



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0335

Introduced 1/27/2009, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.30 new

30 ILCS 105/5.719 new

Creates the Residential Building General Contractor Act. Provides for the registration of residential building general contractors with the Department of Labor beginning January 1, 2010. Establishes the Residential Building General Contractor Board. Sets forth powers and duties of the Department and the Board, registration requirements, grounds for discipline, civil and criminal penalties for violation of the Act, and administrative procedure. Includes provisions concerning exemption from the Act and local building permits. Provides that the Act does not limit the power of a unit of local government from regulating or licensing the practice of residential building general contracting in a stricter manner. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2020 for the new Act. Amends the State Finance Act to create the Residential Building Contractor Fund. Effective immediately.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 1. Short title. This Act may be cited as the  
5 Residential Building General Contractor Act.

6 Section 5. Purpose. It is the purpose of this Act to  
7 provide for the registration of residential building general  
8 contractors.

9 Section 10. Definitions. In this Act:

10 "Board" means the Residential Building General Contractor  
11 Board.

12 "Department" means the Department of Labor.

13 "Director" means the Director of Labor.

14 "Residential building general contracting" means the  
15 construction, alteration, repair, improvement, movement,  
16 wrecking, or demolishing of or the addition to or subtraction  
17 from any single family dwelling built, being built, or to be  
18 built, for the support, shelter, and enclosure of persons,  
19 animals, chattels, or movable property of any kind.

20 "Residential building general contracting" does not include

21 (i) the sale, installation, cleaning, or repair of carpets;

22 (ii) the sale of goods or materials by a merchant who directly

1 or through a third party performs any work or labor in  
2 connection with the installation or application of the goods or  
3 materials; or (iii) the repair, installation, replacement or  
4 connection of any home appliance, including, but not limited  
5 to, disposals, refrigerators, entertainment systems, ranges,  
6 garage door openers, television antennas, washing machines,  
7 telephones, or other home appliances, by an employee or a third  
8 party acting on behalf of the merchant that sold the home  
9 appliance.

10 "Residential building general contractor" means any person  
11 who undertakes to, offers to undertake to, purports to have the  
12 capacity to undertake to, submits a bid to, or does himself or  
13 herself or by or through others engage in residential building  
14 general contracting.

15 Section 12. Exemptions. Persons licensed under the Roofing  
16 Industry Licensing Act are exempt from this Act as long as the  
17 services they provide are limited to those described in the  
18 definition of "roofing contractor" in the Roofing Industry  
19 Licensing Act.

20 Section 15. Title. Only a residential building general  
21 contractor registered under this Act may use the title  
22 "residential building general contractor" or "registered  
23 residential building general contractor".

1 Section 20. Unregistered practice; civil penalty.

2 (a) Beginning on January 1, 2010, any person who practices,  
3 offers to practice, attempts to practice, or holds himself or  
4 herself out to practice residential building general  
5 contracting without being registered under this Act shall, in  
6 addition to any other penalty provided by law, pay a civil  
7 penalty to the Department in an amount not to exceed \$10,000  
8 for each offense as determined by the Department. The civil  
9 penalty shall be assessed by the Department after a hearing is  
10 held in accordance with the provisions set forth in this Act  
11 regarding the provision of a hearing for the discipline of a  
12 registrant.

13 (b) The Department has the authority and power to  
14 investigate any and all unregistered activities.

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

20 Section 22. Building permits. A municipality, county, or  
21 subdivision of a municipality or county that requires a  
22 building permit may not issue a building permit to a  
23 residential building general contractor unless the applicant  
24 has provided sufficient proof that he or she is registered  
25 under this Act.

1 Section 25. Powers and duties of the Department.

2 (a) The Department shall exercise the powers and duties  
3 prescribed by the Civil Administrative Code of Illinois for the  
4 administration of licensing Acts and shall exercise such other  
5 powers and duties vested in it by this Act.

6 (b) The Department shall adopt rules and regulations  
7 necessary for the administration and enforcement of this Act,  
8 including rules and regulations (i) concerning standards and  
9 criteria for registration and for the payment of applicable  
10 fees, (ii) requiring residential building general contractors  
11 to report to the Department the subcontractors it uses and  
12 update the information with each building permit, and (iii)  
13 requiring the sworn testament of a residential building general  
14 contractor that, if he or she employs subcontractors, payment  
15 of such subcontractors shall be made by the residential  
16 building general contractor in cases where payment is made by  
17 the consumer to the residential building general contractor  
18 with the understanding that such subcontracting payments shall  
19 subsequently be made by the residential building general  
20 contractor and requiring the filing of a lien waiver signed by  
21 both the residential building general contractor and the  
22 subcontractor indicating that in cases where the residential  
23 building general contractor fails to remit the designated  
24 payment to the subcontractor, through no fault of the consumer,  
25 the subcontractor may not seek a lien against the property of

1 the consumer. The Department must consult the Board concerning  
2 these rules and regulations. Notice of proposed rulemaking  
3 shall be transmitted to the Board and the Department shall  
4 review the Board's response and any recommendations made  
5 therein. The Department shall notify the Board in writing of  
6 the explanation for any deviations from the Board's  
7 recommendations and response.

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

11 (d) The Department must issue a quarterly report to the  
12 Board setting forth the status of all complaints received by  
13 the Department related to the practice of the profession.

14 (e) The Department must prescribe forms required for the  
15 administration of this Act.

16 (f) The Department must establish and maintain an Internet  
17 website dedicated to the provision of information to the public  
18 concerning registered residential building general  
19 contractors. The content of the website shall include without  
20 limitation each of the following:

21 (1) A description of any criminal conviction of a  
22 registrant. For the purposes of this item (1), a person  
23 shall be deemed to be convicted of a crime if he or she has  
24 been found or adjudged guilty by or entered a plea of  
25 guilty in a court of competent jurisdiction.

26 (2) A description of any civil claim or criminal charge

1 pending or previously pending against a registrant.

2 (3) A description of any civil settlement or judgment  
3 entered against a registrant.

4 (4) A description of any final disciplinary action  
5 taken against a registrant by the Board.

6 (5) A listing of all previous businesses that a  
7 registrant has owned or was employed with as a residential  
8 building general contractor.

9 Section 30. Residential Building General Contractor Board.

10 (a) The Director shall appoint a Residential Building  
11 General Contractor Board comprised of persons who are residents  
12 of this State and who shall serve in an advisory capacity to  
13 the Director. The Board shall consist of 7 members, 4 of whom  
14 shall be individuals experienced in the practice of residential  
15 building general contracting and who meet the requirements for  
16 residential building general contractor registration set forth  
17 under this Act, 2 of whom shall be representatives of a  
18 statewide association representing residential building  
19 general contractors, and one of whom shall be a knowledgeable  
20 public member who is not registered under this Act or any Act  
21 administered by the Department.

22 (b) Members of the Board shall serve 4-year terms and until  
23 their successors are appointed and qualified, except that of  
24 the members of the Board first appointed, 2 shall be appointed  
25 to serve for 2 years, 2 shall be appointed to serve for 3

1 years, and 3 shall be appointed to serve for 4 years. No member  
2 may serve more than 2 complete 4-year terms.

3 (c) Members of the Board shall be immune from suit in any  
4 action based on any disciplinary proceedings or other acts  
5 performed in good faith as members of the Board, unless the  
6 conduct that gave rise to the suit was willful or wanton  
7 misconduct.

8 (d) If a vacancy on the Board occurs for any reason  
9 resulting in an unexpired term, within 90 days after the  
10 vacancy first occurs, the Director shall fill the vacancy in  
11 like manner for the unexpired balance of the term only. The  
12 Board shall meet annually to elect one member as chairperson  
13 and one member as vice-chairperson from their number. No  
14 officer may be elected more than 2 times in succession to the  
15 same office.

16 (e) Board members shall receive reimbursement for actual,  
17 necessary, and authorized expenses incurred in attending the  
18 meetings of the Board.

19 Section 35. Registration requirements.

20 (a) Every person applying to the Department for  
21 registration must do so in writing on forms prescribed by the  
22 Department and pay the required nonrefundable fee. The  
23 application shall include without limitation all of the  
24 following information:

25 (1) The name, principal place of business, address, and



1 telephone number of the applicant.

2 (2) Verification satisfactory to the Board that the  
3 applicant is at least 18 years of age.

4 (3) Disclosure of all settlements and judgments  
5 against the applicant.

6 (4) Disclosure of all civil claims and criminal charges  
7 pending against the applicant.

8 (b) Before issuing or renewing a certificate of  
9 registration, the Department shall require each applicant or  
10 registrant to file and maintain in force a surety bond, issued  
11 by an insurance company authorized to transact fidelity and  
12 surety business in Illinois. The Department shall set the  
13 requirements of the bond by rule.

14 (c) The Department may establish further requirements for  
15 registration by rule.

16 Section 40. Issuance of certificate. Whenever an applicant  
17 for registration has complied with the requirements of Section  
18 35 of this Act, the Department shall issue a certificate of  
19 registration to the applicant as a registered residential  
20 building general contractor, subject to the provisions of this  
21 Act.

22 Section 45. Current address. Every registrant under this  
23 Act must maintain a current address with the Department. It  
24 shall be the responsibility of the registrant to notify the

1 Department in writing of any change of address.

2 Section 50. Renewal; restoration; military service.

3 (a) The expiration date and renewal period for each  
4 certificate of registration issued under this Act shall be set  
5 by the Department by rule.

6 (b) Any person who has permitted his or her certificate of  
7 registration to expire may have his or her certificate of  
8 registration restored by applying to the Department, filing  
9 proof acceptable to the Department of his or her fitness to  
10 have the registration restored, which may include sworn  
11 evidence certifying to active practice in another jurisdiction  
12 satisfactory to the Department and paying the required  
13 restoration fee. If the person has not maintained an active  
14 practice in another jurisdiction satisfactory to the  
15 Department, the Board shall determine, by an evaluation program  
16 established by rule, the person's fitness to resume active  
17 status and may require the successful completion of an  
18 examination.

19 (c) Any person whose registration has expired while he or  
20 she has been engaged (i) in federal service on active duty with  
21 the Armed Forces of the United States or the State Militia  
22 called into service or training or (ii) in training or  
23 education under the supervision of the United States  
24 preliminary to induction into the military service, may have  
25 his or her certificate of registration renewed or restored

1 without paying any lapsed renewal fees if, within 2 years after  
2 termination of service, training, or education, other than by  
3 dishonorable discharge, he or she furnishes the Department with  
4 satisfactory evidence to the effect that he or she has been so  
5 engaged and that the service, training, or education has been  
6 so terminated.

7 (d) Each application for renewal must contain the signature  
8 of the residential building general contractor.

9 Section 55. Inactive status.

10 (a) Any residential building general contractor who  
11 notifies the Department in writing on forms prescribed by the  
12 Department may elect to place his or her certificate of  
13 registration on inactive status and shall be excused from  
14 payment of renewal fees until he or she notifies the Department  
15 in writing of his or her desire to resume active status.

16 (b) Any person whose certificate of registration has been  
17 expired for more than 3 years may have his or her certificate  
18 restored by making application to the Department and filing  
19 proof acceptable to the Department of his or her fitness to  
20 have his or her certificate restored, including evidence  
21 certifying to active practice in another jurisdiction, and by  
22 paying the required restoration fee.

23 (c) Any residential building general contractor whose  
24 certificate of registration is on inactive status, has been  
25 suspended or revoked, or has expired may not represent himself

1 or herself to be a residential building general contractor or  
2 use the title "residential building general contractor",  
3 "registered residential building general contractor", or any  
4 other title that includes the words "residential building  
5 general contractor".

6 Section 60. Fees; disposition of funds.

7 (a) The Department shall establish by rule a schedule of  
8 fees for the administration and maintenance of this Act. Such  
9 fees shall be nonrefundable.

10 (b) All fees collected pursuant to this Act shall be  
11 deposited in the Residential Building General Contractor Fund.  
12 All moneys deposited into the Fund may be used for the expenses  
13 of the Department in the administration of this Act.

14 Section 65. Roster. The Department shall maintain a roster  
15 of the names and addresses of all registrants under this Act.  
16 This roster shall be made available upon written request and  
17 payment of the required fee; however, the Attorney General may  
18 obtain the roster without charge for the purpose of creating  
19 and maintaining an Internet website of residential building  
20 general contractors.

21 Section 70. Advertising. Any person registered under this  
22 Act may advertise the availability of professional services in  
23 the public media or on the premises where such professional

1 services are rendered, provided that such advertising is  
2 truthful and not misleading.

3 Section 75. Injunction; criminal penalty; cease and desist  
4 order.

5 (a) If any person violates the provisions of this Act, the  
6 Director may, in the name of the People of the State of  
7 Illinois and through the Attorney General or the State's  
8 Attorney of any county in which the action is brought, petition  
9 for an order enjoining such violation and for an order  
10 enforcing compliance with this Act. Upon the filing of a  
11 verified petition in court, the court may issue a temporary  
12 restraining order, without notice or bond, and may  
13 preliminarily and permanently enjoin such violation. If it is  
14 established that such person has violated or is violating the  
15 injunction, the Court may punish the offender for contempt of  
16 court. Proceedings under this Section shall be in addition to,  
17 and not in lieu of, all other remedies and penalties provided  
18 by this Act.

19 (b) If any person holds himself or herself out as a  
20 "residential building general contractor" or "registered  
21 residential building general contractor" without being  
22 registered under the provisions of this Act, then any  
23 registered residential building general contractor, interested  
24 party, or person injured thereby may, in addition to the  
25 Director, petition for relief as provided in subsection (a) of

1 this Section.

2 (c) Whoever holds himself or herself out as a "residential  
3 building general contractor" or "registered residential  
4 building general contractor" in this State without being  
5 registered for that purpose is guilty of a Class A misdemeanor,  
6 and for each subsequent conviction, is guilty of a Class 4  
7 felony.

8 (d) Whenever, in the opinion of the Department, a person  
9 violates any provision of this Act, the Department may issue a  
10 rule to show cause why an order to cease and desist should not  
11 be entered against that person. The rule shall clearly set  
12 forth the grounds relied upon by the Department and shall allow  
13 the person at least 7 days after the date of the rule to file an  
14 answer that is satisfactory to the Department. Failure to  
15 answer to the satisfaction of the Department shall cause an  
16 order to cease and desist to be issued.

17 Section 80. Disciplinary grounds.

18 (a) The Department may refuse to issue, renew, or may  
19 revoke, suspend, place on probation, reprimand, or take other  
20 disciplinary action as the Department considers appropriate,  
21 including the issuance of fines not to exceed \$10,000 for each  
22 violation, with regard to any certificate of registration for  
23 any one or more of the following causes:

24 (1) Violation of this Act or any rule adopted under  
25 this Act.

1           (2) Conviction of any crime under the laws of an U.S.  
2 jurisdiction that is a felony or a misdemeanor an essential  
3 element of which is dishonesty or that directly relates to  
4 the practice of the profession.

5           (3) Making any misrepresentation for the purpose of  
6 obtaining a certificate of registration.

7           (4) Professional incompetence or gross negligence in  
8 the practice of building contracting.

9           (5) Gross malpractice, prima facie evidence of which  
10 may be a conviction or judgment of malpractice in any court  
11 of competent jurisdiction.

12           (6) Aiding or assisting another person in violating any  
13 provision of this Act or any rule adopted under this Act.

14           (7) Failing, within 60 days, to provide information in  
15 response to a written request made by the Department that  
16 has been sent by certified or registered mail to the  
17 registrant's last known address.

18           (8) Engaging in dishonorable, unethical, or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud, or harm the public.

21           (9) Habitual or excessive use of or addiction to  
22 alcohol, narcotics, stimulants, or any other chemical  
23 agent or drug that results in the inability to practice  
24 with reasonable judgment, skill, or safety.

25           (10) Discipline by another U.S. jurisdiction or  
26 foreign nation, if at least one of the grounds for the

1 discipline is the same or substantially equivalent to those  
2 set forth in this Section.

3 (11) Directly or indirectly giving to or receiving from  
4 any person, firm, corporation, partnership, or association  
5 any fee, commission, rebate, or other form of compensation  
6 for any professional service not actually rendered.

7 (12) A finding by the Department that a registrant,  
8 after having his or her certificate of registration placed  
9 on probationary status, has violated the terms of  
10 probation.

11 (13) Conviction by any court of competent  
12 jurisdiction, either within or without this State, of any  
13 violation of any law governing the practice of building  
14 contracting if the Department determines, after  
15 investigation, that such person has not been sufficiently  
16 rehabilitated to warrant the public trust.

17 (14) A finding that registration has been applied for  
18 or obtained by fraudulent means.

19 (15) Practicing, attempting to practice, or  
20 advertising under a name other than the full name as shown  
21 on the certificate of registration or any other legally  
22 authorized name.

23 (16) Gross and willful overcharging for professional  
24 services, including filing false statements for collection  
25 of fees or moneys for which services are not rendered.

26 (17) Failure to file a tax return or to pay any final



1 assessment of tax, penalty, or interest, as required by any  
2 tax Act administered by the Department of Revenue, until  
3 such time as the requirements of any such tax Act are  
4 satisfied.

5 (18) Failure to continue to meet the requirements of  
6 this Act.

7 (19) Physical or mental disability, including  
8 deterioration through the aging process or loss of  
9 abilities and skills, that result in an inability to  
10 practice the profession with reasonable judgment, skill,  
11 or safety.

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

14 (21) Advertising in any manner that is false,  
15 misleading, or deceptive.

16 (22) The determination by a court that a registrant is  
17 subject to involuntary admission or judicial admission as  
18 provided in the Mental Health and Developmental  
19 Disabilities Code. Such determination shall result in an  
20 automatic suspension of a registrant's certificate. The  
21 suspension shall end upon a finding by a court that the  
22 registrant is no longer subject to involuntary admission or  
23 judicial admission, the issuance of an order so finding and  
24 discharging the patient, and the recommendation of the  
25 Board to the Secretary that the registrant be allowed to  
26 resume practice within the profession.

1           (b) The Department shall deny the issuance or renewal of  
2 any certificate of registration under this Act to any person  
3 who has defaulted on an educational loan guaranteed by the  
4 Illinois Student Assistance Commission; however, the  
5 Department may issue a certificate or renewal if the person in  
6 default has established a satisfactory repayment record, as  
7 determined by the Illinois Student Assistance Commission.

8           Section 83. Notification of intention to place a lien. A  
9 licensee under this Act must provide written notification to  
10 the owner of the property for which the licensee has provided  
11 building contracting services of the licensee's intention to  
12 place a lien on that property. This notification must be  
13 provided at least 10 days before the lien is placed on the  
14 property.

15           Section 85. Investigation; notice of hearing. The  
16 Department may investigate the actions or qualifications of any  
17 applicant or person holding or claiming to hold a certificate  
18 of registration. The Department shall, before suspending or  
19 revoking, placing on probation, reprimanding, or taking any  
20 other disciplinary action under Section 80 of this Act, at  
21 least 30 days before the date set for the hearing, notify the  
22 applicant or registrant in writing of the nature of the charges  
23 and that a hearing will be held on the date designated. The  
24 written notice may be served by personal delivery or certified

1 or registered mail to the applicant or registrant at the  
2 address of his or her last notification to the Department. The  
3 Department shall direct the applicant or registrant to file a  
4 written answer with the Department, under oath, within 20 days  
5 after the service of the notice, and inform the person that if  
6 he or she fails to file an answer, his or her certificate may  
7 be revoked, suspended, placed on probation, reprimanded, or the  
8 Department may take any other additional disciplinary action,  
9 including the issuance of fines not to exceed \$1,000 for each  
10 violation, as the Department may consider necessary, without a  
11 hearing. At the time and place fixed in the notice, the Board  
12 shall proceed to hear the charges and the parties or their  
13 counsel. All parties shall be afforded an opportunity to  
14 present any statements, testimony, evidence, and arguments as  
15 may be pertinent to the charges or to their defense. The Board  
16 may continue the hearing from time to time.

17 Section 90. Record of proceedings; transcript. The  
18 Department, at its expense, shall preserve a record of all  
19 proceedings at the formal hearing of any case involving the  
20 refusal to issue, renew, or restore a certificate of  
21 registration or the discipline of a registrant. The notice of  
22 hearing, complaint, and all other documents in the nature of  
23 pleadings and written motions filed in the proceedings, the  
24 transcript of testimony, the report of the Board, and the  
25 orders of the Department shall be the record of the

1 proceedings.

2 Section 95. Subpoenas; depositions; oaths. The Department  
3 may subpoena and bring before it any person and take testimony,  
4 either orally, by deposition, or both, with the same fees and  
5 mileage and in the same manner as prescribed in civil cases in  
6 circuit courts of this State. The Director, the designated  
7 hearing officer, and every member of the Board has the power to  
8 administer oaths to witnesses at any hearing which the  
9 Department is authorized to conduct, and any other oaths  
10 authorized in any Act administered by the Department.

11 Section 100. Compelling testimony. Any court, upon the  
12 application of the Department, designated hearing officer, or  
13 the applicant or registrant against whom proceedings under  
14 Section 80 of this Act are pending, may enter an order  
15 requiring the attendance of witnesses and their testimony and  
16 the production of documents, papers, files, books, and records  
17 in connection with any hearing or investigation. The court may  
18 compel obedience to its order by proceedings for contempt.

19 Section 105. Findings and recommendations. At the  
20 conclusion of a hearing, the Board shall present to the  
21 Director a written report of its findings of fact, conclusions  
22 of law, and recommendations. The report shall contain a finding  
23 as to whether the registrant violated this Act or failed to

1 comply with the conditions required in this Act. The Board  
2 shall specify the nature of the violation or failure to comply  
3 and shall make its recommendations to the Director.

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

16 Section 110. Board; rehearing. At the conclusion of a  
17 hearing, a copy of the Board's report shall be served upon the  
18 accused person, either personally or as provided in this Act  
19 for the service of the notice. Within 20 days after such  
20 service, the applicant or registrant may present to the  
21 Department a motion in writing for a rehearing which shall  
22 specify the particular grounds for rehearing. If no motion for  
23 a rehearing is filed, then upon the expiration of the time  
24 specified for filing such a motion or if a motion for rehearing  
25 is denied, then upon the denial, the Director may enter any

1 order in accordance with recommendations of the Board, except  
2 as otherwise provided in this Act. If the applicant or  
3 registrant requests and pays for a transcript of the record  
4 within the time for filing a motion for rehearing, the 20-day  
5 period within which a motion may be filed shall commence upon  
6 the delivery of the transcript to the applicant or registrant.

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

12 Section 115. Appointment of a hearing officer. The Director  
13 has the authority to appoint any attorney licensed to practice  
14 law in the State of Illinois to serve as the hearing officer in  
15 any action for refusal to issue or renew a certificate of  
16 registration or to discipline a registrant. The Director shall  
17 notify the Board of any such appointment. The hearing officer  
18 has full authority to conduct the hearing. At least one member  
19 of the Board shall attend each hearing. The hearing officer  
20 shall report his or her findings of fact, conclusions of law,  
21 and recommendations to the Board and the Director. The Board  
22 has 60 days after receipt of the report to review it and  
23 present its findings of fact, conclusions of law, and  
24 recommendations to the Director. If the Board fails to present  
25 its report within the 60-day period, the Director shall issue

1 an order based on the report of the hearing officer. If the  
2 Director disagrees with the recommendation of the Board or  
3 hearing officer, the Director may issue an order in  
4 contravention of the recommendation. The Director shall  
5 promptly provide a written explanation to the Board on any  
6 disagreement.

7 Section 120. Order of certified copy; prima facie proof.  
8 An order or a certified copy thereof, over the seal of the  
9 Department and purporting to be signed by the Director, shall  
10 be prima facie proof that:

- 11 (1) the signature is the genuine signature of the  
12 Director;  
13 (2) the Director is duly appointed and qualified; and  
14 (3) the Board and the members thereof are qualified to  
15 act.

16 Section 125. Restoration of suspended or revoked  
17 certificate of registration. At any time after the suspension  
18 or revocation of any certificate of registration, the  
19 Department may restore it to the registrant upon the written  
20 recommendation of the Board, unless after an investigation and  
21 hearing, the Board determines that restoration is not in the  
22 public interest.

23 Section 130. Surrender of certificate of registration.

1 Upon the revocation or suspension of any certificate of  
2 registration, the registrant shall immediately surrender his  
3 or her certificate to the Department. If the registrant fails  
4 to do so, the Department has the right to seize the  
5 certificate.

6 Section 135. Summary suspension of a certificate of  
7 registration. The Director may summarily suspend a certificate  
8 of registration issued under this Act without a hearing,  
9 simultaneously with the institution of proceedings for a  
10 hearing provided for in this Act, if the Director finds that  
11 evidence in the possession of the Director indicates that the  
12 continuation in practice by the registrant would constitute an  
13 imminent danger to the public. In the event that the Director  
14 temporarily suspends the certificate of an individual without a  
15 hearing, a hearing must be held within 30 days after such  
16 suspension has occurred.

17 Section 140. Administrative Review Law; venue.

18 (a) All final administrative decisions of the Department  
19 are subject to judicial review under the Administrative Review  
20 Law and its rules. The term "administrative decision" is  
21 defined as in Section 3-101 of the Code of Civil Procedure.

22 (b) Proceedings for judicial review shall be commenced in  
23 the circuit court of the county in which the party applying for  
24 review resides, but if the party is not a resident of this



1 State, the venue shall be in Sangamon County.

2 Section 145. Certification of record; costs. The  
3 Department shall not be required to certify any record to the  
4 court or file an answer in court or to otherwise appear in any  
5 court in a judicial review proceeding, unless there is filed in  
6 the court with the complaint a receipt from the Department  
7 acknowledging payment of the costs of furnishing and certifying  
8 the record. Failure on the part of the plaintiff to file such  
9 receipt in court shall be grounds for dismissal of the action.

10 Section 150. Administrative Procedure Act. The Illinois  
11 Administrative Procedure Act is hereby expressly adopted and  
12 incorporated herein as if all of the provisions of that Act  
13 were included in this Act, except that the provision of  
14 subsection (d) of Section 10-65 of the Illinois Administrative  
15 Procedure Act that provides that at hearings the registrant has  
16 the right to show compliance with all lawful requirements for  
17 retention, continuation, or renewal of the certificate is  
18 specifically excluded. For the purposes of this Act, the notice  
19 required under Section 10-25 of the Illinois Administrative  
20 Procedure Act is deemed sufficient when mailed to the last  
21 known address of a party.

22 Section 165. Home rule. This Act shall not be construed to  
23 limit the power of a unit of local government from regulating

1 or licensing the practice of residential building general  
2 contracting in a stricter manner. This Section is a limitation  
3 under subsection (i) of Section 6 of Article VII of the  
4 Illinois Constitution on the concurrent exercise by home rule  
5 units of powers and functions exercised by the State.

6 Section 900. The Regulatory Sunset Act is amended by adding  
7 Section 4.30 as follows:

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 Residential Building General Contractor Act.

12 Section 905. The State Finance Act is amended by adding  
13 Section 5.719 as follows:

14 (30 ILCS 105/5.719 new)

15 Sec. 5.719. The Residential Building General Contractor  
16 Act Fund.

17 Section 999. Effective date. This Act takes effect upon  
18 becoming law.