineer" means a person licensed under
11 the laws of the State of Illinois to practice professional
12 engineering.

13 (n) "Professional engineering" means the application of
14 science to the design of engineering systems and facilities
15 using the knowledge, skills, ability and professional judgment
16 developed through professional engineering education, training
17 and experience.

18 (o) "Professional engineering practice" means the
19 consultation on, conception, investigation, evaluation,
20 planning, and design of, and selection of materials to be used
21 in, administration of construction contracts for, or site
22 observation of, an engineering system or facility, where such
23 consultation, conception, investigation, evaluation, planning,
24 design, selection, administration, or observation requires
25 extensive knowledge of engineering laws, formulae, materials,
26 practice, and construction methods. A person shall be construed

1 to practice or offer to practice professional engineering,
2 within the meaning and intent of this Act, who practices, or
3 who, by verbal claim, sign, advertisement, letterhead, card, or
4 any other way, is represented to be a professional engineer, or
5 through the use of the initials "P.E." or the title "engineer"
6 or any of its derivations or some other title implies licensure
7 as a professional engineer, or holds himself out as able to
8 perform any service which is recognized as professional
9 engineering practice.

10 Examples of the practice of professional engineering
11 include, but need not be limited to, transportation facilities,
12 public and publicly owned utilities for a region or community,
13 railroads, railways, highways, subways, canals, harbors, and
14 river improvements; land development; stormwater detention,
15 retention, and conveyance; irrigation works; aircraft and
16 airports and landing fields; traffic engineering; waterworks,
17 piping systems and appurtenances, sewers, sewage disposal
18 works; storm sewer, sanitary sewer, and water system modeling;
19 plants for the generation of power; devices for the utilization
20 of power; boilers; refrigeration plants, air conditioning
21 systems and plants; heating systems and plants; plants for the
22 transmission or distribution of power; electrical plants which
23 produce, transmit, distribute, or utilize electrical energy;
24 works for the extraction of minerals from the earth; plants for
25 the refining, alloying or treating of metals; chemical works
26 and industrial plants involving the use of chemicals and

1 chemical processes; plants for the production, conversion, or
2 utilization of nuclear, chemical, or radiant energy; forensic
3 engineering, geotechnical engineering including, subsurface
4 investigations; soil and rock classification, geology and
5 geohydrology, incidental to the practice of professional
6 engineering; geohydrological investigations, migration pathway
7 analysis (including evaluation of building and site elements),
8 soil and groundwater management zone analysis and design;
9 energy analysis, environmental risk assessments, corrective
10 action plans, design, remediation, protection plans and
11 systems, hazardous waste mitigation and control, environmental
12 control or remediation systems; recognition, measurement,
13 evaluation, and control of environmental systems and
14 emissions; evaluation and design of engineered barriers,
15 modeling of pollutants in water, soil, and air; engineering
16 surveys of sites, facilities, and topography, not including
17 land boundary establishment; ~~recognition, measurement,~~
18 ~~evaluation and control of environmental systems and emissions;~~
19 automated building management systems; control or remediation
20 systems; computer controlled or integrated systems; automatic
21 fire notification and suppression systems; investigation and
22 assessment of indoor air inhalation exposures and design of
23 abatement and remediation systems; or the provision of
24 professional engineering site observation of the construction
25 of works and engineering systems. Nothing in this Section shall
26 preclude an employee from acting under the direct

1 supervision/responsible charge of a licensed professional
2 engineer. Nothing contained in this Section imposes upon a
3 person licensed under this Act the responsibility for the
4 performance of any of the foregoing functions unless such
5 person specifically contracts to provide it.

6 (p) "Project representative" means the professional
7 engineer's representative at the project site who assists in
8 the administration of the construction contract.

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

11 (r) "Related science curriculum" means a 4 year program of
12 study, the satisfactory completion of which results in a
13 Bachelor of Science degree, and which contains courses from
14 such areas as life, earth, engineering and computer sciences,
15 including but not limited to, physics and chemistry. In the
16 study of these sciences, the objective is to acquire
17 fundamental knowledge about the nature of its phenomena,
18 including quantitative expression, appropriate to particular
19 fields of engineering.

20 (s) "Rules" means those rules promulgated pursuant to this
21 Act.

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

24 (u) "Site observation" is visitation of the construction
25 site for the purpose of reviewing, as available, the quality
26 and conformance of the work to the technical submissions as

1 they relate to design.

2 (v) "Support design professional" means a professional
3 engineer practicing in conformance with the Professional
4 Engineering Practice Act of 1989, who provides services to the
5 design professional who has contract responsibility.

6 (w) "Technical submissions" means the designs, drawings,
7 and specifications which establish the scope and standard of
8 quality for materials, workmanship, equipment, and ~~the~~
9 ~~construction~~ systems intended for use in construction.
10 "Technical submissions" includes, but is not limited to,
11 studies, analyses, calculations, and other technical reports
12 prepared in the course of the a design professional's practice
13 of professional engineering or under the direct
14 supervision/responsible charge of a licensed professional
15 engineer.

16 (x) "Design/build" and "design/build entity" means the
17 project delivery process defined in Title 68, Section 1380.296
18 of the Illinois Administrative Code.

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

21 (225 ILCS 325/4.5 new)

22 Sec. 4.5. References to Department or Director of
23 Professional Regulation. References in this Act (i) to the
24 Department of Professional Regulation are deemed, in
25 appropriate contexts, to be references to the Department of

1 Financial and Professional Regulation and (ii) to the Director
2 of Professional Regulation are deemed, in appropriate
3 contexts, to be references to the Secretary of Financial and
4 Professional Regulation.

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

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

7 Sec. 5. Powers and duties of the Department. Subject to the
8 provisions of this Act, the Department shall exercise the
9 following functions, powers and duties:

10 (a) To pass upon the qualifications and conduct
11 examinations of applicants for licensure as professional
12 engineers or enrollment as engineer interns and pass upon
13 the qualifications of applicants by endorsement and issue a
14 license or enrollment to those who are found to be fit and
15 qualified.

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

18 (c) To license corporations, partnerships,
19 professional service corporations, limited liability
20 companies, and sole proprietorships for the practice of
21 professional engineering and issue a license to those who
22 qualify.

23 (d) To conduct investigations and hearings regarding
24 violations of this Act and take disciplinary or other
25 actions as provided in this Act as a result of the

1 proceedings.

2 (e) To prescribe rules as to what shall constitute an
3 engineering or related science curriculum and to determine
4 if a specific engineering curriculum is in compliance with
5 the rules, and to terminate the approval of a specific
6 engineering curriculum for non-compliance with such rules.

7 (f) To promulgate rules required for the
8 administration of this Act, including rules of
9 professional conduct.

10 (g) To maintain membership in the National Council of
11 Examiners for Engineering and Surveying and participate in
12 activities of the Council by designation of individuals for
13 the various classifications of membership, the appointment
14 of delegates for attendance at zone and national meetings
15 of the Council, and the funding of the delegates for
16 attendance at the meetings of the Council.

17 (h) To obtain written recommendations from the Board
18 regarding qualifications of individuals for licensure and
19 enrollment, definitions of curriculum content and approval
20 of engineering curricula, standards of professional
21 conduct and formal disciplinary actions, and the
22 promulgation of the rules affecting these matters.

23 Prior to issuance of any final decision or order that
24 deviates from any report or recommendations of the Board
25 relating to the qualification of applicants, discipline of
26 licensees or registrants, or promulgation of rules, the

1 Director shall notify the Board in writing with an
2 explanation of any such deviation and provide a reasonable
3 time for the Board to submit written comments to the
4 Director regarding the proposed action. In the event that
5 the Board fails or declines to submit such written comments
6 within 30 days of said notification, the Director may issue
7 a final decision or orders consistent with the Director's
8 original decision. The Department may at any time seek the
9 expert advice and knowledge of the Board on any matter
10 relating to the enforcement of this Act.

11 (i) To publish and distribute or to post on the
12 Department's website, at least semi-annually, a newsletter
13 to all persons licensed and registered under this Act. The
14 newsletter shall describe the most recent changes in this
15 Act and the rules adopted under this Act and shall contain
16 information of any final disciplinary action that has been
17 ordered under this Act since the date of the last
18 newsletter.

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

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

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

1 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

3 Sec. 7. Powers and duties of the Board. Subject to the
4 provisions of this Act, the Board shall exercise the following
5 functions, powers and duties:

6 (a) Review education and experience qualifications of
7 applicants, including conducting oral interviews as deemed
8 necessary by the Board, to determine eligibility as an
9 engineer intern or professional engineer and submit to the
10 Director written recommendations on applicant
11 qualifications for enrollment and licensure;

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

15 (c) Conduct hearings regarding disciplinary actions
16 and submit a written report and recommendations to the
17 Director as required by this Act and to provide a Board
18 member at informal conferences;

19 (d) Make visits to universities or colleges to evaluate
20 engineering curricula or to otherwise evaluate engineering
21 curricula and submit to the Director a written
22 recommendation of acceptability of a curriculum;

23 (e) Submit a written recommendation to the Director
24 concerning promulgation of rules as required in Section 5
25 and to recommend to the Director any rules or amendments
26 thereto for the administration of this Act;

- 1 (f) Hold at least 3 regular meetings each year;
- 2 (g) Elect annually a chairperson and a
3 vice-chairperson who shall be professional engineers; and
- 4 (h) Submit written comments to the Director within 30
5 days from notification of any final decision or order from
6 the Director that deviates from any report or
7 recommendation of the Board relating to the qualification
8 of applicants, discipline of licensees or registrants, or
9 promulgation of rules.
- 10 (i) Contract with a corporation or other business
11 entity to provide investigative, legal, prosecutorial, or
12 other services necessary to perform its duties.

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

14 (225 ILCS 325/7.5 new)

15 Sec. 7.5. Complaint Committee.

16 (a) There is created the Professional Engineer Complaint
17 Committee of the Board composed of 2 voting members of the
18 Board, a Supervisor over Design Investigations, and a Chief of
19 Prosecutions over Design Prosecutions. The Director of
20 Enforcement shall designate the Supervisor and Chief assigned
21 to the Complaint Committee.

22 (b) The Complaint Committee shall meet at least once every
23 2 months to exercise its functions and duties as set forth in
24 subsection (c). Two members of the Board shall be in attendance
25 in order for any business to be transacted by the Complaint

1 Committee. The Complaint Committee shall make every effort to
2 consider expeditiously and take prompt action on each item on
3 its agenda.

4 (c) The Complaint Committee shall have the following duties
5 and functions:

6 (1) To review any complaint filed against an involved
7 party under this Act.

8 (2) To refer the complaint to the Supervisor over
9 Design Investigations for further action.

10 (3) To recommend to the Board that a complaint file be
11 closed.

12 (4) To make all other decisions in conjunction with the
13 Supervisor over Design Investigations regarding an action
14 to be taken on a complaint.

15 (5) To report the actions of the Complaint Committee at
16 each meeting of the Board.

17 (6) To provide an annual statistical report of all
18 complaints filed, the average length of time to resolve a
19 complaint, the number of complaints resolved or dismissed,
20 the reasons for dismissed complaints, the number of
21 complaints that resulted in disciplinary action, and the
22 number of unresolved complaints. Such report shall be made
23 available to the public.

24 (d) In determining what action to take or whether to
25 proceed with prosecution of a complaint, the Complaint
26 Committee shall consider, but not be limited to, the following

1 factors: the effect on the public's health, safety, and
2 welfare; the sufficiency of the evidence presented;
3 prosecutorial merit; and sufficient cooperation from
4 complaining parties.

5 (e) No complaint file shall be closed nor complaint
6 dismissed except upon recommendation of the Complaint
7 Committee or approval by the Board.

8 (f) When a complaint is made to the Department that alleges
9 that a building or other structure that requires the
10 involvement of a professional engineer in its design is under
11 construction, construction is imminent, or construction has
12 been completed and a professional engineer is not or was not
13 involved in its design, the investigation of that complaint
14 shall be expedited to ensure the health and safety of the
15 public. This investigation will be referred to as an emergency
16 investigation.

17 An emergency investigation will be given priority
18 attention and assigned to an investigator as soon as possible.

19 Once assigned to an investigator, the Department, through
20 its investigator, must convene a meeting of the Complaint
21 Committee by teleconference to determine if the complaint shall
22 continue to be treated as an emergency investigation. Such
23 meetings shall be deemed an emergency and notice of the meeting
24 shall be provided in accordance with the Open Meetings Act.

25 Upon determination by the Complaint Committee that the
26 complaint should be treated as an emergency investigation, the

1 complaint must be investigated as soon as possible.

2 Upon completion of the emergency investigation, the
3 investigator must again convene a meeting of the Complaint
4 Committee by teleconference. This meeting shall also be
5 considered an emergency and notice of the meeting shall be
6 provided in accordance with the Open Meetings Act. The
7 Complaint Committee must then decide whether to recommend to
8 the Department that the complaint be referred to the Attorney
9 General to seek a temporary restraining order and permanent
10 injunction against the start or further construction of the
11 project or, where the project has already been completed, to
12 enjoin the use of the building or structure. The Complaint
13 Committee shall recommend that the case be referred to the
14 Attorney General only upon a finding that the facts alleged in
15 the complaint are credible and constitute an imminent danger to
16 the public.

17 (225 ILCS 325/10) (from Ch. 111, par. 5210)

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

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

22 (a) A graduate of an approved engineering curriculum of at
23 least 4 years who submits acceptable evidence to the Board of
24 an additional 4 years or more of experience in engineering work
25 of a grade and character which indicate that the individual may

1 be competent to practice professional engineering, and who then
2 passes a nominal 8-hour written examination in the fundamentals
3 of engineering, and a nominal 8-hour written examination in the
4 principles and practice of engineering. Upon passing both
5 examinations, the applicant, if otherwise qualified, shall be
6 granted a license to practice professional engineering in this
7 State; or

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

20 (c) An engineer intern ~~who meets the education and~~
21 ~~experience qualifications of subsection (a) or (b) of this~~
22 ~~Section and has passed the nominal 8-hour written examination~~
23 ~~in the fundamentals of engineering,~~ by application and payment
24 of the required fee, may then take the nominal 8-hour written
25 examination in the principles and practice of engineering. If
26 an engineer intern successfully completes the ~~Upon passing that~~

1 examination and submits evidence to the Board of meeting the
2 experience qualifications of subsection (a) or (b) of this
3 Section, he or she ~~the applicant~~, if otherwise qualified, shall
4 be granted a license to practice professional engineering in
5 this State.

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

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

13 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

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

20 Any person whose license has expired or whose license is on
21 inactive status may have such license restored by making
22 application to the Department and filing proof acceptable to
23 the Department of that person's fitness to have such license
24 restored, which may include sworn evidence certifying to active
25 practice in another jurisdiction satisfactory to the

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

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

21 Each application for renewal shall contain the original
22 seal and signature of the professional engineer. Applicants for
23 renewal or restoration shall certify that all conditions of
24 their license meet the requirements of the Illinois
25 Professional Engineering Practice Act of 1989.

26 The Department may grant the title "Retired" to eligible

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

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

8 (225 ILCS 325/42) (from Ch. 111, par. 5242)

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

10 Sec. 42. Civil penalties.

11 (1) In addition to any other penalty provided by law, any
12 person, sole proprietorship, professional service corporation,
13 limited liability company, partnership, or other entity who
14 violates Section 40 of this Act shall forfeit and pay to the
15 Design Professionals Administration and Investigation Fund a
16 civil penalty in an amount determined by the Department of not
17 more than \$10,000 ~~\$5,000~~ for each offense. The penalty shall be
18 assessed in proceedings as provided in Sections 26 through 33
19 and Section 37 of this Act.

20 (2) Unless the amount of the penalty is paid within 60 days
21 after the order becomes final, the order shall constitute a
22 judgment and shall be filed and execution issued thereon in the
23 same manner as the judgment of a court of record.

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