



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0939

Introduced 2/10/2009, by Rep. David E. Miller

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act to change the repeal date of the Illinois Architecture Practice Act of 1989 and the Professional Engineering Practice Act of 1989 from January 1, 2010 to January 1, 2020. Amends the Illinois Architecture Practice Act of 1989. Provides that no officer, board, commission, or other public entity charged with the enforcement of codes and ordinances requiring the involvement of an architect shall accept for filing or approval any technical submissions that do not bear the seal and signature of an architect licensed under the Act and that a building permit issued with respect to technical submissions that do not conform to the requirements of this Act shall be invalid. Provides for the establishment of the Architecture Complaint Committee. Makes changes in provisions concerning definitions, technical submissions, powers and duties of the Department and the Board, the Architecture Licensing Board, examinations, qualifications, professional design firm registration, disciplinary action, and investigations. Amends the Professional Engineering Practice Act of 1989. Provides that a building permit issued with respect to technical submissions that do not conform to the requirements of the Act shall be invalid. Sets forth additional examples of the practice of professional engineering and examples of technical submissions. Defines "design/build" and "design/build entity" and makes changes in the definition of "technical submissions". Provides for the establishment of the Professional Engineer Complaint Committee. Allows the Department of Financial and Professional Regulation to grant the title "Retired" to eligible retirees to be used immediately adjacent to the title of Professional Engineer. Makes other changes. Effective immediately.

LRB096 07982 ASK 18086 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 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 Acts repealed on January 1, 2010 and December
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

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

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

15 The Orthotics, Prosthetics, and Pedorthics Practice
16 Act.

17 The Perfusionist Practice Act.

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

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (b) The following Act is repealed on December 31, 2010:

22 The Medical Practice Act of 1987.

23 (Source: P.A. 95-1018, eff. 12-18-08.)

1 (5 ILCS 80/4.30 new)

2 Sec. 4.30. Act repealed on January 1, 2020. The following
3 Act is repealed on January 1, 2020:

4 The Illinois Architecture Practice Act of 1989.

5 The Professional Engineering Practice Act of 1989.

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

10 (225 ILCS 305/3) (from Ch. 111, par. 1303)

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

12 Sec. 3. Application of Act. Nothing in this Act shall be
13 deemed or construed to prevent the practice of structural
14 engineering as defined in the Structural Engineering Practice
15 Act of 1989, the practice of professional engineering as
16 defined in the Professional Engineering Practice Act of 1989,
17 or the preparation of documents used to prescribe work to be
18 done inside buildings for non-loadbearing interior
19 construction, furnishings, fixtures and equipment, or the
20 offering or preparation of environmental analysis, feasibility
21 studies, programming or construction management services by
22 persons other than those licensed in accordance with this Act,
23 the Structural Engineering Practice Act of 1989 or the

1 Professional Engineering Practice Act of 1989.

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

14 Nothing in this Act or any other Act shall prevent a
15 licensed architect from practicing interior design services.
16 Nothing in this Act shall be construed as requiring the
17 services of an interior designer for the interior designing of
18 a single family residence.

19 No officer, board, commission, or other public entity
20 charged with the enforcement of codes and ordinances requiring
21 the involvement of an architect shall accept for filing or
22 approval any technical submissions that do not bear the seal
23 and signature of an architect licensed under this Act. A
24 building permit issued with respect to technical submissions
25 that do not conform to the requirements of this Act shall be
26 invalid.

1 The involvement of a licensed architect is not required for
2 the following:

3 (A) The building, remodeling or repairing of any
4 building or other structure outside of the corporate limits
5 of any city or village, where such building or structure is
6 to be, or is used for farm purposes, or for the purposes of
7 outbuildings or auxiliary buildings in connection with
8 such farm premises.

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

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

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

16 However, when an ordinance of a unit of local government
17 requires the involvement of a licensed architect for any
18 buildings included in the preceding paragraphs (A) through (D),
19 the requirements of this Act shall apply. All buildings not
20 included in the preceding paragraphs (A) through (D), including
21 multi-family buildings and buildings previously exempt from
22 the involvement of a licensed architect under those paragraphs
23 but subsequently non-exempt due to a change in occupancy or
24 use, are subject to the requirements of this Act. Interior
25 alterations which result in life safety or structural changes
26 of the building are subject to the requirements of this Act.

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

2 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

4 Sec. 4. Definitions. In this Act:

5 "Architect, Retired" means a person who has been duly
6 licensed as an architect by the Department and has chosen to
7 relinquish or not renew his or her license pursuant to Section
8 17.5 of this Act.

9 "Architectural intern" means an unlicensed person who has
10 completed the education requirements, is actively
11 participating in the diversified professional training, and
12 maintains in good standing a training record as required for
13 licensure by this Act and may use the title "architectural
14 intern", but may not independently engage in the practice of
15 architecture.

16 ~~(a)~~ "Department" means the Department of Financial and
17 Professional Regulation.

18 "Design build" and "design build entity" means the project
19 delivery process defined in Title 68, Section 1150.85 of the
20 Illinois Administrative Code.

21 ~~(b)~~ ~~"Director" means the Director of Professional~~
22 ~~Regulation.~~

23 ~~(e)~~ "Board" means the Illinois Architecture Licensing
24 Board appointed by the Director.

25 ~~(d)~~ "Public health" as related to the practice of

1 architecture means the state of the well-being of the body or
2 mind of the building user.

3 ~~(e)~~ "Public safety" as related to the practice of
4 architecture means the state of being reasonably free from risk
5 of danger, damage, or injury.

6 ~~(f)~~ "Public welfare" as related to the practice of
7 architecture means the well-being of the building user
8 resulting from the state of a physical environment that
9 accommodates human activity.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

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

13 (225 ILCS 305/4.5 new)

14 Sec. 4.5. References to Department or Director of
15 Professional Regulation. References in this Act (i) to the
16 Department of Professional Regulation are deemed, in
17 appropriate contexts, to be references to the Department of
18 Financial and Professional Regulation and (ii) to the Director
19 of Professional Regulation are deemed, in appropriate
20 contexts, to be references to the Secretary of Financial and
21 Professional Regulation.

22 (225 ILCS 305/5) (from Ch. 111, par. 1305)

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

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

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

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

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

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

20 (225 ILCS 305/6) (from Ch. 111, par. 1306)

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

22 Sec. 6. Technical submissions. All technical submissions
23 intended for use in construction in the State of Illinois shall
24 be prepared and administered in accordance with standards of
25 reasonable professional skill and diligence. Care shall be

1 taken to reflect the requirements of State statutes and, where
2 applicable, county and municipal building ordinances in such
3 submissions. In recognition that architects are licensed for
4 the protection of the public health, safety and welfare,
5 submissions shall be of such quality and scope, and be so
6 administered, as to conform to professional standards.

7 Technical submissions are the designs, drawings and
8 specifications which establish the scope of the architecture to
9 be constructed, the standard of quality for materials,
10 workmanship, equipment, and construction systems, and the
11 studies and other technical reports and calculations prepared
12 in the course of the practice of architecture.

13 No person involved in an architectural project requiring
14 the involvement of an architect during the design,
15 construction, addition to, or alteration of a project, or any
16 parts thereof, shall have the authority to deviate from the
17 technical submissions without the prior approval of the
18 licensed architect for the project.

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

20 (225 ILCS 305/8) (from Ch. 111, par. 1308)

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

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

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

25 (a) conduct examinations to ascertain the

1 qualifications and fitness of applicants for licensure as
2 licensed architects, and pass upon the qualifications and
3 fitness of applicants for licensure by endorsement;

4 (b) prescribe rules for a method of examination of
5 candidates;

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

20 (d) prescribe rules for diversified professional
21 training;

22 (e) conduct oral interviews, disciplinary conferences
23 and formal evidentiary hearings on proceedings to impose
24 fines or to suspend, revoke, place on probationary status,
25 reprimand, and refuse to issue or restore any license
26 issued under the provisions of this Act for the reasons set

1 forth in Section 22 of this Act;

2 (f) issue licenses to those who meet the requirements
3 of this Act;

4 (g) formulate and publish rules necessary or
5 appropriate to carrying out the provisions of this Act; ~~and~~

6 (h) maintain membership in the National Council of
7 Architectural Registration Boards and participate in
8 activities of the Council by designation of individuals for
9 the various classifications of membership and the
10 appointment of delegates for attendance at regional and
11 national meetings of the Council. All costs associated with
12 membership and attendance of such delegates to any national
13 meetings shall ~~may~~ be funded from the Design Professionals
14 Administration and Investigation Fund; and ~~and~~

15 (i) retain the right to employ or utilize the legal
16 services of outside counsel and the investigative services
17 of outside personnel; however, no attorney employed or used
18 by the Department shall both prosecute a matter and provide
19 legal services to the Department or Board with respect to
20 the same matter.

21 (2) Prior to issuance of any final decision or order that
22 deviates from any report or recommendation of the Board
23 relating to the qualification of applicants, discipline of
24 licensees or registrants, or promulgation of rules, the
25 Director shall notify the Board in writing with an explanation
26 of the deviation and provide a reasonable time for the Board to

1 submit written comments to the Director regarding the proposed
2 action. In the event that the Board fails or declines to submit
3 written comments within 30 days of the notification, the
4 Director may issue a final decision or order consistent with
5 the Director's original decision. The Department may at any
6 time seek the expert advice and knowledge of the Board on any
7 matter relating to the enforcement of this Act.

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

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

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

11 Sec. 9. Creation of the Board. The Director shall appoint
12 an Architecture Licensing Board which will consist of 6
13 members. Five members shall be licensed architects, one of whom
14 shall be a tenured member of the architectural faculty of an
15 Illinois public university accredited by the National
16 Architectural Accrediting Board ~~the University of Illinois.~~

17 The other 4 shall be licensed architects, residing in this
18 State, who have been engaged in the practice of architecture at
19 least 10 years. In addition to the 5 licensed architects, there
20 shall be one public member. The public member shall be a voting
21 member and shall not hold a license as an architect,
22 professional engineer, structural engineer or land surveyor.

23 Board members shall serve 5 year terms and until their
24 successors are appointed and qualified. In making the
25 designation of persons to the Board, the Director shall give

1 due consideration to recommendations by members and
2 organizations of the profession.

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

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

9 Appointments to fill vacancies shall be made in the same
10 manner as original appointments, for the unexpired portion of
11 the vacated term. Initial terms shall begin upon the effective
12 date of this Act and Board members in office on that date under
13 the predecessor Act may be appointed to specific terms as
14 indicated in this Section.

15 Persons holding office as members of the Board under the
16 Illinois Architecture Act immediately prior to the effective
17 date of this Act shall continue as members of the Board under
18 this Act until the expiration of the term for which they were
19 appointed and until their successors are appointed and
20 qualified.

21 A quorum of the Board shall consist of a majority of Board
22 members currently appointed. A majority vote of the quorum is
23 required for Board decisions.

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

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

3 Notice of proposed rulemaking shall be transmitted to the
4 Board and the Department shall review the response of the Board
5 and any recommendations made therein. The Department may, at
6 any time, seek the expert advice and knowledge of the Board on
7 any matter relating to the administration or enforcement of
8 this Act.

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

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

13 (225 ILCS 305/10) (from Ch. 111, par. 1310)

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

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

16 (a) The Board shall hold at least 3 regular meetings each
17 year.

18 (b) The Board shall annually elect a Chairperson and a Vice
19 Chairperson who shall be licensed architects.

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

23 (d) The Board shall assist the Department in conducting
24 oral interviews, disciplinary conferences and formal
25 evidentiary hearings.

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

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

8 (g) The Board shall review applicant qualifications to sit
9 for the examination or for licensure and shall make
10 recommendations to the Department. The Department shall review
11 the Board's recommendations on applicant qualifications. The
12 Director shall notify the Board in writing with an explanation
13 of any deviation from the Board's recommendation on applicant
14 qualifications. After review of the Director's written
15 explanation of his or her reasons for deviation, the Board
16 shall have the opportunity to comment upon the Director's
17 decision.

18 (h) The Board shall submit written comments to the Director
19 within 30 days from notification of any final decision or order
20 from the Director that deviates from any report or
21 recommendation of the Board relating to the qualifications of
22 applicants, discipline of licensees or registrants, unlicensed
23 practice, or promulgation of rules.

24 (i) The Board may recommend that the Department contract
25 with a corporation or other business entity to provide
26 investigative, legal, prosecutorial, and other services

1 necessary to perform its duties.

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

3 (225 ILCS 305/10.5 new)

4 Sec. 10.5. Complaint Committee.

5 (a) There is created the Architecture Complaint Committee
6 of the Board composed of 2 voting members of the Board, a
7 Supervisor over Design Investigations, and a Chief of
8 Prosecutions over Design Prosecutions. The Director of
9 Enforcement shall designate the Supervisor and Chief assigned
10 to the Complaint Committee.

11 (b) The Complaint Committee shall meet at least once every
12 2 months to exercise its functions and duties as set forth in
13 subsection (c). Two members of the Board shall be in attendance
14 in order for any business to be transacted by the Complaint
15 Committee. The Complaint Committee shall make every effort to
16 consider expeditiously and take prompt action on each item on
17 its agenda.

18 (c) The Complaint Committee shall have the following duties
19 and functions:

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

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

24 (3) To recommend to the Board that a complaint file be
25 closed.

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

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

6 (6) To provide an annual statistical report of all
7 complaints filed, the average length of time to resolve a
8 complaint, the number of complaints resolved or dismissed,
9 the reasons for dismissed complaints, the number of
10 complaints that resulted in disciplinary action, and the
11 number of unresolved complaints. Such report shall be made
12 available to the public.

13 (d) In determining what action to take or whether to
14 proceed with prosecution of a complaint, the Complaint
15 Committee shall consider, but not be limited to, the following
16 factors: the effect on the public's health, safety, and
17 welfare; the sufficiency of the evidence presented;
18 prosecutorial merit; and sufficient cooperation from
19 complaining parties.

20 (e) No complaint file shall be closed nor complaint
21 dismissed except upon recommendation of the Complaint
22 Committee or approval by the Board.

23 (f) When a complaint is made to the Department that alleges
24 that a building or other structure that requires the
25 involvement of an architect in its design is under
26 construction, construction is imminent, or construction has

1 been completed and an architect is not or was not involved in
2 its design, the investigation of that complaint shall be
3 expedited to ensure the health and safety of the public. This
4 investigation shall be referred to as an emergency
5 investigation.

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

8 Once assigned to an investigator, the Department, through
9 its investigator, must convene a meeting of the Complaint
10 Committee by teleconference to determine if the complaint shall
11 continue to be treated as an emergency investigation. Such
12 meetings will be deemed an emergency and notice of the meeting
13 shall be provided in accordance with the Open Meetings Act.

14 Upon determination by the Complaint Committee that the
15 complaint should be treated as an emergency investigation, the
16 complaint must be investigated as soon as possible.

17 Upon completion of the emergency investigation, the
18 investigator must again convene a meeting of the Complaint
19 Committee by teleconference. This meeting shall also be
20 considered an emergency and notice of the meeting shall be
21 provided in accordance with the Open Meetings Act. The
22 Complaint Committee must then decide whether to recommend to
23 the Department that the complaint be referred to the Attorney
24 General to seek a temporary restraining order and permanent
25 injunction against the start or further construction of the
26 project or, where the project has already been completed, to

1 enjoin the use of the building or structure. The Complaint
2 Committee shall recommend that the case be referred to the
3 Attorney General only upon a finding that the facts alleged in
4 the complaint are credible and constitute an imminent danger to
5 the public.

6 (225 ILCS 305/12) (from Ch. 111, par. 1312)

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

8 Sec. 12. Examinations; subjects; failure or refusal to take
9 examination. The Department shall authorize examination of
10 applicants as architects at such times and places as it may
11 determine. The examination shall be in English and shall be
12 written or written and graphic. It shall include at a minimum
13 the following subjects:

14 (a) pre-design (environmental analysis, architectural
15 programming, and application of principles of project
16 management and coordination);

17 (b) site planning (site analysis, design and
18 development, parking, and application of zoning
19 requirements);

20 (c) building planning (conceptual planning of
21 functional and space relationships, building design,
22 interior space layout, barrier-free design, and the
23 application of the life safety code requirements and
24 principles of energy efficient design);

25 (d) building technology (application of structural

1 systems, building components, and mechanical and
2 electrical systems);

3 (e) general structures (identification, resolution,
4 and incorporation of structural systems and the long span
5 design on the technical aspects of the design of buildings
6 and the process and construction);

7 (f) lateral forces (identification and resolution of
8 the effects of lateral forces on the technical aspects of
9 the design of buildings and the process of construction);

10 (g) mechanical and electrical systems (as applied to
11 the design of buildings, including plumbing and acoustical
12 systems);

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

15 (i) construction documents and services (conduct of
16 architectural practice as it relates to construction
17 documents, bidding, and construction administration and
18 contractual documents from beginning to end of a building
19 project).

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

22 Examination subject matter headings and bases on which
23 examinations are graded shall be indicated in rules pertaining
24 to this Act. The Department may adopt the examinations and
25 grading procedures of the National Council of Architectural
26 Registration Boards. Content of any particular examination

1 shall not be considered public record under the Freedom of
2 Information Act.

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

15 The Department may by rule prescribe additional subjects
16 for examination.

17 ~~An applicant has one year from the date of notification of~~
18 ~~successful completion of all the examination requirements to~~
19 ~~apply to the Department for a license. If an applicant fails to~~
20 ~~apply within one year, the applicant shall be required to again~~
21 ~~take and pass the examination.~~

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

23 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

25 Sec. 13. Qualifications of applicants. Any person who is of

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

21 Good moral character means such character as will enable a
22 person to discharge the fiduciary duties of an architect to
23 that person's client and to the public in a manner which
24 protects health, safety and welfare. Evidence of inability to
25 discharge such duties may include the commission of an offense
26 justifying discipline under Section 22 ~~19~~. In addition, the

1 Department may take into consideration whether the applicant
2 has engaged in conduct or actions that would constitute grounds
3 for discipline under this Act.

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

5 (225 ILCS 305/17.5 new)

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

16 The use of the title "Architect, Retired" shall not
17 constitute representation of current licensure. Any person
18 without an active license shall not be permitted to practice
19 architecture as defined in this Act.

20 (225 ILCS 305/21) (from Ch. 111, par. 1321)

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

22 Sec. 21. Professional design firm registration;
23 conditions.

24 (a) Nothing in this Act shall prohibit the formation, under

1 the provisions of the Professional Service Corporation Act, of
2 a corporation to offer the practice of architecture.

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

12 Any sole proprietorship not owned and operated by an
13 Illinois licensed design professional licensed under this Act
14 shall be prohibited from offering architectural services to the
15 public. "Illinois licensed design professional" means a person
16 who holds an active license as an architect under this Act, as
17 a structural engineer under the Structural Engineering
18 Practice Act of 1989, or as a professional engineer under the
19 Professional Engineering Practice Act of 1989. Any sole
20 proprietorship owned and operated by an architect with an
21 active license issued under this Act and conducting or
22 transacting such business under an assumed name in accordance
23 with the provisions of the Assumed Business Name Act shall
24 comply with the registration requirements of a professional
25 design firm. Any sole proprietorship owned and operated by an
26 architect with an active license issued under this Act and

1 conducting or transacting such business under the real name of
2 the sole proprietor is exempt from the registration
3 requirements of a professional design firm.

4 (b) Any corporation, including a Professional Service
5 Corporation, partnership, limited liability company, or
6 professional design firm seeking to be registered under this
7 Section shall not be registered unless:

8 (1) two-thirds of the board of directors, in the case
9 of a corporation, or two-thirds of the general partners, in
10 the case of a partnership, or two-thirds of the members, in
11 the case of a limited liability company, are licensed under
12 the laws of any State to practice architecture,
13 professional engineering, land surveying, or structural
14 engineering; and

15 (2) the person having the architectural practice in
16 this State in his charge is (A) a director in the case of a
17 corporation, a general partner in the case of a
18 partnership, or a member in the case of a limited liability
19 company, and (B) holds a license under this Act.

20 Any corporation, limited liability company, professional
21 service corporation, or partnership qualifying under this
22 Section and practicing in this State shall file with the
23 Department any information concerning its officers, directors,
24 members, managers, partners or beneficial owners as the
25 Department may, by rule, require.

26 (c) No business shall offer the practice or hold itself out

1 as available to offer the practice of architecture until it is
2 registered with the Department. Every entity registered as a
3 professional design firm shall display its certificate of
4 registration or a facsimile thereof in a conspicuous place in
5 each office offering architectural services.

6 (d) Any business seeking to be registered under this
7 Section shall make application on a form provided by the
8 Department and shall provide any information requested by the
9 Department, which shall include but shall not be limited to all
10 of the following:

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

20 (2) The names and architect's, professional
21 engineer's, structural engineer's, or land surveyor's
22 license numbers of the directors, in the case of a
23 corporation, the members, in the case of a limited
24 liability company, or general partners, in the case of a
25 partnership.

26 (3) A list of all locations at which the professional

1 design firm provides architectural services.

2 (4) A list of all assumed names of the business.

3 Nothing in this Section shall be construed to exempt a
4 business from compliance with the requirements of the
5 Assumed Business Name Act.

6 It is the responsibility of the professional design firm to
7 provide the Department notice, in writing, of any changes in
8 the information requested on the application.

9 (e) In the event a managing agent is terminated or
10 terminates his or her status as managing agent of the
11 professional design firm, the managing agent and professional
12 design firm shall notify the Department of this fact in
13 writing, by certified mail, within 10 business days of
14 termination.

15 Thereafter, the professional design firm, if it has so
16 informed the Department, has 30 days in which to notify the
17 Department of the name and architect's license number of the
18 architect who is the newly designated managing agent. If a
19 corporation, the corporation shall also submit a certified copy
20 of a resolution by the board of directors designating the new
21 managing agent. If a limited liability company, the company
22 shall also submit a certified copy of either its articles of
23 organization or operating agreement designating the new
24 managing agent. The Department may, upon good cause shown,
25 extend the original 30 day period.

26 If the professional design firm has not notified the

1 Department in writing, by certified mail within the specified
2 time, the registration shall be terminated without prior
3 hearing. Notification of termination shall be sent by certified
4 mail to the last known address of the business. If the
5 professional design firm continues to operate and offer
6 architectural services after the termination, the Department
7 may seek prosecution under Sections 22, 36, and 36a of this Act
8 for the unlicensed practice of architecture.

9 (f) No professional design firm shall be relieved of
10 responsibility for the conduct or acts of its agents,
11 employees, or officers by reason of its compliance with this
12 Section, nor shall any individual practicing architecture be
13 relieved of the responsibility for professional services
14 performed by reason of the individual's employment or
15 relationship with a professional design firm registered under
16 this Section.

17 (g) Disciplinary action against a professional design firm
18 registered under this Section shall be administered in the same
19 manner and on the same grounds as disciplinary action against a
20 licensed architect. All disciplinary action taken or pending
21 against a corporation or partnership before the effective date
22 of this amendatory Act of 1993 shall be continued or remain in
23 effect without the Department filing separate actions.

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

25 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

2 Sec. 22. Refusal, suspension and revocation of licenses;
3 Causes.

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

11 (1) material misstatement in furnishing information to
12 the Department;

13 (2) negligence, incompetence or misconduct in the
14 practice of architecture;

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

17 (4) making any misrepresentation for the purpose of
18 obtaining licensure;

19 (5) purposefully making false statements or signing
20 false statements, certificates or affidavits to induce
21 payment;

22 (6) conviction of any crime under the laws of the
23 United States, or any state or territory thereof, which is
24 a felony, whether related to the practice of architecture
25 or not; or conviction of any crime, whether a felony,
26 misdemeanor, or otherwise, an essential element of which is

1 dishonesty, wanton disregard for the rights of others, or
2 which is directly related to the practice of architecture;

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

5 (8) signing, affixing the licensed architect's seal or
6 permitting the architect's seal to be affixed to any
7 technical submission ~~construction documents~~ not prepared
8 by the architect or under that architect's responsible
9 ~~direct supervision and control~~;

10 (9) engaging in dishonorable, unethical or
11 unprofessional conduct of a character likely to deceive,
12 defraud or harm the public;

13 (10) habitual intoxication or addiction to the use of
14 drugs;

15 (11) making a statement of compliance pursuant to the
16 Environmental Barriers Act that construction documents
17 prepared by the Licensed Architect or prepared under the
18 licensed architect's direct supervision and control for
19 construction or alteration of an occupancy required to be
20 in compliance with the Environmental Barriers Act are in
21 compliance with the Environmental Barriers Act when such
22 technical submissions ~~construction documents~~ are not in
23 compliance;

24 (12) a finding by the Board that an applicant or
25 registrant has failed to pay a fine imposed by the
26 Department or a registrant, whose license has been placed

1 on probationary status, has violated the terms of
2 probation;

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

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

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

15 (a-5) In enforcing this Section, the Board upon a showing
16 of a possible violation may request that the Department compel
17 a person licensed to practice under this Act, or who has
18 applied for licensure or certification pursuant to this Act, to
19 submit to a mental or physical examination, or both, as
20 required by and at the expense of the Department. The examining
21 physicians shall be those specifically designated by the
22 Department. The Department may order the examining physician to
23 present testimony concerning this mental or physical
24 examination of the licensee or applicant. No information shall
25 be excluded by reason of any common law or statutory privilege
26 relating to communications between the licensee or applicant

1 and the examining physician. The person to be examined may
2 have, at his or her own expense, another physician of his or
3 her choice present during all aspects of the examination.
4 Failure of any person to submit to a mental or physical
5 examination, when directed, shall be grounds for suspension of
6 a license until the person submits to the examination if the
7 Department finds, after notice and hearing, that the refusal to
8 submit to the examination was without reasonable cause.

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

25 (b) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities
2 Code, operates as an automatic suspension. Such suspension will
3 end only upon a finding by a court that the patient is no
4 longer subject to involuntary admission or judicial admission,
5 the issuance of an order so finding and discharging the
6 patient, and the recommendation of the Board to the Director
7 that the licensee be allowed to resume practice.

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

15 Persons who assist the Department as consultants or expert
16 witnesses in the investigation or prosecution of alleged
17 violations of the Act, licensure matters, restoration
18 proceedings, or criminal prosecutions, shall not be liable for
19 damages in any civil action or proceeding as a result of such
20 assistance, except upon proof of actual malice. The attorney
21 general shall defend such persons in any such action or
22 proceeding.

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

24 (225 ILCS 305/23.5)

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

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

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

11 (a-5) Any entity that advertises architecture services in a
12 telecommunications directory must include its architecture
13 firm registration number or, in the case of a sole proprietor,
14 his or her individual license number. Nothing in this
15 subsection (a-5) requires the publisher of a
16 telecommunications directory to investigate or verify the
17 accuracy of the registration or license number provided by the
18 advertiser of architecture services.

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

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty. The
23 order shall constitute a judgment and may be filed and
24 execution had thereon in the same manner as any judgment from
25 any court of record.

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

1 (225 ILCS 305/24) (from Ch. 111, par. 1324)

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

3 Sec. 24. Investigations; notice and hearing. The
4 Department may investigate the actions of any applicant or of
5 any person or entity holding or claiming to hold a license or
6 registration. Before the initiation of an investigation, the
7 matter shall be reviewed by a subcommittee of the Board
8 according to procedures established in Section 10.5 of this Act
9 or by rule for the Complaint Committee. The Department shall,
10 before refusing to restore, issue or renew a license or
11 registration, or discipline a licensee or registrant, at least
12 30 days prior to the date set for the hearing, notify in
13 writing the applicant for, or holder of, a license or
14 registrant of the nature of the charges and that a hearing will
15 be held on the date designated, and direct the applicant or
16 entity or licensee or registrant to file a written answer to
17 the Board under oath within 20 days after the service of the
18 notice and inform the applicant or entity or licensee or
19 registrant that failure to file an answer will result in
20 default being taken against the applicant or entity or licensee
21 or registrant and that the license or certificate may be
22 suspended, revoked, placed on probationary status, or other
23 disciplinary action may be taken, including limiting the scope,
24 nature or extent of practice, as the Director may deem proper.
25 Written notice may be served by personal delivery or certified

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

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

18 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

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

23 (a) the practice, attempt to practice or offer to
24 practice architecture, or the advertising or putting out of
25 any sign or card or other device which might indicate to

1 the public that the person is entitled to practice
2 architecture, without a license as a licensed architect, or
3 registration as a professional design firm issued by the
4 Department. Each day of practicing architecture or
5 attempting to practice architecture, and each instance of
6 offering to practice architecture, without a license as a
7 licensed architect or registration as a professional
8 design firm constitutes a separate offense;

9 (b) the making of any wilfully false oath or
10 affirmation in any matter or proceeding where an oath or
11 affirmation is required by this Act;

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

16 (d) the violation of any provision of this Act or its
17 rules;

18 (e) using or attempting to use an expired, inactive,
19 suspended, or revoked license, or the certificate or seal
20 of another, or impersonating another licensee;

21 (f) obtaining or attempting to obtain a license or
22 registration by fraud; or

23 (g) If any person, sole proprietorship, professional
24 service corporation, limited liability company,
25 corporation or partnership, or other entity practices
26 architecture or advertises or displays any sign or card or

1 other device that might indicate to the public that the
2 person or entity is entitled to practice as an architect or
3 use the title "architect" or any of its derivations unless
4 the person or other entity holds an active license as an
5 architect or registration as a professional design firm in
6 the State; then, in addition to any other penalty provided
7 by law any person or other entity who violates this
8 subsection (g) shall forfeit and pay to the Design
9 Professionals Administration and Investigation Fund a
10 civil penalty in an amount determined by the Department of
11 not more than \$10,000 ~~\$5,000~~ for each offense.

12 An unlicensed person who has completed the education
13 requirements, is actively participating in the diversified
14 professional training, and maintains in good standing a
15 training record as required for licensure by this Act may use
16 the title "architectural intern", but may not independently
17 engage in the practice of architecture.

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

19 (225 ILCS 305/38) (from Ch. 111, par. 1338)

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

21 Sec. 38. Fund; appropriations; investments; audits. Moneys
22 deposited in the Design Professionals Administration and
23 Investigation Fund shall be appropriated to the Department
24 exclusively for expenses of the Department and the Board in the
25 administration of this Act, the Illinois Professional Land

1 Surveyor Act of 1989, the Professional Engineering Practice Act
2 of 1989, and the Structural Engineering Practice Act of 1989.
3 The expenses of the Department under this Act shall be limited
4 to the ordinary and contingent expenses of the Design
5 Professionals Dedicated Employees within the Department as
6 established under Section 2105-75 of the Department of
7 Professional Regulation Law (20 ILCS 2105/2105-75) and other
8 expenses related to the administration and enforcement of this
9 Act.

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

16 All fines and penalties under Sections 22 and 36 shall be
17 deposited in the Design Professionals Administration and
18 Investigation Fund.

19 Moneys in the Design Professionals Administration and
20 Investigation Fund may be invested and reinvested, with all
21 earnings received from the investments to be deposited in the
22 Design Professionals Administration and Investigation Fund and
23 used for the same purposes as fees deposited in the Fund.

24 Upon the completion of any audit of the Department as
25 prescribed by the Illinois State Auditing Act that includes an
26 audit of the Design Professionals Administration and

1 Investigation Fund, the Department shall make the audit open to
2 inspection by any interested person. The copy of the audit
3 report required to be submitted to the Department by this
4 Section is an addition to copies of audit reports required to
5 be submitted to other State officers and agencies by Section
6 3-14 of the Illinois State Auditing Act.

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

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

12 (225 ILCS 325/3) (from Ch. 111, par. 5203)

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

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

15 (a) Nothing in this Act shall be construed to prevent the
16 practice of structural engineering as defined in the Structural
17 Engineering Practice Act of 1989 or the practice of
18 architecture as defined in the Illinois Architecture Practice
19 Act of 1989 or the regular and customary practice of
20 construction contracting and construction management as
21 performed by construction contractors.

22 (b) Nothing in this Act shall prevent:

23 (1) Employees, including project representatives, of
24 professional engineers lawfully practicing as sole owners,

1 partnerships or corporations under this Act, from acting
2 under the direct supervision of their employers.

3 (2) The employment of owner's representatives by the
4 owner during the constructing, adding to, or altering of a
5 project, or any parts thereof, provided that such owner's
6 representative shall not have the authority to deviate from
7 the technical submissions without the prior approval of the
8 professional engineer for the project.

9 (3) The practice of officers and employees of the
10 Government of the United States while engaged within this
11 State in the practice of the profession of engineering for
12 the Government.

13 (4) Services performed by employees of a business
14 organization engaged in utility, industrial or
15 manufacturing operations, or by employees of laboratory
16 research affiliates of such business organization which
17 are rendered in connection with the fabrication or
18 production, sale, and installation of products, systems,
19 or nonengineering services of the business organization or
20 its affiliates.

21 (5) Inspection, maintenance and service work done by
22 employees of the State of Illinois, any political
23 subdivision thereof or any municipality.

24 (6) The activities performed by those ordinarily
25 designated as chief engineer of plant operation, chief
26 operating engineer, locomotive, stationary, marine, power

1 plant or hoisting and portable engineers, electrical
2 maintenance or service engineers, personnel employed in
3 connection with construction, operation or maintenance of
4 street lighting, traffic control signals, police and fire
5 alarm systems, waterworks, steam, electric, and sewage
6 treatment and disposal plants, or the services ordinarily
7 performed by any worker regularly employed as a locomotive,
8 stationary, marine, power plant, or hoisting and portable
9 engineer or electrical maintenance or service engineer for
10 any corporation, contractor or employer.

11 (7) The activities performed by a person ordinarily
12 designated as a supervising engineer or supervising
13 electrical maintenance or service engineer who supervises
14 the operation of, or who operates, machinery or equipment,
15 or who supervises construction or the installation of
16 equipment within a plant which is under such person's
17 immediate supervision.

18 (8) The services, for private use, of contractors or
19 owners in the construction of engineering works or the
20 installation of equipment.

21 (c) No officer, board, commission, or other public entity
22 charged with the enforcement of codes and ordinances involving
23 a professional engineering project shall accept for filing or
24 approval any technical submissions that do not bear the seal
25 and signature of a professional engineer licensed under this
26 Act. A building permit issued with respect to technical

1 submissions that do not conform to the requirements of this Act
2 shall be invalid.

3 (d) Nothing contained in this Section imposes upon a person
4 licensed under this Act the responsibility for the performance
5 of any of the foregoing functions unless such person
6 specifically contracts to provide it.

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

8 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

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

14 (b) "Board" means the State Board of Professional Engineers
15 of the Department of Professional Regulation, previously known
16 as the Examining Committee.

17 (c) "Department" means the Department of Financial and
18 Professional Regulation.

19 (d) "Design professional" means an architect, structural
20 engineer or professional engineer practicing in conformance
21 with the Illinois Architecture Practice Act of 1989, the
22 Structural Engineering Practice Act of 1989 or the Professional
23 Engineering Practice Act of 1989.

24 (e) "Secretary Director" means the Secretary Director of
25 Financial and Professional Regulation.

1 (f) "Direct supervision/responsible charge" means work
2 prepared under the control of a licensed professional engineer
3 or that work as to which that professional engineer has
4 detailed professional knowledge.

5 (g) "Engineering college" means a school, college,
6 university, department of a university or other educational
7 institution, reputable and in good standing in accordance with
8 rules prescribed by the Department, and which grants
9 baccalaureate degrees in engineering.

10 (h) "Engineering system or facility" means a system or
11 facility whose design is based upon the application of the
12 principles of science for the purpose of modification of
13 natural states of being.

14 (i) "Engineer intern" means a person who is a candidate for
15 licensure as a professional engineer and who has been enrolled
16 as an engineer intern.

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

20 (k) "License" means an official document issued by the
21 Department to an individual, a corporation, a partnership, a
22 professional service corporation, a limited liability company,
23 or a sole proprietorship, signifying authority to practice.

24 (l) "Negligence in the practice of professional
25 engineering" means the failure to exercise that degree of
26 reasonable professional skill, judgment and diligence normally

1 rendered by professional engineers in the practice of
2 professional engineering.

3 (m) "Professional engineer" means a person licensed under
4 the laws of the State of Illinois to practice professional
5 engineering.

6 (n) "Professional engineering" means the application of
7 science to the design of engineering systems and facilities
8 using the knowledge, skills, ability and professional judgment
9 developed through professional engineering education, training
10 and experience.

11 (o) "Professional engineering practice" means the
12 consultation on, conception, investigation, evaluation,
13 planning, and design of, and selection of materials to be used
14 in, administration of construction contracts for, or site
15 observation of, an engineering system or facility, where such
16 consultation, conception, investigation, evaluation, planning,
17 design, selection, administration, or observation requires
18 extensive knowledge of engineering laws, formulae, materials,
19 practice, and construction methods. A person shall be construed
20 to practice or offer to practice professional engineering,
21 within the meaning and intent of this Act, who practices, or
22 who, by verbal claim, sign, advertisement, letterhead, card, or
23 any other way, is represented to be a professional engineer, or
24 through the use of the initials "P.E." or the title "engineer"
25 or any of its derivations or some other title implies licensure
26 as a professional engineer, or holds himself out as able to

1 perform any service which is recognized as professional
2 engineering practice.

3 Examples of the practice of professional engineering
4 include, but need not be limited to, transportation facilities,
5 public ~~and publicly owned~~ utilities ~~for a region or community~~,
6 railroads, railways, highways, subways, canals, harbors, and
7 river improvements; land development; stormwater detention,
8 retention, and conveyance; irrigation works; aircraft and
9 airports ~~and landing fields;~~ traffic engineering; waterworks,
10 piping systems ~~and appurtenances,~~ sewers, sewage disposal
11 works; storm sewer, sanitary sewer, and water system modeling;
12 plants for the generation of power; devices for the utilization
13 of power; boilers; refrigeration plants, air conditioning
14 systems and plants; heating systems and plants; plants for the
15 transmission or distribution of power; electrical plants which
16 produce, transmit, distribute, or utilize electrical energy;
17 works for the extraction of minerals from the earth; plants for
18 the refining, alloying or treating of metals; chemical works
19 and industrial plants involving the use of chemicals and
20 chemical processes; plants for the production, conversion, or
21 utilization of nuclear, chemical, or radiant energy; forensic
22 engineering, geotechnical engineering including, subsurface
23 investigations; soil and rock classification, geology and
24 geohydrology, incidental to the practice of professional
25 engineering; geohydrological investigations, migration pathway
26 analysis (including evaluation of building and site elements),

1 soil and groundwater management zone analysis and design;
2 energy analysis, environmental risk assessments, corrective
3 action plans, design, remediation, protection plans and
4 systems, hazardous waste mitigation and control, environmental
5 control or remediation systems; recognition, measurement,
6 evaluation, and control of environmental systems and
7 emissions; evaluation and design of engineered barriers,
8 modeling of pollutants in water, soil, and air; engineering
9 surveys of sites, facilities, and topography, not including
10 land boundary establishment; ~~recognition, measurement,~~
11 ~~evaluation and control of environmental systems and emissions;~~
12 automated building management systems; control or remediation
13 systems; computer controlled or integrated systems; automatic
14 fire notification and suppression systems; investigation and
15 assessment of indoor air inhalation exposures and design of
16 abatement and remediation systems; or the provision of
17 professional engineering site observation of the construction
18 of works and engineering systems. Nothing in this Section shall
19 preclude an employee from acting under the direct
20 supervision/responsible charge of a licensed professional
21 engineer. Nothing contained in this Section imposes upon a
22 person licensed under this Act the responsibility for the
23 performance of any of the foregoing functions unless such
24 person specifically contracts to provide it.

25 (p) "Project representative" means the professional
26 engineer's representative at the project site who assists in

1 the administration of the construction contract.

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

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

13 (s) "Rules" means those rules promulgated pursuant to this
14 Act.

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

17 (u) "Site observation" is visitation of the construction
18 site for the purpose of reviewing, as available, the quality
19 and conformance of the work to the technical submissions as
20 they relate to design.

21 (v) "Support design professional" means a professional
22 engineer practicing in conformance with the Professional
23 Engineering Practice Act of 1989, who provides services to the
24 design professional who has contract responsibility.

25 (w) "Technical submissions" means the designs, drawings,
26 and specifications which establish the scope and standard of

1 quality for materials, workmanship, equipment, and ~~the~~
2 ~~construction~~ systems intended for use in construction.
3 "Technical submissions" includes, but is not limited to,
4 studies, analyses, calculations, and other technical reports
5 prepared in the course of the a design professional's practice
6 of professional engineering or under the direct
7 supervision/responsible charge of a licensed professional
8 engineer.

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

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

14 (225 ILCS 325/4.5 new)

15 Sec. 4.5. References to Department or Director of
16 Professional Regulation. References in this Act (i) to the
17 Department of Professional Regulation are deemed, in
18 appropriate contexts, to be references to the Department of
19 Financial and Professional Regulation and (ii) to the Director
20 of Professional Regulation are deemed, in appropriate
21 contexts, to be references to the Secretary of Financial and
22 Professional Regulation.

23 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

1 Sec. 5. Powers and duties of the Department. Subject to the
2 provisions of this Act, the Department shall exercise the
3 following functions, powers and duties:

4 (a) To pass upon the qualifications and conduct
5 examinations of applicants for licensure as professional
6 engineers or enrollment as engineer interns and pass upon
7 the qualifications of applicants by endorsement and issue a
8 license or enrollment to those who are found to be fit and
9 qualified.

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

12 (c) To license corporations, partnerships,
13 professional service corporations, limited liability
14 companies, and sole proprietorships for the practice of
15 professional engineering and issue a license to those who
16 qualify.

17 (d) To conduct investigations and hearings regarding
18 violations of this Act and take disciplinary or other
19 actions as provided in this Act as a result of the
20 proceedings.

21 (e) To prescribe rules as to what shall constitute an
22 engineering or related science curriculum and to determine
23 if a specific engineering curriculum is in compliance with
24 the rules, and to terminate the approval of a specific
25 engineering curriculum for non-compliance with such rules.

26 (f) To promulgate rules required for the

1 administration of this Act, including rules of
2 professional conduct.

3 (g) To maintain membership in the National Council of
4 Examiners for Engineering and Surveying and participate in
5 activities of the Council by designation of individuals for
6 the various classifications of membership, the appointment
7 of delegates for attendance at zone and national meetings
8 of the Council, and the funding of the delegates for
9 attendance at the meetings of the Council.

10 (h) To obtain written recommendations from the Board
11 regarding qualifications of individuals for licensure and
12 enrollment, definitions of curriculum content and approval
13 of engineering curricula, standards of professional
14 conduct and formal disciplinary actions, and the
15 promulgation of the rules affecting these matters.

16 Prior to issuance of any final decision or order that
17 deviates from any report or recommendations of the Board
18 relating to the qualification of applicants, discipline of
19 licensees or registrants, or promulgation of rules, the
20 Director shall notify the Board in writing with an
21 explanation of any such deviation and provide a reasonable
22 time for the Board to submit written comments to the
23 Director regarding the proposed action. In the event that
24 the Board fails or declines to submit such written comments
25 within 30 days of said notification, the Director may issue
26 a final decision or orders consistent with the Director's

1 original decision. The Department may at any time seek the
2 expert advice and knowledge of the Board on any matter
3 relating to the enforcement of this Act.

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

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

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

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

19 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

21 Sec. 7. Powers and duties of the Board. Subject to the
22 provisions of this Act, the Board shall exercise the following
23 functions, powers and duties:

24 (a) Review education and experience qualifications of
25 applicants, including conducting oral interviews as deemed

1 necessary by the Board, to determine eligibility as an
2 engineer intern or professional engineer and submit to the
3 Director written recommendations on applicant
4 qualifications for enrollment and licensure;

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

8 (c) Conduct hearings regarding disciplinary actions
9 and submit a written report and recommendations to the
10 Director as required by this Act and to provide a Board
11 member at informal conferences;

12 (d) Make visits to universities or colleges to evaluate
13 engineering curricula or to otherwise evaluate engineering
14 curricula and submit to the Director a written
15 recommendation of acceptability of a curriculum;

16 (e) Submit a written recommendation to the Director
17 concerning promulgation of rules as required in Section 5
18 and to recommend to the Director any rules or amendments
19 thereto for the administration of this Act;

20 (f) Hold at least 3 regular meetings each year;

21 (g) Elect annually a chairperson and a
22 vice-chairperson who shall be professional engineers; and

23 (h) Submit written comments to the Director within 30
24 days from notification of any final decision or order from
25 the Director that deviates from any report or
26 recommendation of the Board relating to the qualification

1 of applicants, discipline of licensees or registrants, or
2 promulgation of rules.

3 (i) Contract with a corporation or other business
4 entity to provide investigative, legal, prosecutorial, or
5 other services necessary to perform its duties.

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

7 (225 ILCS 325/7.5 new)

8 Sec. 7.5. Complaint Committee.

9 (a) There is created the Professional Engineer Complaint
10 Committee of the Board composed of 2 voting members of the
11 Board, a Supervisor over Design Investigations, and a Chief of
12 Prosecutions over Design Prosecutions. The Director of
13 Enforcement shall designate the Supervisor and Chief assigned
14 to the Complaint Committee.

15 (b) The Complaint Committee shall meet at least once every
16 2 months to exercise its functions and duties as set forth in
17 subsection (c). Two members of the Board shall be in attendance
18 in order for any business to be transacted by the Complaint
19 Committee. The Complaint Committee shall make every effort to
20 consider expeditiously and take prompt action on each item on
21 its agenda.

22 (c) The Complaint Committee shall have the following duties
23 and functions:

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

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

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

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

8 (5) To report the actions of the Complaint Committee at
9 each meeting of the Board.

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

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

24 (e) No complaint file shall be closed nor complaint
25 dismissed except upon recommendation of the Complaint
26 Committee or approval by the Board.

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

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

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

18 Upon determination by the Complaint Committee that the
19 complaint should be treated as an emergency investigation, the
20 complaint must be investigated as soon as possible.

21 Upon completion of the emergency investigation, the
22 investigator must again convene a meeting of the Complaint
23 Committee by teleconference. This meeting shall also be
24 considered an emergency and notice of the meeting shall be
25 provided in accordance with the Open Meetings Act. The
26 Complaint Committee must then decide whether to recommend to

1 the Department that the complaint be referred to the Attorney
2 General to seek a temporary restraining order and permanent
3 injunction against the start or further construction of the
4 project or, where the project has already been completed, to
5 enjoin the use of the building or structure. The Complaint
6 Committee shall recommend that the case be referred to the
7 Attorney General only upon a finding that the facts alleged in
8 the complaint are credible and constitute an imminent danger to
9 the public.

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

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

12 Sec. 10. Minimum standards for examination for licensure as
13 professional engineer. To qualify for licensure as a
14 professional engineer each applicant shall be:

15 (a) A graduate of an approved engineering curriculum of at
16 least 4 years who submits acceptable evidence to the Board of
17 an additional 4 years or more of experience in engineering work
18 of a grade and character which indicate that the individual may
19 be competent to practice professional engineering, and who then
20 passes a nominal 8-hour written examination in the fundamentals
21 of engineering, and a nominal 8-hour written examination in the
22 principles and practice of engineering. Upon passing both
23 examinations, the applicant, if otherwise qualified, shall be
24 granted a license to practice professional engineering in this
25 State; or

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

13 (c) An engineer intern ~~who meets the education and~~
14 ~~experience qualifications of subsection (a) or (b) of this~~
15 ~~Section and has passed the nominal 8-hour written examination~~
16 ~~in the fundamentals of engineering,~~ by application and payment
17 of the required fee, may then take the nominal 8-hour written
18 examination in the principles and practice of engineering. If
19 an engineer intern successfully completes the ~~Upon passing that~~
20 examination and submits evidence to the Board of meeting the
21 experience qualifications of subsection (a) or (b) of this
22 Section, he or she ~~the applicant,~~ if otherwise qualified, shall
23 be granted a license to practice professional engineering in
24 this State.

25 (d) When considering an applicant's qualifications for
26 licensure under this Act, the Department may take into

1 consideration whether an applicant has engaged in conduct or
2 actions that would constitute a violation of the Standards of
3 Professional Conduct for this Act as provided for by
4 administrative rules.

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

6 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

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

13 Any person whose license has expired or whose license is on
14 inactive status may have such license restored by making
15 application to the Department and filing proof acceptable to
16 the Department of that person's fitness to have such license
17 restored, which may include sworn evidence certifying to active
18 practice in another jurisdiction satisfactory to the
19 Department and by paying the required restoration fee. If the
20 person has not maintained an active practice in another
21 jurisdiction satisfactory to the Department, the Board shall
22 determine, by an evaluation program established by rule, the
23 person's fitness to resume active status and may require the
24 person to complete a period of evaluated experience and may
25 require successful completion of the principles and practice

1 examination.

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

14 Each application for renewal shall contain the original
15 seal and signature of the professional engineer. Applicants for
16 renewal or restoration shall certify that all conditions of
17 their license meet the requirements of the Illinois
18 Professional Engineering Practice Act of 1989.

19 The Department may grant the title "Retired" to eligible
20 retirees to be used immediately adjacent to the title of
21 Professional Engineer. The use of the title "PE Retired" shall
22 not constitute representation of current licensure,
23 registration, or certification. Any person without an active
24 license, registration, or certificate shall not be permitted to
25 practice professional engineering.

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

1 (225 ILCS 325/42) (from Ch. 111, par. 5242)

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

3 Sec. 42. Civil penalties.

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

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

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.

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