



Executive Committee

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LRB096 02999 ASK 26845 a

1 AMENDMENT TO SENATE BILL 122

2 AMENDMENT NO. _____. Amend Senate Bill 122 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

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

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

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

1 The Perfusionist Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 ~~The Structural Engineering Practice Act of 1989.~~

5 (b) The following Act is repealed on December 31, 2010:

6 The Medical Practice Act of 1987.

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

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Act repealed on January 1, 2020. The following
10 Act is repealed on January 1, 2020:

11 The Illinois Architecture Practice Act of 1989.

12 The Structural Engineering Practice Act of 1989.

13 Section 10. The Illinois Architecture Practice Act of 1989
14 is amended by changing Sections 3, 4, 5, 6, 8, 9, 10, 11, 12,
15 13, 21, 22, 23.5, 24, 25, 26, 29, 31, 36 and 38 and by adding
16 Sections 4.5 and 17.5 as follows:

17 (225 ILCS 305/3) (from Ch. 111, par. 1303)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 3. Application of Act. Nothing in this Act shall be
20 deemed or construed to prevent the practice of structural
21 engineering as defined in the Structural Engineering Practice
22 Act of 1989, the practice of professional engineering as
23 defined in the Professional Engineering Practice Act of 1989,

1 or the preparation of documents used to prescribe work to be
2 done inside buildings for non-loadbearing interior
3 construction, furnishings, fixtures and equipment, or the
4 offering or preparation of environmental analysis, feasibility
5 studies, programming or construction management services by
6 persons other than those licensed in accordance with this Act,
7 the Structural Engineering Practice Act of 1989 or the
8 Professional Engineering Practice Act of 1989.

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

21 Nothing in this Act or any other Act shall prevent a
22 licensed architect from practicing interior design services.
23 Nothing in this Act shall be construed as requiring the
24 services of an interior designer for the interior designing of
25 a single family residence.

26 The involvement of a licensed architect is not required for

1 the following:

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

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

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

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

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

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

1 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

3 Sec. 4. Definitions. In this Act:

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

11 "Architect, Retired" means a person who has been duly
12 licensed as an architect by the Department and who chooses to
13 place on inactive status or not renew his or her license
14 pursuant to Section 17.5 of this Act.

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

22 "Board" means the Illinois Architecture Licensing Board
23 appointed by the Secretary.

24 ~~(a)~~ "Department" means the Department of Financial and
25 Professional Regulation.

1 "Design build" and "design build entity" means the project
2 delivery process defined in 68 Ill. Adm. Code 1150.85, and any
3 amendments or changes thereto.

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

6 ~~(c) "Board" means the Illinois Architecture Licensing~~
7 ~~Board appointed by the Director.~~

8 ~~(d) "Public health" as related to the practice of~~
9 ~~architecture means the state of the well-being of the body or~~
10 ~~mind of the building user.~~

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

14 ~~(f) "Public welfare" as related to the practice of~~
15 ~~architecture means the well-being of the building user~~
16 ~~resulting from the state of a physical environment that~~
17 ~~accommodates human activity.~~

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

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

21 (225 ILCS 305/4.5 new)

22 Sec. 4.5. References to Department or Director of
23 Professional Regulation. References in this Act (i) to the
24 Department of Professional Regulation are deemed, in
25 appropriate contexts, to be references to the Department of

1 Financial and Professional Regulation and (ii) to the Director
2 of Professional Regulation are deemed, in appropriate
3 contexts, to be references to the Secretary of Financial and
4 Professional Regulation.

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

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

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

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

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

22 (c) In the offering or furnishing of professional services
23 set forth in subsection (b) of this Section, a licensee shall
24 adhere to the standards of professional conduct enumerated in
25 68 Ill. Adm. Code 1150.90, and any amendments or changes

1 thereto.

2 (d) Nothing contained in this Section imposes upon a person
3 licensed under this Act the responsibility for the performance
4 of any of the services set forth in subsection (b) of this
5 Section unless such person specifically contracts to provide
6 such services.

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

8 (225 ILCS 305/6) (from Ch. 111, par. 1306)

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

10 Sec. 6. Technical submissions. All technical submissions
11 intended for use in construction in the State of Illinois shall
12 be prepared and administered in accordance with standards of
13 reasonable professional skill and diligence. Care shall be
14 taken to reflect the requirements of State statutes and, where
15 applicable, county and municipal building ordinances in such
16 submissions. In recognition that architects are licensed for
17 the protection of the public health, safety and welfare,
18 submissions shall be of such quality and scope, and be so
19 administered, as to conform to professional standards.

20 Technical submissions are the designs, drawings and
21 specifications which establish the scope of the architecture to
22 be constructed, the standard of quality for materials,
23 workmanship, equipment, and construction systems, and the
24 studies and other technical reports and calculations prepared
25 in the course of the practice of architecture.

1 No officer, board, commission, or other public entity who
2 receives technical submissions shall accept for filing or
3 approval any technical submissions relating to services
4 requiring the involvement of an architect that do not bear the
5 seal and signature of an architect licensed under this Act.

6 It is unlawful to affix one's seal to technical submissions
7 if it masks the true identity of the person who actually
8 exercised responsible control of the preparation of such work.
9 An architect who seals and signs technical submissions is not
10 responsible for damage caused by subsequent changes to or uses
11 of those technical submissions where the subsequent changes or
12 uses, including changes or uses made by State or local
13 governmental agencies, are not authorized or approved in
14 writing by the architect who originally sealed and signed the
15 technical submissions.

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

17 (225 ILCS 305/8) (from Ch. 111, par. 1308)

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

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

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

22 (a) conduct examinations to ascertain the
23 qualifications and fitness of applicants for licensure as
24 licensed architects, and pass upon the qualifications and
25 fitness of applicants for licensure by endorsement;

1 (b) prescribe rules for a method of examination of
2 candidates;

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

17 (d) prescribe rules for diversified professional
18 training;

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

25 (f) issue licenses to those who meet the requirements
26 of this Act;

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

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

12 (i) review such applicant qualifications to sit for the
13 examination or for licensure that the Board designates
14 pursuant to Section 10 of this Act.

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

1 expert advice and knowledge of the Board on any matter relating
2 to the enforcement of this Act.

3 (3) The Department may in its discretion, but shall not be
4 required to, employ or utilize the legal services of outside
5 counsel and the investigative services of outside personnel to
6 assist the Department. However, no attorney employed or used by
7 the Department shall prosecute a matter or provide legal
8 services to the Department or Board with respect to the same
9 matter.

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

11 (225 ILCS 305/9) (from Ch. 111, par. 1309)

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

13 Sec. 9. Creation of the Board. The Director shall appoint
14 an Architecture Licensing Board which will consist of 6
15 members. Five members shall be licensed architects, one of whom
16 shall be a tenured member of the architectural faculty of an
17 Illinois public university accredited by the National
18 Architectural Accrediting Board ~~the University of Illinois.~~
19 The other 4 shall be licensed architects, residing in this
20 State, who have been engaged in the practice of architecture at
21 least 10 years. In addition to the 5 licensed architects, there
22 shall be one public member. The public member shall be a voting
23 member and shall not hold a license as an architect,
24 professional engineer, structural engineer or land surveyor.

25 Board members shall serve 5 year terms and until their

1 successors are appointed and qualified. In making the
2 designation of persons to the Board, the Director shall give
3 due consideration to recommendations by members and
4 organizations of the profession.

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

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

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

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

23 Four members ~~A quorum~~ of the Board shall constitute a
24 quorum ~~consist of a majority of Board members currently~~
25 ~~appointed. A majority vote of the~~ quorum is required for Board
26 decisions.

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

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

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

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

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

16 (225 ILCS 305/10) (from Ch. 111, par. 1310)

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

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

19 (a) The Board shall hold at least 3 regular meetings each
20 year.

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

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

1 (d) The Board shall assist the Department in conducting
2 oral interviews, disciplinary conferences and formal
3 evidentiary hearings.

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

7 (f) The Board may appoint a subcommittee to serve as a
8 Complaint Committee to recommend the disposition of case files
9 according to procedures established by rule in 68 Ill. Adm.
10 Code 1150.95, and any amendments or changes thereto.

11 (g) The Board shall review applicant qualifications to sit
12 for the examination or for licensure and shall make
13 recommendations to the Department except for those applicant
14 qualifications that the Board designates as routinely
15 acceptable. The Department shall review the Board's
16 recommendations on applicant qualifications. The Secretary
17 ~~Director~~ shall notify the Board ~~in writing~~ with an explanation
18 of any deviation from the Board's recommendation on applicant
19 qualifications. After review of the Secretary's ~~Director's~~
20 ~~written~~ explanation of his or her reasons for deviation, the
21 Board shall have the opportunity to comment upon the
22 Secretary's ~~Director's~~ decision.

23 (h) The Board may ~~shall~~ submit ~~written~~ comments to the
24 Secretary ~~Director~~ within a reasonable time ~~30 days~~ from
25 notification of any final decision or order from the Secretary
26 ~~Director~~ that deviates from any report or recommendation of the

1 Board relating to the qualifications of applicants, unlicensed
2 practice, discipline of licensees or registrants, or
3 promulgation of rules.

4 (i) The Board may recommend that the Department contract
5 with an individual or a corporation or other business entity to
6 assist in the providing of investigative, legal,
7 prosecutorial, and other services necessary to perform its
8 duties pursuant to subsection (3) of Section 8 of this Act.

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

10 (225 ILCS 305/11) (from Ch. 111, par. 1311)

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

12 Sec. 11. Application for original license. Applications
13 for original licensure shall be made to the Department in
14 writing on forms prescribed by the Department and shall be
15 accompanied by the required fee, which is not refundable. Any
16 such application shall require information as in the judgment
17 of the Department will enable the Department to pass on the
18 qualifications of the applicant to practice architecture. The
19 Department may require an applicant, at the applicant's
20 expense, to have an evaluation of the applicant's education in
21 a foreign country by an evaluation service ~~a nationally~~
22 ~~recognized educational body~~ approved by the Board in accordance
23 with rules prescribed by the Department.

24 An applicant who has graduated from an architectural
25 program outside the United States or its territories and whose

1 first language is not English shall submit certification of
2 passage of the Test of English as a Foreign Language (TOEFL)
3 and a test of spoken English ~~the Test of Spoken English (TSE)~~
4 as defined by rule.

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

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

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

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

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

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

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

25 (d) building technology (application of structural

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

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

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

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

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

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

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

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

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

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

13 An applicant shall have 5 years from the passage of the
14 first examination to successfully complete all examinations
15 required by rule of the Department.

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

18 An applicant has one year from the date of notification of
19 successful completion of all the examination requirements to
20 apply to the Department for a license. If an applicant fails to
21 apply within one year, the applicant shall be required to again
22 take and pass the examination, unless the Department, upon
23 recommendation of the Board, determines that there is
24 sufficient cause for the delay that is not due to the fault of
25 the applicant.

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

1 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

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

24 Good moral character means such character as will enable a
25 person to discharge the fiduciary duties of an architect to

1 that person's client and to the public in a manner which
2 protects health, safety and welfare. Evidence of inability to
3 discharge such duties may include the commission of an offense
4 justifying discipline under Section 22 ~~19~~. In addition, the
5 Department may take into consideration whether the applicant
6 has engaged in conduct or actions that would constitute grounds
7 for discipline under this Act.

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

9 (225 ILCS 305/17.5 new)

10 Sec. 17.5. Architect, Retired. Pursuant to Section 2105-15
11 of the Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois, the Department may grant the
13 title "Architect, Retired" to any person who has been duly
14 licensed as an architect by the Department and who has chosen
15 to place on inactive status or not renew his or her license.
16 Those persons granted the title "Architect, Retired" may
17 request restoration to active status under the applicable
18 provisions of this Act.

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

23 Nothing in this Section shall be construed to require the
24 Department to issue any certificate, credential, or other
25 official document indicating that a person has been granted the

1 title "Architect, Retired".

2 (225 ILCS 305/21) (from Ch. 111, par. 1321)

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

4 Sec. 21. Professional design firm registration;
5 conditions.

6 (a) Nothing in this Act shall prohibit the formation, under
7 the provisions of the Professional Service Corporation Act, of
8 a corporation to offer the practice of architecture.

9 Any business, including a Professional Service
10 Corporation, that includes the practice of architecture within
11 its stated purposes, practices architecture, or holds itself
12 out as available to practice architecture shall register with
13 the Department under this Section. Any professional service
14 corporation, sole proprietorship, or professional design firm
15 offering architectural services must have a resident architect
16 in responsible charge of ~~overseeing~~ the architectural
17 practices in each location in which architectural services are
18 provided who shall be designated as a managing agent.

19 Any sole proprietorship not owned and operated by an
20 Illinois licensed design professional licensed under this Act
21 shall be prohibited from offering architectural services to the
22 public. "Illinois licensed design professional" means a person
23 who holds an active license as an architect under this Act, as
24 a structural engineer under the Structural Engineering
25 Practice Act of 1989, or as a professional engineer under the

1 Professional Engineering Practice Act of 1989. Any sole
2 proprietorship owned and operated by an architect with an
3 active license issued under this Act and conducting or
4 transacting such business under an assumed name in accordance
5 with the provisions of the Assumed Business Name Act shall
6 comply with the registration requirements of a professional
7 design firm. Any sole proprietorship owned and operated by an
8 architect with an active license issued under this Act and
9 conducting or transacting such business under the real name of
10 the sole proprietor is exempt from the registration
11 requirements of a professional design firm.

12 (b) Any corporation, including a Professional Service
13 Corporation, partnership, limited liability company, or
14 professional design firm seeking to be registered under this
15 Section shall not be registered unless:

16 (1) two-thirds of the board of directors, in the case
17 of a corporation, or two-thirds of the general partners, in
18 the case of a partnership, or two-thirds of the members, in
19 the case of a limited liability company, are licensed under
20 the laws of any State to practice architecture,
21 professional engineering, land surveying, or structural
22 engineering; and

23 (2) a managing agent ~~the person having the~~
24 ~~architectural practice in this State in his charge~~ is (A) a
25 director in the case of a corporation, a general partner in
26 the case of a partnership, or a member in the case of a

1 limited liability company, and (B) holds a license under
2 this Act.

3 Any corporation, limited liability company, professional
4 service corporation, or partnership qualifying under this
5 Section and practicing in this State shall file with the
6 Department any information concerning its officers, directors,
7 members, managers, partners or beneficial owners as the
8 Department may, by rule, require.

9 (c) No business shall offer the practice or hold itself out
10 as available to offer the practice of architecture until it is
11 registered with the Department. Every entity registered as a
12 professional design firm shall display its certificate of
13 registration or a facsimile thereof in a conspicuous place in
14 each office offering architectural services.

15 (d) Any business seeking to be registered under this
16 Section shall make application on a form provided by the
17 Department and shall provide any information requested by the
18 Department, which shall include but shall not be limited to all
19 of the following:

20 (1) The name and architect's license number of at least
21 one person designated as the managing agent ~~in responsible~~
22 ~~charge of the practice of architecture in Illinois.~~ In the
23 case of a corporation, the corporation shall also submit a
24 certified copy of the resolution by the board of directors
25 designating at least one managing agent. If a limited
26 liability company, the company shall submit a certified

1 copy of either its articles of organization or operating
2 agreement designating at least one ~~the~~ managing agent.

3 (2) The names and architect's, professional
4 engineer's, structural engineer's, or land surveyor's
5 license numbers of the directors, in the case of a
6 corporation, the members, in the case of a limited
7 liability company, or general partners, in the case of a
8 partnership.

9 (3) A list of all locations at which the professional
10 design firm provides architectural services.

11 (4) A list of all assumed names of the business.
12 Nothing in this Section shall be construed to exempt a
13 business from compliance with the requirements of the
14 Assumed Business Name Act.

15 It is the responsibility of the professional design firm to
16 provide the Department notice, in writing, of any changes in
17 the information requested on the application.

18 (e) In the event a managing agent is terminated or
19 terminates his or her status as managing agent of the
20 professional design firm, the managing agent and professional
21 design firm shall notify the Department of this fact in
22 writing, by certified mail, within 10 business days of
23 termination.

24 Thereafter, the professional design firm, if it has so
25 informed the Department, has 30 days in which to notify the
26 Department of the name and architect's license number of the

1 architect who is the newly designated managing agent. If a
2 corporation, the corporation shall also submit a certified copy
3 of a resolution by the board of directors designating the new
4 managing agent. If a limited liability company, the company
5 shall also submit a certified copy of either its articles of
6 organization or operating agreement designating the new
7 managing agent. The Department may, upon good cause shown,
8 extend the original 30 day period.

9 If the professional design firm has not notified the
10 Department in writing, by certified mail within the specified
11 time, the registration shall be terminated without prior
12 hearing. Notification of termination shall be sent by certified
13 mail to the ~~last known~~ address of record ~~the business~~. If the
14 professional design firm continues to operate and offer
15 architectural services after the termination, the Department
16 may seek prosecution under Sections 22, 36, and 36a of this Act
17 for the unlicensed practice of architecture.

18 (f) No professional design firm shall be relieved of
19 responsibility for the conduct or acts of its agents,
20 employees, or officers by reason of its compliance with this
21 Section, nor shall any individual practicing architecture be
22 relieved of the responsibility for professional services
23 performed by reason of the individual's employment or
24 relationship with a professional design firm registered under
25 this Section.

26 (g) Disciplinary action against a professional design firm

1 registered under this Section shall be administered in the same
2 manner and on the same grounds as disciplinary action against a
3 licensed architect. All disciplinary action taken or pending
4 against a corporation or partnership before the effective date
5 of this amendatory Act of 1993 shall be continued or remain in
6 effect without the Department filing separate actions.

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

8 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

10 Sec. 22. Refusal, suspension and revocation of licenses;
11 Causes.

12 (a) The Department may, singularly or in combination,
13 refuse to issue, renew or restore, or may suspend, ~~or revoke,~~
14 place on probation, or take other disciplinary or
15 non-disciplinary action as deemed appropriate, including, but
16 not limited to, the imposition of fines ~~any license or~~
17 ~~registration, or may place on probation, reprimand, or fine,~~
18 ~~with a civil penalty~~ not to exceed \$10,000 for each violation,
19 as the Department may deem proper, with regard to a license ~~any~~
20 ~~person, corporation, or partnership, or professional design~~
21 ~~firm licensed or registered under this Act~~ for any one or
22 combination of the following causes ~~reasons~~:

23 (1) material misstatement in furnishing information to
24 the Department;

25 (2) negligence, incompetence or misconduct in the

1 practice of architecture;

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

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

6 (5) purposefully making false statements or signing
7 false statements, certificates or affidavits to induce
8 payment;

9 (6) conviction of or plea of guilty or nolo contendere
10 to any crime that is a felony under the laws of the United
11 States, or any state or territory thereof, ~~which is a~~
12 ~~felony, whether related to the practice of architecture or~~
13 ~~that is not; or conviction of any crime, whether a felony,~~
14 misdemeanor, ~~or otherwise,~~ an essential element of which is
15 dishonesty, ~~wanton disregard for the rights of others,~~ or
16 any crime that ~~which~~ is directly related to the practice of
17 the profession of architecture;

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

20 (8) signing, affixing the ~~licensed~~ architect's seal or
21 permitting the architect's seal to be affixed to any
22 technical submission ~~construction documents~~ not prepared
23 by the architect or under that architect's responsible
24 ~~direct supervision and~~ control;

25 (9) engaging in dishonorable, unethical or
26 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public;

2 (10) habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in the inability to practice with reasonable
5 judgment, skill, or safety ~~habitual intoxication or~~
6 ~~addiction to the use of drugs;~~

7 (11) making a statement of compliance pursuant to the
8 Environmental Barriers Act that technical submissions
9 ~~construction documents~~ prepared by the architect ~~Licensed~~
10 ~~Architect~~ or prepared under the ~~licensed~~ architect's
11 responsible ~~direct supervision and~~ control for
12 construction or alteration of an occupancy required to be
13 in compliance with the Environmental Barriers Act are in
14 compliance with the Environmental Barriers Act when such
15 technical submissions ~~construction documents~~ are not in
16 compliance;

17 (12) a finding by the Board that an applicant or
18 registrant has failed to pay a fine imposed by the
19 Department or a registrant, whose license has been placed
20 on probationary status, has violated the terms of
21 probation;

22 (13) discipline by another state, territory, foreign
23 country, the District of Columbia, the United States
24 government, or any other governmental agency, if at least
25 one of the grounds for discipline is the same or
26 substantially equivalent to those set forth herein;

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

4 (15) physical illness, including, but not limited to,
5 deterioration through the aging process or loss of motor
6 skill, mental illness, or disability which results in the
7 inability to practice the profession with reasonable
8 judgment, skill, and ~~or~~ safety, including without
9 limitation deterioration through the aging process, mental
10 illness, or disability.

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

1 license or immediate denial of his or her application.

2 If the Secretary immediately suspends the license of a
3 licensee for his or her failure to submit to a mental or
4 physical examination when directed, a hearing must be convened
5 by the Department within 15 days after the suspension and
6 completed without appreciable delay.

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

16 Any licensee suspended under this subsection (a-5) shall be
17 afforded an opportunity to demonstrate to the Department or
18 Board that he or she can resume practice in compliance with the
19 acceptable and prevailing standards under the provisions of his
20 or her license. ~~In enforcing this Section, the Board upon a~~
21 ~~showing of a possible violation may request that the Department~~
22 ~~compel a person licensed to practice under this Act, or who has~~
23 ~~applied for licensure or certification pursuant to this Act, to~~
24 ~~submit to a mental or physical examination, or both, as~~
25 ~~required by and at the expense of the Department. The examining~~
26 ~~physicians shall be those specifically designated by the~~

1 ~~Department. The Department may order the examining physician to~~
2 ~~present testimony concerning this mental or physical~~
3 ~~examination of the licensee or applicant. No information shall~~
4 ~~be excluded by reason of any common law or statutory privilege~~
5 ~~relating to communications between the licensee or applicant~~
6 ~~and the examining physician. The person to be examined may~~
7 ~~have, at his or her own expense, another physician of his or~~
8 ~~her choice present during all aspects of the examination.~~
9 ~~Failure of any person to submit to a mental or physical~~
10 ~~examination, when directed, shall be grounds for suspension of~~
11 ~~a license until the person submits to the examination if the~~
12 ~~Department finds, after notice and hearing, that the refusal to~~
13 ~~submit to the examination was without reasonable cause.~~

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

1 ~~Director for a determination as to whether the person shall~~
2 ~~have his or her license suspended immediately, pending a~~
3 ~~hearing by the Board.~~

4 (b) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission, as
6 provided in the Mental Health and Developmental Disabilities
7 Code, operates as an automatic suspension. Such suspension will
8 end only upon a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission,
10 the issuance of an order so finding and discharging the
11 patient, and the recommendation of the Board to the Secretary
12 ~~Director~~ that the licensee be allowed to resume practice.

13 (c) The Department shall deny a license or renewal
14 authorized by this Act to a person who has defaulted on an
15 educational loan or scholarship provided or guaranteed by the
16 Illinois Student Assistance Commission or any governmental
17 agency of this State in accordance with subdivision (a)(5) of
18 Section 15 of the Department of Professional Regulation Law of
19 the Civil Administrative Code of Illinois.

20 (d) In cases where the Department of Healthcare and Family
21 Services (formerly the Department of Public Aid) has previously
22 determined that a licensee or a potential licensee is more than
23 30 days delinquent in the payment of child support and has
24 subsequently certified the delinquency to the Department, the
25 Department shall refuse to issue or renew or shall revoke or
26 suspend that person's license or shall take other disciplinary

1 action against that person based solely upon the certification
2 of delinquency made by the Department of Healthcare and Family
3 Services in accordance with subdivision (a) (5) of Section 15 of
4 the Department of Professional Regulation Law of the Civil
5 Administrative Code of Illinois.

6 (e) The Department shall deny a license or renewal
7 authorized by this Act to a person who has failed to file a
8 return, to pay the tax, penalty, or interest shown in a filed
9 return, or to pay any final assessment of tax, penalty, or
10 interest as required by any tax Act administered by the
11 Department of Revenue, until such time as the requirements of
12 the tax Act are satisfied in accordance with subsection (g) of
13 Section 15 of the Department of Professional Regulation Law of
14 the Civil Administrative Code of Illinois.

15 ~~The Department may refuse to issue or may suspend the~~
16 ~~license of any person who fails to file a return, or to pay the~~
17 ~~tax, penalty or interest shown in a filed return, or to pay any~~
18 ~~final assessment of tax, penalty or interest, as required by~~
19 ~~any tax Act administered by the Illinois Department of Revenue,~~
20 ~~until such time as the requirements of any such tax Act are~~
21 ~~satisfied.~~

22 (f) Persons who assist the Department as consultants or
23 expert witnesses in the investigation or prosecution of alleged
24 violations of the Act, licensure matters, restoration
25 proceedings, or criminal prosecutions, shall not be liable for
26 damages in any civil action or proceeding as a result of such

1 assistance, except upon proof of actual malice. The attorney
2 general shall defend such persons in any such action or
3 proceeding.

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

5 (225 ILCS 305/23.5)

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

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

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

17 (a-5) Any entity that advertises architecture services in a
18 telecommunications directory must include its architecture
19 firm registration number or, in the case of a sole proprietor,
20 his or her individual license number. Nothing in this
21 subsection (a-5) requires the publisher of a
22 telecommunications directory to investigate or verify the
23 accuracy of the registration or license number provided by the
24 advertiser of architecture services.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

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

8 (225 ILCS 305/24) (from Ch. 111, par. 1324)

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

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

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

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

24 (225 ILCS 305/25) (from Ch. 111, par. 1325)

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

1 Sec. 25. Stenographer; transcript. The Department, at its
2 expense, shall preserve a record of all proceedings at the
3 formal hearing of any case involving the refusal to restore,
4 issue or renew a license, or the discipline of a licensee. The
5 notice of hearing, complaint and all other documents in the
6 nature of pleadings and written motions filed in the
7 proceedings, the transcript of testimony, the report of the
8 Board and the orders of the Department shall be the record of
9 the proceedings. ~~A The Department shall furnish a~~ transcript of
10 the record may be made available to any person interested in
11 the hearing upon payment of the fee required by Section
12 2105-115 of the Department of Professional Regulation Law (20
13 ILCS 2105/2105-115).

14 (Source: P.A. 91-239, eff. 1-1-00.)

15 (225 ILCS 305/26) (from Ch. 111, par. 1326)

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

17 Sec. 26. Subpoenas; depositions; oaths ~~of witnesses;~~
18 ~~Oaths~~. The Department has power to subpoena documents, books,
19 records, or other materials and to bring before it any person
20 and to take testimony, either orally or by deposition, or take
21 written interrogatories, or any combination thereof, with the
22 same fees and mileage and in the same manner as is prescribed
23 in civil cases in the courts of this State.

24 The Secretary, the designated hearing officer, and every
25 member of the Board has the power to administer oaths to

1 witnesses at any hearing that the Department is authorized to
2 conduct and any other oaths authorized in any Act administered
3 by the Department. ~~and bring before it any person in this State~~
4 ~~and to take testimony either orally or by deposition, or both,~~
5 ~~with the same fees and mileage and in the same manner as~~
6 ~~prescribed by law in judicial proceedings in civil cases in~~
7 ~~circuit courts of this State.~~

8 ~~The Director, and every member of the Board each have power~~
9 ~~to administer oaths to witnesses at any hearing which the~~
10 ~~Department is authorized by law to conduct, and any other oaths~~
11 ~~required or authorized in any Act administered by the~~
12 ~~Department.~~

13 (Source: P.A. 86-702.)

14 (225 ILCS 305/29) (from Ch. 111, par. 1329)

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

16 Sec. 29. Hearing officer. Notwithstanding the provisions
17 of Section 28 of this Act, the Director has the authority to
18 appoint any attorney duly licensed to practice law in the State
19 of Illinois to serve as the hearing officer in any action under
20 Section 24. The Director shall notify the Board of any such
21 appointment. The hearing officer has full authority to conduct
22 the hearing. The Board has the right to have at least one
23 member present at any hearing conducted by such hearing
24 officer. The hearing officer shall report his findings of fact,
25 conclusions of law and recommendations to the Board and the

1 Director. The Board has 60 days from receipt of the report to
2 review the report of the hearing officer and present its
3 findings of fact, conclusions of law and recommendations to the
4 Secretary ~~Director~~. If the Board fails to present its report
5 within the 60 day period, the Secretary may ~~Director shall~~
6 issue an order based on the report of the hearing officer. If
7 the Secretary ~~Director~~ disagrees in any regard with the report
8 of the Board or hearing officer, he may issue an order in
9 contravention thereof. The Secretary ~~Director~~ shall notify
10 ~~provide a written explanation to~~ the Board on any such
11 deviation, and shall specify with particularity the reasons for
12 such action in the final order.

13 (Source: P.A. 86-702.)

14 (225 ILCS 305/31) (from Ch. 111, par. 1331)

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

16 Sec. 31. Restoration of suspended or revoked ~~Issuance or~~
17 ~~restoration of~~ license. At any time after the successful
18 completion of a term of suspension or revocation of a license,
19 the Department may restore it to the licensee, upon the written
20 recommendation of the Board, unless after an investigation and
21 a hearing the Board determines that restoration is not in the
22 public interest ~~the refusal to issue, or after the suspension~~
23 ~~or revocation of any license, the Department may issue or~~
24 ~~restore it to the applicant without examination, upon the~~
25 ~~written recommendation of the Board.~~

1 (Source: P.A. 86-702.)

2 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

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

7 (a) the practice, attempt to practice or offer to
8 practice architecture, or the advertising or putting out of
9 any sign or card or other device which might indicate to
10 the public that the person is entitled to practice
11 architecture, without a license as a licensed architect, or
12 registration as a professional design firm issued by the
13 Department. Each day of practicing architecture or
14 attempting to practice architecture, and each instance of
15 offering to practice architecture, without a license as a
16 licensed architect or registration as a professional
17 design firm constitutes a separate offense;

18 (b) the making of any wilfully false oath or
19 affirmation in any matter or proceeding where an oath or
20 affirmation is required by this Act;

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

25 (d) the violation of any provision of this Act or its

1 rules;

2 (e) using or attempting to use an expired, inactive,
3 suspended, or revoked license, or the certificate or seal
4 of another, or impersonating another licensee;

5 (f) obtaining or attempting to obtain a license or
6 registration by fraud; or

7 (g) If any person, sole proprietorship, professional
8 service corporation, limited liability company,
9 corporation or partnership, or other entity practices
10 architecture or advertises or displays any sign or card or
11 other device that might indicate to the public that the
12 person or entity is entitled to practice as an architect or
13 use the title "architect" or any of its derivations unless
14 the person or other entity holds an active license as an
15 architect or registration as a professional design firm in
16 the State; then, in addition to any other penalty provided
17 by law any person or other entity who violates this
18 subsection (g) shall forfeit and pay to the Design
19 Professionals Administration and Investigation Fund a
20 civil penalty in an amount determined by the Department of
21 not more than \$10,000 ~~\$5,000~~ for each offense.

22 An unlicensed person who has completed the education
23 requirements, is actively participating in the diversified
24 professional training, and maintains in good standing a
25 training record as required for licensure by this Act may use
26 the title "architectural intern", but may not independently

1 engage in the practice of architecture.

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

3 (225 ILCS 305/38) (from Ch. 111, par. 1338)

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

5 Sec. 38. Fund; appropriations; investments; audits. Moneys
6 deposited in the Design Professionals Administration and
7 Investigation Fund shall be appropriated to the Department
8 exclusively for expenses of the Department and the Board in the
9 administration of this Act, the Illinois Professional Land
10 Surveyor Act of 1989, the Professional Engineering Practice Act
11 of 1989, and the Structural Engineering Practice Act of 1989.
12 The expenses of the Department under this Act shall be limited
13 to the ordinary and contingent expenses of the Design
14 Professionals Dedicated Employees within the Department as
15 established under Section 2105-75 of the Department of
16 Professional Regulation Law (20 ILCS 2105/2105-75) and other
17 expenses related to the administration and enforcement of this
18 Act.

19 Moneys from the Fund may also be used for direct and
20 allocable indirect costs related to the public purposes of the
21 Department of Financial and Professional Regulation. Moneys in
22 the Fund may be transferred to the Professions Indirect Cost
23 Fund as authorized by Section 2105-300 of the Department of
24 Professional Regulation Law (20 ILCS 2105/2105-300).

25 All fines and penalties under Sections 22 and 36 shall be

1 deposited in the Design Professionals Administration and
2 Investigation Fund.

3 Moneys in the Design Professionals Administration and
4 Investigation Fund may be invested and reinvested, with all
5 earnings received from the investments to be deposited in the
6 Design Professionals Administration and Investigation Fund and
7 used for the same purposes as fees deposited in the Fund.

8 Upon the completion of any audit of the Department as
9 prescribed by the Illinois State Auditing Act that includes an
10 audit of the Design Professionals Administration and
11 Investigation Fund, the Department shall make the audit open to
12 inspection by any interested person. The copy of the audit
13 report required to be submitted to the Department by this
14 Section is an addition to copies of audit reports required to
15 be submitted to other State officers and agencies by Section
16 3-14 of the Illinois State Auditing Act.

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

19 Section 15. The Structural Engineering Practice Act of 1989
20 is amended by changing Sections 4, 5, 6, 7, 8, 9, 10, 11, 14,
21 16, 18, 19, 20, 20.5, 21, 22, 23, 24, 26, 27, 28 and 31 and by
22 adding Section 4.5 as follows:

23 (225 ILCS 340/4) (from Ch. 111, par. 6604)

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

1 Sec. 4. In this Act:

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

9 (b) ~~(a)~~ "Department" means the Department of Financial and
10 Professional Regulation.

11 (c) ~~(b)~~ "Secretary" "~~Director~~" means the Secretary
12 ~~Director~~ of the Department of Financial and Professional
13 Regulation.

14 (d) ~~(c)~~ "Board" means the Structural Engineering Board
15 appointed by the Secretary ~~Director~~.

16 (e) ~~(d)~~ "Negligence in the practice of structural
17 engineering" means the failure to exercise that degree of
18 reasonable professional skill, judgment and diligence normally
19 rendered by structural engineers in the practice of structural
20 engineering.

21 (f) ~~(e)~~ "Structural engineer intern" means a person who is
22 a candidate for licensure as a structural engineer and who has
23 been enrolled as a structural engineer intern.

24 (g) ~~(f)~~ "Structural engineer" means a person licensed under
25 the laws of the State of Illinois to practice structural
26 engineering.

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

2 (225 ILCS 340/4.5 new)

3 Sec. 4.5. References to Department or Director of
4 Professional Regulation. References in this Act (i) to the
5 Department of Professional Regulation are deemed, in
6 appropriate contexts, to be references to the Department of
7 Financial and Professional Regulation and (ii) to the Director
8 of Professional Regulation are deemed, in appropriate
9 contexts, to be references to the Secretary of Financial and
10 Professional Regulation.

11 (225 ILCS 340/5) (from Ch. 111, par. 6605)

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

13 Sec. 5. A person shall be regarded as practicing structural
14 engineering within the meaning of this Act who is engaged in
15 the design, analysis, or supervision ~~designing or supervising~~
16 of the construction, enlargement or alteration of structures,
17 or any part thereof, for others, to be constructed by persons
18 other than himself. Structures within the meaning of this Act
19 are all structures having as essential features foundations,
20 columns, girders, trusses, arches or ~~and~~ beams, with or without
21 other parts, and in which safe design and construction require
22 that loads and stresses must be computed and the size and
23 strength of parts determined by mathematical calculations
24 based upon scientific principles and engineering data. A person

1 shall also be regarded as practicing structural engineering
2 within the meaning of this Act who is engaged as a principal in
3 the design, analysis, or supervision ~~designing and supervision~~
4 of the construction of structures or of the structural part of
5 edifices designed solely for the generation of electricity; or
6 for the hoisting, cleaning, sizing or storing of coal, cement,
7 sand, grain, gravel or similar materials; elevators;
8 manufacturing plants; docks; bridges; blast furnaces; rolling
9 mills; gas producers and reservoirs; smelters; dams;
10 reservoirs; waterworks; sanitary works as applied to the
11 purification of water; plants for waste and sewage disposal;
12 round houses for locomotives; railroad shops; pumping or power
13 stations for drainage districts; or power houses, even though
14 such structures may come within the definition of "buildings"
15 as defined in any Act in force in this State relating to the
16 regulation of the practice of architecture.

17 (Source: P.A. 86-711.)

18 (225 ILCS 340/6) (from Ch. 111, par. 6606)

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

20 Sec. 6. The Department of Financial and Professional
21 Regulation shall exercise the following functions, powers and
22 duties subject to the provisions of this Act:

23 (1) To conduct ~~Conduct~~ examinations to ascertain the
24 qualifications and fitness of applicants for licensure as
25 licensed structural engineers, and pass upon the

1 qualifications and fitness of applicants for licensure by
2 endorsement.

3 (2) To prescribe ~~Prescribe~~ rules for a method of
4 examination of candidates.

5 (3) To prescribe rules to establish what constitutes a
6 structural engineering or related science curriculum, to
7 determine if a specific curriculum qualifies as a
8 structural engineering or related science curriculum, and
9 to terminate the Department's approval of any curriculum as
10 a structural engineering or related science curriculum for
11 non-compliance with such rules. ~~Prescribe rules defining~~
12 ~~what shall constitute a school, college or university or~~
13 ~~department of a university, or other institution,~~
14 ~~reputable and in good standing, and to determine the~~
15 ~~reputability and good standing of a school, college or~~
16 ~~other institution reputable and in good standing by~~
17 ~~reference to a compliance with such rules; provided that no~~
18 ~~school, college or university, or department of a~~
19 ~~university or other institution that refuses admittance to~~
20 ~~applicants, solely on account of race, color, creed, sex,~~
21 ~~religion, physical or mental handicap unrelated to~~
22 ~~ability, or national origin shall be considered reputable~~
23 ~~and in good standing.~~

24 (3.5) To register ~~Register~~ corporations, partnerships,
25 professional service corporations, limited liability
26 companies, and sole proprietorships for the practice of

1 structural engineering and issue a license to those who
2 qualify.

3 (4) To investigate ~~Investigate~~ complaints, to conduct
4 oral interviews, disciplinary conferences, and formal
5 evidentiary hearings on proceedings to refuse to issue,
6 renew or restore, or to suspend or revoke a license, or to
7 place on probation or reprimand a licensee for reasons set
8 forth in Section 20 of this Act.

9 (5) To formulate ~~Formulate~~ rules necessary to carry out
10 the provisions of this Act.

11 (6) To maintain ~~Maintain~~ membership in a national
12 organization that provides an acceptable structural
13 engineering examination and participate in activities of
14 the organization by designation of individuals for the
15 various classifications of membership and the appointment
16 of delegates for attendance at regional and national
17 meetings of the organization. All costs associated with
18 membership and attendance of such delegates to any national
19 meetings may be funded from the Design Professionals
20 Administration and Investigation Fund.

21 (7) To review such applicant qualifications to sit for
22 the examination or for licensure that the Board designates
23 pursuant to Section 8 of this Act.

24 Prior to issuance of any final decision or order that
25 deviates from any report or recommendation of the Board
26 relating to the qualification of applicants, discipline of

1 licensees or registrants, or promulgation of rules, the
2 Secretary ~~Director~~ shall notify the Board and the Secretary of
3 State in writing with an explanation of any such deviation and
4 provide a reasonable time for the Board to submit ~~written~~
5 comments to the Secretary ~~Director~~ regarding the ~~proposed~~
6 action. In the event that the Board fails or declines to submit
7 such ~~written~~ comments within 30 days of said notification, the
8 Secretary ~~Director~~ may issue a final decision or order
9 consistent with the Secretary's ~~Director's~~ original decision.

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

13 Whenever the Secretary is not satisfied that substantial
14 justice has been done in an examination, the Secretary may
15 order a reexamination by the same or other examiners.

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

17 (225 ILCS 340/7) (from Ch. 111, par. 6607)

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

19 Sec. 7. The Secretary ~~Director~~ shall appoint a Structural
20 Engineering Board, which shall consist of 7 ~~6~~ members. Six ~~Five~~
21 members shall be Illinois licensed structural engineers, who
22 have been engaged in the practice of structural engineering for
23 a minimum of 10 years, and one shall be a public member. The
24 public member shall be a voting member and shall not hold a
25 license as an architect, professional engineer, structural

1 engineer or land surveyor.

2 Members shall serve 5 year terms and until their successors
3 are appointed and qualified.

4 In making the designation of persons to act, the Secretary
5 ~~Director~~ shall give due consideration to recommendations by
6 members of the profession and by organizations of the
7 structural engineering profession.

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

10 No member shall be reappointed to the Board for a term
11 which would cause his or her ~~continuous~~ service on the Board to
12 be longer than 15 ~~14 successive~~ years in a lifetime. ~~Service~~
13 ~~prior to the effective date of this Act shall not be considered~~
14 ~~in calculating length of service.~~

15 Appointments to fill vacancies shall be made in the same
16 manner as original appointments, for the unexpired portion of
17 the vacated term. Initial terms under this Act shall begin upon
18 the expiration of the terms of Committee members appointed
19 under The Illinois Structural Engineering Act.

20 Persons holding office as members of the Board under this
21 Act on the effective date of this Act shall serve as members of
22 the Board under this Act until the expiration of the term for
23 which they were appointed and until their successors are
24 appointed and qualified under this Act.

25 Four members ~~A quorum~~ of the Board shall constitute a
26 quorum ~~consist of a majority of Board members appointed. A~~

1 ~~majority of the~~ quorum is required for Board decisions.

2 The Secretary ~~Director~~ may terminate the appointment of any
3 member for cause which in the opinion of the Secretary ~~Director~~
4 reasonably justifies such termination, which may include, but
5 is not limited to, a Board member who does not attend 2
6 consecutive meetings.

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

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

16 Each member of the Board may receive compensation as
17 determined by the Secretary ~~Whenever the Director is not~~
18 ~~satisfied that substantial justice has been done in an~~
19 ~~examination, the Director may order a reexamination by the same~~
20 ~~or other examiners.~~

21 (Source: P.A. 91-91, eff. 1-1-00; 92-237, eff. 8-3-01.)

22 (225 ILCS 340/8) (from Ch. 111, par. 6608)

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

24 Sec. 8. The Board has the following powers and duties:

25 (a) The Board shall hold at least 3 regular meetings each

1 year;

2 (b) The Board shall annually elect a Chairperson and a Vice
3 Chairperson, both of whom shall be Illinois licensed structural
4 engineers;

5 (c) The Board, upon request by the Department, may make a
6 curriculum evaluation to determine if courses conform to
7 requirements of approved engineering programs;

8 (d) The Department may at any time seek the expert advice
9 and knowledge of the Board on any matter relating to the
10 enforcement of this Act;

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

14 (f) The Board shall assist the Department in conducting
15 oral interviews, disciplinary conferences, informal
16 conferences, and formal evidentiary hearings;

17 (g) The Board shall review applicant qualifications to sit
18 for the examination or for licensure and shall make
19 recommendations to the Department except for those applicant
20 qualifications that the Board designates as routinely
21 acceptable, and the Department shall review the Board's
22 recommendations on applicant qualifications; and

23 (h) The Board may ~~shall~~ submit ~~written~~ comments to the
24 Secretary ~~Director~~ within a reasonable time ~~30 days~~ from
25 notification of any final decision or order from the Secretary
26 ~~Director~~ that deviates from any report or recommendation of the

1 Board relating to the qualification of applicants, discipline
2 of licensees or registrants, unlicensed practice, or
3 promulgation of rules.

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

5 (225 ILCS 340/9) (from Ch. 111, par. 6609)

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

7 Sec. 9. Applications for original licenses shall be made to
8 the Department in writing on forms prescribed by the Department
9 and shall be accompanied by the required fee, which is not
10 refundable. The application shall require such information as
11 in the judgment of the Department will enable the Department to
12 pass on the qualifications of the applicant for a license. The
13 Department may require an applicant, at the applicant's
14 expense, to have an evaluation of the applicant's education in
15 a foreign county by a nationally recognized evaluation service
16 ~~educational body~~ approved by the Department Board in accordance
17 with rules prescribed by the Department.

18 An applicant who graduated from a structural engineering
19 program outside the United States or its territories and whose
20 first language is not English shall submit certification of
21 passage of the Test of English as a Foreign Language (TOEFL)
22 and a test of spoken English ~~the Test of Spoken English (TSE)~~
23 as defined by rule.

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

1 (225 ILCS 340/10) (from Ch. 111, par. 6610)

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

3 Sec. 10. The Department shall authorize examinations of
4 applicants as structural engineers at such times and places as
5 it may determine. The examination of applicants shall be of a
6 character to give a fair test of the qualifications of the
7 applicant to practice structural engineering.

8 Applicants for examination as structural engineers are
9 required to pay, either to the Department or the designated
10 testing service, a fee covering the cost of providing the
11 examination. Failure to appear for the examination on the
12 scheduled date, at the time and place specified, after the
13 applicant's application for examination has been received and
14 acknowledged by the Department or the designated testing
15 service, shall result in the forfeiture of the examination fee.

16 ~~If an applicant neglects, fails without an approved excuse~~
17 ~~or refuses to take the next available examination offered for~~
18 ~~licensure under this Act, the fee paid by the applicant shall~~
19 ~~be forfeited to the Department and the application denied.~~ If
20 an applicant fails to pass an examination for a licensure under
21 this Act within 3 years after filing the application, the
22 application shall be denied. However, such applicant may
23 thereafter make a new application for examination accompanied
24 by the required fee, and must furnish proof of meeting the
25 qualifications for examination in effect at the time of new
26 application.

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

2 (225 ILCS 340/11) (from Ch. 111, par. 6611)

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

4 Sec. 11. A person is qualified for enrollment as a
5 structural engineer intern or licensure as a structural
6 engineer if that person has applied in writing in form and
7 substance satisfactory to the Department and:

8 (a) The applicant is of good moral character. In
9 determining moral character under this Section, the Department
10 may take into consideration whether the applicant has engaged
11 in conduct or actions that would constitute grounds for
12 discipline under this Act.

13 (a-5) The applicant, if a structural engineer intern
14 applicant, has met the minimum standards for enrollment as a
15 structural engineer intern, which are as follows:

16 (1) is a graduate of an approved structural engineering
17 curriculum of at least 4 years meeting the requirements as
18 set forth by rule and passes a nominal 8-hour written
19 examination in the fundamentals of engineering; or

20 (2) is a graduate of a related science curriculum of at
21 least 4 years meeting the requirements as set forth by rule
22 and passes a nominal 8-hour written examination in the
23 fundamentals of engineering.

24 (b) The applicant, if a structural engineer applicant, has
25 met the minimum standards for licensure as a structural

1 engineer, which are as follows:

2 (1) is a graduate of an approved structural engineering
3 curriculum of at least 4 years meeting the requirements as
4 set forth by rule and submits evidence acceptable to the
5 Department of an additional 4 years or more of experience
6 in structural engineering work of a grade and character
7 which indicates that the individual may be competent to
8 practice structural engineering as set forth by rule; or

9 (2) is a graduate of an approved related science
10 curriculum of at least 4 years meeting the requirements as
11 set forth by rule who submits evidence acceptable to the
12 Department of an additional 8 years or more of progressive
13 experience in structural engineering work of a grade and
14 character which indicates that the individual may be
15 competent to practice structural engineering as set forth
16 by rule.

17 (c) The applicant, if a structural engineer applicant, has
18 passed an examination authorized ~~conducted~~ by the Department as
19 determined by rule to determine his or her fitness to receive a
20 license as a structural engineer ~~Structural Engineer~~.

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

22 (225 ILCS 340/14) (from Ch. 111, par. 6614)

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

24 Sec. 14. The expiration date and renewal period for each
25 license issued under this Act shall be set by rule. The holder

1 of a license may renew the license during the month preceding
2 its expiration date by paying the required fee. ~~Beginning~~
3 ~~January 1, 1996, the holder of a license may renew the license~~
4 ~~during the month preceding its expiration by paying the~~
5 ~~required fee and submitting satisfactory evidence of knowledge~~
6 ~~in seismic design.~~

7 A licensed structural engineer who has permitted his
8 license to expire or who placed his license on inactive status
9 may have his license restored by making application to the
10 Department and filing proof acceptable to the Department of
11 fitness to have the license restored, including sworn evidence
12 certifying to active practice in another jurisdiction
13 satisfactory to the Department and by submitting evidence of
14 knowledge in seismic design and by paying the required
15 restoration fee.

16 If the licensed structural engineer has not maintained an
17 active practice in another jurisdiction satisfactory to the
18 Department, the Board shall determine, by an evaluation program
19 established by rule, that person's fitness to resume active
20 status and may require the licensed structural engineer to
21 complete an examination.

22 Any licensed structural engineer whose license has been
23 expired for more than 5 years may have his license restored by
24 making application to the Department and filing proof
25 acceptable to the Department of fitness to have the license
26 restored, including sworn evidence certifying to active

1 practice in another jurisdiction and by paying the required
2 restoration fee.

3 However, any licensed structural engineer whose license
4 has expired while such engineer was engaged (1) in federal
5 service on active duty with the Army of the United States, the
6 United States Navy, the Marine Corps, the Air Force, the Coast
7 Guard, or the State Militia called into the service or training
8 of the United States of America, or (2) in training or
9 education under the supervision of the United States
10 preliminary to induction into the military service, may have
11 his license restored or reinstated without paying any lapsed
12 renewal fees, reinstatement fee or restoration fee or passing
13 any examination, if within 2 years after termination of such
14 service, training or education other than by dishonorable
15 discharge such person furnishes the Department with an
16 affidavit to the effect that he has been so engaged and that
17 the service, training or education has been so terminated.

18 (Source: P.A. 86-711; 87-1237.)

19 (225 ILCS 340/16) (from Ch. 111, par. 6616)

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

21 Sec. 16. The Department may, in its discretion, license as
22 a structural engineer upon payment of the required fee, an
23 applicant who is a structural engineer licensed under the laws
24 of another state or territory, ~~or of another country,~~ if the
25 requirements for licensure in the state or ~~7~~ territory ~~or~~

1 ~~country~~ were, at the date of licensure, substantially
2 equivalent to the requirements in force in this State on that
3 date.

4 Applicants have 3 years from the date of application to
5 complete the application process. If the process has not been
6 completed in 3 years, the application shall be denied, the fee
7 forfeited and the applicant must reapply and meet the
8 requirements in effect at the time of reapplication.

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

10 (225 ILCS 340/18) (from Ch. 111, par. 6618)

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

12 Sec. 18. A roster showing the names and addresses of all
13 structural engineers licensed under this Act shall be prepared
14 by the Department ~~each year~~. This roster shall be available
15 upon ~~written~~ request and payment of the required fee.

16 (Source: P.A. 86-711.)

17 (225 ILCS 340/19) (from Ch. 111, par. 6619)

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

19 Sec. 19. Professional design firm registration;
20 conditions.

21 (a) Nothing in this Act prohibits the formation, under the
22 provisions of the Professional Service Corporation Act, as
23 amended, of a corporation to practice structural engineering.

24 Any business, including a Professional Service

1 Corporation, that includes within its stated purposes,
2 practices, or holds itself out as available to practice,
3 structural engineering, shall be registered with the
4 Department pursuant to the provisions of this Section.

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

24 Any partnership which includes within its purpose,
25 practices, or holds itself out as available to practice
26 structural engineering, shall register with the Department

1 pursuant to the provisions set forth in this Section.

2 (b) Any professional design firm seeking to be registered
3 under the provisions of this Section shall not be registered
4 unless at least one ~~a~~ managing agent in charge of structural
5 engineering activities in this State is designated by the
6 professional design firm. A designated managing agent must at
7 all times maintain a valid, active license to practice
8 structural engineering in Illinois.

9 No individual whose license to practice structural
10 engineering in this State is currently in a suspended or
11 revoked status shall act as a managing agent for a professional
12 design firm.

13 (c) No business shall practice or hold itself out as
14 available to practice structural engineering until it is
15 registered with the Department.

16 (d) Any business seeking to be registered under this
17 Section shall apply for a certificate of registration on a form
18 provided by the Department and shall provide such information
19 as requested by the Department, which shall include but shall
20 not be limited to:

21 (1) the name and license number of the person
22 designated as the managing agent in responsible charge of
23 the practice of structural engineering in Illinois. In the
24 case of a corporation, the corporation shall also submit a
25 certified copy of the resolution by the board of directors
26 designating the managing agent. In the case of a limited

1 liability company, the company shall submit a certified
2 copy of either its articles of organization or operating
3 agreement designating the managing agent;

4 (2) the names and license numbers of the directors, in
5 the case of a corporation, the members, in the case of a
6 limited liability company, or general partners, in the case
7 of a partnership;

8 (3) a list of all locations at which the professional
9 design firm provides structural engineering services to
10 the public; and

11 (4) A list of all assumed names of the business.
12 Nothing in this Section shall be construed to exempt a
13 professional design firm, sole proprietorship, or
14 professional service corporation from compliance with the
15 requirements of the Assumed Business Name Act.

16 It shall be the responsibility of the professional design
17 firm to provide the Department notice, in writing, of any
18 changes in the information requested on the application.

19 (e) In the event a managing agent is terminated or
20 terminates his status as managing agent of the professional
21 design firm, such managing agent and professional design firm
22 shall notify the Department of this fact in writing, by
23 certified mail, within 10 business days of such termination.

24 Thereafter, the professional design firm, if it has so
25 informed the Department, shall have 30 days in which to notify
26 the Department of the name and registration number of a newly

1 designated managing agent. If a corporation, the corporation
2 shall also submit a certified copy of a resolution by the board
3 of directors designating the new managing agent. If a limited
4 liability company, the company shall also submit a certified
5 copy of either its articles of organization or operating
6 agreement designating the new managing agent. The Department
7 may, upon good cause shown, extend the original 30 day period.

8 If the professional design firm fails to notify the
9 Department in writing ~~by certified mail~~ within the specified
10 time, the registration shall be terminated without prior
11 hearing. Notification of termination shall be sent to the
12 address of record ~~by certified mail to the last known address~~
13 ~~of the business~~. If the professional design firm continues to
14 operate and offer structural engineering services after the
15 termination, the Department may seek prosecution under
16 Sections 20, 34, and 34a of this Act for the unlicensed
17 practice of structural engineering.

18 (f) No professional design firm shall be relieved of
19 responsibility for the conduct or acts of its agents,
20 employees, members, managers, or officers by reason of its
21 compliance with this Section, nor shall any individual
22 practicing structural engineering be relieved of the
23 responsibility for professional services performed by reason
24 of the individual's employment or relationship with a
25 professional design firm registered under this Section.

26 (g) Disciplinary action against a professional design firm

1 registered under this Section shall be administered in the same
2 manner and on the same grounds as disciplinary action against a
3 licensed structural engineer. All disciplinary action taken or
4 pending against a corporation or partnership before the
5 effective date of this amendatory Act of 1993 shall be
6 continued or remain in effect without the Department filing
7 separate actions.

8 It is unlawful for any person to practice, or to attempt to
9 practice, structural engineering, without being licensed under
10 this Act. It is unlawful for any business not subject to the
11 sole proprietorship exemption to offer or provide structural
12 engineering services without active registration issued by the
13 Department as a professional design firm or professional
14 service corporation.

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

16 (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

18 Sec. 20. Refusal; revocation; suspension.

19 (a) The Department may refuse to issue or renew, or may
20 revoke a license, or may suspend, place on probation, fine, or
21 take any disciplinary or non-disciplinary action as the
22 Department may deem proper, including a fine not to exceed
23 \$10,000 for each violation, with regard to any licensee for any
24 one or combination of the following reasons: ~~The Department~~
25 may, singularly or in combination, refuse to issue, renew, or

1 ~~restore, or may suspend or revoke any license or certificate of~~
2 ~~registration, or may place on probation, reprimand, or fine,~~
3 ~~with a civil penalty not to exceed \$10,000 for each violation,~~
4 ~~any person, corporation, partnership, or professional design~~
5 ~~firm registered or licensed under this Act for any of the~~
6 ~~following reasons:~~

7 (1) Material misstatement in furnishing information to
8 the Department;

9 (2) Negligence, incompetence or misconduct in the
10 practice of structural engineering;

11 (3) Making any misrepresentation for the purpose of
12 obtaining licensure;

13 (4) The affixing of a licensed structural engineer's
14 seal to any plans, specifications or drawings which have
15 not been prepared by or under the immediate personal
16 supervision of that licensed structural engineer or
17 reviewed as provided in this Act;

18 (5) Conviction of, or entry of a plea of guilty or nolo
19 contendere to, any crime that is a felony under the laws of
20 the United States or of any state or territory thereof, or
21 that is a misdemeanor an essential element of which is
22 dishonesty, or any crime that is directly related to the
23 practice of the profession. Conviction of any crime under
24 the laws of the United States, or any state or territory
25 thereof, which is a felony, whether related to the practice
26 of Structural Engineering or not, or conviction of any

1 ~~crime, whether a felony, misdemeanor, or otherwise, an~~
2 ~~essential element of which is dishonesty, or which is~~
3 ~~directly related to the practice of structural~~
4 ~~engineering;~~

5 (6) Making a statement of compliance pursuant to the
6 Environmental Barriers Act, as now or hereafter amended,
7 that a plan for construction or alteration of a public
8 facility or for construction of a multi-story housing unit
9 is in compliance with the Environmental Barriers Act when
10 such plan is not in compliance;

11 (7) Failure to comply with any of the provisions of
12 this Act or its rules;

13 (8) Aiding or assisting another person in violating any
14 provision of this Act or its rules;

15 (9) Engaging in dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public, as defined by rule;

18 (10) Habitual or excessive use or addiction to alcohol,
19 narcotics, stimulants, or any other chemical agent or drug
20 that results in the inability to practice with reasonable
21 judgment, skill, or safety ~~Habitual intoxication or~~
22 ~~addiction to the use of drugs;~~

23 (11) Failure of ~~A finding by the Board that~~ an
24 applicant or licensee ~~has failed~~ to pay a fine imposed by
25 the Department or a licensee whose license has been placed
26 on probationary status has violated the terms of probation;

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

7 (13) Failure to provide information in response to a
8 written request made by the Department within 30 days after
9 the receipt of such written request; or

10 (14) Physical illness, including but not limited to,
11 deterioration through the aging process or loss of motor
12 skill, mental illness, or disability which results in the
13 inability to practice the profession of structural
14 engineering with reasonable judgment, skill, or safety.[†]

15 ~~or~~

16 (a-5) In enforcing this Section, the Department or Board,
17 upon a showing of a possible violation, may order a licensee or
18 applicant to submit to a mental or physical examination, or
19 both, at the expense of the Department. The Department or Board
20 may order the examining physician to present testimony
21 concerning his or her examination of the licensee or applicant.
22 No information shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 licensee or applicant and the examining physician. The
25 examining physicians shall be specifically designated by the
26 Board or Department. The licensee or applicant may have, at his

1 or her own expense, another physician of his or her choice
2 present during all aspects of the examination. Failure of a
3 licensee or applicant to submit to any such examination when
4 directed, without reasonable cause as defined by rule, shall be
5 grounds for either the immediate suspension of his or her
6 license or immediate denial of his or her application.

7 If the Secretary immediately suspends the license of a
8 licensee for his or her failure to submit to a mental or
9 physical examination when directed, a hearing must be convened
10 by the Department within 15 days after the suspension and
11 completed without appreciable delay.

12 If the Secretary otherwise suspends a license pursuant to
13 the results of the licensee's mental or physical examination, a
14 hearing must be convened by the Department within 15 days after
15 the suspension and completed without appreciable delay. The
16 Department and Board shall have the authority to review the
17 licensee's record of treatment and counseling regarding the
18 relevant impairment or impairments to the extent permitted by
19 applicable federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 Any licensee suspended under this subsection (a-5) shall be
22 afforded an opportunity to demonstrate to the Department or
23 Board that he or she can resume practice in compliance with the
24 acceptable and prevailing standards under the provisions of his
25 or her license. In enforcing this Section, the Board upon a
26 showing of a possible violation may compel a person licensed to

1 ~~practice under this Act, or who has applied for licensure or~~
2 ~~certification pursuant to this Act, to submit to a mental or~~
3 ~~physical examination, or both, as required by and at the~~
4 ~~expense of the Department. The examining physicians shall be~~
5 ~~those specifically designated by the Board. The Board or the~~
6 ~~Department may order the examining physician to present~~
7 ~~testimony concerning this mental or physical examination of the~~
8 ~~licensee or applicant. No information shall be excluded by~~
9 ~~reason of any common law or statutory privilege relating to~~
10 ~~communications between the licensee or applicant and the~~
11 ~~examining physician. The person to be examined may have, at his~~
12 ~~or her own expense, another physician of his or her choice~~
13 ~~present during all aspects of the examination. Failure of any~~
14 ~~person to submit to a mental or physical examination, when~~
15 ~~directed, shall be grounds for suspension of a license until~~
16 ~~the person submits to the examination if the Board finds, after~~
17 ~~notice and hearing, that the refusal to submit to the~~
18 ~~examination was without reasonable cause.~~

19 ~~If the Board finds a person unable to practice because of~~
20 ~~the reasons set forth in this Section, the Board may require~~
21 ~~that person to submit to care, counseling, or treatment by~~
22 ~~physicians approved or designated by the Board as a condition,~~
23 ~~term, or restriction for continued, reinstated, or renewed~~
24 ~~licensure to practice; or, in lieu of care, counseling, or~~
25 ~~treatment, the Board may recommend to the Department to file a~~
26 ~~complaint to immediately suspend, revoke, or otherwise~~

1 ~~discipline the license of the person. Any person whose license~~
2 ~~was granted, continued, reinstated, renewed, disciplined, or~~
3 ~~supervised subject to such terms, conditions, or restrictions~~
4 ~~and who fails to comply with such terms, conditions, or~~
5 ~~restrictions shall be referred to the Director for a~~
6 ~~determination as to whether the person shall have his or her~~
7 ~~license suspended immediately, pending a hearing by the Board.~~

8 (b) The determination by a circuit court that a licensee is
9 subject to involuntary admission or judicial admission, as
10 provided in the Mental Health and Developmental Disabilities
11 Code, operates as an automatic suspension. Such suspension will
12 end only upon a finding by a court that the patient is no
13 longer subject to involuntary admission or judicial admission,
14 the issuance of an order so finding and discharging the
15 patient, and the recommendation of the Board to the Secretary
16 ~~Director~~ that the licensee be allowed to resume practice.

17 (c) The Department shall deny a license or renewal
18 authorized by this Act to a person who has defaulted on an
19 educational loan or scholarship provided or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State in accordance with subdivision (a)(5) of
22 Section 15 of the Department of Professional Regulation Law of
23 the Civil Administrative Code of Illinois.

24 (d) In cases where the Department of Healthcare and Family
25 Services (formerly the Department of Public Aid) has previously
26 determined that a licensee or a potential licensee is more than

1 30 days delinquent in the payment of child support and has
2 subsequently certified the delinquency to the Department, the
3 Department shall refuse to issue or renew or shall revoke or
4 suspend that person's license or shall take other disciplinary
5 action against that person based solely upon the certification
6 of delinquency made by the Department of Healthcare and Family
7 Services in accordance with subdivision (a) (5) of Section 15 of
8 the Department of Professional Regulation Law of the Civil
9 Administrative Code of Illinois.

10 (e) The Department shall deny a license or renewal
11 authorized by this Act to a person who has failed to file a
12 return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty, or
14 interest as required by any tax Act administered by the
15 Department of Revenue, until such time as the requirements of
16 the tax Act are satisfied in accordance with subsection (g) of
17 Section 15 of the Department of Professional Regulation Law of
18 the Civil Administrative Code of Illinois.

19 ~~The Department may refuse to issue, or may suspend, the~~
20 ~~license of any person who fails to file a return, or to pay the~~
21 ~~tax, penalty or interest shown in a filed return, or to pay any~~
22 ~~final assessment of tax, penalty or interest, as required by~~
23 ~~any tax Act administered by the Illinois Department of Revenue,~~
24 ~~until such time as the requirements of such tax Act are~~
25 ~~satisfied.~~

26 (f) Persons who assist the Department as consultants or

1 expert witnesses in the investigation or prosecution of alleged
2 violations of the Act, licensure matters, restoration
3 proceedings, or criminal prosecutions, are not liable for
4 damages in any civil action or proceeding as a result of such
5 assistance, except upon proof of actual malice. The Attorney
6 General of the State of Illinois shall defend such persons in
7 any such action or proceeding.

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

9 (225 ILCS 340/20.5)

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

11 Sec. 20.5. Unlicensed practice; violation; civil penalty.

12 (a) Any person who practices, offers to practice, attempts
13 to practice, or holds oneself out to practice structural
14 engineering without being licensed under this Act shall, in
15 addition to any other penalty provided by law, pay a civil
16 penalty to the Department in an amount not to exceed \$10,000
17 ~~\$5,000~~ for each offense as determined by the Department. The
18 civil penalty shall be assessed by the Department after a
19 hearing is held in accordance with the provisions set forth in
20 this Act regarding the provision of a hearing for the
21 discipline of a licensee.

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

24 (c) The civil penalty shall be paid within 60 days after
25 the effective date of the order imposing the civil penalty. The

1 order shall constitute a judgment and may be filed and
2 execution had thereon in the same manner as any judgment from
3 any court of record.

4 (Source: P.A. 89-474, eff. 6-18-96.)

5 (225 ILCS 340/21) (from Ch. 111, par. 6621)

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

7 Sec. 21. (a) If any person violates a provision of this
8 Act, the Secretary ~~Director~~ may, in the name of the People of
9 the State of Illinois, through the Attorney General of the
10 State of Illinois, petition for an order enjoining such
11 violation or for an order enforcing compliance with this Act.
12 Upon the filing of a verified petition in such court, the court
13 may issue a temporary restraining order, without notice or
14 bond, and may preliminarily and permanently enjoin such
15 violation. If it is established that such person has violated
16 or is violating the injunction, the Court may punish the
17 offender for contempt of court. Proceedings under this Section
18 are in addition to, and not in lieu of, all other remedies and
19 penalties provided by this Act.

20 (b) If any person practices as a licensed structural
21 engineer or holds himself out as a structural engineer without
22 being licensed under the provisions of this Act, then any
23 licensed structural engineer, any interested party or any
24 person injured thereby may, in addition to the Secretary
25 ~~Director~~, petition for relief as provided in subsection (a) of

1 this Section.

2 (c) Whenever in the opinion of the Department any person
3 violates any provision of this Act, the Department may issue a
4 rule to show cause why an order to cease and desist should not
5 be entered against that person. The rule shall clearly set
6 forth the grounds relied upon by the Department and shall
7 provide a period of 7 days from the date of the rule to file an
8 answer to the satisfaction of the Department. Failure to answer
9 to the satisfaction of the Department shall cause an order to
10 cease and desist to be issued immediately.

11 (Source: P.A. 86-711.)

12 (225 ILCS 340/22) (from Ch. 111, par. 6622)

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

14 Sec. 22. Investigation; notice. The Department may
15 investigate the actions of any applicant or any person or
16 entity holding or claiming to hold a license or registration or
17 any person or entity practicing, or offering to practice
18 structural engineering. Before the initiation of an
19 investigation the matter shall be reviewed by a subcommittee of
20 the Board according to procedures established by rule for the
21 Complaint Committee. The Department shall, before refusing to
22 issue, restore or renew a license or registration, or
23 discipline a licensee or registrant, at least 30 days prior to
24 the date set for the hearing, notify in writing the applicant
25 for, or holder of, a license or registration of the nature of

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

1 their defense. The Board may continue a hearing from time to
2 time.

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

4 (225 ILCS 340/23) (from Ch. 111, par. 6623)

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

6 Sec. 23. Record; transcript. The Department, at its
7 expense, shall preserve a record of all proceedings at the
8 formal hearing of any case ~~involving the refusal to issue,~~
9 ~~restore or renew a license or the discipline of a licensee.~~ The
10 notice of hearing, complaint and all other documents in the
11 nature of pleadings and written motions filed in the
12 proceedings, the transcript of testimony, the report of the
13 Board and the orders of the Department shall be the record of
14 the proceedings. ~~The Department shall furnish a transcript of~~
15 ~~the record to any person interested in the hearing upon payment~~
16 ~~of the fee required under Section 2105-115 of the Department of~~
17 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (225 ILCS 340/24) (from Ch. 111, par. 6624)

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

21 Sec. 24. Subpoenas; depositions; oaths. The Department has
22 the power to subpoena documents, books, records or other
23 materials and to bring before it any person and to take
24 testimony either orally or by deposition, or take written

1 interrogatories, or any combination thereof, with the same fees
2 and mileage and in the same manner as is prescribed in civil
3 cases in the courts of this State. ~~The Department has power to~~
4 ~~subpoena and bring before it any person in this State and to~~
5 ~~take testimony either orally or by deposition, or both, with~~
6 ~~the same fees and mileage and in the same manner as prescribed~~
7 ~~by law in judicial proceedings in civil cases in circuit courts~~
8 ~~of this State.~~

9 The Secretary, the designated hearing officer ~~Director,~~
10 and any member of the Board ~~designated by the Director~~ shall
11 each have the power to administer oaths to witnesses at any
12 hearing which the Department is authorized by law to conduct,
13 and any other oaths required or authorized in any Act
14 administered by the Department.

15 (Source: P.A. 86-711.)

16 (225 ILCS 340/26) (from Ch. 111, par. 6626)

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

18 Sec. 26. At the conclusion of the hearing, the ~~The~~ Board
19 shall present to the Secretary ~~Director~~ its written report of
20 its findings and recommendations. A copy of the report shall be
21 served upon the accused person, either personally or to the
22 address of record ~~by certified or registered mail~~. The Board
23 may take into consideration in making its recommendations for
24 discipline all facts and circumstances bearing upon the
25 reasonableness of the conduct of the respondent and the

1 potential for future harm to the public, including but not
2 limited to previous discipline by the Department, intent,
3 degree of harm to the public and likelihood of harm in the
4 future, any restitution made, and whether the incident or
5 incidents complained of appear to be isolated or a pattern of
6 conduct. In making its recommendations for discipline, the
7 Board shall endeavor to ensure that the severity of the
8 discipline recommended bears some reasonable relationship to
9 the severity of the violation. Within 20 days after such
10 service, the accused person may present to the Department a
11 motion in writing for a rehearing, which shall specify the
12 particular grounds for rehearing. If the accused person orders
13 and pays for a transcript of the record as provided in this
14 Section, the time elapsing after payment and before the
15 transcript is ready for delivery shall not be counted as part
16 of such 20 days. If no motion for rehearing is filed, then upon
17 the expiration of the time specified for filing the motion, or
18 if a motion for rehearing is denied, then upon such denial, the
19 Secretary ~~Director~~ may enter an order in accordance with
20 recommendations of the Board ~~except as provided in Section 8 of~~
21 ~~this Act.~~

22 Whenever the Secretary ~~Director~~ is not satisfied that
23 substantial justice has been done, he may order a rehearing by
24 the same or another special board. At the expiration of the
25 time specified for filing a motion for a rehearing, the
26 Secretary ~~Director~~ has the right to take the action recommended

1 by the Board. Upon the suspension or revocation of his license,
2 a licensee shall be required to surrender his license to the
3 Department, and upon his failure or refusal to do so, the
4 Department shall have the right to seize the same.

5 (Source: P.A. 86-711.)

6 (225 ILCS 340/27) (from Ch. 111, par. 6627)

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

8 Sec. 27. Notwithstanding the provisions of Section 26 of
9 this Act, the Secretary ~~Director~~ shall have the authority to
10 appoint any attorney duly licensed to practice law in the State
11 of Illinois to serve as the hearing officer in any action for
12 discipline of a licensee. The Director shall notify the Board
13 of any such appointment. The hearing officer has full authority
14 to conduct the hearing. The Board has the right to have at
15 least one member present at any hearing conducted by such
16 hearing officer. The hearing officer shall report his findings
17 of fact, conclusions of law and recommendations to the Board
18 and the Secretary ~~Director~~. The Board shall have 60 days from
19 receipt of the report to review the report of the hearing
20 officer and present their findings of fact, conclusions of law
21 and recommendations to the Secretary ~~Director~~. If the Board
22 fails to present its report within the 60 day period, the
23 Secretary ~~Director~~ shall issue an order based on the report of
24 the hearing officer. If the Secretary ~~Director~~ disagrees in any
25 regard with the report of the Board or hearing officer, he may

1 issue an order in contravention thereof. The Secretary ~~Director~~
2 shall notify ~~provide a written explanation to~~ the Board on any
3 such deviation, ~~and shall specify with particularity the~~
4 ~~reasons for such action in the final order.~~

5 (Source: P.A. 86-711.)

6 (225 ILCS 340/28) (from Ch. 111, par. 6628)

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

8 Sec. 28. Order or certified copy; prima facie proof. An
9 order or a certified copy thereof, over the seal of the
10 Department and purporting to be signed by the Secretary
11 ~~Director~~, shall be prima facie proof that:

12 1. the signature is the genuine signature of the
13 Secretary ~~Director~~;

14 2. the Secretary ~~Director~~ is duly appointed and
15 qualified; and

16 3. the Board and the members thereof are qualified to
17 act.

18 Such proof may be rebutted.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 (225 ILCS 340/31) (from Ch. 111, par. 6631)

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

22 Sec. 31. The Secretary ~~Director~~ may temporarily suspend the
23 license of a structural engineer without a hearing,
24 simultaneously with the institution of proceedings for a

1 hearing provided for in Section 22 of this Act, if the
2 Secretary ~~Director~~ finds that evidence in his possession
3 indicates that a structural engineer's continuation in
4 practice would constitute an imminent danger to the public. In
5 the event that the Secretary ~~Director~~ temporarily suspends the
6 license of a structural engineer without a hearing, a hearing
7 by the Board must be commenced within 30 days after such
8 suspension has occurred.

9 (Source: P.A. 86-711.)

10 (225 ILCS 305/15 rep.)

11 Section 20. The Illinois Architecture Practice Act of 1989
12 is amended by repealing Section 15.

13 (225 ILCS 340/13 rep.)

14 Section 25. The Structural Engineering Practice Act of 1989
15 is amended by repealing Section 13.

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