



Sen. Kirk W. Dillard

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LRB096 10402 ASK 25113 a

1 AMENDMENT TO HOUSE BILL 880

2 AMENDMENT NO. _____. Amend House Bill 880 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Professional Geologist Licensing Act is
5 amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50,
6 60, 65, 70, 75, 80, 85, 90, 105, 110, 115, 120, 125, 135, 140,
7 145, and 160 and by adding Sections 17 and 51 as follows:

8 (225 ILCS 745/15)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 15. Definitions. In this Act:

11 "Board" means the Board of Licensing for Professional
12 Geologists.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 ~~"Director" means the Director of Professional Regulation.~~

16 "Enrollment" means the recording by the Department of those

1 individuals who have met the requirements specified in this Act
2 for a Geologist Intern and the issuance of a certificate of
3 enrollment to such individuals.

4 "Geologist" means an individual who, by reason of his or
5 her knowledge of geology, mathematics, and the physical and
6 life sciences, acquired by education and practical experience
7 as defined by this Act, is capable of practicing the science of
8 geology.

9 "Geologist Intern" means an individual enrolled with the
10 Department who has knowledge of geology, mathematics, and the
11 physical and life sciences, obtained by education, as defined
12 in this Act, and has passed the examination on the fundamentals
13 of geology administered by the Department with the advice and
14 consent of the Board.

15 "Geology" means the science that includes the treatment of
16 the earth and its origin and history including, but not limited
17 to, (i) the investigation of the earth's crust and interior and
18 the solids and fluids, including all surface and underground
19 waters, gases, and other materials that compose the earth as
20 they may relate to geologic processes; (ii) the study of the
21 natural agents, forces, and processes that cause changes in the
22 earth; and (iii) the utilization of this knowledge of the earth
23 and its solids, fluids, and gases, and their collective
24 properties and processes, for the benefit of humankind.

25 "Person" or "individual" means a natural person.

26 "Practice of professional geology" means the performance

1 of, or the offer to perform, the services of a geologist,
2 including consultation, investigation, evaluation, planning,
3 mapping, inspection of geologic work, and other services that
4 require extensive knowledge of geologic laws, formulas,
5 principles, practice, and methods of data interpretation.

6 A person shall be construed to practice or offer to
7 practice professional geology, within the meaning and intent of
8 this Act, if that person (i) by verbal claim, sign,
9 advertisement, letterhead, card, or any other means,
10 represents himself or herself to be a Licensed Professional
11 Geologist ~~professional geologist~~ or through the use of some
12 title implies that he or she is a Licensed Professional
13 Geologist ~~professional geologist~~ or is licensed under this Act
14 or (ii) holds himself or herself out as able to perform or does
15 perform services or work defined in this Act as the practice of
16 professional geology.

17 Examples of the practice of professional geology include,
18 but are not limited to, the conduct of, or responsible charge
19 for, the following types of activities: (i) mapping, sampling,
20 and analysis of earth materials, interpretation of data, and
21 the preparation of oral or written testimony regarding the
22 probable geological causes of events; (ii) planning, review,
23 and supervision of data gathering activities, interpretation
24 of geological data gathered by direct and indirect means,
25 preparation of geological maps, cross-sections, interpretive
26 maps and reports for the purpose of evaluating regional or site

1 specific geological conditions; (iii) the planning, review,
2 and supervision of data gathering activities and
3 interpretation of data on regional or site specific geological
4 characteristics affecting groundwater; (iv) the interpretation
5 of geological conditions on the surface and at depth at a
6 specific site on the Earth's surface for the purpose of
7 determining whether those conditions correspond to a geologic
8 map of the site; and (v) the conducting of environmental
9 property audits.

10 "Licensed Professional Geologist ~~professional geologist~~"
11 means an individual who is licensed under this Act to engage in
12 the practice of professional geology in Illinois.

13 "Responsible charge" means the independent control and
14 direction, by use of initiative, skill, and independent
15 judgment, of geological work or the supervision of that work.

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

18 (Source: P.A. 89-366, eff. 7-1-96.)

19 (225 ILCS 745/17 new)

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

21 Sec. 17. 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 745/20)

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

6 Sec. 20. Exemptions. Nothing in this Act shall be construed
7 to restrict the use of the title "geologist" or similar words
8 by any person engaged in a practice of geology exempted under
9 this Act, provided the person does not hold himself or herself
10 out as being a Licensed Professional Geologist ~~licensed~~
11 ~~professional geologist~~ or does not practice professional
12 geology in a manner requiring licensure under this Act.
13 Performance of the following activities does not require
14 licensure as a Licensed Professional Geologist ~~licensed~~
15 ~~professional geologist~~ under this Act:

16 (a) The practice of professional geology by an employee or
17 a subordinate of a licensee under this Act, provided the work
18 does not include responsible charge of geological work and is
19 performed under the direct supervision of a Licensed
20 Professional Geologist ~~licensed professional geologist~~ who is
21 responsible for the work.

22 (b) The practice of professional geology by officers and
23 employees of the United States government within the scope of
24 their employment.

25 (c) The practice of professional geology as geologic

1 research to advance basic knowledge for the purpose of offering
2 scientific papers, publications, or other presentations (i)
3 before meetings of scientific societies, (ii) internal to a
4 partnership, corporation, proprietorship, or government
5 agency, or (iii) for publication in scientific journals, or in
6 books.

7 (d) The teaching of geology in schools, colleges, or
8 universities, as defined by rule.

9 (d-5) The practice of professional geology by any person
10 pursuing a course of study leading to a degree in geology from
11 an accredited college or university, as set forth in this Act
12 and by rule, provided that (i) such practice constitutes a part
13 of a supervised course of study, (ii) the person is under the
14 supervision of a geologist licensed under this Act, and (iii)
15 the person is designated by a title that clearly indicates his
16 or her status as a student or trainee.

17 (e) The practice of professional geology exclusively in the
18 exploration for or development of energy resources or base,
19 precious and nonprecious minerals, including sand, gravel, and
20 aggregate, that does not require, by law, rule, or ordinance,
21 the submission of reports, documents, or oral or written
22 testimony to public agencies. Public agencies may, by law or by
23 rule, allow required oral or written testimony, reports, permit
24 applications, or other documents based on the science of
25 geology to be submitted to them by persons not licensed under
26 this Act. Unless otherwise required by State or federal law,

1 public agencies may not require that the geology-based aspects
2 of testimony, reports, permits, or other documents so exempted
3 be reviewed by, approved, or otherwise certified by any person
4 who is not a Licensed Professional Geologist ~~licensed~~
5 ~~professional geologist~~. Licensure is not required for the
6 submission and review of reports or documents or the provision
7 of oral or written testimony made under the Well Abandonment
8 Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land
9 Conservation and Reclamation Act, or the Surface-Mined Land
10 Conservation and Reclamation Act.

11 (f) The practice of professional engineering as defined in
12 the Professional Engineering Practice Act of 1989.

13 (g) The practice of structural engineering as defined in
14 the Structural Engineering Practice Act of 1989.

15 (h) The practice of architecture as defined in the Illinois
16 Architecture Practice Act of 1989.

17 (i) The practice of land surveying as defined in the
18 Illinois Professional Land Surveyor Act of 1989.

19 (j) The practice of landscape architecture as defined in
20 the Illinois Landscape Architecture Act of 1989.

21 (k) The practice of professional geology for a period not
22 to exceed 9 months by any person pursuing a course of study
23 leading to a degree in geology from an accredited college or
24 university, as set forth in this Act and as established by
25 rule, provided that (i) such practice constitutes a part of a
26 supervised course of study, (ii) the person is under the

1 supervision of a geologist licensed under this Act, and (iii)
2 the person is designated by a title that clearly indicates his
3 or her status as a student or trainee.

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

5 (225 ILCS 745/25)

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

7 Sec. 25. Restrictions and limitations. No person shall,
8 without a valid license issued by the Department (i) in any
9 manner hold himself or herself out to the public as a Licensed
10 Professional Geologist ~~licensed professional geologist~~; (ii)
11 attach the title "Licensed Professional Geologist" to his or
12 her name; or (iii) render or offer to render to individuals,
13 corporations, or public agencies services constituting the
14 practice of professional geology.

15 Individuals practicing geology in Illinois as of the
16 effective date of this amendatory Act of 1997 may continue to
17 practice as provided in this Act until the Department has
18 adopted rules implementing this Act. To continue practicing
19 geology after the adoption of rules, individuals shall apply
20 for licensure within 180 days after the effective date of the
21 rules. If an application is received during the 180-day period,
22 the individual may continue to practice until the Department
23 acts to grant or deny licensure. If an application is not filed
24 within the 180-day period, the individual must cease the
25 practice of geology at the conclusion of the 180-day period and

1 until the Department acts to grant a license to the individual.

2 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

3 (225 ILCS 745/30)

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

5 Sec. 30. Powers and duties of the Department. Subject to
6 the provisions of this Act, the Department may:

7 (a) Authorize examinations to ascertain the qualifications
8 and fitness of applicants for licensing or enrollment as
9 Licensed Professional Geologists, Licensed Specialty
10 Geologists, or Geologist Interns ~~licensed professional~~
11 ~~geologists or as licensed specialty geologists~~, as defined by
12 the Board, and pass upon the qualifications of applicants for
13 licensure by endorsement.

14 (b) Conduct hearings on proceedings to refuse to issue or
15 renew or to revoke licenses or certificates of enrollment or
16 suspend, place on probation, or reprimand persons licensed or
17 enrolled under this Act, and to refuse to issue or renew or to
18 revoke licenses or certificates of enrollment, or suspend,
19 place on probation, or reprimand persons licensed or enrolled
20 under this Act.

21 (c) Formulate rules required for the administration of this
22 Act.

23 (d) Obtain written recommendations from the Board
24 regarding (i) definitions of curriculum content and approval of
25 geological curricula, standards of professional conduct, and

1 formal disciplinary actions and the formulation of rules
2 affecting these matters and (ii) when petitioned by the
3 applicant, opinions regarding the qualifications of applicants
4 for licensing or enrolling.

5 (e) Maintain rosters of the names and addresses of all
6 licensees, enrollees, and all persons whose licenses or
7 certificates of enrollment have been suspended, revoked, or
8 denied renewal for cause within the previous calendar year.
9 These rosters shall be available upon written request and
10 payment of the required fee.

11 (Source: P.A. 89-366, eff. 7-1-96.)

12 (225 ILCS 745/35)

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

14 Sec. 35. Board of Licensing for Professional Geologists;
15 members; qualifications; duties.

16 (a) The Director shall appoint a Board of Licensing for
17 Professional Geologists which shall serve in an advisory
18 capacity to the Director. The Board shall be composed of 8
19 persons, 7 of whom shall be voting members appointed by the
20 Director, who shall give due consideration to recommendations
21 by members of the profession of geology and of geology
22 organizations within the State. In addition, the State
23 Geologist or his or her designated representative, shall be an
24 advisory, non-voting member of the Board.

25 (b) Insofar as possible, the geologists appointed to serve

1 on the Board shall be generally representative of the
2 occupational and geographical distribution of geologists
3 within this State.

4 (c) Of the 7 appointed voting members of the Board, 6 shall
5 be geologists and one shall be a member of the general public
6 with no family or business connection with the practice of
7 geology.

8 (d) Each of the first appointed geologist members of the
9 Board shall have at least 10 years of active geological
10 experience and shall possess the education and experience
11 required for licensure. Each subsequently appointed geologist
12 member of the Board shall be a Licensed Professional Geologist
13 ~~professional geologist~~ licensed under this Act.

14 (e) Of the initial appointments, the Director shall appoint
15 3 voting members for a term of 4 years, 2 voting members for a
16 term of 3 years, and 2 voting members for a term of 2 years.
17 Thereafter, voting members shall be appointed for 4-year terms.
18 Terms shall commence on the 3rd Monday in January.

19 (f) Members shall hold office until the expiration of their
20 terms or until their successors have been appointed and have
21 qualified.

22 (g) No voting member of the Board shall serve more than 2
23 consecutive full terms.

24 (h) Vacancies in the membership of the Board shall be
25 filled by appointment for the unexpired term.

26 (i) The Director may remove or suspend any member of the

1 Board for cause at any time before the expiration of his or her
2 term.

3 (j) The Board shall annually elect one of its members as
4 chairperson.

5 (k) The members of the Board shall be reimbursed for all
6 legitimate and necessary expenses authorized by the Department
7 incurred in attending the meetings of the Board.

8 (l) The Board may make recommendations to the Director to
9 establish the examinations and their method of grading.

10 (m) The Board may submit written recommendations to the
11 Director concerning formulation of rules and a Code of
12 Professional Conduct and Ethics. The Board may recommend or
13 endorse revisions and amendments to the Code and to the rules
14 from time to time.

15 (n) The Board may make recommendations on matters relating
16 to continuing education of Licensed Professional Geologists
17 ~~licensed professional geologists~~, including the number of
18 hours necessary for license renewal, waivers for those unable
19 to meet that requirement, and acceptable course content. These
20 recommendations shall not impose an undue burden on the
21 Department or an unreasonable restriction on those seeking a
22 license renewal.

23 Four voting Board members constitutes a quorum. A
24 quorum is required for all Board decisions.

25 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/40)

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

3 Sec. 40. Application for ~~original~~ license or enrollment.

4 (a) Applications for original licensure as a Licensed
5 Professional Geologist licenses shall be made to the Department
6 on forms prescribed by the Department and accompanied by the
7 required fee. All applications shall contain the information
8 that, in the judgment of the Department, will enable the
9 Department to pass on the qualifications of the applicant for a
10 license to practice as a Licensed Professional Geologist
11 ~~licensed professional geologist~~.

12 (b) Applications for enrollment as a Geologist Intern shall
13 be made to the Department on forms prescribed by the Department
14 and accompanied by the required fee. All applications shall
15 contain the information that, in the judgment of the
16 Department, will enable the Department to pass on the
17 qualifications of the applicant to take the examination on the
18 theory and fundamentals of the science of geology and be
19 enrolled as a Geologist Intern.

20 (Source: P.A. 89-366, eff. 7-1-96.)

21 (225 ILCS 745/45)

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

23 Sec. 45. Examination; failure or refusal to take the
24 examination.

25 (a) The Department shall authorize examinations of

1 applicants for original Professional Geologist licensure and
2 Geologist Intern enrollment at such times and places as it may
3 determine. The examination for Professional Geologist
4 licensure examinations shall be a 2-part exam, with one part of
5 a character to fairly testing test an applicant's
6 qualifications to practice professional geology and knowledge
7 of the theory and practice of the science of geology, including
8 subjects that are generally taught in curricula of accredited
9 colleges and universities, and the other part fairly testing
10 the applicant's knowledge of the practical application and
11 practice of the theory and science of geology. Applicants for
12 Geologist Intern enrollment must take only that part of the
13 examination that fairly tests the knowledge of the theory and
14 fundamentals of the science of geology.

15 (b) Applicants who are required to take an examination for
16 examinations shall pay, either to the Department or to the
17 designated testing service, a fee covering the cost of
18 providing the examination. Failure to appear for the required
19 examination on the scheduled date at the time and place
20 specified after the application for examination has been
21 received and acknowledged by the Department or the designated
22 testing service shall result in forfeiture of the examination
23 fee.

24 (c) If the applicant neglects, fails, or refuses to take a
25 required an examination or fails to pass a required an
26 examination for a license under this Act within 3 years after

1 filing an application, the application shall be denied.
2 However, the applicant may thereafter submit a new application
3 accompanied by the required fee. The applicant shall meet the
4 requirements in force at the time of making the new
5 application.

6 (d) The Department may employ consultants for the purpose
7 of preparing and conducting examinations.

8 (e) The Department shall have the authority to adopt or
9 recognize, in part or in whole, examinations prepared,
10 administered, or graded by other organizations that are
11 determined appropriate to measure the qualifications of an
12 applicant for licensure as a Licensed Professional Geologist or
13 enrollment as a Geologist Intern ~~professional geologist~~.

14 (Source: P.A. 89-366, eff. 7-1-96.)

15 (225 ILCS 745/50)

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

17 Sec. 50. Qualifications for licensure.

18 (a) The Department may issue a license to practice as a
19 Licensed Professional Geologist ~~licensed professional~~
20 ~~geologist~~ to any applicant who meets the following
21 qualifications:

22 (1) The applicant has completed an application form and
23 paid ~~submitted~~ the required fees.

24 (2) The applicant is of good ethical character,
25 including compliance with the Code of Professional Conduct

1 and Ethics under this Act, and has not committed any act or
2 offense in any jurisdiction that would constitute the basis
3 for disciplining a Licensed Professional Geologist
4 ~~professional geologist~~ licensed under this Act.

5 (3) The applicant has earned a degree in geology from
6 an accredited college or university, as established by
7 rule, with a minimum of 30 semester or 45 quarter hours of
8 course credits in geology, of which 24 semester or 36
9 quarter hours are in upper level courses. The Department
10 may, upon the recommendation of the Board, allow the
11 substitution of appropriate experience as a geologist for
12 prescribed educational requirements as established by
13 rule.

14 (4) The applicant has a documented record of a minimum
15 of 4 years of professional experience, obtained after
16 completion of the education requirements specified in this
17 Section, in geologic or directly related work,
18 demonstrating that the applicant is qualified to assume
19 responsible charge of such work upon licensure as a
20 Licensed Professional Geologist ~~professional geologist~~ or
21 such specialty of professional geology that the Board may
22 recommend and the Department may recognize. The Department
23 may require evidence acceptable to it that up to 2 years of
24 professional experience have been gained under the
25 supervision of a person licensed under this Act or similar
26 Acts in any other state, or under the supervision of others

1 who, in the opinion of the Department, are qualified to
2 have responsible charge of geological work under this Act.

3 (5) The applicant has passed an examination authorized
4 by the Department for ~~the~~ practice as a Licensed
5 Professional Geologist ~~of professional geology~~.

6 (6) The applicant has complied with all other
7 requirements of this Act and rules established for the
8 implementation of this Act.

9 (b) Professional Geologist licensure ~~A license to practice~~
10 ~~professional geology~~ shall not be denied any applicant because
11 of the applicant's race, religion, creed, national origin,
12 political beliefs or activities, age, sex, sexual orientation,
13 or physical impairment.

14 (Source: P.A. 89-366, eff. 7-1-96.)

15 (225 ILCS 745/51 new)

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

17 Sec. 51. Qualifications for Geologist Intern enrollment;
18 final expiration of enrollment; Department powers and duties.

19 (a) The Department may enroll as a Geologist Intern any
20 applicant who meets the following qualifications:

21 (1) The applicant has completed an application form and
22 paid the required fees.

23 (2) The applicant has (i) earned a degree in geology
24 from an accredited college or university, with a minimum of
25 30 semester or 45 quarter hours of course credits in

1 geology, of which 24 semester or 36 quarter hours are in
2 upper level courses or (ii) is in the final semester of a
3 program leading to a degree as set forth in item (i) of
4 this subparagraph (2). The Department may not issue a
5 certificate of enrollment under this Section unless and
6 until an applicant provides proof acceptable to the
7 Department of having obtained the required degree within 12
8 months after having passed the required enrollment
9 examination.

10 (3) The applicant has passed the required examination
11 on the theory and fundamentals of the science of geology,
12 as required under Section 45 of this Act.

13 (b) A Geologist Intern in good standing may renew his or
14 her certificate of enrollment upon payment to the Department of
15 the required fee; however, the life of a certificate of
16 enrollment issued under this Section may not extend past a
17 period of 10 years and shall automatically and permanently
18 expire upon the end of the 10-year period if the enrollee fails
19 to apply for and successfully meet the requirements for
20 licensure as a Licensed Professional Geologist, including the
21 successful passage of that part of the Licensed Professional
22 Geologist examination that fairly tests the practical
23 application and practice of the science of geology, as set
24 forth in Section 45 of this Act.

25 (c) Geologist Intern enrollment shall not be denied any
26 applicant because of the applicant's race, religion, creed,

1 national origin, political beliefs or activities, age, sex,
2 sexual orientation, or physical impairment.

3 (225 ILCS 745/60)

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

5 Sec. 60. Seals.

6 (a) Upon licensure, each licensee shall obtain a seal of a
7 design as required by rule bearing the licensee's name, license
8 number, and the legend "Licensed Professional Geologist".

9 (b) All preliminary, draft, and final geologic reports,
10 documents, permits, affidavits, maps, boring logs, sections or
11 other records offered to the public and prepared or issued by
12 or under the supervision of a Licensed Professional Geologist
13 ~~licensed professional geologist~~ shall include the full name,
14 signature, and license number of the licensee, and the date of
15 license expiration of the person who prepared the document or
16 under whose supervision it was prepared, and an impression of
17 the licensee's seal, in accordance with rules issued by the
18 Department.

19 (c) The Licensed Professional Geologist ~~licensed~~
20 ~~professional geologist~~ who has contract responsibility shall
21 seal a cover sheet of the professional work products and those
22 individual portions of the professional work products for which
23 the Licensed Professional Geologist ~~licensed professional~~
24 ~~geologist~~ is legally and professionally responsible. A
25 Licensed Professional Geologist ~~licensed professional~~

1 ~~geologist~~ practicing as the support professional shall seal
2 those individual portions of professional work products for
3 which that Licensed Professional Geologist ~~licensed~~
4 ~~professional geologist~~ is legally and professionally
5 responsible.

6 (d) The use of a Licensed Professional Geologist's ~~licensed~~
7 ~~professional geologist's~~ seal on professional work products
8 constitutes a representation that the work prepared by or under
9 the personal supervision of that Licensed Professional
10 Geologist ~~licensed professional geologist~~ has been prepared
11 and administered in accordance with the standards of reasonable
12 professional skill and diligence.

13 (e) It is unlawful to affix one's seal to professional work
14 products if it masks the true identity of the person who
15 actually exercised direction, supervision, and responsible
16 charge of the preparation of that work. A Licensed Professional
17 Geologist ~~licensed professional geologist~~ who signs and seals
18 professional work products is not responsible for damage caused
19 by subsequent changes to or uses of those professional work
20 products, if the subsequent changes or uses, including changes
21 or uses made by State or local government agencies, are not
22 authorized or approved by the Licensed Professional Geologist
23 ~~licensed professional geologist~~ who originally signed and
24 sealed the professional work products.

25 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/65)

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

3 Sec. 65. Expiration and renewal of license and certificate
4 of enrollment. The expiration date and renewal period for each
5 license and certificate of enrollment shall be set by rule. A
6 Professional Geologist ~~professional geologist~~ whose license
7 has expired may reinstate his or her license at any time within
8 5 years after the expiration thereof, by making a renewal
9 application and by paying the required fee. However, any
10 Professional Geologist or Geologist Intern ~~professional~~
11 ~~geologist~~ whose license expired while he or she was (i) on
12 active duty with the Armed Forces of the United States or
13 called into service or training by the State militia or (ii) in
14 training or education under the supervision of the United
15 States preliminary to induction into the military service, may
16 have his or her ~~professional geologist~~ license or certificate
17 renewed, reinstated, or restored without paying any lapsed
18 renewal fees if within 2 years after termination of the
19 service, training, or education the Professional Geologist or
20 Geologist Intern ~~professional geologist~~ furnishes the
21 Department with satisfactory evidence of service, training, or
22 education and it has been terminated under honorable
23 conditions.

24 Any Professional Geologist ~~professional geologist~~ whose
25 license has expired for more than 5 years may have it restored
26 by making application to the Department, paying the required

1 fee, and filing acceptable proof of fitness to have the license
2 restored. The proof may include sworn evidence certifying
3 active practice in another jurisdiction. If the geologist has
4 not practiced for 5 years or more, the Board shall determine by
5 an evaluation program established by rule, whether that
6 individual is fit to resume active status. The Board ~~and~~ may
7 require the Professional Geologist ~~professional geologist~~ to
8 complete a period of evaluated professional experience and may
9 require successful completion of an examination.

10 The Department may refuse to issue or may suspend the
11 license or certificate of enrollment of any person who fails to
12 file a return, or to pay the tax, penalty or interest shown in
13 a filed return, or to pay any final assessment of tax, penalty,
14 or interest, as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied.

17 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

18 (225 ILCS 745/70)

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

20 Sec. 70. Fees.

21 (a) Except as provided in subsection (b), the fees for the
22 administration and enforcement of this Act, including but not
23 limited to original licensure or enrollment, renewal, and
24 restoration fees, shall be set by the Department by rule. The
25 fees shall not be refundable.

1 (b) Applicants for examination shall be required to pay,
2 either to the Department or the designated testing service, a
3 fee covering the cost of initial screening to determine
4 eligibility and the cost of providing the examination. Failure
5 to appear for the examination on the scheduled date at the time
6 and place specified after the applicant's application for
7 examination has been received and acknowledged by the
8 Department or the designated testing service shall result in
9 the forfeiture of the examination fee.

10 (c) All fees and other monies collected under this Act
11 shall be deposited in the General Professions Dedicated Fund.

12 (Source: P.A. 89-366, eff. 7-1-96.)

13 (225 ILCS 745/75)

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

15 Sec. 75. Returned checks; fines. Any person who delivers a
16 check or other payment to the Department that is returned to
17 the Department unpaid by the financial institution upon which
18 it is drawn shall pay to the Department, in addition to the
19 amount already owed to the Department, a fine of \$50. The fines
20 imposed by this Section are in addition to any other discipline
21 provided under this Act for unlicensed or unenrolled practice
22 or practice on a nonrenewed license or certificate of
23 enrollment. The Department shall notify the person that payment
24 of fees and fines shall be paid to the Department by certified
25 check or money order within 30 calendar days of the

1 notification. If, after the expiration of 30 days from the date
2 of the notification, the person has failed to submit the
3 necessary remittance, the Department shall automatically
4 terminate the license or certificate of enrollment or deny the
5 application, without hearing. If, after termination or denial,
6 the person seeks a license or certificate of enrollment, he or
7 she shall apply to the Department for restoration or issuance
8 of the license or certificate of enrollment and pay all fees
9 and fines due to the Department. The Department may establish a
10 fee for the processing of an application for restoration of a
11 license or certificate of enrollment to pay all expenses of
12 processing this application. The Director may waive the fines
13 due under this Section in individual cases where the Director
14 finds that the fines would be unreasonable or unnecessarily
15 burdensome.

16 (Source: P.A. 92-146, eff. 1-1-02.)

17 (225 ILCS 745/80)

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

19 Sec. 80. Disciplinary actions.

20 (a) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary action as the Department may deem appropriate,
23 including fines not to exceed \$5,000 for each violation, with
24 regard to any license or certificate of enrollment for any one
25 or combination of the following:

1 (1) Material misstatement in furnishing information to
2 the Department.

3 (2) Violations of this Act, or of the rules promulgated
4 under this Act.

5 (3) Conviction of any crime under the laws of the
6 United States or any state or territory of the United
7 States that is a felony or that is a misdemeanor, an
8 essential element of which is dishonesty, or of any crime
9 that is directly related to the practice of the profession.

10 (4) Making any misrepresentation for the purpose of
11 obtaining licensure or enrollment or violating any
12 provision of this Act or the rules promulgated under this
13 Act pertaining to advertising.

14 (5) Professional incompetence.

15 (6) Gross malpractice.

16 (7) Aiding or assisting another person in violating any
17 provision of this Act or rules promulgated under this Act.

18 (8) Failing, within 60 days, to provide information in
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

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

1 (11) Discipline by another state, District of
2 Columbia, territory, or foreign nation, if at least one of
3 the grounds for the discipline is the same or substantially
4 equivalent to those set forth in this Section.

5 (12) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate or other form of compensation
8 for professional services not actually or personally
9 rendered.

10 (13) A finding by the Department that the licensee or
11 enrollee, after having his or her license or certificate of
12 enrollment placed on probationary status, has violated the
13 terms of probation.

14 (14) Willfully making or filing false records or
15 reports in his or her practice, including but not limited
16 to, false records filed with State agencies or departments.

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

21 (16) Solicitation of professional services other than
22 permitted advertising.

23 (17) Conviction of or cash compromise of a charge or
24 violation of the Illinois Controlled Substances Act
25 regulating narcotics.

26 (18) Failure to (i) file a return, (ii) pay the tax,

1 penalty, or interest shown in a filed return, or (iii) pay
2 any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Illinois
4 Department of Revenue, until the requirements of that tax
5 Act are satisfied.

6 (19) Conviction by any court of competent
7 jurisdiction, either within or outside this State, of any
8 violation of any law governing the practice of professional
9 geology, if the Department determines, after
10 investigation, that the person has not been sufficiently
11 rehabilitated to warrant the public trust.

12 (20) Gross, willful, or continued overcharging for
13 professional services, including filing false statements
14 for collection of fees for which services are not rendered.

15 (21) Practicing under a false or, except as provided by
16 law, an assumed name.

17 (22) Fraud or misrepresentation in applying for, or
18 procuring, a license or certificate of enrollment under
19 this Act or in connection with applying for renewal of a
20 license or certificate of enrollment under this Act.

21 (23) Cheating on or attempting to subvert the licensing
22 or enrollment examination administered under this Act.

23 (b) The determination by a circuit court that a licensee or
24 enrollee is subject to involuntary admission or judicial
25 admission as provided in the Mental Health and Developmental
26 Disabilities Code operates as an automatic suspension. The

1 suspension will end only upon a finding by a court that the
2 licensee or enrollee is no longer subject to the involuntary
3 admission or judicial admission and issues an order so finding
4 and discharging the licensee or enrollee; and upon the
5 recommendation of the Board to the Director that the licensee
6 or enrollee be allowed to resume his or her practice.

7 (Source: P.A. 89-366, eff. 7-1-96.)

8 (225 ILCS 745/85)

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

10 Sec. 85. Injunctive action; cease and desist order.

11 (a) If any person violates the provisions of this Act, the
12 Director, in the name of the People of the State of Illinois,
13 through the Attorney General or the State's Attorney of the
14 county in which the violation is alleged to have occurred, may
15 petition for an order enjoining the violation or for an order
16 enforcing compliance with this Act. Upon the filing of a
17 verified petition, the court with appropriate jurisdiction may
18 issue a temporary restraining order, without notice or bond,
19 and may preliminarily and permanently enjoin the violation. If
20 it is established that the person has violated or is violating
21 the injunction, the court may punish the offender for contempt
22 of court. Proceedings under this Section are in addition to,
23 and not in lieu of, all other remedies and penalties provided
24 by this Act.

25 (b) If a person practices as a Licensed Professional

1 ~~Geologist licensed professional geologist~~ or holds himself or
2 herself out as a Licensed Professional Geologist ~~licensed~~
3 ~~professional geologist~~ in Illinois, without being licensed to
4 do so under this Act, then any Licensed Professional Geologist
5 ~~licensed professional geologist~~, interested party, or any
6 person injured thereby may petition for relief as provided in
7 subsection (a) of this Section.

8 (c) 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 at least 7 days from the date of the rule to file an answer
14 satisfactory to the Department. Failure to answer to the
15 satisfaction of the Department shall cause an order to cease
16 and desist to be issued.

17 (Source: P.A. 89-366, eff. 7-1-96.)

18 (225 ILCS 745/90)

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

20 Sec. 90. Investigations; notice and hearing. The
21 Department may investigate the actions of any applicant or of
22 any person or persons rendering or offering to render
23 geological services or any person holding or claiming to hold a
24 license as a Licensed Professional Geologist ~~licensed~~
25 ~~professional geologist~~. The Department shall, before revoking,

1 suspending, placing on probation, reprimanding, or taking any
2 other disciplinary action under Section 80 of this Act, at
3 least 30 days before the date set for the hearing, (i) notify
4 the accused in writing of the charges made and the time and
5 place for the hearing on the charges, (ii) direct him or her to
6 file a written answer to the charges with the Board under oath
7 within 20 days after the service on him or her of the notice,
8 and (iii) inform the accused that, if he or she fails to
9 answer, default will be taken against him or her or that his or
10 her license may be suspended, revoked, placed on probationary
11 status, or other disciplinary action taken with regard to the
12 license, including limiting the scope, nature, or extent of his
13 or her practice, as the Department may consider proper. At the
14 time and place fixed in the notice, the Board shall proceed to
15 hear the charges and the parties or their counsel shall be
16 accorded ample opportunity to present any pertinent
17 statements, testimony, evidence, and arguments. The Board may
18 continue the hearing from time to time. In case the person,
19 after receiving the notice, fails to file an answer, his or her
20 license may, in the discretion of the Department, be suspended,
21 revoked, placed on probationary status, or the Department may
22 take whatever disciplinary action considered proper, including
23 limiting the scope, nature, or extent of the person's practice
24 or the imposition of a fine, without a hearing, if the act or
25 acts charged constitute sufficient grounds for that action
26 under this Act. The written notice may be served by personal

1 delivery or by certified mail to the address specified by the
2 accused in his or her last notification with the Department.

3 (Source: P.A. 89-366, eff. 7-1-96.)

4 (225 ILCS 745/105)

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

6 Sec. 105. Compelling testimony. Any circuit court, upon
7 application of the Department, designated hearing officer, or
8 the applicant, ~~or~~ licensee, or enrollee against whom
9 proceedings under Section 80 of this Act are pending, may enter
10 an order requiring the attendance of witnesses and their
11 testimony, and the production of documents, papers, files,
12 books, and records in connection with any hearing or
13 investigation. The court may compel obedience to its order by
14 proceedings for contempt.

15 (Source: P.A. 89-366, eff. 7-1-96.)

16 (225 ILCS 745/110)

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

18 Sec. 110. Findings and recommendations. At the conclusion
19 of the hearing, the Board shall present to the Director a
20 written report of its findings of fact, conclusions of law, and
21 recommendations. The report shall contain a finding whether or
22 not the accused person violated this Act or its rules or failed
23 to comply with the conditions required in this Act or its
24 rules. The Board shall specify the nature of any violations or

1 failure to comply and shall make its recommendations to the
2 Director. In making recommendations for any disciplinary
3 actions, the Board may take into consideration all facts and
4 circumstances bearing upon the reasonableness of the conduct of
5 the accused and the potential for future harm to the public,
6 including but not limited to previous discipline of the accused
7 by the Department, intent, degree of harm to the public and
8 likelihood of harm in the future, any restitution made by the
9 accused, and whether the incident or incidents contained in the
10 complaint appear to be isolated or represent a continuing
11 pattern of conduct. In making its recommendations for
12 discipline, the Board shall endeavor to ensure that the
13 severity of the discipline recommended is reasonably related to
14 the severity of the violation.

15 The report of findings of fact, conclusions of law, and
16 recommendation of the Board shall be the basis for the
17 Department's order refusing to issue, restore, or renew a
18 license or certificate of enrollment, or otherwise
19 disciplining a licensee or enrollee. If the Director disagrees
20 with the recommendations of the Board, the Director may issue
21 an order in contravention of the Board recommendations. The
22 Director shall provide a written report to the Board on any
23 disagreement and shall specify the reasons for the action in
24 the final order. The finding is not admissible in evidence
25 against the person in a criminal prosecution brought for a
26 violation of this Act, but the hearing and finding are not a

1 bar to a criminal prosecution brought for a violation of this
2 Act.

3 (Source: P.A. 89-366, eff. 7-1-96.)

4 (225 ILCS 745/115)

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

6 Sec. 115. Board; rehearing. At the conclusion of the
7 hearing, a copy of the Board's report shall be served upon the
8 applicant, ~~or~~ licensee, or enrollee by the Department, either
9 personally or as provided in this Act for the service of a
10 notice of hearing. Within 20 days after service, the applicant, ~~or~~
11 licensee, or enrollee may present to the Department a motion
12 in writing for a rehearing, which shall specify the particular
13 grounds for rehearing. The Department may respond to the motion
14 for rehearing within 20 days after its service on the
15 Department. If no motion for rehearing is filed, then upon the
16 expiration of the time specified for filing such a motion, or
17 if a motion for rehearing is denied, then upon denial, the
18 Director may enter an order in accordance with recommendations
19 of the Board except as provided in Section 120 of this Act. If
20 the applicant, ~~or~~ licensee, or enrollee orders from the
21 reporting service and pays for a transcript of the record
22 within the time for filing a motion for rehearing, the 20-day
23 period within which a motion may be filed shall commence upon
24 the delivery of the transcript to the applicant, ~~or~~ licensee, or
25 enrollee.

1 (Source: P.A. 89-366, eff. 7-1-96.)

2 (225 ILCS 745/120)

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

4 Sec. 120. Director; rehearing. Whenever the Director
5 believes that justice has not been done in the revocation,
6 suspension, or refusal to issue, restore, or renew a license or
7 certificate of enrollment, or other discipline of an applicant,
8 ~~or~~ licensee, or enrollee he or she may order a rehearing by the
9 same or other examiners.

10 (Source: P.A. 89-366, eff. 7-1-96.)

11 (225 ILCS 745/125)

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

13 Sec. 125. Appointment of a hearing officer. The Director
14 has the authority to appoint any attorney licensed to practice
15 law in the State of Illinois to serve as the hearing officer in
16 any action for refusal to issue, restore, or renew a license or
17 certificate of enrollment or to discipline a licensee or
18 enrollee. The hearing officer has full authority to conduct the
19 hearing. At least one member of the Board shall attend each
20 hearing. The hearing officer shall report his or her findings
21 of fact, conclusions of law, and recommendations to the Board
22 and the Director. The Board shall have 60 calendar days from
23 receipt of the report to review the report of the hearing
24 officer and present its findings of fact, conclusions of law,

1 and recommendations to the Director. If the Board does not
2 present its report within the 60-day period, the Director may
3 issue an order based on the report of the hearing officer. If
4 the Director disagrees with the recommendation of the Board or
5 of the hearing officer, the Director may issue an order in
6 contravention of the recommendation. The Director shall
7 promptly provide a written report to the Board on any
8 deviation, and shall specify the reasons for the action in the
9 final order.

10 (Source: P.A. 89-366, eff. 7-1-96.)

11 (225 ILCS 745/135)

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

13 Sec. 135. Restoration of suspended or revoked license. At
14 any time after the suspension or revocation of a license or
15 certificate of enrollment, the Department may restore it to the
16 licensee or enrollee, upon the written recommendation of the
17 Board, unless after an investigation and a hearing the Board
18 determines that restoration is not in the public interest.

19 (Source: P.A. 89-366, eff. 7-1-96.)

20 (225 ILCS 745/140)

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

22 Sec. 140. Surrender of license. Upon the revocation or
23 suspension of a license or certificate of enrollment, the
24 licensee or enrollee shall immediately surrender his or her

1 license or certificate of enrollment to the Department. If the
2 licensee or enrollee fails to do so, the Department has the
3 right to seize the license or certificate of enrollment.

4 (Source: P.A. 89-366, eff. 7-1-96.)

5 (225 ILCS 745/145)

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

7 Sec. 145. Summary suspension of a license. The Director may
8 summarily suspend the license of a Licensed Professional
9 Geologist ~~licensed professional geologist~~ without a hearing,
10 simultaneously with the institution of proceedings for a
11 hearing provided for in Section 90 of this Act, if the Director
12 finds that evidence in the Director's possession indicates that
13 the continuation of practice by a Licensed Professional
14 Geologist ~~licensed professional geologist~~ would constitute an
15 imminent danger to the public. In the event that the Director
16 summarily suspends the license of a Licensed Professional
17 Geologist ~~licensed professional geologist~~ without a hearing, a
18 hearing must be commenced within 30 days after the suspension
19 has occurred and concluded as expeditiously as practical.

20 (Source: P.A. 89-366, eff. 7-1-96.)

21 (225 ILCS 745/160)

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

23 Sec. 160. Violations.

24 (a) Using or attempting to use an expired license is a

1 Class A misdemeanor.

2 (b) Each of the following acts is a Class A misdemeanor for
3 the first offense and a Class 4 felony for a second or
4 subsequent offense:

5 (1) A violation of any provision of this Act or its
6 rules, except as noted in subsection (a) of this Section.

7 (2) The making of any wilfully false oath or
8 affirmation in any matter or proceeding where an oath or
9 affirmation is required by this Act.

10 (3) Using or attempting to use an inactive, suspended,
11 or revoked license or the license or seal of another, or
12 impersonating another licensee, or practicing geology as a
13 Licensed Professional Geologist ~~licensed professional~~
14 ~~geologist~~ in Illinois while one's license is inactive,
15 suspended, or revoked.

16 (4) The practice, attempt to practice, or offer to
17 practice professional geology in Illinois without a
18 license as a Licensed Professional Geologist ~~licensed~~
19 ~~professional geologist~~. Each day of practicing
20 professional geology or attempting to practice
21 professional geology, and each instance of offering to
22 practice professional geology, without a license as a
23 Licensed Professional Geologist ~~licensed professional~~
24 ~~geologist~~ constitutes a separate offense.

25 (5) Advertising or displaying any sign or card or other
26 device that might indicate to the public that the person or

1 entity is entitled to practice as a Licensed Professional
2 Geologist ~~licensed professional geologist~~, unless that
3 person holds an active license as a Licensed Professional
4 Geologist ~~licensed professional geologist~~ in the State of
5 Illinois.

6 (6) Obtaining or attempting to obtain a license by
7 fraud.

8 (Source: P.A. 89-366, eff. 7-1-96.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."