



Sen. William R. Haine

Filed: 3/25/2009

09600SB1384sam001

LRB096 08551 ASK 24438 a

1 AMENDMENT TO SENATE BILL 1384

2 AMENDMENT NO. _____. Amend Senate Bill 1384 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 80/4.20)

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 Acts repealed on January 1, 2010 and December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

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

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

1 The Perfusionist Practice Act.

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

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (b) The following Act is repealed on December 31, 2010:

6 The Medical Practice Act of 1987.

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

8 (5 ILCS 80/4.30 new)

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 Act repealed on January 1, 2020.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10 Act is repealed on January 1, 2020:

11 The Professional Engineering Practice Act of 1989.

12 Section 10. The Professional Engineering Practice Act of
13 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10,
14 11, 14, 15, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42,
15 and 43 and adding Section 27.5 as follows:

16 (225 ILCS 325/3) (from Ch. 111, par. 5203)

17 (Section scheduled to be repealed on January 1, 2010)

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

19 (a) Nothing in this Act shall be construed to prevent the
20 practice of structural engineering as defined in the Structural
21 Engineering Practice Act of 1989 or the practice of
22 architecture as defined in the Illinois Architecture Practice
23 Act of 1989 or the regular and customary practice of

1 construction contracting and construction management as
2 performed by construction contractors.

3 (b) Nothing in this Act shall be construed to prevent the
4 regular and customary practice of an alarm contractor licensed
5 pursuant to the Private Detective, Private Alarm, Private
6 Security, Fingerprint Vendor, and Locksmith Act of 2004.

7 (c) Nothing in this Act shall be construed to prevent a
8 fire sprinkler contractor licensed under the Fire Sprinkler
9 Contractor Licensing Act from providing fire protection system
10 layout documents. For the purpose of this subsection (c), "fire
11 protection system layout documents" means layout drawings,
12 catalog information on standard products, and other
13 construction data that provide detail on the location of
14 risers, cross mains, branch lines, sprinklers, piping per
15 applicable standard, and hanger locations. Fire protection
16 system layout documents serve as a guide for fabrication and
17 installation of a fire sprinkler system.

18 (d) ~~(b)~~ Nothing in this Act shall prevent:

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

23 (2) The employment of owner's representatives by the
24 owner during the constructing, adding to, or altering of a
25 project, or any parts thereof, provided that such owner's
26 representative shall not have the authority to deviate from

1 the technical submissions without the prior approval of the
2 professional engineer for the project.

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

7 (4) Services performed by employees of a business
8 organization engaged in utility, telecommunications,
9 industrial, or manufacturing operations, or by employees
10 of laboratory research affiliates of such business
11 organization which are rendered in connection with the
12 fabrication or production, sale, and installation of
13 products, systems, or nonengineering services of the
14 business organization or its affiliates.

15 (5) Inspection, maintenance and service work done by
16 employees of the State of Illinois, any political
17 subdivision thereof or any municipality.

18 (6) The activities performed by those ordinarily
19 designated as chief engineer of plant operation, chief
20 operating engineer, locomotive, stationary, marine, power
21 plant or hoisting and portable engineers, electrical
22 maintenance or service engineers, personnel employed in
23 connection with construction, operation or maintenance of
24 street lighting, traffic control signals, police and fire
25 alarm systems, waterworks, steam, electric, and sewage
26 treatment and disposal plants, or the services ordinarily

1 performed by any worker regularly employed as a locomotive,
2 stationary, marine, power plant, or hoisting and portable
3 engineer or electrical maintenance or service engineer for
4 any corporation, contractor or employer.

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

12 (8) The services, for private use, of contractors or
13 owners in the construction of engineering works or the
14 installation of equipment.

15 (e) ~~(e)~~ No officer, board, commission, or other public
16 entity charged with the enforcement of codes and ordinances
17 involving a professional engineering project shall accept for
18 filing or approval any technical submissions that do not bear
19 the seal and signature of a professional engineer licensed
20 under this Act.

21 (f) ~~(d)~~ Nothing contained in this Section imposes upon a
22 person licensed under this Act the responsibility for the
23 performance of any of the foregoing functions unless such
24 person specifically contracts to provide it.

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

1 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

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

11 (a-5) ~~(a)~~ "Approved engineering curriculum" means an
12 engineering curriculum or program of 4 academic years or more
13 which meets the standards established by the rules of the
14 Department.

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

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

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

25 (e) (Blank). ~~"Director" means the Director of Professional~~
26 ~~Regulation.~~

1 (f) "Direct supervision/responsible charge" means work
2 prepared under the control of a licensed professional engineer
3 or that work as to which that professional engineer has
4 detailed professional knowledge. The Department may further
5 define this term by rule.

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

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

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

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

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

25 (l) "Negligence in the practice of professional
26 engineering" means the failure to exercise that degree of

1 reasonable professional skill, judgment and diligence normally
2 rendered by professional engineers in the practice of
3 professional engineering.

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

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

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

1 as a professional engineer, or holds himself out as able to
2 perform any service which is recognized as professional
3 engineering practice.

4 Examples of the practice of professional engineering
5 include, but need not be limited to, transportation facilities
6 and publicly owned utilities for a region or community,
7 railroads, railways, highways, subways, canals, harbors, river
8 improvements; land development; stormwater detention,
9 retention, and conveyance, excluding structures defined in
10 Section 5 of the Structural Engineering Practice Act of 1989;
11 irrigation works; aircraft and ~~7~~ airports traffic engineering
12 ~~and landing fields;~~ waterworks, piping systems ~~and~~
13 ~~appurtenances,~~ sewers, and sewage disposal works; storm sewer,
14 sanitary sewer, and water system modeling plants for the
15 generation of power; devices for the utilization of power;
16 boilers; refrigeration plants, air conditioning systems and
17 plants; heating systems and plants; plants for the transmission
18 or distribution of power; electrical plants which produce,
19 transmit, distribute, or utilize electrical energy; works for
20 the extraction of minerals from the earth; plants for the
21 refining, alloying or treating of metals; chemical works and
22 industrial plants involving the use of chemicals and chemical
23 processes; plants for the production, conversion, or
24 utilization of nuclear, chemical, or radiant energy; forensic
25 engineering, geotechnical engineering including, subsurface
26 investigations; soil and rock classification, geology and

1 geohydrology, incidental to the practice of professional
2 engineering; geohydrological investigations, migration pathway
3 analysis (including evaluation of building and site elements),
4 soil and groundwater management zone analysis and design;
5 energy analysis, environmental risk assessments, corrective
6 action plans, design, remediation, protection plans and
7 systems, hazardous waste mitigation and control, environmental
8 control or remediation systems; recognition, measurement,
9 evaluation and control of environmental systems and emissions;
10 control systems, evaluation and design of engineered barriers,
11 excluding structures defined in Sections 5 of the Structural
12 Engineering Practice Act of 1989; and modeling of pollutants in
13 water, soil, and air; engineering surveys of sites, facilities,
14 and topography specific to a design project, not including land
15 boundary establishment; automated building management systems;
16 computer-controlled or integrated systems; automatic fire
17 notification and suppression systems; investigation and
18 assessment of indoor air inhalation exposures and design of
19 abatement and remediation systems; or the provision of
20 professional engineering site observation of the construction
21 of works and engineering systems. Nothing in this Section shall
22 preclude an employee from acting under the direct
23 supervision/responsible charge of a licensed professional
24 engineer. Nothing contained in this Section imposes upon a
25 person licensed under this Act the responsibility for the
26 performance of any of the foregoing functions unless such

1 person specifically contracts to provide it.

2 (p) "Project representative" means the professional
3 engineer's representative at the project site who assists in
4 the administration of the construction contract.

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

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

16 (s) "Rules" means those rules promulgated pursuant to this
17 Act.

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

20 (t-5) "Secretary" means the Secretary of Financial and
21 Professional Regulation.

22 (u) "Site observation" is visitation of the construction
23 site for the purpose of reviewing, as available, the quality
24 and conformance of the work to the technical submissions as
25 they relate to design.

26 (v) "Support design professional" means a professional

1 engineer practicing in conformance with the Professional
2 Engineering Practice Act of 1989, who provides services to the
3 design professional who has contract responsibility.

4 (w) "Technical submissions" are the ~~means~~ designs,
5 drawings, and specifications which establish the scope and
6 standard of quality for materials, workmanship, equipment, and
7 ~~the construction~~ systems. "Technical submissions" also
8 includes, but is not limited to, studies, analyses,
9 calculations, and other technical reports prepared in the
10 course of the practice of professional engineering or under the
11 direct supervision/responsible charge of a licensed
12 professional engineer ~~a design professional's practice.~~

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

15 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

17 Sec. 5. Powers and duties of the Department. Subject to the
18 provisions of this Act, the Department shall exercise the
19 following functions, powers and duties:

20 (a) To pass upon the qualifications and conduct
21 examinations of applicants for licensure as professional
22 engineers or enrollment as engineer interns and pass upon
23 the qualifications of applicants by endorsement and issue a
24 license or enrollment to those who are found to be fit and
25 qualified.

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

3 (c) To license corporations, partnerships,
4 professional service corporations, limited liability
5 companies, and sole proprietorships for the practice of
6 professional engineering and issue a license to those who
7 qualify.

8 (d) To conduct investigations and hearings regarding
9 violations of this Act and take disciplinary or other
10 actions as provided in this Act as a result of the
11 proceedings.

12 (e) To prescribe rules as to what shall constitute an
13 engineering or related science curriculum and to determine
14 if a specific engineering curriculum is in compliance with
15 the rules, and to terminate the approval of a specific
16 engineering curriculum for non-compliance with such rules.

17 (f) To promulgate rules required for the
18 administration of this Act, including rules of
19 professional conduct.

20 (g) To maintain membership in the National Council of
21 Examiners for Engineering and Surveying and participate in
22 activities of the Council by designation of individuals for
23 the various classifications of membership, the appointment
24 of delegates for attendance at zone and national meetings
25 of the Council, and the funding of the delegates for
26 attendance at the meetings of the Council.

1 (h) To obtain written recommendations from the Board
2 regarding qualifications of individuals for licensure and
3 enrollment, definitions of curriculum content and approval
4 of engineering curricula, standards of professional
5 conduct and formal disciplinary actions, and the
6 promulgation of the rules affecting these matters.

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

21 (i) To ~~publish and distribute or to~~ post on the
22 Department's website, at least semi-annually, ~~a newsletter~~
23 ~~to all persons licensed and registered under this Act. The~~
24 ~~newsletter shall describe~~ the most recent changes in this
25 Act and the rules adopted under this Act and shall contain
26 information of any final disciplinary action that has been

1 ordered under this Act since the date of the last posting
2 ~~newsletter.~~

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

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

7 (225 ILCS 325/6) (from Ch. 111, par. 5206)

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

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

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

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

16 (2) be a resident of this State.

17 (b) In addition, each member who is a professional engineer
18 shall:

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

22 (2) have been in charge of professional engineering
23 work for at least 5 years. For the purposes of this
24 Section, any period in which a person has been in charge of
25 teaching engineering in an engineering college with the

1 rank of assistant professor or higher shall be considered
2 as time in which such person was in charge of professional
3 engineering work.

4 The terms for all members shall be for 5 years. On the
5 expiration of the term of any member or in the event of a
6 vacancy, the Secretary ~~Director~~ shall appoint a member who
7 shall hold office until the expiration of the term for which
8 the member is appointed and until a successor has been
9 appointed and qualified.

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

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

16 The public member shall not be employed in an
17 engineering-related field ~~an employee of the State of Illinois~~.
18 The public member shall be an Illinois resident and a citizen
19 of the United States.

20 In making appointments to the Board, the Secretary ~~Director~~
21 shall give due consideration to recommendations by members of
22 the profession and by organizations therein.

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

26 The Secretary ~~Director~~ may remove a member of the Board who

1 does not attend 2 consecutive meetings.

2 A quorum of the Board shall consist of a majority of Board
3 members appointed. Majority vote of the quorum is required for
4 Board decisions.

5 Each member of the Board may ~~shall~~ receive compensation as
6 determined by the Secretary ~~when attending Board meetings or~~
7 ~~meetings approved by the Director~~ and shall be reimbursed for
8 all actual traveling expenses.

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

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

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

18 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

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

23 (a) Review education and experience qualifications of
24 applicants, including conducting oral interviews as deemed
25 necessary by the Board, to determine eligibility as an

1 engineer intern or professional engineer and submit to the
2 Secretary ~~Director~~ written recommendations on applicant
3 qualifications for enrollment and licensure;

4 (b) The Board may appoint a subcommittee from its
5 members to serve as a Complaint Committee to recommend the
6 disposition of case files according to procedures
7 established by rule in the Illinois Administrative Code
8 Title 68, Section 1380.305 as amended;

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

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

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

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

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

25 (h) Submit written comments to the Secretary ~~Director~~
26 within 30 days from notification of any final decision or

1 order from the Secretary ~~Director~~ that deviates from any
2 report or recommendation of the Board relating to the
3 qualification of applicants, discipline of licensees or
4 registrants, or promulgation of rules.

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

6 (225 ILCS 325/8) (from Ch. 111, par. 5208)

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

8 Sec. 8. Applications for licensure.

9 (a) Applications for licensure shall (1) be on forms
10 prescribed and furnished by the Department, (2) contain
11 statements made under oath showing the applicant's education
12 and a detailed summary of the applicant's technical work, and
13 (3) contain references as required by the Department.

14 (b) Applicants shall have obtained the education and
15 experience as required in Section 10 or Section 11 prior to
16 submittal of application for examination, except as provided in
17 subsection (b) of Section 11. Allowable experience shall
18 commence at the date of the baccalaureate degree, except:

19 (1) Credit for one year of experience shall be given
20 for a graduate of a baccalaureate curriculum providing a
21 cooperative program, which is supervised industrial or
22 field experience of at least one academic year which
23 alternates with periods of full-time academic training,
24 when such program is certified by the university, or

25 (2) Partial credit may be given for professional

1 engineering experience as defined by rule for employment
2 prior to receipt of a baccalaureate degree if the
3 employment is full-time while the applicant is a part-time
4 student taking fewer than 12 hours per semester or 8 hours
5 per quarter to earn the degree concurrent with the
6 full-time engineering experience.

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

16 The Board may conduct oral interviews of any applicant
17 under Sections 10, 11, or 19 to assist in the evaluation of the
18 qualifications of the applicant.

19 It is the responsibility of the applicant to supplement the
20 application, when requested by the Board, by provision of
21 additional documentation of education, including transcripts,
22 course content and credentials of the engineering college or
23 college granting related science degrees, or of work experience
24 to permit the Board to determine the qualifications of the
25 applicant. The Department may require an applicant, at the
26 applicant's expense, to have an evaluation of the applicant's

1 education in a foreign country by a nationally recognized
2 evaluating service educational body approved by ~~the Board in~~
3 ~~accordance with rules prescribed by~~ the Department.

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

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

11 (225 ILCS 325/9) (from Ch. 111, par. 5209)

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

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

20 Examinations of the applicants who seek to practice
21 professional engineering shall ascertain: (a) if the applicant
22 has an adequate understanding of the basic and engineering
23 sciences, which shall embrace subjects required of candidates
24 for an approved baccalaureate degree in engineering, and (b) if
25 the training and experience of the applicant have provided a

1 background for the application of the basic and engineering
2 sciences to the solution of engineering problems. The
3 Department may by rule prescribe additional subjects for
4 examination. If an applicant neglects, fails to take ~~without an~~
5 ~~approved excuse~~, or refuses to take the next available
6 examination offered for licensure under this Act within 3 years
7 after filing the application, the fee paid by the applicant
8 shall be forfeited and the application denied. If an applicant
9 fails to pass an examination for licensure under this Act
10 within 3 years after filing the application, the application
11 shall be denied. However, such applicant may thereafter make a
12 new application for examination, accompanied by the required
13 fee.

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

15 (225 ILCS 325/10) (from Ch. 111, par. 5210)

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

17 Sec. 10. Minimum standards for examination for licensure as
18 professional engineer. To qualify for licensure as a
19 professional engineer each applicant shall be:

20 (a) A graduate of an approved engineering curriculum of at
21 least 4 years who submits acceptable evidence to the Board of
22 an additional 4 years or more of experience in engineering work
23 of a grade and character which indicate that the individual may
24 be competent to practice professional engineering, and who then
25 passes a nominal 8-hour written examination in the fundamentals

1 of engineering, and a nominal 8-hour written examination in the
2 principles and practice of engineering. Upon passing both
3 examinations, the applicant, if otherwise qualified, shall be
4 granted a license to practice professional engineering in this
5 State; or

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

18 (c) An engineer intern ~~who meets the education and~~
19 ~~experience qualifications of subsection (a) or (b) of this~~
20 ~~Section and has passed the nominal 8-hour written examination~~
21 ~~in the fundamentals of engineering,~~ by application and payment
22 of the required fee, may then take the nominal 8-hour written
23 examination in the principles and practice of engineering. If
24 the applicant passes ~~Upon passing~~ that examination and submits
25 evidence to the Board that meets the experience qualification
26 of subsection (a) or (b) of this Section, the applicant, if

1 otherwise qualified, shall be granted a license to practice
2 professional engineering in this State.

3 (d) When considering an applicant's qualifications for
4 licensure under this Act, the Department may take into
5 consideration whether an applicant has engaged in conduct or
6 actions that would constitute a violation of the Standards of
7 Professional Conduct for this Act as provided for by
8 administrative rules.

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

10 (225 ILCS 325/11) (from Ch. 111, par. 5211)

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

12 Sec. 11. Minimum standards for examination for enrollment
13 as engineer intern. Each of the following is considered a
14 minimum standard that an applicant must satisfy to qualify for
15 enrollment as an engineer intern.

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

21 (b) An applicant in the last year of an approved
22 engineering curriculum who passes a nominal 8-hour written
23 examination in the fundamentals of engineering and furnishes
24 proof that the applicant graduated within ~~of graduation within~~
25 a 12 month period following the examination shall be enrolled

1 as an engineer intern, if the applicant is otherwise qualified;
2 or

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

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

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

16 (225 ILCS 325/14) (from Ch. 111, par. 5214)

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

18 Sec. 14. Seal. Every professional engineer shall have a
19 seal or stamp, the print of which shall be reproducible and
20 contain the name of the professional engineer, the professional
21 engineer's license number, and the words "Licensed
22 Professional Engineer of Illinois". Any reproducible stamp
23 heretofore authorized under the laws of this state for use by a
24 professional engineer, including those with the words
25 "Registered Professional Engineer of Illinois", shall serve

1 the same purpose as the seal provided for by this Act. The
2 engineer shall be responsible for his seal and signature as
3 defined by rule. When technical submissions are prepared
4 utilizing a computer or other electronic means, the seal may be
5 generated by the computer. Signatures generated by computer
6 shall not be permitted.

7 The use of a professional engineer's seal on technical
8 submissions constitutes a representation by the professional
9 engineer that the work has been prepared by or under the
10 personal supervision of the professional engineer or developed
11 in conjunction with the use of accepted engineering standards.
12 The use of the seal further represents that the work has been
13 prepared and administered in accordance with the standards of
14 reasonable professional skill and diligence.

15 It is unlawful to affix one's seal to technical submissions
16 if it masks the true identity of the person who actually
17 exercised direction, control and supervision of the
18 preparation of such work. A professional engineer who seals and
19 signs technical submissions is not responsible for damage
20 caused by subsequent changes to or uses of those technical
21 submissions, where the subsequent changes or uses, including
22 changes or uses made by State or local governmental agencies,
23 are not authorized or approved by the professional engineer who
24 originally sealed and signed the technical submissions.

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

1 (225 ILCS 325/15) (from Ch. 111, par. 5215)

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

3 Sec. 15. Technical submissions. All technical submissions
4 prepared by or under the personal supervision of a professional
5 engineer shall bear that professional engineer's seal,
6 signature, and license expiration date. The licensee's written
7 signature and date of signing, along with the date of license
8 expiration, shall be placed adjacent to the seal. Computer
9 generated signatures are not permitted.

10 The professional engineer who has contract responsibility
11 shall seal a cover sheet of the technical submissions, and
12 those individual portions of the technical submissions for
13 which the professional engineer is legally and professionally
14 responsible. The professional engineer practicing as the
15 support design professional shall seal those individual
16 portions of technical submissions for which the professional
17 engineer is legally and professionally responsible.

18 All technical submissions intended for use in construction
19 in the State of Illinois shall be prepared and administered in
20 accordance with standards of reasonable professional skill and
21 diligence. Care shall be taken to reflect the requirements of
22 State statutes and, where applicable, county and municipal
23 ordinances in such documents. In recognition that professional
24 engineers are licensed for the protection of the public health,
25 safety and welfare, documents shall be of such quality and
26 scope, and be so administered as to conform to professional

1 standards.

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

3 (225 ILCS 325/16) (from Ch. 111, par. 5216)

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

5 Sec. 16. Issuance of license. Whenever the provisions of
6 this Act and all other applicable Illinois laws have been
7 complied with the Department shall issue a license as a
8 professional engineer and enroll the engineer intern.

9 Every holder of a license as a professional engineer shall
10 display the license in a conspicuous place in the professional
11 engineer's principal office.

12 It is the professional engineer's and engineer intern's
13 responsibility to inform the Department of any change of
14 address.

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

16 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

18 Sec. 17. Licensure; Renewal; Restoration; Person in
19 military service; Retired. The expiration date and renewal
20 period for each professional engineer license issued under this
21 Act shall be set by the Department by rule. The enrollment of
22 an engineer intern shall not expire.

23 Any person whose license has expired or whose license is on
24 inactive status may have such license restored by making

1 application to the Department and filing proof acceptable to
2 the Department of that person's fitness to have such license
3 restored, which may include sworn evidence certifying to active
4 practice in another jurisdiction satisfactory to the
5 Department and by paying the required restoration fee. If the
6 person has not maintained an active practice in another
7 jurisdiction satisfactory to the Department, the Board shall
8 determine, by an evaluation program established by rule, the
9 person's fitness to resume active status and may require the
10 person to complete a period of evaluated experience and may
11 require successful completion of the principles and practice
12 examination.

13 However, any person whose license expired while that person
14 was (1) in Federal Service on active duty with the Armed Forces
15 of the United States, or the State Militia called into service
16 or training, or (2) in training or education under the
17 supervision of the United States preliminary to induction into
18 the military service, may have such license renewed or restored
19 without paying any lapsed renewal fees if, within 2 years after
20 honorable termination of such service, training, or education,
21 except under conditions other than honorable, the Department is
22 furnished with satisfactory evidence that the person has been
23 so engaged and has maintained professional competence and that
24 such service, training or education has been so terminated.

25 Each application for renewal shall contain the original
26 seal and signature of the professional engineer. Applicants for

1 renewal or restoration shall certify that all conditions of
2 their license meet the requirements of the Illinois
3 Professional Engineering Practice Act of 1989.

4 The Department may grant the title "Professional Engineer,
5 Retired" to any person who has been duly licensed as a
6 professional engineer by the Department and who chooses to
7 relinquish or not renew his or her license. The Department may,
8 by rule, exempt from continuing education requirements those
9 who are granted the title "Professional Engineer, Retired".
10 Those persons granted the title "Professional Engineer,
11 Retired" may request restoration to active status under the
12 applicable provisions of Sections 17, 17.5, and 18 of this Act.

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

14 (225 ILCS 325/19) (from Ch. 111, par. 5219)

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

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

1 in force in this State on that date.

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

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

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

13 (225 ILCS 325/21) (from Ch. 111, par. 5221)

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

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

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

21 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

23 Sec. 24. Rules of professional conduct; disciplinary or
24 administrative action.

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

4 (a-1) The Department may, ~~singularly or in combination,~~
5 refuse to issue, renew, or restore, ~~or renew~~ a license or may
6 ~~registration,~~ revoke or suspend a license ~~or registration,~~ or
7 place on probation, reprimand, or take other disciplinary or
8 non-disciplinary action with regard to a person licensed under
9 this Act, including but not limited to, the imposition of a
10 fine ~~impose a civil penalty~~ not to exceed \$10,000 upon any
11 person, corporation, partnership, or professional design firm
12 licensed or registered under this Act, for any one or
13 combination of the following causes:

14 (1) Material misstatement in furnishing information to
15 the Department.

16 (2) Violations ~~Failure to comply with any provisions~~ of
17 this Act or any of its rules.

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

26 (4) Making any misrepresentation for the purpose of

1 obtaining, renewing, or restoring a license ~~licensure,~~ or
2 violating any provision of this Act or the rules adopted
3 under this Act pertaining to advertising ~~in applying for~~
4 ~~restoration or renewal; or practice of any fraud or deceit~~
5 ~~in taking any examination to qualify for licensure under~~
6 ~~this Act.~~

7 (5) Willfully Purposefully making or signing a false
8 statement, certificate, or affidavit ~~false statements or~~
9 ~~signing false statements, certificates, or affidavits~~ to
10 induce payment.

11 (6) Negligence, incompetence or misconduct in the
12 practice of professional engineering as a licensed
13 professional engineer or in working as an engineer intern.

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

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

19 (9) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public.

22 (10) Inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of a
24 physical illness, including, but not limited to,
25 deterioration through the aging process or loss of motor
26 skill or mental illness or disability. ~~Habitual~~

1 ~~intoxication or addiction to the use of drugs.~~

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

7 (12) Directly or indirectly giving to or receiving from
8 any person, firm, corporation, partnership or association
9 any fee, commission, rebate or other form of compensation
10 for any professional services not actually or personally
11 rendered.

12 (13) A finding by the Board that an applicant or
13 registrant has failed to pay a fine imposed by the
14 Department, a registrant whose license has been placed on
15 probationary status has violated the terms of probation, or
16 a registrant has practiced on an expired, inactive,
17 suspended, or revoked license.

18 (14) Signing, affixing the professional engineer's
19 seal or permitting the professional engineer's seal to be
20 affixed to any technical submissions not prepared as
21 required by Section 14 or completely reviewed by the
22 professional engineer or under the professional engineer's
23 direct supervision.

24 (15) Inability ~~Physical illness, including but not~~
25 ~~limited to deterioration through the aging process or loss~~
26 ~~of motor skill, which results in the inability to practice~~

1 the profession with reasonable judgment, skill, or safety
2 as a result of habitual or excessive use or addiction to
3 alcohol, narcotics, stimulants, or any other chemical
4 agent or drug.

5 (16) The making of a statement pursuant to the
6 Environmental Barriers Act that a plan for construction or
7 alteration of a public facility or for construction of a
8 multi-story housing unit is in compliance with the
9 Environmental Barriers Act when such plan is not in
10 compliance.

11 (17) Failure to file a return, pay the tax, penalty, or
12 interest shown in a filed return, or pay any final
13 assessment of tax, penalty or interest as required by any
14 tax Act administered by the Department of Revenue, until
15 such time as the requirements of the tax Act are satisfied
16 in accordance with subsection (g) of Section 15 of the
17 Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois (20 ILCS 2105/2105-15).

19 ~~Failing to file a return, or to pay the tax, penalty or~~
20 ~~interest shown in a filed return, or to pay any final~~
21 ~~assessment of tax, penalty or interest as required by a tax~~
22 ~~Act administered by the Illinois Department of Revenue,~~
23 ~~until such time as the requirements of any such tax Act are~~
24 ~~satisfied.~~

25 (a-3) The Department shall deny a license or renewal
26 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with subdivision (a) (5) of
4 Section 15 of the Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois (20 ILCS
6 2105/2105-15). In cases where the Department of Healthcare and
7 Family Services (formerly the Department of Public Aid) has
8 previously determined that a license or a potential licensee is
9 more than 30 days delinquent in the payment of child support
10 and has subsequently certified the delinquency to the
11 Department, the Department may refuse to issue or renew or may
12 revoke or suspend that person's license or may take other
13 disciplinary action against that person based solely upon the
14 certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with subdivision
16 (a) (5) of Section 15 of the Department of Professional
17 Regulation Law of the Civil Administrative Code of Illinois (20
18 ILCS 2105/2105-15).

19 (a-5) In enforcing this Sections 10 and 15 of this Act, the
20 Department or Board, upon showing of a possible violation, may
21 order a licensee or applicant to submit to a mental or physical
22 examination, or both, at the expense of the Department. The
23 Department or Board may order the examining physician to
24 present testimony concerning his or her examination of the
25 licensee or applicant. No information shall be excluded by any
26 reason of common law or statutory privilege relating to

1 communications between the licensee or applicant and the
2 examining physician. The examining physicians shall be
3 specifically designated by the Board or Department. The
4 licensee or applicant may have, at his or her own expense,
5 another physician of his or her choice present during all
6 aspects of the examination. Failure of a licensee or applicant
7 to submit to any such examination when directed, without
8 reasonable cause as defined by rule, shall be grounds for
9 either the immediate suspension of his or her license or
10 immediate denial of his or her application.

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

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

25 Any licensee suspended under this subsection (a-5) shall be
26 afforded an opportunity to demonstrate to the Department or

1 Board that he or she can resume practice in compliance with the
2 acceptable and prevailing standards under the provisions of his
3 or her license.

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

24 ~~If the Board finds a person unable to practice because of~~
25 ~~the reasons set forth in this Section, the Board may require~~
26 ~~that person to submit to care, counseling, or treatment by~~

1 ~~physicians approved or designated by the Board as a condition,~~
2 ~~term, or restriction for continued, reinstated, or renewed~~
3 ~~licensure to practice; or, in lieu of care, counseling, or~~
4 ~~treatment, the Board may recommend to the Department to file a~~
5 ~~complaint to immediately suspend, revoke, or otherwise~~
6 ~~discipline the license of the person. Any person whose license~~
7 ~~was granted, continued, reinstated, renewed, disciplined, or~~
8 ~~supervised subject to such terms, conditions, or restrictions~~
9 ~~and who fails to comply with such terms, conditions, or~~
10 ~~restrictions shall be referred to the Director for a~~
11 ~~determination as to whether the person shall have his or her~~
12 ~~license suspended immediately, pending a hearing by the Board.~~

13 ~~(b) The determination by a circuit court that a registrant~~
14 ~~is subject to involuntary admission or judicial admission as~~
15 ~~provided in the Mental Health and Developmental Disabilities~~
16 ~~Code, as now or hereafter amended, operates as an automatic~~
17 ~~suspension. Such suspension will end only upon a finding by a~~
18 ~~court that the patient is no longer subject to involuntary~~
19 ~~admission or judicial admission, the issuance of an order so~~
20 ~~finding and discharging the patient, and the recommendation of~~
21 ~~the Board to the Director that the registrant be allowed to~~
22 ~~resume practice.~~

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

24 (225 ILCS 325/26) (from Ch. 111, par. 5226)

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

1 Sec. 26. Investigations; notice and hearing. The
2 Department may investigate the actions of any applicant or of
3 any person or entity holding or claiming to hold a license or
4 registration or offering professional engineering services.
5 Before the initiation of an investigation, the matter shall be
6 reviewed by a subcommittee of the Board according to procedure
7 established by rule for the Complaint Committee. The Department
8 shall, before refusing to issue, restore or renew a license or
9 registration or otherwise discipline a licensee or registrant,
10 at least 30 days prior to the date set for the hearing, notify
11 in writing the applicant for, or holder of, a license or
12 registration of the nature of the charges, that a hearing will
13 be held on the date designated, and direct the applicant or
14 entity or licensee or registrant to file a written answer to
15 the Department Board under oath within 20 days after the
16 service of the notice and inform the applicant or entity or
17 licensee or registrant that failure to file an answer will
18 result in default being taken against the applicant or entity
19 or licensee or registrant and that the license or certificate
20 may be suspended, revoked, placed on probationary status, or
21 other disciplinary action may be taken, including limiting the
22 scope, nature or extent of practice, as the Director may deem
23 proper. Written notice may be served by personal delivery or
24 certified or registered mail to the respondent at the address
25 of record currently on file with the Department. In case the
26 person or entity fails to file an answer after receiving

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

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

15 (225 ILCS 325/27.5 new)

16 Sec. 27.5. Subpoenas; depositions; oaths. The Department
17 has the power to subpoena documents, books, records, or other
18 materials, to bring before it any person, and to take
19 testimony, either orally or by deposition, or both, with the
20 same fees and mileage and in the same manner proscribed in
21 civil cases in courts of this State.

22 The Secretary, the designated hearing officer, and every
23 member of the Board has the power to administer oaths to
24 witnesses at any hearing that the Department is authorized to
25 conduct and any oaths authorized in any Act administered by the

1 Department.

2 (225 ILCS 325/29) (from Ch. 111, par. 5229)

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

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

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

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

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

13 (225 ILCS 325/31) (from Ch. 111, par. 5231)

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

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

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

21 (225 ILCS 325/32) (from Ch. 111, par. 5232)

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

23 Sec. 32. Appointment of a hearing officer. Notwithstanding
24 the provisions of Section 26, the Secretary ~~Director~~ has the

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

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

21 (225 ILCS 325/33) (from Ch. 111, par. 5233)

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

23 Sec. 33. Order or certified copy; Prima facie proof. An
24 order or a certified copy thereof, over the seal of the
25 Department and purporting to be signed by the Secretary

1 ~~Director~~, shall be prima facie proof:

2 (a) That such signature is the genuine signature of the
3 Secretary ~~Director~~;

4 (b) That such Secretary ~~Director~~ is duly appointed and
5 qualified; and

6 (c) That the Board and the members thereof are qualified to
7 act.

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

9 (225 ILCS 325/34) (from Ch. 111, par. 5234)

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

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

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

19 (225 ILCS 325/36) (from Ch. 111, par. 5236)

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

21 Sec. 36. Temporary suspension of a license. The Secretary
22 ~~Director~~ may temporarily suspend the license of a professional
23 engineer without a hearing, simultaneously with the
24 institution of proceedings for a hearing provided for in

1 Section 26 of this Act, if the Secretary ~~Director~~ finds that
2 evidence in the Secretary's ~~Director's~~ possession indicates
3 that a professional engineer's continuation in practice would
4 constitute an imminent danger to the public. In the event that
5 the Secretary ~~Director~~ temporarily suspends the license of a
6 professional engineer without a hearing, a hearing by the Board
7 must be held within 30 days after such suspension has occurred.
8 (Source: P.A. 86-667.)

9 (225 ILCS 325/42) (from Ch. 111, par. 5242)

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

11 Sec. 42. Civil penalties.

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

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

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

1 (225 ILCS 325/43) (from Ch. 111, par. 5243)

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

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

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

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