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09600HB5080ham001

LRB096 17954 ASK 37428 a

1 AMENDMENT TO HOUSE BILL 5080

2 AMENDMENT NO. _____. Amend House Bill 5080 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 5-10, 30-15, 30-25, 40-10, 40-25,
7 45-25, 45-30, 45-40, 45-55, 50-10, 50-15, 50-30, and 50-35 and
8 by adding Sections 10-37, 30-30, 30-35, 35-32, 45-65, and 50-45
9 as follows:

10 (225 ILCS 447/5-10)

11 (Text of Section before amendment by P.A. 96-847)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 5-10. Definitions. As used in this Act:

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's application file or the
16 licensee's license file.

1 "Advertisement" means any printed material that is
2 published in a phone book, newspaper, magazine, pamphlet,
3 newsletter, or other similar type of publication that is
4 intended to either attract business or merely provide contact
5 information to the public for an agency or licensee.
6 Advertisement shall include any material disseminated by
7 printed or electronic means or media, but shall not include a
8 licensee's or an agency's letterhead, business cards, or other
9 stationery used in routine business correspondence or
10 customary name, address, and number type listings in a
11 telephone directory.

12 "Alarm system" means any system, including an electronic
13 access control system, a surveillance video system, a security
14 video system, a burglar alarm system, a fire alarm system, or
15 any other electronic system, that activates an audible,
16 visible, remote, or recorded signal that is designed for the
17 protection or detection of intrusion, entry, theft, fire,
18 vandalism, escape, or trespass.

19 "Applicant" means a person applying for licensure under
20 this Act as a fingerprint vendor, fingerprint vendor agency,
21 locksmith, locksmith agency, private alarm contractor, private
22 alarm contractor agency, private detective, private detective
23 agency, private security contractor, or private security
24 contractor agency. Any applicant or person who holds himself or
25 herself out as an applicant is considered a licensee for
26 purposes of enforcement, investigation, hearings, and the

1 Illinois Administrative Procedure Act.

2 "Armed employee" means a licensee or registered person who
3 is employed by an agency licensed or an armed proprietary
4 security force registered under this Act who carries a weapon
5 while engaged in the performance of official duties within the
6 course and scope of his or her employment during the hours and
7 times the employee is scheduled to work or is commuting between
8 his or her home or place of employment, provided that commuting
9 is accomplished within one hour from departure from home or
10 place of employment.

11 "Armed proprietary security force" means a security force
12 made up of 5 or more armed individuals employed by a private,
13 commercial, or industrial operation or one or more armed
14 individuals employed by a financial institution as security
15 officers for the protection of persons or property.

16 "Board" means the Private Detective, Private Alarm,
17 Private Security, Fingerprint Vendor, and Locksmith Board.

18 "Branch office" means a business location removed from the
19 place of business for which an agency license has been issued,
20 including, but not limited to, locations where active employee
21 records that are required to be maintained under this Act are
22 kept, where prospective new employees are processed, or where
23 members of the public are invited in to transact business. A
24 branch office does not include an office or other facility
25 located on the property of an existing client that is utilized
26 solely for the benefit of that client and is not owned or

1 leased by the agency.

2 "Canine handler" means a person who uses or handles a
3 trained dog to protect persons or property or to conduct
4 investigations.

5 "Canine handler authorization card" means a card issued by
6 the Department that authorizes the holder to use or handle a
7 trained dog to protect persons or property or to conduct
8 investigations during the performance of his or her duties as
9 specified in this Act.

10 "Canine trainer" means a person who acts as a dog trainer
11 for the purpose of training dogs to protect persons or property
12 or to conduct investigations.

13 "Canine trainer authorization card" means a card issued by
14 the Department that authorizes the holder to train a dog to
15 protect persons or property or to conduct investigations during
16 the performance of his or her duties as specified in this Act.

17 "Canine training facility" means a facility operated by a
18 licensed private detective agency or private security agency
19 wherein dogs are trained for the purposes of protecting persons
20 or property or to conduct investigations.

21 "Corporation" means an artificial person or legal entity
22 created by or under the authority of the laws of a state,
23 including without limitation a corporation, limited liability
24 company, or any other legal entity.

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Employee" means a person who works for a person or agency
2 that has the right to control the details of the work performed
3 and is not dependent upon whether or not federal or state
4 payroll taxes are withheld.

5 "Fingerprint vendor" means a person that offers,
6 advertises, or provides services to fingerprint individuals,
7 through electronic or other means, for the purpose of providing
8 fingerprint images and associated demographic data to the
9 Department of State Police for processing fingerprint based
10 criminal history record information inquiries.

11 "Fingerprint vendor agency" means a person, firm,
12 corporation, or other legal entity that engages in the
13 fingerprint vendor business and employs, in addition to the
14 fingerprint vendor licensee-in-charge, at least one other
15 person in conducting that business.

16 "Fingerprint vendor licensee-in-charge" means a person who
17 has been designated by a fingerprint vendor agency to be the
18 licensee-in-charge of an agency who is a full-time management
19 employee or owner who assumes sole responsibility for
20 maintaining all records required by this Act and who assumes
21 sole responsibility for assuring the licensed agency's
22 compliance with its responsibilities as stated in this Act. The
23 Department shall adopt rules mandating licensee-in-charge
24 participation in agency affairs.

25 "Fire alarm system" means any system that is activated by
26 an automatic or manual device in the detection of smoke, heat,

1 or fire that activates an audible, visible, or remote signal
2 requiring a response.

3 "Firearm control card" means a card issued by the
4 Department that authorizes the holder, who has complied with
5 the training and other requirements of this Act, to carry a
6 weapon during the performance of his or her duties as specified
7 in this Act.

8 "Firm" means an unincorporated business entity, including
9 but not limited to proprietorships and partnerships.

10 "Licensee" means a person licensed under this Act as a
11 fingerprint vendor, fingerprint vendor agency, locksmith,
12 locksmith agency, private alarm contractor, private alarm
13 contractor agency, private detective, private detective
14 agency, private security contractor, or private security
15 contractor agency. Anyone who holds himself or herself out as a
16 licensee or who is accused of unlicensed practice is considered
17 a licensee for purposes of enforcement, investigation,
18 hearings, and the Illinois Administrative Procedure Act.

19 "Locksmith" means a person who engages in a business or
20 holds himself out to the public as providing a service that
21 includes, but is not limited to, the servicing, installing,
22 originating first keys, re-coding, repairing, maintaining,
23 manipulating, or bypassing of a mechanical or electronic
24 locking device, access control or video surveillance system at
25 premises, vehicles, safes, vaults, safe deposit boxes, or
26 automatic teller machines.

1 "Locksmith agency" means a person, firm, corporation, or
2 other legal entity that engages in the locksmith business and
3 employs, in addition to the locksmith licensee-in-charge, at
4 least one other person in conducting such business.

5 "Locksmith licensee-in-charge" means a person who has been
6 designated by agency to be the licensee-in-charge of an agency,
7 who is a full-time management employee or owner who assumes
8 sole responsibility for maintaining all records required by
9 this Act, and who assumes sole responsibility for assuring the
10 licensed agency's compliance with its responsibilities as
11 stated in this Act. The Department shall adopt rules mandating
12 licensee-in-charge participation in agency affairs.

13 "Peace officer" or "police officer" means a person who, by
14 virtue of office or public employment, is vested by law with a
15 duty to maintain public order or to make arrests for offenses,
16 whether that duty extends to all offenses or is limited to
17 specific offenses. Officers, agents, or employees of the
18 federal government commissioned by federal statute to make
19 arrests for violations of federal laws are considered peace
20 officers.

21 "Permanent employee registration card" means a card issued
22 by the Department to an individual who has applied to the
23 Department and meets the requirements for employment by a
24 licensed agency under this Act.

25 "Person" means a natural person.

26 "Private alarm contractor" means a person who engages in a

1 business that individually or through others undertakes,
2 offers to undertake, purports to have the capacity to
3 undertake, or submits a bid to sell, install, design, monitor,
4 maintain, alter, repair, replace, or service alarm and other
5 security-related systems or parts thereof, including fire
6 alarm systems, at protected premises or premises to be
7 protected or responds to alarm systems at a protected premises
8 on an emergency basis and not as a full-time security officer.
9 "Private alarm contractor" does not include a person, firm, or
10 corporation that manufactures or sells alarm systems only from
11 its place of business and does not sell, install, monitor,
12 maintain, alter, repair, replace, service, or respond to alarm
13 systems at protected premises or premises to be protected.

14 "Private alarm contractor agency" means a person,
15 corporation, or other entity that engages in the private alarm
16 contracting business and employs, in addition to the private
17 alarm contractor-in-charge, at least one other person in
18 conducting such business.

19 "Private alarm contractor licensee-in-charge" means a
20 person who has been designated by an agency to be the
21 licensee-in-charge of an agency, who is a full-time management
22 employee or owner who assumes sole responsibility for
23 maintaining all records required by this Act, and who assumes
24 sole responsibility for assuring the licensed agency's
25 compliance with its responsibilities as stated in this Act. The
26 Department shall adopt rules mandating licensee-in-charge

1 participation in agency affairs.

2 "Private detective" means any person who by any means,
3 including, but not limited to, manual, canine odor detection,
4 or electronic methods, engages in the business of, accepts
5 employment to furnish, or agrees to make or makes
6 investigations for a fee or other consideration to obtain
7 information relating to:

8 (1) Crimes or wrongs done or threatened against the
9 United States, any state or territory of the United States,
10 or any local government of a state or territory.

11 (2) The identity, habits, conduct, business
12 occupation, honesty, integrity, credibility, knowledge,
13 trustworthiness, efficiency, loyalty, activity, movements,
14 whereabouts, affiliations, associations, transactions,
15 acts, reputation, or character of any person, firm, or
16 other entity by any means, manual or electronic.

17 (3) The location, disposition, or recovery of lost or
18 stolen property.

19 (4) The cause, origin, or responsibility for fires,
20 accidents, or injuries to individuals or real or personal
21 property.

22 (5) The truth or falsity of any statement or
23 representation.

24 (6) Securing evidence to be used before any court,
25 board, or investigating body.

26 (7) The protection of individuals from bodily harm or

1 death (bodyguard functions).

2 (8) Service of process in criminal and civil
3 proceedings without court order.

4 "Private detective agency" means a person, firm,
5 corporation, or other legal entity that engages in the private
6 detective business and employs, in addition to the
7 licensee-in-charge, one or more persons in conducting such
8 business.

9 "Private detective licensee-in-charge" means a person who
10 has been designated by an agency to be the licensee-in-charge
11 of an agency, who is a full-time management employee or owner
12 who assumes sole responsibility for maintaining all records
13 required by this Act, and who assumes sole responsibility for
14 assuring the licensed agency's compliance with its
15 responsibilities as stated in this Act. The Department shall
16 adopt rules mandating licensee-in-charge participation in
17 agency affairs.

18 "Private security contractor" means a person who engages in
19 the business of providing a private security officer, watchman,
20 patrol, guard dog, canine odor detection, or a similar service
21 by any other title or name on a contractual basis for another
22 person, firm, corporation, or other entity for a fee or other
23 consideration and performing one or more of the following
24 functions:

25 (1) The prevention or detection of intrusion, entry,
26 theft, vandalism, abuse, fire, or trespass on private or

1 governmental property.

2 (2) The prevention, observation, or detection of any
3 unauthorized activity on private or governmental property.

4 (3) The protection of persons authorized to be on the
5 premises of the person, firm, or other entity for which the
6 security contractor contractually provides security
7 services.

8 (4) The prevention of the misappropriation or
9 concealment of goods, money, bonds, stocks, notes,
10 documents, or papers.

11 (5) The control, regulation, or direction of the
12 movement of the public for the time specifically required
13 for the protection of property owned or controlled by the
14 client.

15 (6) The protection of individuals from bodily harm or
16 death (bodyguard functions).

17 "Private security contractor agency" means a person, firm,
18 corporation, or other legal entity that engages in the private
19 security contractor business and that employs, in addition to
20 the licensee-in-charge, one or more persons in conducting such
21 business.

22 "Private security contractor licensee-in-charge" means a
23 person who has been designated by an agency to be the
24 licensee-in-charge of an agency, who is a full-time management
25 employee or owner who assumes sole responsibility for
26 maintaining all records required by this Act, and who assumes

1 sole responsibility for assuring the licensed agency's
2 compliance with its responsibilities as stated in this Act. The
3 Department shall adopt rules mandating licensee-in-charge
4 participation in agency affairs.

5 "Public member" means a person who is not a licensee or
6 related to a licensee, or who is not an employer or employee of
7 a licensee. The term "related to" shall be determined by the
8 rules of the Department.

9 "Secretary" means the Secretary of the Department of
10 Financial and Professional Regulation.

11 (Source: P.A. 95-613, eff. 9-11-07.)

12 (Text of Section after amendment by P.A. 96-847)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 5-10. Definitions. As used in this Act:

15 "Address of record" means the designated address recorded
16 by the Department in the applicant's application file or the
17 licensee's license file.

18 "Advertisement" means any printed material that is
19 published in a phone book, newspaper, magazine, pamphlet,
20 newsletter, or other similar type of publication that is
21 intended to either attract business or merely provide contact
22 information to the public for an agency or licensee.
23 Advertisement shall include any material disseminated by
24 printed or electronic means or media, but shall not include a
25 licensee's or an agency's letterhead, business cards, or other

1 stationery used in routine business correspondence or
2 customary name, address, and number type listings in a
3 telephone directory.

4 "Alarm system" means any system, including an electronic
5 access control system, a surveillance video system, a security
6 video system, a burglar alarm system, a fire alarm system, an
7 emergency communication system, mass notification system, or
8 any other electronic system that activates an audible, visible,
9 remote, or recorded signal that is designed for the protection
10 or detection of intrusion, entry, theft, fire, vandalism,
11 escape, or trespass, or other electronic systems designed for
12 the protection of life by indicating the existence of an
13 emergency situation.

14 "Applicant" means a person applying for licensure under
15 this Act as a fingerprint vendor, fingerprint vendor agency,
16 locksmith, locksmith agency, private alarm contractor, private
17 alarm contractor agency, private detective, private detective
18 agency, private security contractor, or private security
19 contractor agency. Any applicant or person who holds himself or
20 herself out as an applicant is considered a licensee for
21 purposes of enforcement, investigation, hearings, and the
22 Illinois Administrative Procedure Act.

23 "Armed employee" means a licensee or registered person who
24 is employed by an agency licensed or an armed proprietary
25 security force registered under this Act who carries a weapon
26 while engaged in the performance of official duties within the

1 course and scope of his or her employment during the hours and
2 times the employee is scheduled to work or is commuting between
3 his or her home or place of employment, provided that commuting
4 is accomplished within one hour from departure from home or
5 place of employment.

6 "Armed proprietary security force" means a security force
7 made up of 5 or more armed individuals employed by a private,
8 commercial, or industrial operation or one or more armed
9 individuals employed by a financial institution as security
10 officers for the protection of persons or property.

11 "Board" means the Private Detective, Private Alarm,
12 Private Security, Fingerprint Vendor, and Locksmith Board.

13 "Branch office" means a business location removed from the
14 place of business for which an agency license has been issued,
15 including, but not limited to, locations where active employee
16 records that are required to be maintained under this Act are
17 kept, where prospective new employees are processed, or where
18 members of the public are invited in to transact business. A
19 branch office does not include an office or other facility
20 located on the property of an existing client that is utilized
21 solely for the benefit of that client and is not owned or
22 leased by the agency.

23 "Canine handler" means a person who uses or handles a
24 trained dog to protect persons or property or to conduct
25 investigations.

26 "Canine handler authorization card" means a card issued by

1 the Department that authorizes the holder to use or handle a
2 trained dog to protect persons or property or to conduct
3 investigations during the performance of his or her duties as
4 specified in this Act.

5 "Canine trainer" means a person who acts as a dog trainer
6 for the purpose of training dogs to protect persons or property
7 or to conduct investigations.

8 "Canine trainer authorization card" means a card issued by
9 the Department that authorizes the holder to train a dog to
10 protect persons or property or to conduct investigations during
11 the performance of his or her duties as specified in this Act.

12 "Canine training facility" means a facility operated by a
13 licensed private detective agency or private security agency
14 wherein dogs are trained for the purposes of protecting persons
15 or property or to conduct investigations.

16 "Corporation" means an artificial person or legal entity
17 created by or under the authority of the laws of a state,
18 including without limitation a corporation, limited liability
19 company, or any other legal entity.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Emergency communication system" means any system that
23 communicates information about emergencies, including but not
24 limited to fire, terrorist activities, shootings, other
25 dangerous situations, accidents, and natural disasters.

26 "Employee" means a person who works for a person or agency

1 that has the right to control the details of the work performed
2 and is not dependent upon whether or not federal or state
3 payroll taxes are withheld.

4 "Fingerprint vendor" means a person that offers,
5 advertises, or provides services to fingerprint individuals,
6 through electronic or other means, for the purpose of providing
7 fingerprint images and associated demographic data to the
8 Department of State Police for processing fingerprint based
9 criminal history record information inquiries.

10 "Fingerprint vendor agency" means a person, firm,
11 corporation, or other legal entity that engages in the
12 fingerprint vendor business and employs, in addition to the
13 fingerprint vendor licensee-in-charge, at least one other
14 person in conducting that business.

15 "Fingerprint vendor licensee-in-charge" means a person who
16 has been designated by a fingerprint vendor agency to be the
17 licensee-in-charge of an agency who is a full-time management
18 employee or owner who assumes sole responsibility for
19 maintaining all records required by this Act and who assumes
20 sole responsibility for assuring the licensed agency's
21 compliance with its responsibilities as stated in this Act. The
22 Department shall adopt rules mandating licensee-in-charge
23 participation in agency affairs.

24 "Fire alarm system" means any system that is activated by
25 an automatic or manual device in the detection of smoke, heat,
26 or fire that activates an audible, visible, or remote signal

1 requiring a response.

2 "Firearm control card" means a card issued by the
3 Department that authorizes the holder, who has complied with
4 the training and other requirements of this Act, to carry a
5 weapon during the performance of his or her duties as specified
6 in this Act.

7 "Firm" means an unincorporated business entity, including
8 but not limited to proprietorships and partnerships.

9 "Licensee" means a person licensed under this Act as a
10 fingerprint vendor, fingerprint vendor agency, locksmith,
11 locksmith agency, private alarm contractor, private alarm
12 contractor agency, private detective, private detective
13 agency, private security contractor, or private security
14 contractor agency. Anyone who holds himself or herself out as a
15 licensee or who is accused of unlicensed practice is considered
16 a licensee for purposes of enforcement, investigation,
17 hearings, and the Illinois Administrative Procedure Act.

18 "Locksmith" means a person who engages in a business or
19 holds himself out to the public as providing a service that
20 includes, but is not limited to, the servicing, installing,
21 originating first keys, re-coding, repairing, maintaining,
22 manipulating, or bypassing of a mechanical or electronic
23 locking device, access control or video surveillance system at
24 premises, vehicles, safes, vaults, safe deposit boxes, or
25 automatic teller machines.

26 "Locksmith agency" means a person, firm, corporation, or

1 other legal entity that engages in the locksmith business and
2 employs, in addition to the locksmith licensee-in-charge, at
3 least one other person in conducting such business.

4 "Locksmith licensee-in-charge" means a person who has been
5 designated by agency to be the licensee-in-charge of an agency,
6 who is a full-time management employee or owner who assumes
7 sole responsibility for maintaining all records required by
8 this Act, and who assumes sole responsibility for assuring the
9 licensed agency's compliance with its responsibilities as
10 stated in this Act. The Department shall adopt rules mandating
11 licensee-in-charge participation in agency affairs.

12 "Mass notification system" means any system that is used to
13 provide information and instructions to people in a building or
14 other space using voice communications, including visible
15 signals, text, graphics, tactile, or other communication
16 methods.

17 "Peace officer" or "police officer" means a person who, by
18 virtue of office or public employment, is vested by law with a
19 duty to maintain public order or to make arrests for offenses,
20 whether that duty extends to all offenses or is limited to
21 specific offenses. Officers, agents, or employees of the
22 federal government commissioned by federal statute to make
23 arrests for violations of federal laws are considered peace
24 officers.

25 "Permanent employee registration card" means a card issued
26 by the Department to an individual who has applied to the

1 Department and meets the requirements for employment by a
2 licensed agency under this Act.

3 "Person" means a natural person.

4 "Private alarm contractor" means a person who engages in a
5 business that individually or through others undertakes,
6 offers to undertake, purports to have the capacity to
7 undertake, or submits a bid to sell, install, design, monitor,
8 maintain, alter, repair, replace, or service alarm and other
9 security-related systems or parts thereof, including fire
10 alarm systems, at protected premises or premises to be
11 protected or responds to alarm systems at a protected premises
12 on an emergency basis and not as a full-time security officer.

13 "Private alarm contractor" does not include a person, firm, or
14 corporation that manufactures or sells alarm systems only from
15 its place of business and does not sell, install, monitor,
16 maintain, alter, repair, replace, service, or respond to alarm
17 systems at protected premises or premises to be protected.

18 "Private alarm contractor agency" means a person,
19 corporation, or other entity that engages in the private alarm
20 contracting business and employs, in addition to the private
21 alarm contractor-in-charge, at least one other person in
22 conducting such business.

23 "Private alarm contractor licensee-in-charge" means a
24 person who has been designated by an agency to be the
25 licensee-in-charge of an agency, who is a full-time management
26 employee or owner who assumes sole responsibility for

1 maintaining all records required by this Act, and who assumes
2 sole responsibility for assuring the licensed agency's
3 compliance with its responsibilities as stated in this Act. The
4 Department shall adopt rules mandating licensee-in-charge
5 participation in agency affairs.

6 "Private detective" means any person who by any means,
7 including, but not limited to, manual, canine odor detection,
8 or electronic methods, engages in the business of, accepts
9 employment to furnish, or agrees to make or makes
10 investigations for a fee or other consideration to obtain
11 information relating to:

12 (1) Crimes or wrongs done or threatened against the
13 United States, any state or territory of the United States,
14 or any local government of a state or territory.

15 (2) The identity, habits, conduct, business
16 occupation, honesty, integrity, credibility, knowledge,
17 trustworthiness, efficiency, loyalty, activity, movements,
18 whereabouts, affiliations, associations, transactions,
19 acts, reputation, or character of any person, firm, or
20 other entity by any means, manual or electronic.

21 (3) The location, disposition, or recovery of lost or
22 stolen property.

23 (4) The cause, origin, or responsibility for fires,
24 accidents, or injuries to individuals or real or personal
25 property.

26 (5) The truth or falsity of any statement or

1 representation.

2 (6) Securing evidence to be used before any court,
3 board, or investigating body.

4 (7) The protection of individuals from bodily harm or
5 death (bodyguard functions).

6 (8) Service of process in criminal and civil
7 proceedings without court order.

8 "Private detective agency" means a person, firm,
9 corporation, or other legal entity that engages in the private
10 detective business and employs, in addition to the
11 licensee-in-charge, one or more persons in conducting such
12 business.

13 "Private detective licensee-in-charge" means a person who
14 has been designated by an agency to be the licensee-in-charge
15 of an agency, who is a full-time management employee or owner
16 who assumes sole responsibility for maintaining all records
17 required by this Act, and who assumes sole responsibility for
18 assuring the licensed agency's compliance with its
19 responsibilities as stated in this Act. The Department shall
20 adopt rules mandating licensee-in-charge participation in
21 agency affairs.

22 "Private security contractor" means a person who engages in
23 the business of providing a private security officer, watchman,
24 patrol, guard dog, canine odor detection, or a similar service
25 by any other title or name on a contractual basis for another
26 person, firm, corporation, or other entity for a fee or other

1 consideration and performing one or more of the following
2 functions:

3 (1) The prevention or detection of intrusion, entry,
4 theft, vandalism, abuse, fire, or trespass on private or
5 governmental property.

6 (2) The prevention, observation, or detection of any
7 unauthorized activity on private or governmental property.

8 (3) The protection of persons authorized to be on the
9 premises of the person, firm, or other entity for which the
10 security contractor contractually provides security
11 services.

12 (4) The prevention of the misappropriation or
13 concealment of goods, money, bonds, stocks, notes,
14 documents, or papers.

15 (5) The control, regulation, or direction of the
16 movement of the public for the time specifically required
17 for the protection of property owned or controlled by the
18 client.

19 (6) The protection of individuals from bodily harm or
20 death (bodyguard functions).

21 "Private security contractor agency" means a person, firm,
22 corporation, or other legal entity that engages in the private
23 security contractor business and that employs, in addition to
24 the licensee-in-charge, one or more persons in conducting such
25 business.

26 "Private security contractor licensee-in-charge" means a

1 person who has been designated by an agency to be the
2 licensee-in-charge of an agency, who is a full-time management
3 employee or owner who assumes sole responsibility for
4 maintaining all records required by this Act, and who assumes
5 sole responsibility for assuring the licensed agency's
6 compliance with its responsibilities as stated in this Act. The
7 Department shall adopt rules mandating licensee-in-charge
8 participation in agency affairs.

9 "Public member" means a person who is not a licensee or
10 related to a licensee, or who is not an employer or employee of
11 a licensee. The term "related to" shall be determined by the
12 rules of the Department.

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

15 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

16 (225 ILCS 447/10-37 new)

17 Sec. 10-37. Address of record. It is the duty of the
18 applicant or licensee to inform the Department of any change of
19 address within 14 days after such change either through the
20 Department's website or by contacting the Department's
21 licensure maintenance unit.

22 (225 ILCS 447/30-15)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 30-15. Qualifications for licensure as a locksmith

1 agency.

2 (a) Upon receipt of the required fee and proof that the
3 applicant is an Illinois licensed locksmith who shall assume
4 responsibility for the operation of the agency and the directed
5 actions of the agency's employees, which is a continuing
6 requirement for agency licensure, the Department shall issue a
7 license as a locksmith agency to any of the following:

8 (1) An individual who submits an application and is a
9 licensed locksmith under this Act.

10 (2) A firm that submits an application and all of the
11 members of the firm are licensed locksmiths under this Act.

12 (3) A corporation or limited liability company doing
13 business in Illinois that is authorized to engage in the
14 business of conducting a locksmith agency if at least one
15 officer or executive employee is a licensed locksmith under
16 this Act and all unlicensed officers and directors of the
17 corporation or limited liability company are determined by
18 the Department to be persons of good moral character.

19 (b) An individual licensed as a locksmith operating under a
20 business name other than the licensed locksmith's own name
21 shall not be required to obtain a locksmith agency license if
22 that licensed locksmith does not employ any persons to engage
23 in the practice of locksmithing and registers under the Assumed
24 Business Name Act.

25 (c) No locksmith may be the locksmith licensee in-charge
26 for more than one locksmith agency. Upon written request by a

1 representative of the agency, within 10 days after the loss of
2 a locksmith-in-charge of an agency because of the death of that
3 individual or because of the termination of the employment of
4 that individual, the Department shall issue a temporary
5 certificate of authority allowing the continuing operation of
6 the licensed agency. No temporary certificate of authority
7 shall be valid for more than 90 days. An extension of an
8 additional 90 days may be granted upon written request by the
9 representative of the agency. Not more than 2 extensions may be
10 granted to any agency. No temporary permit shall be issued for
11 loss of the licensee-in-charge because of disciplinary action
12 by the Department related to his or her conduct on behalf of
13 the agency.

14 (d) The Department shall require without limitation all of
15 the following information from each applicant for licensure as
16 a locksmith agency under this Act:

17 (1) The name, full business address, and telephone
18 number of the locksmith agency. The business address for
19 the locksmith agency shall be a complete street address
20 from which business is actually conducted, shall be located
21 within the State, and may not be a P.O. Box. The applicant
22 shall submit proof that the business location is or will be
23 used to conduct the locksmith agency's business. The
24 Department may approve of an out-of-state business
25 location if it is not over 50 miles in distance from the
26 borders of this State.

1 (2) All trade or business names used by the licensee.

2 (3) The type of ownership or operation, such as a
3 partnership, corporation, or sole proprietorship.

4 (4) The name of the owner or operator of the locksmith
5 agency, including:

6 (A) if a person, then the name and address of
7 record of the person;

8 (B) if a partnership, then the name and address of
9 record of each partner and the name of the partnership;

10 (C) if a corporation, then the name, address of
11 record, and title of each corporate officer and
12 director, the corporate names, and the name of the
13 state of incorporation; and

14 (D) if a sole proprietorship, then the full name
15 and address of record of the sole proprietor and the
16 name of the business entity.

17 (5) The name and license number of the
18 licensee-in-charge for the locksmith agency.

19 (6) Any additional information required by the
20 Department by rule.

21 (e) A licensed locksmith agency may operate under a "doing
22 business as" or assumed name certification without having to
23 obtain a separate locksmith agency license if the "doing
24 business as" or assumed name is first registered with the
25 Department. A licensed locksmith agency may register no more
26 than one assumed name.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (225 ILCS 447/30-25)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 30-25. Customer identification; record keeping.

5 (a) A locksmith who bypasses, manipulates, or originates a
6 first key by code for a device safeguarding an area where
7 access is meant to be limited, whether or not for compensation,
8 shall document where the work was performed and the name,
9 address, date of birth, telephone number, and driver's license
10 number or other identification number of the person requesting
11 the work to be done and shall obtain the signature of that
12 person. A copy of the work order form, invoice, or receipt
13 shall be kept by the licensed locksmith for a period of 2 years
14 and shall include the name and license number of the locksmith
15 or the name and identification number of the registered
16 employee who performed the services. Work order forms, in-
17 voices, or receipts required to be kept under this Section
18 shall be available for inspection upon written request made 3
19 days in advance by a law enforcement agency.

20 (b) A locksmith who bypasses, manipulates, or originates a
21 first key for a motor vehicle, whether or not for compensation,
22 shall document the name, address, date of birth, telephone
23 number, vehicle identification number, and driver's license
24 number or other identification number of the person requesting
25 entry and obtain the signature of that person. A copy of the

1 work order form, invoice, or receipt shall be kept by the
2 licensed locksmith for a period of 2 years and shall include
3 the name and license number of the locksmith or the name and
4 identification number of the registered employee who performed
5 the services. Work order forms, invoices, or receipts required
6 to be kept under this Section shall be available for inspection
7 upon written request made 3 days in advance by a law
8 enforcement agency.

9 (c) A locksmith or locksmith agency shall maintain all
10 records required by this Act at the business address provided
11 to the Department pursuant to paragraph (1) of subsection (d)
12 of Section 30-15.

13 (Source: P.A. 93-438, eff. 8-5-03.)

14 (225 ILCS 447/30-30 new)

15 Sec. 30-30. Required information for consumers.

16 (a) A licensee providing any locksmith services shall
17 document on a work order, invoice, or receipt the name,
18 address, and telephone number of the person requesting the work
19 to be done.

20 (b) The locksmith who performs the services shall include
21 on the work order, invoice, or receipt his or her name and
22 license number.

23 (c) If the locksmith who performs the services is employed
24 by a locksmith agency, then the name, address, and license
25 number of the locksmith agency and the name and license or

1 registration number of the locksmith who performed the services
2 shall be included on the work order, invoice, or receipt.

3 (d) A copy of the work order, invoice, or receipt shall be
4 provided to the customer at the time of service and the
5 original copy of the work order, invoice, or receipt shall be
6 kept by the licensed locksmith or locksmith agency for a period
7 of 2 years.

8 (e) The name, address, and license number of the locksmith
9 or locksmith agency, if applicable, shall be pre-printed on the
10 work order, invoice, or receipt required under this Section.

11 (225 ILCS 447/30-35 new)

12 Sec. 30-35. Advertising. In addition to any requirements
13 under Section 35-15, a licensed locksmith or locksmith agency
14 shall include the licensee's name, the city and state of the
15 address provided to the Department pursuant to paragraph (1) of
16 subsection (d) of Section 30-15, and the licensee's license
17 number on any advertisement.

18 (225 ILCS 447/35-32 new)

19 Sec. 35-32. Employment requirement. The holder of a
20 permanent employee registration card is prohibited from
21 performing the activities of a fingerprint vendor, locksmith,
22 private alarm contractor, private detective, or private
23 security contractor without being employed by an agency
24 licensed under this Act.

1 (225 ILCS 447/40-10)

2 (Section scheduled to be repealed on January 1, 2014)

3 Sec. 40-10. Disciplinary sanctions.

4 (a) The Department may deny issuance, refuse to renew, or
5 restore or may reprimand, place on probation, suspend, revoke,
6 or take other disciplinary or non-disciplinary action against
7 any license, registration, permanent employee registration
8 card, canine handler authorization card, canine trainer
9 authorization card, or firearm control card, and may impose a
10 fine not to exceed \$10,000 for each violation for any of the
11 following:

12 (1) Fraud or deception in obtaining or renewing of a
13 license or registration.

14 (2) Professional incompetence as manifested by poor
15 standards of service.

16 (3) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (4) Conviction of or entry of a plea of guilty or nolo
20 contendere or an admission of guilt in Illinois, ~~or~~ another
21 state, or other jurisdiction of any crime that is a felony
22 under the laws of Illinois; a felony in a federal court; a
23 misdemeanor, an essential element of which is dishonesty;
24 or directly related to professional practice.

25 (5) Performing any services in a grossly negligent

1 manner or permitting any of a licensee's employees to
2 perform services in a grossly negligent manner, regardless
3 of whether actual damage to the public is established.

4 (6) Continued practice, although the person has become
5 unfit to practice due to any of the following:

6 (A) Physical illness, mental illness, or other
7 impairment, including, but not limited to,
8 deterioration through the aging process or loss of
9 motor skills that results in the inability to serve the
10 public with reasonable judgment, skill, or safety.

11 (B) Mental disability demonstrated by the entry of
12 an order or judgment by a court that a person is in
13 need of mental treatment or is incompetent.

14 (C) Addiction to or dependency on alcohol or drugs
15 that is likely to endanger the public. If the
16 Department has reasonable cause to believe that a
17 person is addicted to or dependent on alcohol or drugs
18 that may endanger the public, the Department may
19 require the person to undergo an examination to
20 determine the extent of the addiction or dependency.

21 (7) Receiving, directly or indirectly, compensation
22 for any services not rendered.

23 (8) Willfully deceiving or defrauding the public on a
24 material matter.

25 (9) Failing to account for or remit any moneys or
26 documents coming into the licensee's possession that

1 belong to another person or entity.

2 (10) Discipline by another United States jurisdiction
3 or foreign nation, if at least one of the grounds for the
4 discipline is the same or substantially equivalent to those
5 set forth in this Act.

6 (11) Giving differential treatment to a person that is
7 to that person's detriment because of race, color, creed,
8 sex, religion, or national origin.

9 (12) Engaging in false or misleading advertising.

10 (13) Aiding, assisting, or willingly permitting
11 another person to violate this Act or rules promulgated
12 under it.

13 (14) Performing and charging for services without
14 authorization to do so from the person or entity serviced.

15 (15) Directly or indirectly offering or accepting any
16 benefit to or from any employee, agent, or fiduciary
17 without the consent of the latter's employer or principal
18 with intent to or the understanding that this action will
19 influence his or her conduct in relation to his or her
20 employer's or principal's affairs.

21 (16) Violation of any disciplinary order imposed on a
22 licensee by the Department.

23 (17) Performing any act or practice that is a violation
24 of this Act, the rules for the administration of this Act,
25 or any federal, State, or local laws, rules, or regulations
26 governing the practices of private detectives, private

1 alarm contractors, private security contractors, or
2 locksmiths ~~Failing to comply with any provision of this Act~~
3 ~~or rule promulgated under it.~~

4 (18) Conducting an agency without a valid license.

5 (19) Revealing confidential information, except as
6 required by law, including but not limited to information
7 available under Section 2-123 of the Illinois Vehicle Code.

8 (20) Failing to make available to the Department, upon
9 request, any books, records, or forms required by this Act.

10 (21) Failing, within 10 ~~30~~ days, to respond to a
11 written request for information from the Department.

12 (22) Failing to provide employment information or
13 experience information required by the Department
14 regarding an applicant for licensure.

15 (23) Failing to make available to the Department at the
16 time of the request any indicia of licensure or
17 registration issued under this Act.

18 (24) Purporting to be a licensee-in-charge of an agency
19 without active participation in the agency.

20 (25) A finding by the Department that the licensee,
21 after having his or her license placed on probationary
22 status, has violated the terms of probation.

23 (26) Gross, willful, or continued overcharging for
24 professional services, including filing false statements
25 for the collection of fees for services not rendered.

26 (b) The Department shall seek to be consistent in the

1 application of disciplinary sanctions.

2 (c) The Department shall adopt rules that set forth
3 standards of service for the following: (i) acceptable error
4 rate in the transmission of fingerprint images and other data
5 to the Department of State Police; (ii) acceptable error rate
6 in the collection and documentation of information used to
7 generate fingerprint work orders; and (iii) any other standard
8 of service that affects fingerprinting services as determined
9 by the Department.

10 (Source: P.A. 95-613, eff. 9-11-07.)

11 (225 ILCS 447/40-25)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 40-25. Submission to physical or mental examination.

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

1 individual to be examined may have, at his or her own expense,
2 another physician of his or her choice present during all
3 aspects of this examination. Failure of an individual to submit
4 to a mental or physical examination, when directed, shall be
5 grounds for the immediate suspension of his or her license
6 until the individual submits to the examination if the
7 Department finds that the refusal to submit to the examination
8 was without reasonable cause as defined by rule.

9 (b) In instances in which the Secretary immediately
10 suspends a person's license for his or her failure to submit to
11 a mental or physical examination when directed, a hearing on
12 that person's license must be convened by the Department within
13 15 days after the suspension and completed without appreciable
14 delay.

15 (c) In instances in which the Secretary otherwise suspends
16 a person's license pursuant to the results of a compelled
17 mental or physical examination, a hearing on that person's
18 license must be convened by the Department within 15 days after
19 the suspension and completed without appreciable delay. The
20 Department and Board shall have the authority to review the
21 subject individual's record of treatment and counseling
22 regarding the impairment to the extent permitted by applicable
23 federal statutes and regulations safeguarding the
24 confidentiality of medical records.

25 (d) An individual licensed under this Act and affected
26 under this Section shall be afforded an opportunity to

1 demonstrate to the Department or Board that he or she can
2 resume practice in compliance with acceptable and prevailing
3 standards under the provisions of his or her license. The
4 ~~Department may order a licensee or a registrant to submit to a~~
5 ~~reasonable physical or mental examination if the licensee or~~
6 ~~registrant's mental or physical capacity to work safely is an~~
7 ~~issue in a disciplinary proceeding. The failure to submit to a~~
8 ~~Director's order to submit to a reasonable mental or physical~~
9 ~~exam shall constitute a violation of this Act subject to the~~
10 ~~disciplinary provisions in Section 40-10.~~

11 (Source: P.A. 93-438, eff. 8-5-03.)

12 (225 ILCS 447/45-25)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 45-25. Disposition by consent order. Disposition may
15 be made of any charge by consent order between the Department
16 and the licensee. The Board shall be apprised of the consent
17 order at its next meeting. The consent order shall be final
18 upon signature of the Secretary.

19 (Source: P.A. 93-438, eff. 8-5-03.)

20 (225 ILCS 447/45-30)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 45-30. Restoration of license after disciplinary
23 proceedings. At any time after the successful completion of a
24 term of suspension or revocation of a license, the Department

1 may restore it to the licensee upon the written recommendation
2 of the Board unless the Board determines after an investigation
3 and a hearing that restoration is not in the public interest.
4 ~~The Department shall reinstate any license to good standing~~
5 ~~under this Act upon recommendation to the Director, after a~~
6 ~~hearing before the Board or a hearing officer authorized by the~~
7 ~~Department. The Department shall be satisfied that the~~
8 ~~applicant's renewed practice is not contrary to the public~~
9 ~~interest.~~

10 (Source: P.A. 93-438, eff. 8-5-03.)

11 (225 ILCS 447/45-40)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 45-40. Administrative review. All final
14 administrative decisions of the Department are subject to
15 judicial review under Article III of the Code of Civil
16 Procedure. The term "administrative decision" is defined as in
17 Section 3-101 of the Code of Civil Procedure. The proceedings
18 for judicial review shall be commenced in the circuit court of
19 the county in which the party applying for review resides; but
20 if the party is not a resident of Illinois, the venue shall be
21 in Sangamon County. The Department shall not be required to
22 certify any record to the court or file any answer in court or
23 otherwise appear in any court in a judicial review proceeding,
24 unless and until the Department has received from the plaintiff
25 payment of the costs of furnishing and certifying the record,

1 which costs shall be determined by the Department ~~there is~~
2 ~~filed in the court with the complaint a receipt from the~~
3 ~~Department acknowledging payment of the costs of furnishing and~~
4 ~~certifying the record. Costs shall be computed at the cost of~~
5 ~~preparing the record.~~ Exhibits shall be certified without cost.
6 Failure on the part of the applicant or licensee to file a
7 receipt in court is grounds for dismissal of the action. During
8 all judicial proceedings incident to a disciplinary action, the
9 sanctions imposed upon a licensee by the Department shall
10 remain in effect, unless the court determines justice requires
11 a stay of the order.

12 (Source: P.A. 93-438, eff. 8-5-03.)

13 (225 ILCS 447/45-55)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 45-55. Subpoenas.

16 (a) The Department, with the approval of a member of the
17 Board, may subpoena and bring before it any person to take the
18 oral or written testimony or compel the production of any
19 books, papers, records, or any other documents that the
20 Secretary or his or her designee deems relevant or material to
21 any such investigation or hearing conducted by the Department
22 with the same fees and in the same manner as prescribed in
23 civil cases in the courts of this State.

24 (b) Any circuit court, upon the application of the
25 licensee, the Department, or the Board, may order the

1 attendance of witnesses and the production of relevant books
2 and papers before the Board in any hearing under this Act. The
3 circuit court may compel obedience to its order by proceedings
4 for contempt.

5 (c) The Secretary ~~Director~~, the hearing officer, any member
6 of the Board, or a certified shorthand court reporter may
7 administer oaths at any hearing the Department conducts.
8 Notwithstanding any other statute or Department rule to the
9 contrary, all requests for testimony, production of documents
10 or records shall be in accordance with this Act.

11 (Source: P.A. 95-613, eff. 9-11-07.)

12 (225 ILCS 447/45-65 new)

13 Sec. 45-65. Compelling testimony. Any circuit court, upon
14 application of the Department or designated hearing officer may
15 enter an order requiring the attendance of witnesses and their
16 testimony, and the production of documents, papers, files,
17 books, and records in connection with any hearing or
18 investigation. The court may compel obedience to its order by
19 proceedings for contempt.

20 (225 ILCS 447/50-10)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 50-10. The Private Detective, Private Alarm, Private
23 Security, Fingerprint Vendor, and Locksmith Board.

24 (a) The Private Detective, Private Alarm, Private

1 Security, Fingerprint Vendor, and Locksmith Board shall
2 consist of 13 members appointed by the Director and comprised
3 of 2 licensed private detectives, 3 licensed private security
4 contractors, one licensed private detective or licensed
5 private security contractor who provides canine odor detection
6 services, 2 licensed private alarm contractors, one licensed
7 fingerprint vendor except for the initial appointment who shall
8 be required to have experience in the fingerprint vendor
9 industry that is acceptable to the Department, 2 licensed
10 locksmiths, one public member who is not licensed or registered
11 under this Act and who has no connection with a business
12 licensed under this Act, and one member representing the
13 employees registered under this Act. Each member shall be a
14 resident of Illinois. Except for the initial appointment of a
15 licensed fingerprint vendor after the effective date of this
16 amendatory Act of the 95th General Assembly, each licensed
17 member shall have at least 5 years experience as a licensee in
18 the professional area in which the person is licensed and be in
19 good standing and actively engaged in that profession. In
20 making appointments, the Director shall consider the
21 recommendations of the professionals and the professional
22 organizations representing the licensees. The membership shall
23 reasonably reflect the different geographic areas in Illinois.

24 (b) Members shall serve 4 year terms and may serve until
25 their successors are appointed. No member shall serve for more
26 than 2 successive terms. Appointments to fill vacancies shall

1 be made in the same manner as the original appointments for the
2 unexpired portion of the vacated term. Members of the Board in
3 office on the effective date of this Act pursuant to the
4 Private Detective, Private Alarm, Private Security, and
5 Locksmith Act of 1993 shall serve for the duration of their
6 terms and may be appointed for one additional term.

7 (c) A member of the Board may be removed for cause. A
8 member subject to formal disciplinary proceedings shall
9 disqualify himself or herself from all Board business until the
10 charge is resolved. A member also shall disqualify himself or
11 herself from any matter on which the member cannot act
12 objectively.

13 (d) Members shall receive compensation as set by law. Each
14 member shall receive reimbursement as set by the Governor's
15 Travel Control Board for expenses incurred in carrying out the
16 duties as a Board member.

17 (e) A majority of Board members constitutes a quorum. A
18 majority vote of the quorum is required for a decision.

19 (f) The Board shall elect a chairperson and vice
20 chairperson.

21 (g) Board members are not liable for their acts, omissions,
22 decisions, or other conduct in connection with their duties on
23 the Board, except those determined to be willful, wanton, or
24 intentional misconduct.

25 (h) The Board may recommend policies, procedures, and rules
26 relevant to the administration and enforcement of this Act.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (225 ILCS 447/50-15)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 50-15. Powers and duties of the Department. Subject to
5 the provisions of this Act, the Department may exercise the
6 following powers and duties: ~~(a) The Department shall exercise~~
7 ~~the powers and duties prescribed by the Civil Administrative~~
8 ~~Code of Illinois and shall exercise all other powers and duties~~
9 ~~set forth in this Act.~~

10 (1) Prescribe ~~(b) The Director shall prescribe~~ forms to
11 be issued for the administration and enforcement of this
12 Act.

13 (2) Authorize examinations to ascertain the
14 qualifications and fitness of applicants for licensing as a
15 licensed fingerprint vendor, locksmith, private alarm
16 contractor, private detective, or private security
17 contractor and pass upon the qualifications of applicants
18 for licensure.

19 (3) Examine the records of a licensed fingerprint
20 vendor, locksmith, private alarm contractor, private
21 detective, or private security contractor, or examine any
22 other aspect of fingerprint vending, locksmithing, private
23 alarm contracting, private detection, or private security
24 contracting that the Department deems necessary.

25 (4) Investigate any and all fingerprint vendor,

1 locksmith, private alarm contractor, private detective, or
2 private security contractor activity.

3 (5) Conduct hearings on proceedings to refuse to issue
4 or renew licenses or to revoke, suspend, place on
5 probation, reprimand, or otherwise discipline a license
6 under this Act or take other non-disciplinary action.

7 (6) Adopt rules required for the administration of this
8 Act.

9 (7) Prescribe forms to be issued for the administration
10 and enforcement of this Act.

11 (8) Maintain rosters of the names and addresses of all
12 licensees and all persons whose licenses have been
13 suspended, revoked, denied renewal, or otherwise
14 disciplined within the previous calendar year. These
15 rosters shall be available upon written request and payment
16 of the required fee as established by rule.

17 (Source: P.A. 93-438, eff. 8-5-03.)

18 (225 ILCS 447/50-30)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 50-30. Fees; deposit of fees and fines. The Department
21 shall by rule provide for fees for the administration and
22 enforcement of this Act, and those fees are nonrefundable.
23 Applicants for examination shall be required to pay a fee to
24 either the Department or the designated testing service to
25 cover the cost of providing the examination. If an applicant

1 fails to appear for the examination on the scheduled date at
2 the time and place specified by the Department or designated
3 testing service, then the applicant's examination fee shall be
4 forfeited. All of the fees and fines collected under this Act
5 shall be deposited into the General Professions Dedicated Fund
6 and be appropriated to the Department for the ordinary and
7 contingent expenses of the Department in the administration and
8 enforcement of this Act.

9 (Source: P.A. 93-438, eff. 8-5-03.)

10 (225 ILCS 447/50-35)

11 (Section scheduled to be repealed on January 1, 2014)

12 Sec. 50-35. Rosters. The Department shall maintain rosters
13 of the names and addresses of all licensees and all persons
14 whose licenses have been suspended, revoked, or denied renewal
15 for cause within the previous calendar year. The Department
16 shall, upon request and payment of the fee, provide a list of
17 the names and addresses of all licensees under this Act.

18 (Source: P.A. 93-438, eff. 8-5-03.)

19 (225 ILCS 447/50-45 new)

20 Sec. 50-45. Illinois Administrative Procedure Act;
21 application. The Illinois Administrative Procedure Act is
22 expressly adopted and incorporated in this Act as if all of the
23 provisions of that Act were included in this Act, except that
24 the provision of paragraph (d) of Section 10-65 of the Illinois

1 Administrative Procedure Act, which provides that at hearings
2 the registrant or licensee has the right to show compliance
3 with all lawful requirements for retention or continuation or
4 renewal of the license, is specifically excluded. For the
5 purpose of this Act, the notice required under Section 10-25 of
6 the Illinois Administrative Procedure Act is considered
7 sufficient when mailed to the last known address of a party.

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."