

1 AN ACT concerning regulation.

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

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

6 (5 ILCS 80/4.20)

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 Acts repealed on January 1, 2010 and December  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

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

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

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

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

17 The Perfusionist Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 The Real Estate License Act of 2000.

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

21 (b) The following Act is repealed on December 31, 2010:

22 The Medical Practice Act of 1987.

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

1 (5 ILCS 80/4.30 new)

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 Act repealed on January 1, 2020.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3 Act is repealed on January 1, 2020:

4 The Illinois Architecture Practice Act of 1989.

5 The Structural Engineering Practice Act of 1989.

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

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

11 (Section scheduled to be repealed on January 1, 2010)

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

1 Professional Engineering Practice Act of 1989.

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

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

19 The involvement of a licensed architect is not required for  
20 the following:

21 (A) The building, remodeling or repairing of any  
22 building or other structure outside of the corporate limits  
23 of any city or village, where such building or structure is  
24 to be, or is used for farm purposes, or for the purposes of  
25 outbuildings or auxiliary buildings in connection with  
26 such farm premises.

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

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

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

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

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

20 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

22 Sec. 4. Definitions. In this Act:

23 "Address of record" means the designated address recorded  
24 by the Department in the applicant's or licensee's application  
25 file or license file maintained by the Department's licensure

1 maintenance unit. It is the duty of the applicant or licensee  
2 to inform the Department of any change of address, and such  
3 changes must be made either through the Department's website or  
4 by directly contacting the Department.

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

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

16 "Board" means the Illinois Architecture Licensing Board  
17 appointed by the Secretary.

18 ~~(a) "Department" means the Department of Financial and~~  
19 ~~Professional Regulation.~~

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

23 ~~(b) "Director" means the Director of Professional~~  
24 ~~Regulation.~~

25 ~~(c) "Board" means the Illinois Architecture Licensing~~  
26 ~~Board appointed by the Director.~~

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

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

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

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

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

14       (225 ILCS 305/4.5 new)

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

23       (225 ILCS 305/5) (from Ch. 111, par. 1305)

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

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

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

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

16           (c) In the offering or furnishing of professional services  
17 set forth in subsection (b) of this Section, a licensee shall  
18 adhere to the standards of professional conduct enumerated in  
19 68 Ill. Adm. Code 1150.90, and any amendments or changes  
20 thereto.

21           (d) Nothing contained in this Section imposes upon a person  
22 licensed under this Act the responsibility for the performance  
23 of any of the services set forth in subsection (b) of this  
24 Section unless such person specifically contracts to provide  
25 such services.

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

1 (225 ILCS 305/6) (from Ch. 111, par. 1306)

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

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

13 Technical submissions are the designs, drawings and  
14 specifications which establish the scope of the architecture to  
15 be constructed, the standard of quality for materials,  
16 workmanship, equipment, and construction systems, and the  
17 studies and other technical reports and calculations prepared  
18 in the course of the practice of architecture.

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

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

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

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

10 (225 ILCS 305/8) (from Ch. 111, par. 1308)

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

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

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

15 (a) conduct examinations to ascertain the  
16 qualifications and fitness of applicants for licensure as  
17 licensed architects, and pass upon the qualifications and  
18 fitness of applicants for licensure by endorsement;

19 (b) prescribe rules for a method of examination of  
20 candidates;

21 (c) prescribe rules defining what constitutes a  
22 school, college or university, or department of a  
23 university, or other institution, reputable and in good  
24 standing, to determine whether or not a school, college or  
25 university, or department of a university, or other

1 institution is reputable and in good standing by reference  
2 to compliance with such rules, and to terminate the  
3 approval of such school, college or university or  
4 department of a university or other institution that  
5 refuses admittance to applicants solely on the basis of  
6 race, color, creed, sex or national origin. The Department  
7 may adopt, as its own rules relating to education  
8 requirements, those guidelines published from time to time  
9 by the National Architectural Accrediting Board;

10 (d) prescribe rules for diversified professional  
11 training;

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

18 (f) issue licenses to those who meet the requirements  
19 of this Act;

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

22 (h) maintain membership in the National Council of  
23 Architectural Registration Boards and participate in  
24 activities of the Council by designation of individuals for  
25 the various classifications of membership and the  
26 appointment of delegates for attendance at regional and

1 national meetings of the Council. All costs associated with  
2 membership and attendance of such delegates to any national  
3 meetings may be funded from the Design Professionals  
4 Administration and Investigation Fund; and -

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

8 (2) Upon the ~~Prior to~~ issuance of any final decision or  
9 order that deviates from any report or recommendation of the  
10 Board relating to the qualification of applicants, discipline  
11 of licensees or registrants, or promulgation of rules, the  
12 Secretary ~~Director~~ shall notify the Board ~~in writing~~ with an  
13 explanation of the deviation and provide a reasonable time for  
14 the Board to submit ~~written~~ comments to the Secretary ~~Director~~  
15 regarding the final decision or order ~~proposed action~~. ~~In the~~  
16 ~~event that the Board fails or declines to submit written~~  
17 ~~comments within 30 days of the notification, the Director may~~  
18 ~~issue a final decision or order consistent with the Director's~~  
19 ~~original decision~~. The Department may at any time seek the  
20 expert advice and knowledge of the Board on any matter relating  
21 to the enforcement of this Act.

22 (3) The Department may in its discretion, but shall not be  
23 required to, employ or utilize the legal services of outside  
24 counsel and the investigative services of outside personnel to  
25 assist the Department. However, no attorney employed or used by  
26 the Department shall prosecute a matter or provide legal

1 services to the Department or Board with respect to the same  
2 matter.

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

4 (225 ILCS 305/9) (from Ch. 111, par. 1309)

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

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

18 Board members shall serve 5 year terms and until their  
19 successors are appointed and qualified. In making the  
20 designation of persons to the Board, the Director shall give  
21 due consideration to recommendations by members and  
22 organizations of the profession.

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

25 No member shall be reappointed to the Board for a term

1 which would cause his or her continuous service on the Board to  
2 be longer than 10 successive years. Service prior to the  
3 effective date of this Act shall not be considered.

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

10 Persons holding office as members of the Board under the  
11 Illinois Architecture Act immediately prior to the effective  
12 date of this Act shall continue as members of the Board under  
13 this Act until the expiration of the term for which they were  
14 appointed and until their successors are appointed and  
15 qualified.

16 Four members ~~A quorum~~ of the Board shall constitute a  
17 quorum ~~consist of a majority of Board members currently~~  
18 ~~appointed. A majority vote of the quorum is required for Board~~  
19 decisions.

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

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

25 Notice of proposed rulemaking shall be transmitted to the  
26 Board and the Department shall review the response of the Board

1 and any recommendations made therein. The Department may, at  
2 any time, seek the expert advice and knowledge of the Board on  
3 any matter relating to the administration or enforcement of  
4 this Act.

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

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

9 (225 ILCS 305/10) (from Ch. 111, par. 1310)

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

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

12 (a) The Board shall hold at least 3 regular meetings each  
13 year.

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

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

19 (d) The Board shall assist the Department in conducting  
20 oral interviews, disciplinary conferences and formal  
21 evidentiary hearings.

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

25 (f) The Board may appoint a subcommittee to serve as a

1 Complaint Committee to recommend the disposition of case files  
2 according to procedures established by rule in 68 Ill. Adm.  
3 Code 1150.95, and any amendments or changes thereto.

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

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

23 (i) The Board may recommend that the Department contract  
24 with an individual or a corporation or other business entity to  
25 assist in the providing of investigative, legal,  
26 prosecutorial, and other services necessary to perform its

1 duties pursuant to subsection (3) of Section 8 of this Act.

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

3 (225 ILCS 305/11) (from Ch. 111, par. 1311)

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

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

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

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

24 (225 ILCS 305/12) (from Ch. 111, par. 1312)

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

2 Sec. 12. Examinations; subjects; failure or refusal to take  
3 examination. The Department shall authorize examination of  
4 applicants as architects at such times and places as it may  
5 determine. The examination shall be in English and shall be  
6 written or written and graphic. It shall include at a minimum  
7 the following subjects:

8 (a) pre-design (environmental analysis, architectural  
9 programming, and application of principles of project  
10 management and coordination);

11 (b) site planning (site analysis, design and  
12 development, parking, and application of zoning  
13 requirements);

14 (c) building planning (conceptual planning of  
15 functional and space relationships, building design,  
16 interior space layout, barrier-free design, and the  
17 application of the life safety code requirements and  
18 principles of energy efficient design);

19 (d) building technology (application of structural  
20 systems, building components, and mechanical and  
21 electrical systems);

22 (e) general structures (identification, resolution,  
23 and incorporation of structural systems and the long span  
24 design on the technical aspects of the design of buildings  
25 and the process and construction);

26 (f) lateral forces (identification and resolution of

1 the effects of lateral forces on the technical aspects of  
2 the design of buildings and the process of construction);

3 (g) mechanical and electrical systems (as applied to  
4 the design of buildings, including plumbing and acoustical  
5 systems);

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

8 (i) construction documents and services (conduct of  
9 architectural practice as it relates to construction  
10 documents, bidding, and construction administration and  
11 contractual documents from beginning to end of a building  
12 project).

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

15 Examination subject matter headings and bases on which  
16 examinations are graded shall be indicated in rules pertaining  
17 to this Act. The Department may adopt the examinations and  
18 grading procedures of the National Council of Architectural  
19 Registration Boards. Content of any particular examination  
20 shall not be considered public record under the Freedom of  
21 Information Act.

22 If an applicant neglects without an approved excuse or  
23 refuses to take the next available examination offered for  
24 licensure under this Act, the fee paid by the applicant shall  
25 be forfeited. If an applicant fails to pass an examination for  
26 licensure under this Act within 3 years after filing an

1 application, the application shall be denied. The applicant  
2 may, however, make a new application for examination  
3 accompanied by the required fee and must furnish proof of  
4 meeting the qualifications for examination in effect at the  
5 time of the new application.

6 An applicant shall have 5 years from the passage of the  
7 first examination to successfully complete all examinations  
8 required by rule of the Department.

9 The Department may by rule prescribe additional subjects  
10 for examination.

11 An applicant has one year from the date of notification of  
12 successful completion of all the examination requirements to  
13 apply to the Department for a license. If an applicant fails to  
14 apply within one year, the applicant shall be required to again  
15 take and pass the examination, unless the Department, upon  
16 recommendation of the Board, determines that there is  
17 sufficient cause for the delay that is not due to the fault of  
18 the applicant.

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

20 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

22 Sec. 13. Qualifications of applicants. Any person who is of  
23 good moral character may apply ~~take an examination~~ for  
24 licensure if he or she is a graduate with a first professional  
25 degree in architecture from a program accredited by the

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

18 Good moral character means such character as will enable a  
19 person to discharge the fiduciary duties of an architect to  
20 that person's client and to the public in a manner which  
21 protects health, safety and welfare. Evidence of inability to  
22 discharge such duties may include the commission of an offense  
23 justifying discipline under Section 22 ~~19~~. In addition, the  
24 Department may take into consideration whether the applicant  
25 has engaged in conduct or actions that would constitute grounds  
26 for discipline under this Act.

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

2 (225 ILCS 305/17.5 new)

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

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

16 Nothing in this Section shall be construed to require the  
17 Department to issue any certificate, credential, or other  
18 official document indicating that a person has been granted the  
19 title "Architect, Retired".

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

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

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

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

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

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

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

1 architect with an active license issued under this Act and  
2 conducting or transacting such business under the real name of  
3 the sole proprietor is exempt from the registration  
4 requirements of a professional design firm.

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

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

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

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

1 Department may, by rule, require.

2 (c) No business shall offer the practice or hold itself out  
3 as available to offer the practice of architecture until it is  
4 registered with the Department. Every entity registered as a  
5 professional design firm shall display its certificate of  
6 registration or a facsimile thereof in a conspicuous place in  
7 each office offering architectural services.

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

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

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

1 partnership.

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

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

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

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

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

1 extend the original 30 day period.

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

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

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

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

1 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

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

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

16 (1) material misstatement in furnishing information to  
17 the Department;

18 (2) negligence, incompetence or misconduct in the  
19 practice of architecture;

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

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

24 (5) purposefully making false statements or signing  
25 false statements, certificates or affidavits to induce

1 payment;

2 (6) conviction of or plea of guilty or nolo contendere  
3 to any crime that is a felony under the laws of the United  
4 States, ~~or any state or territory thereof, which is a~~  
5 ~~felony, whether related to the practice of architecture or~~  
6 ~~that is not; or conviction of any crime, whether a felony,~~  
7 misdemeanor, ~~or otherwise,~~ an essential element of which is  
8 dishonesty, ~~wanton disregard for the rights of others,~~ or  
9 any crime that ~~which~~ is directly related to the practice of  
10 the profession of architecture;

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

13 (8) signing, affixing the ~~licensed~~ architect's seal or  
14 permitting the architect's seal to be affixed to any  
15 technical submission ~~construction documents~~ not prepared  
16 by the architect or under that architect's responsible  
17 ~~direct supervision and~~ control;

18 (9) engaging in dishonorable, unethical or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud or harm the public;

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

26 (11) making a statement of compliance pursuant to the

1 Environmental Barriers Act that technical submissions  
2 ~~construction documents~~ prepared by the architect ~~licensed~~  
3 ~~Architect~~ or prepared under the ~~licensed~~ architect's  
4 responsible ~~direct supervision~~ and control for  
5 construction or alteration of an occupancy required to be  
6 in compliance with the Environmental Barriers Act are in  
7 compliance with the Environmental Barriers Act when such  
8 technical submissions ~~construction documents~~ are not in  
9 compliance;

10 (12) a finding by the Board that an applicant or  
11 registrant has failed to pay a fine imposed by the  
12 Department or a registrant, whose license has been placed  
13 on probationary status, has violated the terms of  
14 probation;

15 (13) discipline by another state, territory, foreign  
16 country, the District of Columbia, the United States  
17 government, or any other governmental agency, if at least  
18 one of the grounds for discipline is the same or  
19 substantially equivalent to those set forth herein;

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

23 (15) physical illness, including, but not limited to,  
24 deterioration through the aging process or loss of motor  
25 skill, mental illness, or disability which results in the  
26 inability to practice the profession with reasonable

1 judgment, skill, and ~~or~~ safety, including without  
2 limitation deterioration through the aging process, mental  
3 illness, or disability.

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

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

26 If the Secretary otherwise suspends a license pursuant to

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

9 Any licensee suspended under this subsection (a-5) shall be  
10 afforded an opportunity to demonstrate to the Department or  
11 Board that he or she can resume practice in compliance with the  
12 acceptable and prevailing standards under the provisions of his  
13 or her license. In enforcing this Section, the Board upon a  
14 showing of a possible violation may request that the Department  
15 compel a person licensed to practice under this Act, or who has  
16 applied for licensure or certification pursuant to this Act, to  
17 submit to a mental or physical examination, or both, as  
18 required by and at the expense of the Department. The examining  
19 physicians shall be those specifically designated by the  
20 Department. The Department may order the examining physician to  
21 present testimony concerning this mental or physical  
22 examination of the licensee or applicant. No information shall  
23 be excluded by reason of any common law or statutory privilege  
24 relating to communications between the licensee or applicant  
25 and the examining physician. The person to be examined may  
26 have, at his or her own expense, another physician of his or

1 ~~her choice present during all aspects of the examination.~~  
2 ~~Failure of any person to submit to a mental or physical~~  
3 ~~examination, when directed, shall be grounds for suspension of~~  
4 ~~a license until the person submits to the examination if the~~  
5 ~~Department finds, after notice and hearing, that the refusal to~~  
6 ~~submit to the examination was without reasonable cause.~~

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

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

1 end only upon a finding by a court that the patient is no  
2 longer subject to involuntary admission or judicial admission,  
3 the issuance of an order so finding and discharging the  
4 patient, and the recommendation of the Board to the Secretary  
5 ~~Director~~ that the licensee be allowed to resume practice.

6 (c) The Department shall deny a license or renewal  
7 authorized by this Act to a person who has defaulted on an  
8 educational loan or scholarship provided or guaranteed by the  
9 Illinois Student Assistance Commission or any governmental  
10 agency of this State in accordance with subdivision (a) (5) of  
11 Section 15 of the Department of Professional Regulation Law of  
12 the Civil Administrative Code of Illinois.

13 (d) In cases where the Department of Healthcare and Family  
14 Services (formerly the Department of Public Aid) has previously  
15 determined that a licensee or a potential licensee is more than  
16 30 days delinquent in the payment of child support and has  
17 subsequently certified the delinquency to the Department, the  
18 Department shall refuse to issue or renew or shall revoke or  
19 suspend that person's license or shall take other disciplinary  
20 action against that person based solely upon the certification  
21 of delinquency made by the Department of Healthcare and Family  
22 Services in accordance with subdivision (a) (5) of Section 15 of  
23 the Department of Professional Regulation Law of the Civil  
24 Administrative Code of Illinois.

25 (e) The Department shall deny a license or renewal  
26 authorized by this Act to a person who has failed to file a

1 return, to pay the tax, penalty, or interest shown in a filed  
2 return, or to pay any final assessment of tax, penalty, or  
3 interest as required by any tax Act administered by the  
4 Department of Revenue, until such time as the requirements of  
5 the tax Act are satisfied in accordance with subsection (g) of  
6 Section 15 of the Department of Professional Regulation Law of  
7 the Civil Administrative Code of Illinois.

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

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

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

24 (225 ILCS 305/23.5)

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

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

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

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

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

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

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

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

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

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

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

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

17 (225 ILCS 305/25) (from Ch. 111, par. 1325)

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

19 Sec. 25. Stenographer; transcript. The Department, at its  
20 expense, shall preserve a record of all proceedings at the  
21 formal hearing of any case involving the refusal to restore,  
22 issue or renew a license, or the discipline of a licensee. The  
23 notice of hearing, complaint and all other documents in the  
24 nature of pleadings and written motions filed in the  
25 proceedings, the transcript of testimony, the report of the

1 Board and the orders of the Department shall be the record of  
2 the proceedings. ~~A The Department shall furnish a transcript of~~  
3 the record may be made available to any person interested in  
4 the hearing upon payment of the fee required by Section  
5 2105-115 of the Department of Professional Regulation Law (20  
6 ILCS 2105/2105-115).

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

8 (225 ILCS 305/26) (from Ch. 111, par. 1326)

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

10 Sec. 26. Subpoenas; depositions; oaths ~~of witnesses;~~  
11 ~~Oaths.~~ The Department has power to subpoena documents, books,  
12 records, or other materials and to bring before it any person  
13 and to take testimony, either orally or by deposition, or take  
14 written interrogatories, or any combination thereof, with the  
15 same fees and mileage and in the same manner as is prescribed  
16 in civil cases in the courts of this State.

17 The Secretary, the designated hearing officer, and every  
18 member of the Board has the power to administer oaths to  
19 witnesses at any hearing that the Department is authorized to  
20 conduct and any other oaths authorized in any Act administered  
21 by the Department. ~~and bring before it any person in this State~~  
22 ~~and to take testimony either orally or by deposition, or both,~~  
23 ~~with the same fees and mileage and in the same manner as~~  
24 ~~prescribed by law in judicial proceedings in civil cases in~~  
25 ~~circuit courts of this State.~~

1       ~~The Director, and every member of the Board each have power~~  
2       ~~to administer oaths to witnesses at any hearing which the~~  
3       ~~Department is authorized by law to conduct, and any other oaths~~  
4       ~~required or authorized in any Act administered by the~~  
5       ~~Department.~~

6       (Source: P.A. 86-702.)

7             (225 ILCS 305/29) (from Ch. 111, par. 1329)

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

9       Sec. 29. Hearing officer. Notwithstanding the provisions  
10       of Section 28 of this Act, the Director has the authority to  
11       appoint any attorney duly licensed to practice law in the State  
12       of Illinois to serve as the hearing officer in any action under  
13       Section 24. The Director shall notify the Board of any such  
14       appointment. The hearing officer has full authority to conduct  
15       the hearing. The Board has the right to have at least one  
16       member present at any hearing conducted by such hearing  
17       officer. The hearing officer shall report his findings of fact,  
18       conclusions of law and recommendations to the Board and the  
19       Director. The Board has 60 days from receipt of the report to  
20       review the report of the hearing officer and present its  
21       findings of fact, conclusions of law and recommendations to the  
22       Secretary ~~Director~~. If the Board fails to present its report  
23       within the 60 day period, the Secretary may ~~Director shall~~  
24       issue an order based on the report of the hearing officer. If  
25       the Secretary ~~Director~~ disagrees in any regard with the report

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

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

7 (225 ILCS 305/31) (from Ch. 111, par. 1331)

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

9 Sec. 31. Restoration of suspended or revoked ~~Issuance or~~  
10 ~~restoration of~~ license. At any time after the successful  
11 completion of a term of suspension or revocation of a license,  
12 the Department may restore it to the licensee, upon the written  
13 recommendation of the Board, unless after an investigation and  
14 a hearing the Board determines that restoration is not in the  
15 public interest ~~the refusal to issue, or after the suspension~~  
16 ~~or revocation of any license, the Department may issue or~~  
17 ~~restore it to the applicant without examination, upon the~~  
18 ~~written recommendation of the Board.~~

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

20 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

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

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

12           (b) the making of any wilfully false oath or  
13 affirmation in any matter or proceeding where an oath or  
14 affirmation is required by this Act;

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

19           (d) the violation of any provision of this Act or its  
20 rules;

21           (e) using or attempting to use an expired, inactive,  
22 suspended, or revoked license, or the certificate or seal  
23 of another, or impersonating another licensee;

24           (f) obtaining or attempting to obtain a license or  
25 registration by fraud; or

26           (g) If any person, sole proprietorship, professional

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

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

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

22 (225 ILCS 305/38) (from Ch. 111, par. 1338)

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

24 Sec. 38. Fund; appropriations; investments; audits. Moneys  
25 deposited in the Design Professionals Administration and

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

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

19 All fines and penalties under Sections 22 and 36 shall be  
20 deposited in the Design Professionals Administration and  
21 Investigation Fund.

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

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

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

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

16           (225 ILCS 340/4) (from Ch. 111, par. 6604)

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

18           Sec. 4. In this Act:

19           (a) "Address of record" means the designated address  
20 recorded by the Department in the applicant's or licensee's  
21 application file or license file maintained by the Department's  
22 licensure maintenance unit. It is the duty of the applicant or  
23 licensee to inform the Department of any change of address, and  
24 such changes must be made either through the Department's

1 website or by directly contacting the Department.

2 (b) ~~(a)~~ "Department" means the Department of Financial and  
3 Professional Regulation.

4 (c) ~~(b)~~ "Secretary" ~~"Director"~~ means the Secretary  
5 ~~Director~~ of the Department of Financial and Professional  
6 Regulation.

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

9 (e) ~~(d)~~ "Negligence in the practice of structural  
10 engineering" means the failure to exercise that degree of  
11 reasonable professional skill, judgment and diligence normally  
12 rendered by structural engineers in the practice of structural  
13 engineering.

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

17 (g) ~~(f)~~ "Structural engineer" means a person licensed under  
18 the laws of the State of Illinois to practice structural  
19 engineering.

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

21 (225 ILCS 340/4.5 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 340/5) (from Ch. 111, par. 6605)

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

7 Sec. 5. A person shall be regarded as practicing structural  
8 engineering within the meaning of this Act who is engaged in  
9 the design, analysis, or supervision ~~designing or supervising~~  
10 of the construction, enlargement or alteration of structures,  
11 or any part thereof, for others, to be constructed by persons  
12 other than himself. Structures within the meaning of this Act  
13 are all structures having as essential features foundations,  
14 columns, girders, trusses, arches or ~~and~~ beams, with or without  
15 other parts, and in which safe design and construction require  
16 that loads and stresses must be computed and the size and  
17 strength of parts determined by mathematical calculations  
18 based upon scientific principles and engineering data. A person  
19 shall also be regarded as practicing structural engineering  
20 within the meaning of this Act who is engaged as a principal in  
21 the design, analysis, or supervision ~~designing and supervision~~  
22 of the construction of structures or of the structural part of  
23 edifices designed solely for the generation of electricity; or  
24 for the hoisting, cleaning, sizing or storing of coal, cement,  
25 sand, grain, gravel or similar materials; elevators;

1 manufacturing plants; docks; bridges; blast furnaces; rolling  
2 mills; gas producers and reservoirs; smelters; dams;  
3 reservoirs; waterworks; sanitary works as applied to the  
4 purification of water; plants for waste and sewage disposal;  
5 round houses for locomotives; railroad shops; pumping or power  
6 stations for drainage districts; or power houses, even though  
7 such structures may come within the definition of "buildings"  
8 as defined in any Act in force in this State relating to the  
9 regulation of the practice of architecture.

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

11 (225 ILCS 340/6) (from Ch. 111, par. 6606)

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

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

16 (1) To conduct ~~Conduct~~ examinations to ascertain the  
17 qualifications and fitness of applicants for licensure as  
18 licensed structural engineers, and pass upon the  
19 qualifications and fitness of applicants for licensure by  
20 endorsement.

21 (2) To prescribe ~~Prescribe~~ rules for a method of  
22 examination of candidates.

23 (3) To prescribe rules to establish what constitutes a  
24 structural engineering or related science curriculum, to  
25 determine if a specific curriculum qualifies as a

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

17        (3.5) To register ~~Register~~ corporations, partnerships,  
18        professional service corporations, limited liability  
19        companies, and sole proprietorships for the practice of  
20        structural engineering and issue a license to those who  
21        qualify.

22        (4) To investigate ~~Investigate~~ complaints, to conduct  
23        oral interviews, disciplinary conferences, and formal  
24        evidentiary hearings on proceedings to refuse to issue,  
25        renew or restore, or to suspend or revoke a license, or to  
26        place on probation or reprimand a licensee for reasons set

1           forth in Section 20 of this Act.

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

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

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

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

1 Secretary Director may issue a final decision or order  
2 consistent with the Secretary's Director's original decision.

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

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

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

10 (225 ILCS 340/7) (from Ch. 111, par. 6607)

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

12 Sec. 7. The Secretary Director shall appoint a Structural  
13 Engineering Board, which shall consist of 7 ~~6~~ members. Six ~~Five~~  
14 members shall be Illinois licensed structural engineers, who  
15 have been engaged in the practice of structural engineering for  
16 a minimum of 10 years, and one shall be a public member. The  
17 public member shall be a voting member and shall not hold a  
18 license as an architect, professional engineer, structural  
19 engineer or land surveyor.

20 Members shall serve 5 year terms and until their successors  
21 are appointed and qualified.

22 In making the designation of persons to act, the Secretary  
23 ~~Director~~ shall give due consideration to recommendations by  
24 members of the profession and by organizations of the  
25 structural engineering profession.

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

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

8           Appointments to fill vacancies shall be made in the same  
9 manner as original appointments, for the unexpired portion of  
10 the vacated term. Initial terms under this Act shall begin upon  
11 the expiration of the terms of Committee members appointed  
12 under The Illinois Structural Engineering Act.

13           Persons holding office as members of the Board under this  
14 Act on the effective date of this Act shall serve as members of  
15 the Board under this Act until the expiration of the term for  
16 which they were appointed and until their successors are  
17 appointed and qualified under this Act.

18           Four members ~~A quorum~~ of the Board shall constitute a  
19 quorum ~~consist of a majority of Board members appointed~~. A  
20 ~~majority of the~~ quorum is required for Board decisions.

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

26           Notice of proposed rulemaking shall be transmitted to the

1 Board and the Department shall review the response of the Board  
2 and any recommendations made therein. The Department may, at  
3 any time, seek the expert advice and knowledge of the Board on  
4 any matter relating to the administration or enforcement of  
5 this Act.

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

9 Each member of the Board may receive compensation as  
10 determined by the Secretary ~~Whenever the Director is not~~  
11 ~~satisfied that substantial justice has been done in an~~  
12 ~~examination, the Director may order a reexamination by the same~~  
13 ~~or other examiners.~~

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

15 (225 ILCS 340/8) (from Ch. 111, par. 6608)

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

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

18 (a) The Board shall hold at least 3 regular meetings each  
19 year;

20 (b) The Board shall annually elect a Chairperson and a Vice  
21 Chairperson, both of whom shall be Illinois licensed structural  
22 engineers;

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

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

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

7 (f) The Board shall assist the Department in conducting  
8 oral interviews, disciplinary conferences, informal  
9 conferences, and formal evidentiary hearings;

10 (g) The Board shall review applicant qualifications to sit  
11 for the examination or for licensure and shall make  
12 recommendations to the Department except for those applicant  
13 qualifications that the Board designates as routinely  
14 acceptable, and the Department shall review the Board's  
15 recommendations on applicant qualifications; and

16 (h) The Board may ~~shall~~ submit ~~written~~ comments to the  
17 Secretary Director within a reasonable time ~~30 days~~ from  
18 notification of any final decision or order from the Secretary  
19 ~~Director~~ that deviates from any report or recommendation of the  
20 Board relating to the qualification of applicants, discipline  
21 of licensees or registrants, unlicensed practice, or  
22 promulgation of rules.

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

24 (225 ILCS 340/9) (from Ch. 111, par. 6609)

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

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

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

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

19           (225 ILCS 340/10) (from Ch. 111, par. 6610)

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

21           Sec. 10. The Department shall authorize examinations of  
22 applicants as structural engineers at such times and places as  
23 it may determine. The examination of applicants shall be of a  
24 character to give a fair test of the qualifications of the  
25 applicant to practice structural engineering.

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

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

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

21 (225 ILCS 340/11) (from Ch. 111, par. 6611)

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

23 Sec. 11. A person is qualified for enrollment as a  
24 structural engineer intern or licensure as a structural  
25 engineer if that person has applied in writing in form and

1 substance satisfactory to the Department and:

2 (a) The applicant is of good moral character. In  
3 determining moral character under this Section, the Department  
4 may take into consideration whether the applicant has engaged  
5 in conduct or actions that would constitute grounds for  
6 discipline under this Act.

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

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

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

18 (b) The applicant, if a structural engineer applicant, has  
19 met the minimum standards for licensure as a structural  
20 engineer, which are as follows:

21 (1) is a graduate of an approved structural engineering  
22 curriculum of at least 4 years meeting the requirements as  
23 set forth by rule and submits evidence acceptable to the  
24 Department of an additional 4 years or more of experience  
25 in structural engineering work of a grade and character  
26 which indicates that the individual may be competent to

1 practice structural engineering as set forth by rule; or

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

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

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

15 (225 ILCS 340/14) (from Ch. 111, par. 6614)

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

17 Sec. 14. The expiration date and renewal period for each  
18 license issued under this Act shall be set by rule. The holder  
19 of a license may renew the license during the month preceding  
20 its expiration date by paying the required fee. ~~Beginning~~  
21 ~~January 1, 1996, the holder of a license may renew the license~~  
22 ~~during the month preceding its expiration by paying the~~  
23 ~~required fee and submitting satisfactory evidence of knowledge~~  
24 ~~in seismic design.~~

25 A licensed structural engineer who has permitted his

1 license to expire or who placed his license on inactive status  
2 may have his license restored by making application to the  
3 Department and filing proof acceptable to the Department of  
4 fitness to have the license restored, including sworn evidence  
5 certifying to active practice in another jurisdiction  
6 satisfactory to the Department and by submitting evidence of  
7 knowledge in seismic design and by paying the required  
8 restoration fee.

9 If the licensed structural engineer has not maintained an  
10 active practice in another jurisdiction satisfactory to the  
11 Department, the Board shall determine, by an evaluation program  
12 established by rule, that person's fitness to resume active  
13 status and may require the licensed structural engineer to  
14 complete an examination.

15 Any licensed structural engineer whose license has been  
16 expired for more than 5 years may have his license restored by  
17 making application to the Department and filing proof  
18 acceptable to the Department of fitness to have the license  
19 restored, including sworn evidence certifying to active  
20 practice in another jurisdiction and by paying the required  
21 restoration fee.

22 However, any licensed structural engineer whose license  
23 has expired while such engineer was engaged (1) in federal  
24 service on active duty with the Army of the United States, the  
25 United States Navy, the Marine Corps, the Air Force, the Coast  
26 Guard, or the State Militia called into the service or training

1 of the United States of America, or (2) in training or  
2 education under the supervision of the United States  
3 preliminary to induction into the military service, may have  
4 his license restored or reinstated without paying any lapsed  
5 renewal fees, reinstatement fee or restoration fee or passing  
6 any examination, if within 2 years after termination of such  
7 service, training or education other than by dishonorable  
8 discharge such person furnishes the Department with an  
9 affidavit to the effect that he has been so engaged and that  
10 the service, training or education has been so terminated.  
11 (Source: P.A. 86-711; 87-1237.)

12 (225 ILCS 340/16) (from Ch. 111, par. 6616)

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

14 Sec. 16. The Department may, in its discretion, license as  
15 a structural engineer upon payment of the required fee, an  
16 applicant who is a structural engineer licensed under the laws  
17 of another state or territory, ~~or of another country,~~ if the  
18 requirements for licensure in the state or ~~territory or~~  
19 ~~country~~ were, at the date of licensure, substantially  
20 equivalent to the requirements in force in this State on that  
21 date.

22 Applicants have 3 years from the date of application to  
23 complete the application process. If the process has not been  
24 completed in 3 years, the application shall be denied, the fee  
25 forfeited and the applicant must reapply and meet the

1 requirements in effect at the time of reapplication.

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

3 (225 ILCS 340/18) (from Ch. 111, par. 6618)

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

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

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

10 (225 ILCS 340/19) (from Ch. 111, par. 6619)

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

12 Sec. 19. Professional design firm registration;  
13 conditions.

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

17 Any business, including a Professional Service  
18 Corporation, that includes within its stated purposes,  
19 practices, or holds itself out as available to practice,  
20 structural engineering, shall be registered with the  
21 Department pursuant to the provisions of this Section.

22 Any sole proprietorship not owned and operated by an  
23 Illinois licensed design professional licensed under this Act  
24 shall be prohibited from offering structural engineering

1 services to the public. "Illinois licensed design  
2 professional" means a person who holds an active license as a  
3 structural engineer under this Act, as an architect under the  
4 Illinois Architecture Practice Act of 1989, or as a  
5 professional engineer under the Professional Engineering  
6 Practice Act of 1989. Any sole proprietorship owned and  
7 operated by a structural engineer with an active license issued  
8 under this Act and conducting or transacting such business  
9 under an assumed name in accordance with the provisions of the  
10 Assumed Business Name Act shall comply with the registration  
11 requirements of a professional design firm. Any sole  
12 proprietorship owned and operated by a structural engineer with  
13 an active license issued under this Act and conducting or  
14 transacting such business under the real name of the sole  
15 proprietor is exempt from the registration requirements of a  
16 professional design firm.

17 Any partnership which includes within its purpose,  
18 practices, or holds itself out as available to practice  
19 structural engineering, shall register with the Department  
20 pursuant to the provisions set forth in this Section.

21 (b) Any professional design firm seeking to be registered  
22 under the provisions of this Section shall not be registered  
23 unless at least one ~~a~~ managing agent in charge of structural  
24 engineering activities in this State is designated by the  
25 professional design firm. A designated managing agent must at  
26 all times maintain a valid, active license to practice

1 structural engineering in Illinois.

2 No individual whose license to practice structural  
3 engineering in this State is currently in a suspended or  
4 revoked status shall act as a managing agent for a professional  
5 design firm.

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

9 (d) Any business seeking to be registered under this  
10 Section shall apply for a certificate of registration on a form  
11 provided by the Department and shall provide such information  
12 as requested by the Department, which shall include but shall  
13 not be limited to:

14 (1) the name and license number of the person  
15 designated as the managing agent in responsible charge of  
16 the practice of structural engineering in Illinois. In the  
17 case of a corporation, the corporation shall also submit a  
18 certified copy of the resolution by the board of directors  
19 designating the managing agent. In the case of a limited  
20 liability company, the company shall submit a certified  
21 copy of either its articles of organization or operating  
22 agreement designating the managing agent;

23 (2) the names and license numbers of the directors, in  
24 the case of a corporation, the members, in the case of a  
25 limited liability company, or general partners, in the case  
26 of a partnership;

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

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

9           It shall be the responsibility of the professional design  
10          firm to provide the Department notice, in writing, of any  
11          changes in the information requested on the application.

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

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

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

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

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

1           It is unlawful for any person to practice, or to attempt to  
2 practice, structural engineering, without being licensed under  
3 this Act. It is unlawful for any business not subject to the  
4 sole proprietorship exemption to offer or provide structural  
5 engineering services without active registration issued by the  
6 Department as a professional design firm or professional  
7 service corporation.

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

9           (225 ILCS 340/20) (from Ch. 111, par. 6620)

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

11          Sec. 20. Refusal; revocation; suspension.

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

25           (1) Material misstatement in furnishing information to

1 the Department;

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

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

6 (4) The affixing of a licensed structural engineer's  
7 seal to any plans, specifications or drawings which have  
8 not been prepared by or under the immediate personal  
9 supervision of that licensed structural engineer or  
10 reviewed as provided in this Act;

11 (5) Conviction of, or entry of a plea of guilty or nolo  
12 contendere to, any crime that is a felony under the laws of  
13 the United States or of any state or territory thereof, or  
14 that is a misdemeanor an essential element of which is  
15 dishonesty, or any crime that is directly related to the  
16 practice of the profession ~~Conviction of any crime under~~  
17 ~~the laws of the United States, or any state or territory~~  
18 ~~thereof, which is a felony, whether related to the practice~~  
19 ~~of Structural Engineering or not, or conviction of any~~  
20 ~~crime, whether a felony, misdemeanor, or otherwise, an~~  
21 ~~essential element of which is dishonesty, or which is~~  
22 ~~directly related to the practice of structural~~  
23 ~~engineering;~~

24 (6) Making a statement of compliance pursuant to the  
25 Environmental Barriers Act, as now or hereafter amended,  
26 that a plan for construction or alteration of a public

1 facility or for construction of a multi-story housing unit  
2 is in compliance with the Environmental Barriers Act when  
3 such plan is not in compliance;

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

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

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

11 (10) Habitual or excessive use or addiction to alcohol,  
12 narcotics, stimulants, or any other chemical agent or drug  
13 that results in the inability to practice with reasonable  
14 judgment, skill, or safety ~~Habitual intoxication or~~  
15 ~~addiction to the use of drugs;~~

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

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

26 (13) Failure to provide information in response to a

1 written request made by the Department within 30 days after  
2 the receipt of such written request; or

3 (14) Physical illness, including but not limited to,  
4 deterioration through the aging process or loss of motor  
5 skill, mental illness, or disability which results in the  
6 inability to practice the profession of structural  
7 engineering with reasonable judgment, skill, or safety.~~†~~

8 ~~or~~

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

26 If the Secretary immediately suspends the license of a

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

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

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

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

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

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

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

17           (d) In cases where the Department of Healthcare and Family  
18 Services (formerly the Department of Public Aid) has previously  
19 determined that a licensee or a potential licensee is more than  
20 30 days delinquent in the payment of child support and has  
21 subsequently certified the delinquency to the Department, the  
22 Department shall refuse to issue or renew or shall revoke or  
23 suspend that person's license or shall take other disciplinary  
24 action against that person based solely upon the certification  
25 of delinquency made by the Department of Healthcare and Family  
26 Services in accordance with subdivision (a) (5) of Section 15 of

1 the Department of Professional Regulation Law of the Civil  
2 Administrative Code of Illinois.

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

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

19 (f) Persons who assist the Department as consultants or  
20 expert witnesses in the investigation or prosecution of alleged  
21 violations of the Act, licensure matters, restoration  
22 proceedings, or criminal prosecutions, are not liable for  
23 damages in any civil action or proceeding as a result of such  
24 assistance, except upon proof of actual malice. The Attorney  
25 General of the State of Illinois shall defend such persons in  
26 any such action or proceeding.

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

2 (225 ILCS 340/20.5)

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

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

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

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

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

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

23 (225 ILCS 340/21) (from Ch. 111, par. 6621)

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

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

14           (b) If any person practices as a licensed structural  
15 engineer or holds himself out as a structural engineer without  
16 being licensed under the provisions of this Act, then any  
17 licensed structural engineer, any interested party or any  
18 person injured thereby may, in addition to the Secretary  
19 ~~Director~~, petition for relief as provided in subsection (a) of  
20 this Section.

21           (c) Whenever in the opinion of the Department any person  
22 violates any provision of this Act, the Department may issue a  
23 rule to show cause why an order to cease and desist should not  
24 be entered against that person. The rule shall clearly set  
25 forth the grounds relied upon by the Department and shall  
26 provide a period of 7 days from the date of the rule to file an

1 answer to the satisfaction of the Department. Failure to answer  
2 to the satisfaction of the Department shall cause an order to  
3 cease and desist to be issued immediately.

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

5 (225 ILCS 340/22) (from Ch. 111, par. 6622)

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

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

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

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

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

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

25 Sec. 23. Record; transcript. The Department, at its

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

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

13 (225 ILCS 340/24) (from Ch. 111, par. 6624)

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

15 Sec. 24. Subpoenas; depositions; oaths. The Department has  
16 the power to subpoena documents, books, records or other  
17 materials and to bring before it any person and to take  
18 testimony either orally or by deposition, or take written  
19 interrogatories, or any combination thereof, with the same fees  
20 and mileage and in the same manner as is prescribed in civil  
21 cases in the courts of this State. ~~The Department has power to~~  
22 ~~subpoena and bring before it any person in this State and to~~  
23 ~~take testimony either orally or by deposition, or both, with~~  
24 ~~the same fees and mileage and in the same manner as prescribed~~  
25 ~~by law in judicial proceedings in civil cases in circuit courts~~

1 ~~of this State.~~

2 The Secretary, the designated hearing officer ~~Director,~~  
3 and any member of the Board ~~designated by the Director~~ shall  
4 each have the power to administer oaths to witnesses at any  
5 hearing which the Department is authorized by law to conduct,  
6 and any other oaths required or authorized in any Act  
7 administered by the Department.

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

9 (225 ILCS 340/26) (from Ch. 111, par. 6626)

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

11 Sec. 26. At the conclusion of the hearing, the ~~The~~ Board  
12 shall present to the Secretary ~~Director~~ its written report of  
13 its findings and recommendations. A copy of the report shall be  
14 served upon the accused person, either personally or to the  
15 address of record ~~by certified or registered mail~~. The Board  
16 may take into consideration in making its recommendations for  
17 discipline all facts and circumstances bearing upon the  
18 reasonableness of the conduct of the respondent and the  
19 potential for future harm to the public, including but not  
20 limited to previous discipline by the Department, intent,  
21 degree of harm to the public and likelihood of harm in the  
22 future, any restitution made, and whether the incident or  
23 incidents complained of appear to be isolated or a pattern of  
24 conduct. In making its recommendations for discipline, the  
25 Board shall endeavor to ensure that the severity of the

1 discipline recommended bears some reasonable relationship to  
2 the severity of the violation. Within 20 days after such  
3 service, the accused person may present to the Department a  
4 motion in writing for a rehearing, which shall specify the  
5 particular grounds for rehearing. If the accused person orders  
6 and pays for a transcript of the record as provided in this  
7 Section, the time elapsing after payment and before the  
8 transcript is ready for delivery shall not be counted as part  
9 of such 20 days. If no motion for rehearing is filed, then upon  
10 the expiration of the time specified for filing the motion, or  
11 if a motion for rehearing is denied, then upon such denial, the  
12 Secretary Director may enter an order in accordance with  
13 recommendations of the Board ~~except as provided in Section 8 of~~  
14 ~~this Act.~~

15 Whenever the Secretary Director is not satisfied that  
16 substantial justice has been done, he may order a rehearing by  
17 the same or another special board. At the expiration of the  
18 time specified for filing a motion for a rehearing, the  
19 Secretary Director has the right to take the action recommended  
20 by the Board. Upon the suspension or revocation of his license,  
21 a licensee shall be required to surrender his license to the  
22 Department, and upon his failure or refusal to do so, the  
23 Department shall have the right to seize the same.

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

25 (225 ILCS 340/27) (from Ch. 111, par. 6627)

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

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

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

25 (225 ILCS 340/28) (from Ch. 111, par. 6628)

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

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

6 1. the signature is the genuine signature of the  
7 Secretary ~~Director~~;

8 2. the Secretary ~~Director~~ is duly appointed and  
9 qualified; and

10 3. the Board and the members thereof are qualified to  
11 act.

12 Such proof may be rebutted.

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

14 (225 ILCS 340/31) (from Ch. 111, par. 6631)

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

16 Sec. 31. The Secretary ~~Director~~ may temporarily suspend the  
17 license of a structural engineer without a hearing,  
18 simultaneously with the institution of proceedings for a  
19 hearing provided for in Section 22 of this Act, if the  
20 Secretary ~~Director~~ finds that evidence in his possession  
21 indicates that a structural engineer's continuation in  
22 practice would constitute an imminent danger to the public. In  
23 the event that the Secretary ~~Director~~ temporarily suspends the  
24 license of a structural engineer without a hearing, a hearing  
25 by the Board must be commenced within 30 days after such

1 suspension has occurred.

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

3 (225 ILCS 305/15 rep.)

4 Section 20. The Illinois Architecture Practice Act of 1989  
5 is amended by repealing Section 15.

6 (225 ILCS 340/13 rep.)

7 Section 25. The Structural Engineering Practice Act of 1989  
8 is amended by repealing Section 13.

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