



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB1356

Introduced 2/18/2009, by Rep. Angelo Saviano - Robert Rita

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Professional Engineering Practice Act of 1989. In a provision concerning exemption from the Act for services performed by certain business organizations, provides that the exemption shall not extend to the design of infrastructure utility systems or manufacturing processes of the business organization. Removes the exemption for services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment. Defines "address of record". Provides that the Department may further define "direct supervision/responsible charge" by rule. Changes the definition of "professional engineering practice" to include the recognition, measurement, evaluation and control of "control systems". Provides that the Secretary must simply notify the Board prior to the Department issuing any final decision or order that deviates from any report or recommendations of the Board relating to qualifications of applicants, disciplinary actions, or promulgation of rules (now, the Secretary is required to provide written notice and wait 30 days for the Board's written comments). Allows the Department to exercise the functions, powers, or duties enumerated to it by the Act without first requiring the action and report in writing of the Board. In a provision concerning the Board, limits term of service to 10 successive years(now, 15), prohibits public member from being an employee of an engineering related field (now, an employee of the State), and provides that members may receive compensation as determined by the Secretary (now, shall receive compensation when attending Board meetings or meetings approved by the Secretary). Provides that an engineer shall be responsible for his or her seal and signature as defined by rule (now, signatures generated by computer shall not be permitted). Provides that the Department may take disciplinary action against any person that commits certain tax violations. Provides that the Department shall deny a license or renewal to a person that has defaulted on an education loan or scholarship provided or guaranteed by the State. Provides that the Department or Board may order a licensee or applicant to submit to a mental or physical examination, or both, for certain violations of the Act. Makes other changes. Effective immediately.

LRB096 07649 ASK 20875 b

A BILL FOR

1 AN ACT concerning professional regulation.

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

4 Section 5. The Professional Engineering Practice Act of  
5 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 11,  
6 14, 15, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42 and  
7 43 as follows:

8 (225 ILCS 325/3) (from Ch. 111, par. 5203)

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

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

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

18 (b) Nothing in this Act shall prevent:

19 (1) Employees, including project representatives, of  
20 professional engineers lawfully practicing as sole owners,  
21 partnerships or corporations under this Act, from acting  
22 under the direct supervision of their employers.

23 (2) The employment of owner's representatives by the

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

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

10 (4) Services performed by employees of a business  
11 organization engaged in utility, industrial or  
12 manufacturing operations, or by employees of laboratory  
13 research affiliates of such business organization which  
14 are rendered in connection with the fabrication or  
15 production, sale, and installation of products, systems,  
16 or nonengineering services of the business organization or  
17 its affiliates. This exemption shall not extend to the  
18 design of infrastructure utility systems or manufacturing  
19 processes of the business organization.

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

23 (6) The activities performed by those ordinarily  
24 designated as chief engineer of plant operation, chief  
25 operating engineer, locomotive, stationary, marine, power  
26 plant or hoisting and portable engineers, electrical

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

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

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

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

26 (d) Nothing contained in this Section imposes upon a person

1 licensed under this Act the responsibility for the performance  
2 of any of the foregoing functions unless such person  
3 specifically contracts to provide it.

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

5 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

8 (a) "Address of record" means the designated address  
9 recorded by the Department in the applicant's or licensee's  
10 application file or license file maintained by the Department's  
11 licensure maintenance unit. It is the duty of the applicant or  
12 licensee to inform the Department of any change of address, and  
13 such changes must be made either through the Department's  
14 website or by directly contacting the Department.

15 (a-5) ~~(a)~~ "Approved engineering curriculum" means an  
16 engineering curriculum or program of 4 academic years or more  
17 which meets the standards established by the rules of the  
18 Department.

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

22 (c) "Department" means the Department of Financial and  
23 Professional Regulation.

24 (d) "Design professional" means an architect, structural  
25 engineer or professional engineer practicing in conformance

1 with the Illinois Architecture Practice Act of 1989, the  
2 Structural Engineering Practice Act of 1989 or the Professional  
3 Engineering Practice Act of 1989.

4 (e) (Blank). ~~"Director" means the Director of Professional~~  
5 ~~Regulation.~~

6 (f) "Direct supervision/responsible charge" means work  
7 prepared under the control of a licensed professional engineer  
8 or that work as to which that professional engineer has  
9 detailed professional knowledge. The Department may further  
10 define this term by rule.

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

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

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

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

26 (k) "License" means an official document issued by the

1 Department to an individual, a corporation, a partnership, a  
2 professional service corporation, a limited liability company,  
3 or a sole proprietorship, signifying authority to practice.

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

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

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

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

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

9 Examples of the practice of professional engineering  
10 include, but need not be limited to, transportation facilities  
11 and publicly owned utilities for a region or community,  
12 railroads, railways, highways, subways, canals, harbors, river  
13 improvements; irrigation works; aircraft, airports and landing  
14 fields; waterworks, piping systems and appurtenances, sewers,  
15 sewage disposal works; plants for the generation of power;  
16 devices for the utilization of power; boilers; refrigeration  
17 plants, air conditioning systems and plants; heating systems  
18 and plants; plants for the transmission or distribution of  
19 power; electrical plants which produce, transmit, distribute,  
20 or utilize electrical energy; works for the extraction of  
21 minerals from the earth; plants for the refining, alloying or  
22 treating of metals; chemical works and industrial plants  
23 involving the use of chemicals and chemical processes; plants  
24 for the production, conversion, or utilization of nuclear,  
25 chemical, or radiant energy; forensic engineering,  
26 geotechnical engineering including, subsurface investigations;



1 soil classification, geology and geohydrology, incidental to  
2 the practice of professional engineering; energy analysis,  
3 environmental design, hazardous waste mitigation and control;  
4 recognition, measurement, evaluation and control of  
5 environmental systems and emissions; control systems;  
6 automated building management systems; or the provision of  
7 professional engineering site observation of the construction  
8 of works and engineering systems. Nothing contained in this  
9 Section imposes upon a person licensed under this Act the  
10 responsibility for the performance of any of the foregoing  
11 functions unless such person specifically contracts to provide  
12 it.

13 (p) "Project representative" means the professional  
14 engineer's representative at the project site who assists in  
15 the administration of the construction contract.

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

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

1 (s) "Rules" means those rules promulgated pursuant to this  
2 Act.

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

5 (t-5) "Secretary" means the Secretary of the Department of  
6 Financial and Professional Regulation.

7 (u) "Site observation" is visitation of the construction  
8 site for the purpose of reviewing, as available, the quality  
9 and conformance of the work to the technical submissions as  
10 they relate to design.

11 (v) "Support design professional" means a professional  
12 engineer practicing in conformance with the Professional  
13 Engineering Practice Act of 1989, who provides services to the  
14 design professional who has contract responsibility.

15 (w) "Technical submissions" means designs, drawings, and  
16 specifications which establish the standard of quality for  
17 materials, workmanship, equipment, and the construction  
18 systems, studies, and other technical reports prepared in the  
19 course of a design professional's practice.

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

22 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

24 Sec. 5. Powers and duties of the Department. Subject to the  
25 provisions of this Act, the Department shall exercise the

1 following functions, powers and duties:

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

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

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

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

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

24 (f) To promulgate rules required for the  
25 administration of this Act, including rules of  
26 professional conduct.

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

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

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

1 any matter relating to the enforcement of this Act.

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

10 ~~None of the functions, powers or duties enumerated in this~~  
11 ~~Section shall be exercised by the Department except upon the~~  
12 ~~action and report in writing of the Board.~~

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

14 (225 ILCS 325/6) (from Ch. 111, par. 5206)

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

16 Sec. 6. Composition, qualifications and terms of the Board.

17 (a) The Board shall be appointed by the Secretary ~~Director~~  
18 and shall consist of 10 members, one of whom shall be a public  
19 member and 9 of whom shall be professional engineers licensed  
20 under this Act. In addition each member who is a professional  
21 engineer shall:

22 (1) be a citizen of the United States, and

23 (2) be a resident of this State.

24 (b) In addition, each member who is a professional engineer  
25 shall:

1           (1) have not less than 12 years of experience in the  
2 practice of professional engineering, and shall hold an  
3 active license as a professional engineer in Illinois;

4           (2) have been in charge of professional engineering  
5 work for at least 5 years. For the purposes of this  
6 Section, any period in which a person has been in charge of  
7 teaching engineering in an engineering college with the  
8 rank of assistant professor or higher shall be considered  
9 as time in which such person was in charge of professional  
10 engineering work.

11           The terms for all members shall be for 5 years. On the  
12 expiration of the term of any member or in the event of a  
13 vacancy, the Secretary ~~Director~~ shall appoint a member who  
14 shall hold office until the expiration of the term for which  
15 the member is appointed and until a successor has been  
16 appointed and qualified.

17           No member shall be reappointed to the Board for a term  
18 which would cause that individual's continuous service on the  
19 Board to be longer than 10 ~~15~~ successive years.

20           In implementing the 5 year terms, the Secretary ~~Director~~  
21 shall vary the terms to enable the Board to have no more than 2  
22 terms expire in any one year.

23           The public member shall not be an employee of an  
24 engineering related field ~~the State of Illinois~~. The public  
25 member shall be an Illinois resident and a citizen of the  
26 United States.

1           In making appointments to the Board, the Secretary ~~Director~~  
2 shall give due consideration to recommendations by members of  
3 the profession and by organizations therein.

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

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

9           A quorum of the Board shall consist of a majority of Board  
10 members appointed. Majority vote of the quorum is required for  
11 Board decisions.

12           Each member of the Board ~~may shall~~ receive compensation as  
13 determined by the Secretary ~~when attending Board meetings or~~  
14 ~~meetings approved by the Director~~ and shall be reimbursed for  
15 all actual traveling expenses.

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

19           Persons holding office as members of the Board immediately  
20 prior to the effective date of this Act under the Act repealed  
21 herein shall continue as members of the Board until the  
22 expiration of the term for which they were appointed and until  
23 their successors are appointed and qualified.

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

25           (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

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

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

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

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

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

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



- 1 (f) Hold at least 3 regular meetings each year;
- 2 (g) Elect annually a chairperson and a  
3 vice-chairperson who shall be professional engineers; and
- 4 (h) Submit written comments to the Secretary ~~Director~~  
5 within 30 days from notification of any final decision or  
6 order from the Secretary ~~Director~~ that deviates from any  
7 report or recommendation of the Board relating to the  
8 qualification of applicants, discipline of licensees or  
9 registrants, or promulgation of rules.

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

11 (225 ILCS 325/8) (from Ch. 111, par. 5208)

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

13 Sec. 8. Applications for licensure.

14 (a) Applications for licensure shall (1) be on forms  
15 prescribed and furnished by the Department, (2) contain  
16 statements made under oath showing the applicant's education  
17 and a detailed summary of the applicant's technical work, and  
18 (3) contain references as required by the Department.

19 (b) Applicants shall have obtained the education and  
20 experience as required in Section 10 or Section 11 prior to  
21 submittal of application for examination, except as provided in  
22 subsection (b) of Section 11. Allowable experience shall  
23 commence at the date of the baccalaureate degree, except:

24 (1) Credit for one year of experience shall be given  
25 for a graduate of a baccalaureate curriculum providing a

1 cooperative program, which is supervised industrial or  
2 field experience of at least one academic year which  
3 alternates with periods of full-time academic training,  
4 when such program is certified by the university, or

5 (2) Partial credit may be given for professional  
6 engineering experience as defined by rule for employment  
7 prior to receipt of a baccalaureate degree if the  
8 employment is full-time while the applicant is a part-time  
9 student taking fewer than 12 hours per semester or 8 hours  
10 per quarter to earn the degree concurrent with the  
11 full-time engineering experience.

12 (3) If an applicant files an application and supporting  
13 documents containing a material misstatement of  
14 information or a misrepresentation for the purpose of  
15 obtaining licensure or enrollment or if an applicant  
16 performs any fraud or deceit in taking any examination to  
17 qualify for licensure or enrollment under this Act, the  
18 Department may issue a rule of intent to deny licensure or  
19 enrollment and may conduct a hearing in accordance with  
20 Sections 26 through 33 and Sections 37 and 38 of this Act.

21 The Board may conduct oral interviews of any applicant  
22 under Sections 10, 11, or 19 to assist in the evaluation of the  
23 qualifications of the applicant.

24 It is the responsibility of the applicant to supplement the  
25 application, when requested by the Board, by provision of  
26 additional documentation of education, including transcripts,

1 course content and credentials of the engineering college or  
2 college granting related science degrees, or of work experience  
3 to permit the Board to determine the qualifications of the  
4 applicant. The Department may require an applicant, at the  
5 applicant's expense, to have an evaluation of the applicant's  
6 education in a foreign country by a nationally recognized  
7 evaluating service ~~educational body~~ approved by ~~the Board in~~  
8 ~~accordance with rules prescribed by~~ the Department.

9 An applicant who graduated from an engineering program  
10 outside the United States or its territories and whose first  
11 language is not English shall submit certification of passage  
12 of the Test of English as a Foreign Language (TOEFL) and a test  
13 of spoken English ~~the Test of Spoken English (TSE)~~ as defined  
14 by rule.

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

16 (225 ILCS 325/9) (from Ch. 111, par. 5209)

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

18 Sec. 9. Licensure qualifications; Examinations; Failure or  
19 refusal to take examinations. Examinations provided for by this  
20 Act shall be conducted under rules prescribed by the  
21 Department. Examinations shall be held not less frequently than  
22 semi-annually, at times and places prescribed by the  
23 Department, of which applicants shall be notified by the  
24 Department in writing.

25 Examinations of the applicants who seek to practice

1 professional engineering shall ascertain: (a) if the applicant  
2 has an adequate understanding of the basic and engineering  
3 sciences, which shall embrace subjects required of candidates  
4 for an approved baccalaureate degree in engineering, and (b) if  
5 the training and experience of the applicant have provided a  
6 background for the application of the basic and engineering  
7 sciences to the solution of engineering problems. The  
8 Department may by rule prescribe additional subjects for  
9 examination. If an applicant neglects, fails to take ~~without an~~  
10 ~~approved excuse~~, or refuses to take the next available  
11 examination offered for licensure under this Act within 3 years  
12 after filing the application, the fee paid by the applicant  
13 shall be forfeited and the application denied. If an applicant  
14 fails to pass an examination for licensure under this Act  
15 within 3 years after filing the application, the application  
16 shall be denied. However, such applicant may thereafter make a  
17 new application for examination, accompanied by the required  
18 fee.

19 (Source: P.A. 94-452, eff. 1-1-06.)

20 (225 ILCS 325/11) (from Ch. 111, par. 5211)

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

22 Sec. 11. Minimum standards for examination for enrollment  
23 as engineer intern. Each of the following is considered a  
24 minimum standard that an applicant must satisfy to qualify for  
25 enrollment as an engineer intern.

1           (a) A graduate of an approved engineering curriculum of at  
2 least 4 years, who has passed a nominal 8-hour written  
3 examination in the fundamentals of engineering, shall be  
4 enrolled as an engineer intern, if the applicant is otherwise  
5 qualified; or

6           (b) An applicant in the last year of an approved  
7 engineering curriculum who passes a nominal 8-hour written  
8 examination in the fundamentals of engineering and furnishes  
9 proof that the applicant graduated within ~~of graduation within~~  
10 a 12 month period following the examination shall be enrolled  
11 as an engineer intern, if the applicant is otherwise qualified;  
12 or

13           (c) A graduate of a non-approved engineering curriculum or  
14 a related science curriculum, of at least 4 years meeting the  
15 requirements as set forth by rule, who submits acceptable  
16 evidence to the Board of an additional 4 years or more of  
17 progressive experience in engineering work, and who then passes  
18 a nominal 8-hour written examination in the fundamentals of  
19 engineering shall be enrolled as an engineer intern, if the  
20 applicant is otherwise qualified.

21           The examination of applicants under subsection (b) of this  
22 Section who fail to furnish proof of graduation within the  
23 specified 12 month period after the examination shall be voided  
24 by the Department.

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

1 (225 ILCS 325/14) (from Ch. 111, par. 5214)

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

3 Sec. 14. Seal. Every professional engineer shall have a  
4 seal or stamp, the print of which shall be reproducible and  
5 contain the name of the professional engineer, the professional  
6 engineer's license number, and the words "Licensed  
7 Professional Engineer of Illinois". Any reproducible stamp  
8 heretofore authorized under the laws of this state for use by a  
9 professional engineer, including those with the words  
10 "Registered Professional Engineer of Illinois", shall serve  
11 the same purpose as the seal provided for by this Act. The  
12 engineer shall be responsible for his seal and signature as  
13 defined by rule ~~When technical submissions are prepared~~  
14 ~~utilizing a computer or other electronic means, the seal may be~~  
15 ~~generated by the computer. Signatures generated by computer~~  
16 ~~shall not be permitted.~~

17 The use of a professional engineer's seal on technical  
18 submissions constitutes a representation by the professional  
19 engineer that the work has been prepared by or under the  
20 personal supervision of the professional engineer or developed  
21 in conjunction with the use of accepted engineering standards.  
22 The use of the seal further represents that the work has been  
23 prepared and administered in accordance with the standards of  
24 reasonable professional skill and diligence.

25 It is unlawful to affix one's seal to technical submissions  
26 if it masks the true identity of the person who actually

1 exercised direction, control and supervision of the  
2 preparation of such work. A professional engineer who seals and  
3 signs technical submissions is not responsible for damage  
4 caused by subsequent changes to or uses of those technical  
5 submissions, where the subsequent changes or uses, including  
6 changes or uses made by State or local governmental agencies,  
7 are not authorized or approved by the professional engineer who  
8 originally sealed and signed the technical submissions.

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

10 (225 ILCS 325/15) (from Ch. 111, par. 5215)

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

12 Sec. 15. Technical submissions. All technical submissions  
13 prepared by or under the personal supervision of a professional  
14 engineer shall bear that professional engineer's seal,  
15 signature, and license expiration date. The licensee's written  
16 signature and date of signing, along with the date of license  
17 expiration, shall be placed adjacent to the seal. ~~Computer~~  
18 ~~generated signatures are not permitted.~~

19 The professional engineer who has contract responsibility  
20 shall seal a cover sheet of the technical submissions, and  
21 those individual portions of the technical submissions for  
22 which the professional engineer is legally and professionally  
23 responsible. The professional engineer practicing as the  
24 support design professional shall seal those individual  
25 portions of technical submissions for which the professional

1 engineer is legally and professionally responsible.

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

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

13 (225 ILCS 325/16) (from Ch. 111, par. 5216)

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

15 Sec. 16. Issuance of license. Whenever the provisions of  
16 this Act have been complied with the Department may ~~shall~~ issue  
17 a license as a professional engineer and enroll the engineer  
18 intern.

19 Every holder of a license as a professional engineer shall  
20 display the license in a conspicuous place in the professional  
21 engineer's principal office.

22 It is the professional engineer's and engineer intern's  
23 responsibility to inform the Department of any change of  
24 address.

25 (Source: P.A. 86-667.)



1 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

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

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

22 However, any person whose license expired while that person  
23 was (1) in Federal Service on active duty with the Armed Forces  
24 of the United States, or the State Militia called into service  
25 or training, or (2) in training or education under the

1 supervision of the United States preliminary to induction into  
2 the military service, may have such license renewed or restored  
3 without paying any lapsed renewal fees if, within 2 years after  
4 honorable termination of such service, training, or education,  
5 except under conditions other than honorable, the Department is  
6 furnished with satisfactory evidence that the person has been  
7 so engaged and has maintained professional competence and that  
8 such service, training or education has been so terminated.

9 Each application for renewal shall contain the original  
10 seal and signature of the professional engineer. Applicants for  
11 renewal or restoration shall certify that all conditions of  
12 their license meet the requirements of the Illinois  
13 Professional Engineering Practice Act of 1989.

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

15 (225 ILCS 325/19) (from Ch. 111, par. 5219)

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

17 Sec. 19. Endorsement. The Department may, upon the  
18 recommendation of the Board, license as a professional  
19 engineer, on payment of the required fee, an applicant who is a  
20 professional engineer registered or licensed under the laws of  
21 another state or territory of the United States or the District  
22 of Columbia ~~or parties to the North American Free Trade~~  
23 ~~Agreement~~ if the applicant qualifies under Section 8 and  
24 Section 10 of this Act, or if the qualifications of the  
25 applicant were at the time of registration or licensure in

1 another jurisdiction substantially equal to the requirements  
2 in force in this State on that date.

3 The Department may refuse to endorse ~~by comity~~ the  
4 applicants from any state, District of Columbia or territory if  
5 the requirements for registration or licensure in such  
6 jurisdiction are not substantially equal to the requirements of  
7 this Act.

8 Applicants have 3 years from the date of application to  
9 complete the application process. If the process has not been  
10 completed during the 3 year time frame, the application shall  
11 be denied, the fee forfeited and the applicant must reapply and  
12 meet the requirements in effect at the time of reapplication.

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

14 (225 ILCS 325/21) (from Ch. 111, par. 5221)

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

16 Sec. 21. Rosters. The Department shall maintain a roster of  
17 the names and addresses of all professional engineers and  
18 professional design firms, partnerships, and corporations  
19 licensed or registered under this Act. This roster shall be  
20 available upon ~~written~~ request and payment of the required fee.

21 (Source: P.A. 88-428.)

22 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

24 Sec. 24. Rules of professional conduct; disciplinary or

1 administrative action.

2 (a) The Department shall adopt rules setting standards of  
3 professional conduct and establish appropriate penalty for the  
4 breach of such rules.

5 (a-1) The Department may, singularly or in combination,  
6 refuse to issue, restore, or renew a license or registration,  
7 revoke or suspend a license or registration, or place on  
8 probation, reprimand, or impose a civil penalty not to exceed  
9 \$10,000 upon any person, corporation, partnership, or  
10 professional design firm licensed or registered under this Act  
11 for any one or combination of the following:

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

14 (2) Failure to comply with any provisions of this Act  
15 or any of its rules.

16 (3) Conviction of any crime under the laws of the  
17 United States, or any state or territory thereof, which is  
18 a felony, whether related to practice or not, or conviction  
19 of any crime, whether a felony, misdemeanor, or otherwise,  
20 an essential element of which is dishonesty or which is  
21 directly related to the practice of engineering.

22 (4) Making any misrepresentation for the purpose of  
23 obtaining licensure, or in applying for restoration or  
24 renewal; or practice of any fraud or deceit in taking any  
25 examination to qualify for licensure under this Act.

26 (5) Purposefully making false statements or signing

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

3 (6) Negligence, incompetence or misconduct in the  
4 practice of professional engineering as a licensed  
5 professional engineer or in working as an engineer intern.

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

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

11 (9) Engaging in dishonorable, unethical or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud or harm the public.

14 (10) Habitual intoxication or addiction to the use of  
15 drugs.

16 (11) Discipline by the United States Government,  
17 another state, District of Columbia, territory, foreign  
18 nation or government agency, if at least one of the grounds  
19 for the discipline is the same or substantially equivalent  
20 to those set forth in this Act.

21 (12) Directly or indirectly giving to or receiving from  
22 any person, firm, corporation, partnership or association  
23 any fee, commission, rebate or other form of compensation  
24 for any professional services not actually or personally  
25 rendered.

26 (13) A finding by the Board that an applicant or

1 registrant has failed to pay a fine imposed by the  
2 Department, a registrant whose license has been placed on  
3 probationary status has violated the terms of probation, or  
4 a registrant has practiced on an expired, inactive,  
5 suspended, or revoked license.

6 (14) Signing, affixing the professional engineer's  
7 seal or permitting the professional engineer's seal to be  
8 affixed to any technical submissions not prepared as  
9 required by Section 14 or completely reviewed by the  
10 professional engineer or under the professional engineer's  
11 direct supervision.

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

16 (16) The making of a statement pursuant to the  
17 Environmental Barriers Act that a plan for construction or  
18 alteration of a public facility or for construction of a  
19 multi-story housing unit is in compliance with the  
20 Environmental Barriers Act when such plan is not in  
21 compliance.

22 (17) (Blank).

23 ~~Failing to file a return, or to pay the tax, penalty~~  
24 ~~or interest shown in a filed return, or to pay any final~~  
25 ~~assessment of tax, penalty or interest as required by a tax~~  
26 ~~Act administered by the Illinois Department of Revenue,~~

1 ~~until such time as the requirements of any such tax Act are~~  
2 ~~satisfied.~~

3 (18) Failure to file a return, pay the tax, penalty, or  
4 interest shown in a filed return, or pay any final  
5 assessment of tax, penalty, or interest as required by any  
6 tax Act administered by the Department of Revenue, until  
7 such time as the requirements of the tax Act are satisfied  
8 in accordance with subsection (g) of Section 15 of the  
9 Department of Professional Regulation Law of the Civil  
10 Administrative Code of Illinois (20 ILCS 2105/2105-15).

11 (a-3) The Department shall deny a license or renewal  
12 authorized by this Act to a person who has defaulted on an  
13 educational loan or scholarship provided or guaranteed by the  
14 Illinois Student Assistance Commission or any governmental  
15 agency of this State in accordance with subdivision (a) (5) of  
16 Section 15 of the Department of Professional Regulation Law of  
17 the Civil Administrative Code of Illinois (20 ILCS  
18 2105/2105-15). In cases where the Department of Healthcare and  
19 Family Services (formerly the Department of Public Aid) has  
20 previously determined that a licensee or a potential licensee  
21 is more than 30 days delinquent in the payment of child support  
22 and has subsequently certified the delinquency to the  
23 Department, the Department may refuse to issue or renew or may  
24 revoke or suspend that person's license or may take other  
25 disciplinary action against that person based solely upon the  
26 certification of delinquency made by the Department of

1 Healthcare and Family Services in accordance with subdivision  
2 (a)(5) of Section 15 of the Department of Professional  
3 Regulation Law of the Civil Administrative Code of Illinois (20  
4 ILCS 2105/2105-15).

5 (a-5) In enforcing this Section, the Department or Board,  
6 upon a showing of a possible violation, may order a licensee or  
7 applicant to submit to a mental or physical examination, or  
8 both, at the expense of the Department. The Department or Board  
9 may order the examining physician to present testimony  
10 concerning his or her examination of the licensee or applicant.  
11 No information shall be excluded by reason of any common law or  
12 statutory privilege relating to communications between the  
13 licensee or applicant and the examining physician. The  
14 examining physicians shall be specifically designated by the  
15 Board or Department. The licensee or applicant may have, at his  
16 or her own expense, another physician of his or her choice  
17 present during all aspects of the examination. Failure of a  
18 licensee or applicant to submit to any such examination when  
19 directed, without reasonable cause as defined by rule, shall be  
20 grounds for either the immediate suspension of his or her  
21 license or immediate denial of his or her application.

22 If the Secretary immediately suspends the license of a  
23 licensee for his or her failure to submit to a mental or  
24 physical examination when directed, a hearing must be convened  
25 by the Department within 15 days after the suspension and  
26 completed without appreciable delay.



1       If the Secretary otherwise suspends a license pursuant to  
2 the results of the licensee's mental or physical examination, a  
3 hearing must be convened by the Department within 15 days after  
4 the suspension and completed without appreciable delay. The  
5 Department and Board shall have the authority to review the  
6 licensee's record of treatment and counseling regarding the  
7 relevant impairment or impairments to the extent permitted by  
8 applicable federal statutes and regulations safeguarding the  
9 confidentiality of medical records.

10       Any licensee suspended under this subsection (a-5) shall be  
11 afforded an opportunity to demonstrate to the Department or  
12 Board that he or she can resume practice in compliance with the  
13 acceptable and prevailing standards under the provisions of his  
14 or her license.

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

1 ~~examining physician. The person to be examined may have, at his~~  
2 ~~or her own expense, another physician of his or her choice~~  
3 ~~present during all aspects of the examination. Failure of any~~  
4 ~~person to submit to a mental or physical examination, when~~  
5 ~~directed, shall be grounds for suspension of a license until~~  
6 ~~the person submits to the examination if the Board finds, after~~  
7 ~~notice and hearing, that the refusal to submit to the~~  
8 ~~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 require~~  
11 ~~that person to submit to care, counseling, or treatment by~~  
12 ~~physicians approved or designated by the Board as a condition,~~  
13 ~~term, or restriction for continued, reinstated, or renewed~~  
14 ~~licensure to practice; or, in lieu of care, counseling, or~~  
15 ~~treatment, the Board may recommend to the Department to file a~~  
16 ~~complaint to immediately suspend, revoke, or otherwise~~  
17 ~~discipline the license of the person. Any person whose license~~  
18 ~~was granted, continued, reinstated, renewed, disciplined, or~~  
19 ~~supervised subject to such terms, conditions, or restrictions~~  
20 ~~and who fails to comply with such terms, conditions, or~~  
21 ~~restrictions shall be referred to the Director for a~~  
22 ~~determination as to whether the person shall have his or her~~  
23 ~~license suspended immediately, pending a hearing by the Board.~~

24 (b) (Blank). ~~The determination by a circuit court that a~~  
25 ~~registrant is subject to involuntary admission or judicial~~  
26 ~~admission as provided in the Mental Health and Developmental~~

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

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

9 (225 ILCS 325/26) (from Ch. 111, par. 5226)

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

11 Sec. 26. Investigations; notice and hearing. The  
12 Department may investigate the actions of any applicant or of  
13 any person or entity holding or claiming to hold a license or  
14 registration or offering professional engineering services.  
15 Before the initiation of an investigation, the matter shall be  
16 reviewed by a subcommittee of the Board according to procedure  
17 established by rule for the Complaint Committee. The Department  
18 shall, before refusing to issue, restore or renew a license or  
19 registration or otherwise discipline a licensee or registrant,  
20 at least 30 days prior to the date set for the hearing, notify  
21 in writing the applicant for, or holder of, a license or  
22 registration of the nature of the charges, that a hearing will  
23 be held on the date designated, and direct the applicant or  
24 entity or licensee or registrant to file a written answer to  
25 the Department Board under oath within 20 days after the

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

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

1 (225 ILCS 325/29) (from Ch. 111, par. 5229)

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

3 Sec. 29. Notice of hearing; Findings and recommendations.

4 At the conclusion of the hearing, the Board shall present to  
5 the Secretary ~~Director~~ a written report of its finding and  
6 recommendations. The report shall contain a finding whether or  
7 not the accused person violated this Act or its rules or failed  
8 to comply with the conditions required in this Act or its  
9 rules. The Board shall specify the nature of the violation or  
10 failure to comply, and shall make its recommendations to the  
11 Secretary ~~Director~~. The Board may take into consideration in  
12 making its recommendations for discipline all facts and  
13 circumstances bearing upon the reasonableness of the conduct of  
14 the respondent and the potential for future harm to the public,  
15 including but not limited to previous discipline by the  
16 Department, intent, degree of harm to the public and likelihood  
17 of harm in the future, any restitution made, and whether the  
18 incident or incidents complained of appear to be isolated or a  
19 pattern of conduct. In making its recommendations for  
20 discipline, the Board shall endeavor to ensure that the  
21 severity of the discipline recommended bears some reasonable  
22 relationship to the severity of the violation. The report of  
23 findings of fact, conclusions of law and recommendation of the  
24 Board shall be the basis for the Department's order refusing to  
25 issue, restore or renew a license, or otherwise discipline a  
26 registrant. If the Secretary ~~Director~~ disagrees in any regard

1 with the report of the Board, the Secretary ~~Director~~ may issue  
2 an order in contravention thereof, following the procedures set  
3 forth in Section 7. The Secretary ~~Director~~ shall provide a  
4 written report to the Board on any deviation, and shall specify  
5 with particularity the reasons for said action. The finding is  
6 not admissible in evidence against the person in a criminal  
7 prosecution brought for the violation of this Act, but the  
8 hearing and finding are not a bar to a criminal prosecution  
9 brought for the violation of this Act.

10 (Source: P.A. 86-667.)

11 (225 ILCS 325/31) (from Ch. 111, par. 5231)

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

13 Sec. 31. Secretary ~~Director~~; Rehearing. Whenever the  
14 Secretary ~~Director~~ is not satisfied that substantial justice  
15 has been done in the refusal to issue, restore or renew a  
16 license, or otherwise discipline a registrant, the Secretary  
17 ~~Director~~ may order a rehearing by the same or other examiners.

18 (Source: P.A. 86-667.)

19 (225 ILCS 325/32) (from Ch. 111, par. 5232)

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

21 Sec. 32. Appointment of a hearing officer. Notwithstanding  
22 the provisions of Section 26, the Secretary ~~Director~~ has the  
23 authority to appoint any attorney duly registered to practice  
24 law in the State of Illinois to serve as the hearing officer in

1 any action for refusal to issue, restore or renew a license or  
2 to discipline a registrant. The hearing officer has full  
3 authority to conduct the hearing. The hearing officer shall  
4 report the findings and recommendations to the Board and the  
5 Secretary ~~Director~~. The Board has 60 days from receipt of the  
6 report to review the report of the hearing officer and present  
7 its findings of fact, conclusions of law and recommendations to  
8 the Secretary ~~Director~~. If the Board fails to present its  
9 report within the 60 day period, the Secretary ~~Director~~ shall  
10 issue an order based on the report of the hearing officer  
11 except as herein noted. However, if the Secretary ~~Director~~  
12 disagrees in any regard with the report of the Board or hearing  
13 officer, the Secretary ~~Director~~ may issue an order in  
14 contravention thereof, following the procedures set forth in  
15 Section 7. The Secretary ~~Director~~ shall provide a written  
16 report to the Board on any deviation, and shall specify with  
17 particularity the reasons for said action.

18 (Source: P.A. 86-667.)

19 (225 ILCS 325/33) (from Ch. 111, par. 5233)

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

21 Sec. 33. Order or certified copy; Prima facie proof. An  
22 order or a certified copy thereof, over the seal of the  
23 Department and purporting to be signed by the Secretary  
24 ~~Director~~, shall be prima facie proof:

25 (a) That such signature is the genuine signature of the

1 Secretary Director;

2 (b) That such Secretary Director is duly appointed and  
3 qualified; and

4 (c) That the Board and the members thereof are qualified to  
5 act.

6 (Source: P.A. 86-667.)

7 (225 ILCS 325/34) (from Ch. 111, par. 5234)

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

9 Sec. 34. Restoration of suspended or revoked license. At  
10 any time after the suspension or revocation of any license, the  
11 Department may restore it to the accused person, upon the  
12 ~~written~~ recommendation of the Board, unless after an  
13 investigation and a hearing, the Department Board determines  
14 that restoration is not in the public interest.

15 (Source: P.A. 86-667.)

16 (225 ILCS 325/36) (from Ch. 111, par. 5236)

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

18 Sec. 36. Temporary suspension of a license. The Secretary  
19 ~~Director~~ may temporarily suspend the license of a professional  
20 engineer without a hearing, simultaneously with the  
21 institution of proceedings for a hearing provided for in  
22 Section 26 of this Act, if the Secretary Director finds that  
23 evidence in the Secretary's Director's possession indicates  
24 that a professional engineer's continuation in practice would



1 constitute an imminent danger to the public. In the event that  
2 the Secretary ~~Director~~ temporarily suspends the license of a  
3 professional engineer without a hearing, a hearing by the Board  
4 must be held within 30 days after such suspension has occurred.  
5 (Source: P.A. 86-667.)

6 (225 ILCS 325/42) (from Ch. 111, par. 5242)

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

8 Sec. 42. Civil penalties.

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

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

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

23 (225 ILCS 325/43) (from Ch. 111, par. 5243)

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

1           Sec. 43. Consent order. At any point in the proceedings as  
2 provided in Sections 25 through 33 and Section 37, both parties  
3 may agree to a negotiated consent order. The consent order  
4 shall be final upon signature of the Secretary ~~Director~~.

5           (Source: P.A. 86-667.)

6           Section 99. Effective date. This Act takes effect upon  
7 becoming law.

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