



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1711

Introduced 2/19/2009, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Landscape Architecture Act of 1989. Replaces all references to "Director of Professional Regulation" with "Secretary of Financial and Professional Regulation", all references to "Department of Professional Regulation" with "Department of Financial and Professional Regulation", and all references to "registration" with "licensure" throughout the Act. Provides that the Act does not apply to general or landscape contractors, nurserymen or landscape nurserymen, designers or landscape designers, or gardeners or landscape gardeners engaged in the design of spaces utilizing plant, paving, or building materials or arranging for installation of those materials. Adds provisions concerning the display of a license, a seal, and continuing education. Repeals a Section that exempts any person who engages in the practice of landscape architecture, but does not represent himself as or use the title of "landscape architect" or "registered landscape architect", from the Act. Adds a provision concerning professional liability insurance. Makes other changes. Amends the Regulatory Sunset Act to change the sunset date to January 1, 2020. Effective December 31, 2009.

LRB096 10972 ASK 21244 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

2 WHEREAS, It is the intent of the General Assembly to do the
3 following by enacting this amendatory Act of the 96th General
4 Assembly:

5 (1) upgrade the profession of landscape architecture
6 to a fully licensed profession, so as to better protect the
7 public health, safety, and welfare of the people of
8 Illinois;

9 (2) leave unchanged current traditional customs and
10 practices related to other disciplines by not authorizing
11 landscape architects to practice architecture,
12 engineering, or land surveying; and

13 (3) leave unchanged current traditional customs and
14 practices related to the work of other associated,
15 unregulated businesses; and

16

17 WHEREAS, The General Assembly finds and declares the
18 following:

19 (1) over 40 states currently license landscape
20 architects in order to protect the health, safety, and
21 welfare of their citizens;

22 (2) before an individual can become a landscape
23 architect, the person must earn a bachelor's or
24 first-professional master's degree in landscape
25 architecture from an accredited program at an accredited
26 university (only the University of Illinois at

1 Urbana-Champaign, as of the date of this amendatory Act of
2 the 96th General Assembly, offers such a degree in
3 Illinois);

4 (3) following the attainment of the requisite degree,
5 the graduate must participate in a professional internship
6 of at least one year before making application for a
7 license;

8 (4) the graduate must successfully pass the national
9 Landscape Architecture Registration Examination, which
10 tests the candidate's knowledge, skills, and abilities to
11 address issues of concern to the public health, safety, and
12 welfare;

13 (5) full licensure of landscape architects puts the
14 profession on an equal footing with those practitioners
15 already licensed to perform work traditionally performed
16 by landscape architects and permits landscape architects
17 to lead projects, form appropriate business relationships,
18 and serve as principals in multidisciplinary firms; and

19 (6) by allowing landscape architects to submit
20 proposals and to seal their work, consumers and public
21 agencies can purchase services at reduced costs; therefore

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

24 Section 1. The Illinois Landscape Architecture Act of 1989

1 is amended by changing Sections 1, 3, 4, 4.5, 6, 7, 8, 9, 10,
2 11, 12, 13, 15, 16, 17, 18, 18.1, 19, 21, 22.1, 23, 24, 25, and
3 28 and by adding Sections 2.5, 6.5, 11.5, 11.10, and 12.5 as
4 follows:

5 (225 ILCS 315/1) (from Ch. 111, par. 8101)

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

7 Sec. 1. Purpose; public policy. The practice of landscape
8 architecture in the State of Illinois is hereby declared to
9 affect the public health, safety, and welfare and to be subject
10 to regulation and control in the public interest. It is further
11 declared to be a matter of public interest and concern that the
12 practice of landscape architecture, as defined in this Act,
13 merit and receive the confidence of the public and that only
14 qualified persons be authorized to practice landscape
15 architecture in the State of Illinois. This Act shall be
16 liberally construed to best carry out these subjects and
17 purposes. ~~It is the purpose of this Act to provide for the~~
18 ~~registration of landscape architects.~~

19 (Source: P.A. 86-932.)

20 (225 ILCS 315/2.5 new)

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

22 Sec. 2.5. Application of Act.

23 (a) Nothing in this Act shall be deemed or construed to
24 prevent the practice of architecture, as defined in the

1 Architecture Practice Act of 1989, or the practice of
2 professional engineering, as defined in the Professional
3 Engineering Practice Act of 1989, by persons other than those
4 licensed in accordance with this Act, the Architectural
5 Practice Act of 1989, or the Professional Engineering Practice
6 Act of 1989.

7 (b) Nothing contained in this Act shall prevent students,
8 project representatives, or other employees of those lawfully
9 practicing as licensed landscape architects under the
10 provisions of this Act from acting under the direct supervision
11 and control of their supervisors or employers or prevent such
12 project representatives from acting under the direct
13 supervision and control of the licensed landscape architect by
14 whom the construction documents, including drawings and
15 specifications, were prepared.

16 (c) Nothing in this Act shall be deemed or construed to
17 prohibit persons, such as landscape contractors; landscape
18 designers; horticulturists; arborists; irrigation consultants
19 or designers; landscape lighting designers or contractors;
20 foresters; resident gardeners; resident caretakers;
21 nurserymen; garden center merchandisers; golf course
22 architects, designers, or planners; land surveyors; farmers or
23 agriculturalists; wildlife management or habitat restoration
24 personnel; wetland ecologists; employees or volunteers working
25 under the direction of a landscape architect; employees or
26 volunteers working under the direction of a unit of local

1 government for public purposes; or persons performing
2 activities on their own behalf upon their own property from
3 engaging in any of the following activities: (i) consultation,
4 (ii) research, (iii) investigation, (iv) conceptual designing,
5 (iv) preparation of plans, (v) drawings, (vi) supervision,
6 (vii) placement of tangible objects, (viii) landscape
7 features, (ix) plantings, (x) arrangement of plantings or other
8 ornamental features, or (xi) preservation.

9 (d) This Act shall not be deemed or construed to restrict
10 the services customarily performed in the practice of land use
11 planning and associated services that are performed by urban
12 planners, city and regional planners, park and recreation
13 planners, or land planners. This Act shall not apply to the
14 work of direct manmade connections to offsite designed sewer
15 pipe, drainage pipe, or other utility systems of a regional or
16 municipal unit of government.

17 (e) This Act does not apply to general or landscape
18 contractors, nurserymen or landscape nurserymen, designers or
19 landscape designers, or gardeners or landscape gardeners
20 engaged in the design of spaces utilizing plant, paving, or
21 building materials or arranging for installation of the same.

22 (225 ILCS 315/3) (from Ch. 111, par. 8103)

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

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

25 (a) "Board" means the Illinois Landscape Architect

1 Licensing ~~Registration~~ Board.

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

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

6 (d) "Landscape Architect" means a person who, based on
7 education, experience, and examination ~~or both~~ in the field of
8 landscape architecture, is licensed ~~eligible to register~~ under
9 this Act.

10 (e) "Landscape Architecture" means the art and science of
11 arranging land, together with the spaces and objects upon it,
12 for the purpose of creating a safe, efficient, healthful, and
13 aesthetically pleasing physical environment for human use and
14 enjoyment.

15 (f) "Landscape Architectural Practice" means the offering
16 or furnishing of professional services in connection with a
17 landscape architecture project including, but not limited to,
18 providing preliminary studies; developing design concepts;
19 planning for the relationships of physical improvements and
20 intended uses of the site; establishing form and aesthetic
21 elements; analyzing and providing for life safety
22 requirements; developing those construction details on the
23 site which are exclusive of any building or structure and do
24 not require the seal of an engineer, architect, or structural
25 engineer; administering construction projects, managing
26 projects, and managing construction, as these activities

1 relate to landscape features; preparing and coordinating
2 technical submissions; and conducting site observation of a
3 landscape architecture project.

4 (g) "Person" means any person, sole proprietorship, or
5 entity such as a partnership, professional service
6 corporation, or corporation.

7 (Source: P.A. 86-932.)

8 (225 ILCS 315/4) (from Ch. 111, par. 8104)

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

10 Sec. 4. After the effective date of this Act, no person may
11 represent himself to be a landscape architect, ~~or~~ use the title
12 "landscape architect", ~~"registered landscape architect"~~, or
13 any other title which includes the words "landscape architect"
14 or "landscape architecture", or engage in landscape
15 architectural practice, unless licensed ~~registered~~ under this
16 Act.

17 (Source: P.A. 86-932.)

18 (225 ILCS 315/4.5)

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

20 Sec. 4.5. Unlicensed ~~Unregistered~~ practice; violation;
21 civil penalty.

22 (a) Any person who practices, offers to practice, attempts
23 to practice, or holds oneself out to practice landscape
24 architecture without being licensed ~~registered~~ under this Act

1 shall, in addition to any other penalty provided by law, pay a
2 civil penalty to the Department in an amount not to exceed
3 \$5,000 for each offense as determined by the Department. The
4 civil penalty shall be assessed by the Department after a
5 hearing is held in accordance with the provisions set forth in
6 this Act regarding the provision of a hearing for the
7 discipline of a licensee.

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

10 (c) The civil penalty shall be paid within 60 days after
11 the effective date of the order imposing the civil penalty. The
12 order shall constitute a judgment and may be filed and
13 execution had thereon in the same manner as any judgment from
14 any court of record.

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

16 (225 ILCS 315/6) (from Ch. 111, par. 8106)

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

18 Sec. 6. Issuance of license ~~Certificate~~. Whenever an
19 applicant for licensure ~~registration~~ has complied with the
20 provisions of Section 11 of this Act, the Department shall
21 issue a license ~~certificate of registration~~ to the applicant as
22 a licensed ~~registered~~ landscape architect subject to the
23 provisions of this Act.

24 (Source: P.A. 86-932.)

1 (225 ILCS 315/6.5 new)

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

3 Sec. 6.5. Display of license; seal.

4 (a) Every holder of a landscape architect license shall
5 display it in a conspicuous place in his or her principal
6 office.

7 (b) Every licensed landscape architect shall have a
8 reproducible seal or facsimile the print of which shall contain
9 the name of the landscape architect, the license number, and
10 the words "Licensed Landscape Architect, State of Illinois".
11 The licensed landscape architect shall affix the signature,
12 current date, date of license expiration, and seal to the first
13 sheet of any bound set or loose sheets of technical submissions
14 utilized as contract documents between the parties to the
15 contract or prepared for the review and approval of any
16 governmental or public authority having jurisdiction by that
17 landscape architect or under that landscape architect's
18 responsible control. The sheet of technical submissions in
19 which the seal is affixed shall indicate those documents or
20 parts thereof for which the seal shall apply. The seal and
21 dates may be electronically affixed. The signature must be in
22 the original handwriting of the licensee. Signatures generated
23 by computer shall not be permitted. All technical submissions
24 issued by any corporation, partnership, professional service
25 corporation, or professional design firm as licensed under this
26 Act shall contain the corporate or assumed business name and

1 design firm license number, in addition to any other seal
2 requirements set forth in this Section.

3 (c) In this Section, "responsible control" means that
4 amount of control over, and detailed professional knowledge of,
5 the content of technical submissions during their preparation
6 as is ordinarily exercised by landscape architects applying the
7 required professional standard of care. Merely reviewing, or
8 reviewing and correcting, the technical submissions or any
9 portion thereof prepared by those not in the regular employment
10 of the office where the landscape architect is resident without
11 control over the content of such work throughout its
12 preparation does not constitute "responsible control".

13 (d) A landscape architect licensed under this Act shall not
14 sign and seal technical submissions that have not been prepared
15 by or under the responsible control of the landscape architect,
16 except that:

17 (1) the landscape architect may sign and seal those
18 portions of the technical submissions that were prepared by
19 or under the responsible control of persons who hold a
20 license under this Act, and who have signed and sealed the
21 documents, if the landscape architect has reviewed, in
22 whole or in part, such portions and has either coordinated
23 their preparation or integrated them into his or her work;

24 (2) the landscape architect may sign and seal portions
25 of the professional work that are not required by this Act
26 to be prepared by or under the responsible control of a

1 landscape architect, if the landscape architect has
2 reviewed and adopted, in whole or in part, such portions
3 and has integrated them into his or her work; and

4 (3) a partner or corporate officer of a professional
5 design firm registered in Illinois and licensed under this
6 Act, who has professional knowledge of the content of the
7 technical submissions and intends to be responsible for the
8 adequacy of the technical submissions, may sign and seal
9 technical submissions that are prepared by or under the
10 responsible control of landscape architects who are
11 licensed in this State and who are in the regular
12 employment of the professional design firm.

13 (e) The landscape architect exercising responsible control
14 over the preparation of documents or portions of documents
15 shall be identified on the documents or portions of documents
16 by name and Illinois license number.

17 (f) Any licensed landscape architect who signs and seals
18 technical submissions not prepared by that landscape architect
19 but prepared under his or her responsible control by persons
20 not regularly employed in the office where the landscape
21 architect is resident shall maintain and make available to the
22 Board upon request for at least 5 years following such signing
23 and sealing, adequate and complete records demonstrating the
24 nature and extent of the landscape architect's control over and
25 detailed professional knowledge of such technical submissions
26 throughout their preparation.

1 (225 ILCS 315/7) (from Ch. 111, par. 8107)

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

3 Sec. 7. Current Address. Every landscape architect shall
4 maintain a current address with the Department. It shall be the
5 responsibility of the licensee ~~registrant~~ to notify the
6 Department in writing of any change of address.

7 (Source: P.A. 91-255, eff. 12-30-99.)

8 (225 ILCS 315/8) (from Ch. 111, par. 8108)

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

10 Sec. 8. Powers and Duties of the Department.

11 (a) The Department shall exercise the powers and duties
12 prescribed by the Civil Administrative Code of Illinois for the
13 administration of licensing acts and shall exercise such other
14 powers and duties vested by this Act.

15 (b) The Department shall promulgate rules and regulations
16 consistent with the provisions of this Act for the
17 administration and enforcement thereof which shall include
18 standards and criteria for licensure ~~registration~~ and for the
19 payment of fees connected therewith. The Department shall
20 prescribe forms required for the administration of this Act.

21 (c) The Department shall consult the ~~Landscape~~
22 ~~Architecture~~ Board in promulgating rules and regulations.
23 Notice of proposed rulemaking shall be transmitted to the Board
24 and the Department shall review the Board's response and any

1 recommendations made therein. The Department shall notify the
2 Board in writing of the explanation for any deviations from the
3 Board's recommendations and response.

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

7 (e) The Department shall issue a quarterly report to the
8 Board setting forth the status of all complaints received by
9 the Department related to the landscape architecture practice.

10 (f) The Department shall maintain membership and
11 representation in the national body composed of state licensing
12 and testing boards for landscape architects.

13 (Source: P.A. 86-932.)

14 (225 ILCS 315/9) (from Ch. 111, par. 8109)

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

16 Sec. 9. Composition, qualification, and terms of Board.

17 (a) The Secretary ~~Director~~ shall appoint the Illinois
18 Landscape Architecture Licensing ~~a~~ Board consisting of 5
19 persons who are residents of the State of Illinois and who
20 shall be appointed by and shall serve in an advisory capacity
21 to the Secretary ~~Director~~. Four persons shall be individuals
22 experienced in landscape architectural work who would qualify
23 upon application to the Department under the provisions of this
24 Act to be a licensed ~~registered~~ landscape architects, one of
25 whom shall be a tenured member of the landscape architecture

1 faculty of a university located within this State that
2 maintains an accredited school of landscape architecture ~~the~~
3 ~~University of Illinois~~ and 3 of whom shall have engaged in
4 landscape architectural work for at least 5 years. The fifth
5 person shall be a public member, not an employee of the State
6 of Illinois, who is not licensed ~~registered~~ under this Act or a
7 similar Act of another jurisdiction. The public member may not
8 be elected or appointed as chairman of the Board or serve in
9 such capacity in any other manner.

10 (b) Members of the Board shall serve 5 year terms and until
11 their successors are appointed and qualified. No member shall
12 be reappointed to the Board for a term which would cause that
13 member's cumulative service on the Board to be longer than 10
14 years. No member who is an initial appointment to the Board
15 shall be reappointed to the Board for a term which would cause
16 that member's cumulative service on the Board to be longer than
17 13 years. Appointments to fill vacancies shall be made in the
18 same manner as original appointments for the unexpired portion
19 of the vacated term. Initial terms shall begin upon the
20 effective date of this Act.

21 (c) The Secretary ~~Director~~ may remove any member of the
22 Board for cause, which may include without limitation a member
23 who does not attend 2 consecutive meetings.

24 (d) The Secretary ~~Director~~ shall consider the
25 recommendations of the Board on questions involving standards
26 of professional conduct, discipline, and qualifications of

1 candidates and registrants under this Act.

2 (e) A quorum of the Board shall consist of a majority of
3 members currently appointed. A majority vote of the quorum is
4 required for Board ~~board~~ decisions.

5 (f) The Board shall annually elect a chairperson and vice
6 chairperson, both of whom shall be licensed landscape
7 architects.

8 (Source: P.A. 91-255, eff. 12-30-99.)

9 (225 ILCS 315/10) (from Ch. 111, par. 8110)

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

11 Sec. 10. Application for licensure ~~Registration~~. An
12 application for licensure ~~registration~~ shall be made to the
13 Department in writing on forms prescribed by the Department and
14 shall be accompanied by the required fee, which shall not be
15 returnable. The application shall require such information as,
16 in the judgment of the Department, will enable the Department
17 to pass on the qualifications of the applicant for licensure
18 ~~registration~~.

19 (Source: P.A. 86-932.)

20 (225 ILCS 315/11) (from Ch. 111, par. 8111)

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

22 Sec. 11. Licensure ~~Registration~~ Qualifications.

23 (a) Every person applying to the Department for licensure
24 ~~registration~~ shall do so on forms approved by the Department

1 and shall pay the required fee. Every person applying to the
2 Department for licensure ~~registration~~ shall submit, with his
3 application, satisfactory evidence that the person holds an
4 approved professional degree in landscape architecture from an
5 approved and accredited program, as such terms are defined by
6 the rules and regulations of the Department, and that he has
7 had such practical experience in landscape architectural work
8 as shall be required by the rules and regulations of the
9 Department. Every ~~In lieu of evidence of any approved~~
10 ~~professional degree in landscape architecture, the applicant~~
11 ~~may submit satisfactory evidence of such other education or~~
12 ~~experience as shall be required by the rules and regulations of~~
13 ~~the Department; provided, however, that after January 1, 1993~~
14 ~~every~~ applicant for initial licensure ~~registration~~ must have an
15 approved professional degree. If an applicant is qualified the
16 Department shall, by means of a written examination, examine
17 the applicant on such technical and professional subjects as
18 shall be required by the rules and regulations of the
19 Department.

20 (b) The Department may exempt from such written examination
21 an applicant who holds a certificate of qualification issued by
22 the National Council of Landscape Architecture Registration
23 Boards, or who holds a license ~~registration~~ in another state
24 which has equivalent or substantially equivalent requirements
25 as the State of Illinois.

26 (c) The Department shall adopt rules determining

1 requirements for practical training and education. The
2 Department may also adopt the examinations and recommended
3 grading procedures of the National Council of Landscape
4 Architectural Registration Boards and the accreditation
5 procedures of the Landscape Architectural Accrediting Board.
6 The Department shall issue a license ~~certificate of~~
7 ~~registration~~ to each applicant who satisfies the requirements
8 set forth in this Section. Such licensure ~~registration~~ shall be
9 effective upon issuance.

10 (d) If an applicant neglects, fails without an approved
11 excuse, or refuses to take an examination or fails to pass an
12 examination to obtain a license ~~certificate of registration~~
13 under this Act within 3 years after filing the application, the
14 application shall be denied. However, such applicant may
15 thereafter submit a new application accompanied by the required
16 fee.

17 (e) For a period of 2 years after the effective date of
18 this amendatory Act of the 96th General Assembly, persons
19 demonstrating to the Department that they have been engaged in
20 the practice of landscape architecture for a period of 10 years
21 and have an accredited degree and license in urban or regional
22 planning (AICP), architecture, or civil engineering are
23 eligible to achieve licensure through examination as set forth
24 in this Act. ~~Any person who has been engaged in the practice of~~
25 ~~landscape architecture prior to the effective date of this Act,~~
26 ~~shall, upon application within 2 years from the effective date~~

1 ~~of this Act and upon payment of the required current~~
2 ~~registration fee and application fee, be issued registration~~
3 ~~without examination upon furnishing to the Department~~
4 ~~satisfactory proof that he was so engaged prior to such date.~~
5 ~~The Director, through the Board, shall accept as satisfactory~~
6 ~~evidence of the competency and qualifications of the applicant~~
7 ~~for registration the following:~~

8 ~~(1) A diploma of graduation or satisfactory completion~~
9 ~~certificate from a college, school, or university offering~~
10 ~~an accredited program in landscape architecture, together~~
11 ~~with evidence of at least 2 years of actual, practical~~
12 ~~experience in landscape architectural work of a grade and~~
13 ~~character acceptable to the Board; or~~

14 ~~(2) Evidence that the applicant has a total of at least~~
15 ~~7 years of actual, practical experience in landscape~~
16 ~~architectural work of a grade and character acceptable to~~
17 ~~the Board and has been actually engaged in the active~~
18 ~~practice of landscape architecture for not less than 4~~
19 ~~years immediately prior to the effective date of this Act.~~

20 (Source: P.A. 91-255, eff. 12-30-99.)

21 (225 ILCS 315/11.5 new)

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

23 Sec. 11.5. Registrants deemed licensed. Any landscape
24 architect registered under this Act on the effective date of
25 this amendatory Act of the 96th General Assembly shall be

1 deemed licensed under this Act until such time as his or her
2 registration is revoked. Upon the revocation of the valid
3 registration, the requirements for license renewal, license
4 restoration, or administrative proceedings shall apply.

5 (225 ILCS 315/11.10 new)

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

7 Sec. 11.10. Professional liability.

8 (a) Any individual licensed under this Act to practice
9 landscape architecture is liable for his or her acts, errors,
10 and omissions and any shareholder, member, or partner of any
11 entity that provides landscape architecture services through
12 an individual licensed under this Act is liable for the acts,
13 errors, and omissions of the employees, members, and partners
14 of the entity. Eligible claims of liability may be covered
15 under a qualifying policy of professional liability insurance,
16 as set forth in subsection (b) of this Section, maintained by
17 an individual or entity.

18 (b) A qualifying policy of professional liability
19 insurance must insure an individual or entity against liability
20 imposed upon it by law for damages arising out of the negligent
21 acts, errors, and omissions of the individual or of the
22 professional and non-professional employees, members, and
23 partners of the entity.

24 The policy may exclude coverage of the following:

25 (1) a dishonest, fraudulent, criminal, or malicious

1 act or omission of the insured individual or entity or any
2 stockholder, employee, member, or partner of the insured
3 entity;

4 (2) the conducting of a business enterprise that is not
5 the practice of landscape architecture by the insured
6 individual or entity;

7 (3) the conducting of a business enterprise in which
8 the insured individual or entity may be a partner or that
9 may be controlled, operated, or managed by the individual
10 or entity in its own or in a fiduciary capacity, including
11 without limitation the ownership, maintenance, or use of
12 property;

13 (4) bodily injury, sickness, disease, or death of a
14 person;

15 (5) damage to or destruction of tangible property owned
16 by the insured individual or entity; or

17 The policy may include any other reasonable provisions with
18 respect to policy periods, territory, claims, conditions, and
19 ministerial matters.

20 (225 ILCS 315/12) (from Ch. 111, par. 8112)

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

22 Sec. 12. Licensure; renewal; restoration ~~Registration,~~
23 ~~Renewal, Restoration.~~

24 (a) The expiration date and renewal period for each license
25 ~~registration~~ issued under this Act shall be prescribed by the

1 rules and regulations of the Department.

2 (b) Any person who has permitted his license ~~registration~~
3 to expire or who has had his license ~~registration~~ on inactive
4 status may have his license ~~registration~~ restored by applying
5 to the Department, filing proof acceptable to the Department of
6 his fitness to have the license ~~registration~~ restored, which
7 may include sworn evidence certifying to active practice in
8 another jurisdiction satisfactory to the Department and paying
9 the required restoration fee.

10 (c) If the person has not maintained an active practice in
11 another jurisdiction satisfactory to the Department, the Board
12 shall determine, by an evaluation program established by rule,
13 the person's fitness to resume active status and may require
14 the successful completion of an examination.

15 (d) However, any person whose license ~~registration~~ has
16 expired while he has been engaged: (1) in Federal Service on
17 active duty with the Armed Forces of the United States or the
18 State Militia called into service or training; or (2) in
19 training or education under the supervision of the United
20 States preliminary to induction into the military service, may
21 have his license ~~registration~~ renewed or restored without
22 paying any lapsed renewal fees if, within 2 years after
23 termination of such service, training or education other than
24 by dishonorable discharge, he furnishes the Department with
25 satisfactory evidence to the effect that he has been so engaged
26 and that the service, training or education has been so

1 terminated.

2 (e) Each application for renewal shall contain the
3 signature of the landscape architect.

4 (Source: P.A. 86-932.)

5 (225 ILCS 315/12.5 new)

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

7 Sec. 12.5. Continuing education. The Department may adopt
8 rules of continuing education for persons licensed under this
9 Act. The Department shall consider the recommendations of the
10 Board in establishing the guidelines for the continuing
11 education requirements. Rules adopted under this Section apply
12 to any person seeking renewal or restoration of licensure under
13 this Act. The continuing education shall consist of at least 6
14 hours per year and may include relevant courses offered in
15 various formats or mediums.

16 (225 ILCS 315/13) (from Ch. 111, par. 8113)

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

18 Sec. 13. Inactive Status.

19 (a) Any landscape architect who notifies the Department in
20 writing on forms prescribed by the Department may elect to
21 place his license registration on an inactive status and shall
22 be excused from payment of renewal fees until he notifies the
23 Department in writing of his desire to resume active status.

24 (b) Any person whose license has been expired for more than

1 3 years may have his license restored by making application to
2 the Department and filing proof acceptable to the Department of
3 his fitness to have his license restored, including evidence
4 certifying to active practice in another jurisdiction, and by
5 paying the required restoration fee.

6 (c) Any landscape architect whose license ~~registration~~ is
7 in an inactive status, has been suspended or revoked, or has
8 expired shall not practice landscape architecture nor
9 represent himself to be a landscape architect or use the title
10 "landscape architect", "licensed~~registered~~ landscape
11 architect", or any other title which includes the words
12 "landscape architect".

13 (Source: P.A. 86-932.)

14 (225 ILCS 315/15) (from Ch. 111, par. 8115)

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

16 Sec. 15. Disposition of funds. All of the fees collected
17 pursuant to this Act shall be deposited in the General
18 Professions Dedicated Fund.

19 On January 1, 2000 the State Comptroller shall transfer the
20 balance of the monies in the Landscape Architects'
21 Administration and Investigation Fund into the General
22 Professions Dedicated Fund. Amounts appropriated for fiscal
23 year 2000 out of the Landscape Architects' Administration and
24 Investigation Fund may be paid out of the General Professions
25 Dedicated Fund.

1 The monies deposited in the General Professions Dedicated
2 Fund may be used for the expenses of the Department in the
3 administration of this Act.

4 Moneys from the Fund may also be used for direct and
5 allocable indirect costs related to the public purposes of the
6 Department of Financial and Professional Regulation. Moneys in
7 the Fund may be transferred to the Professions Indirect Cost
8 Fund as authorized by Section 2105-300 of the Department of
9 Professional Regulation Law (20 ILCS 2105/2105-300).

10 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;
11 92-16, eff. 6-28-01.)

12 (225 ILCS 315/16) (from Ch. 111, par. 8116)

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

14 Sec. 16. Roster. The Department shall maintain a roster of
15 the names and addresses of all licensed ~~registered~~ landscape
16 architects. This roster shall be available upon written request
17 and payment of the required fee.

18 (Source: P.A. 86-932.)

19 (225 ILCS 315/17) (from Ch. 111, par. 8117)

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

21 Sec. 17. Advertising. Any person licensed ~~registered~~ under
22 this Act may advertise the availability of professional
23 services in the public media or on the premises where such
24 professional services are rendered provided that such

1 advertising is truthful and not misleading.

2 (Source: P.A. 86-932.)

3 (225 ILCS 315/18) (from Ch. 111, par. 8118)

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

5 Sec. 18. Violation; injunction; cease and desist order.

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

20 (b) If any person shall practice landscape architecture or
21 hold himself out as a "landscape architect" ~~or "registered~~
22 ~~landscape architect"~~ without being licensed ~~registered~~ under
23 the provisions of this Act, then any licensed ~~registered~~
24 landscape architect, any interested party, or any person
25 injured thereby may, in addition to the Secretary ~~Director~~,

1 petition for relief as provided in subsection (a) of this
2 Section.

3 (c) Whoever holds himself out as a "landscape architect" or
4 a "licensed ~~registered~~ landscape architect" or engages in
5 landscape architectural practice in this State without being
6 licensed ~~registered~~ for that purpose shall be guilty of a Class
7 A misdemeanor, and for each subsequent conviction shall be
8 guilty of a Class 4 felony.

9 (d) Whenever, in the opinion of the Department, a person
10 violates any provision of this Act, the Department may issue a
11 rule to show cause why an order to cease and desist should not
12 be entered against that person. The rule shall clearly set
13 forth the grounds relied upon by the Department and shall allow
14 the person at least 7 days from the date of the rule to file an
15 answer that is satisfactory to the Department. Failure to
16 answer to the satisfaction of the Department shall cause an
17 order to cease and desist to be issued.

18 (Source: P.A. 88-363.)

19 (225 ILCS 315/18.1)

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

21 Sec. 18.1. Grounds for Discipline.

22 (a) The Department may refuse to issue, renew, or may
23 revoke, suspend, place on probation, reprimand, or take other
24 disciplinary action as the Department considers appropriate,
25 including the issuance of fines not to exceed \$1,000 for each

1 violation, with regard to any license for any one or more of
2 the following:

3 (1) Material misstatement in furnishing information to
4 the Department or to any other State agency.

5 (2) Negligent or intentional disregard of this Act, or
6 violation of any rules under this Act.

7 (3) Conviction of or plea of guilty or nolo contendere
8 to any crime under the laws of the United States or any
9 state or territory thereof that is a felony, or that is a
10 misdemeanor, an essential element of which is dishonesty,
11 or ~~of~~ any crime that is directly related to the practice of
12 the profession.

13 (4) Making any misrepresentation for the purpose of
14 obtaining a license, or violating any provision of this Act
15 or its rules.

16 (5) Professional incompetence or gross negligence in
17 the rendering of landscape architectural services.

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

20 (7) Failing to provide information within 60 days in
21 response to a written request made by the Department.

22 (8) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public and violating the rules of
25 professional conduct adopted by the Department.

26 (9) Habitual or excessive use or addiction to alcohol,

1 narcotics, stimulants, or any other chemical agent or drug
2 that results in an inability to practice with reasonable
3 skill, judgment, or safety.

4 (10) Discipline by another jurisdiction, if at least
5 one of the grounds for the discipline is the same or
6 substantially equivalent to those set forth in this
7 Section.

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

12 (12) A finding by the Board that the licensee, after
13 having the license placed on probationary status, has
14 violated the terms of probation.

15 (12.5) A finding by the Board that the licensee has
16 failed to pay a fine imposed by the Department.

17 (13) Abandonment of a client.

18 (14) Willfully filing false reports relating to a
19 licensee's practice, including but not limited to, false
20 records filed with federal or State agencies or
21 departments.

22 (15) Being named as a perpetrator in an indicated
23 report by the Department of Children and Family Services
24 under the Abused and Neglected Child Reporting Act, and
25 upon proof by clear and convincing evidence that the
26 licensee has caused a child to be an abused child or

1 neglected child as defined in the Abused and Neglected
2 Child Reporting Act.

3 (16) Physical or mental disability, including
4 deterioration through the aging process or loss of
5 abilities and skills that results in the inability to
6 practice the profession with reasonable judgment, skill,
7 or safety.

8 (17) Solicitation of professional services by using
9 false or misleading advertising.

10 (18) Failure to file a return, or to pay the tax,
11 penalty, or interest shown in a filed return, or to pay any
12 final assessment of tax, penalty, or interest, as required
13 by any tax Act administered by the Illinois Department of
14 Revenue or any successor agency or the Internal Revenue
15 Service or any successor agency.

16 (b) Any fines imposed under this Section shall not exceed
17 \$10,000 ~~\$1,000~~ for each violation.

18 (c) The determination by a court that a licensee is subject
19 to involuntary admission or judicial admission as provided in
20 the Mental Health and Developmental Disabilities Code will
21 result in an automatic suspension of his or her license. The
22 suspension will end upon a finding by a court that the licensee
23 is no longer subject to involuntary admission or judicial
24 admission, the issuance of an order so finding and discharging
25 the patient, and the recommendation of the Board to the
26 Secretary ~~Director~~ that the licensee be allowed to resume

1 professional practice.

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

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

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

13 (Source: P.A. 91-255, eff. 12-30-99.)

14 (225 ILCS 315/19) (from Ch. 111, par. 8119)

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

16 Sec. 19. Investigation; notice and hearing. The Department
17 may investigate the actions or qualifications of any applicant
18 or person holding or claiming to hold a certificate of license
19 ~~registration~~. The Department shall, before suspending or
20 revoking, placing on probation, reprimanding, or taking any
21 other disciplinary action under Section 18.1 of this Act, at
22 least 30 days before the date set for the hearing, notify the
23 applicant or holder of a certificate of license ~~registration~~ in
24 writing of the nature of the charges and that a hearing will be
25 held on the date designated. The written notice may be served

1 by personal delivery or certified or registered mail to the
2 applicant or licensee at the address of his last notification
3 to the Department. The Department shall direct the applicant or
4 licensee to file a written answer with the Department, under
5 oath, within 20 days after the service of the notice, and
6 inform the person that if he or she fails to file an answer,
7 his or her license may be revoked, suspended, placed on
8 probation, reprimanded, or the Department may take any other
9 additional disciplinary action including the issuance of
10 fines, not to exceed \$1,000 for each violation, as the
11 Department may consider necessary, without a hearing. At the
12 time and place fixed in the notice, the Board shall proceed to
13 hear the charges and the parties or their counsel. All parties
14 shall be accorded an opportunity to present any statements,
15 testimony, evidence, and arguments as may be pertinent to the
16 charges or to their defense. The Board may continue the hearing
17 from time to time.

18 (Source: P.A. 87-1031; 88-363.)

19 (225 ILCS 315/21) (from Ch. 111, par. 8121)

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

21 Sec. 21. Subpoenas; depositions; oaths. The Department has
22 power to subpoena and bring before it any person and to take
23 testimony either orally or by deposition, or both, with the
24 same fees and mileage and in the same manner as prescribed in
25 civil cases in circuit courts of this State.

1 The Secretary ~~Director~~, the designated hearing officer,
2 and every member of the Board has the power to administer oaths
3 to witnesses at any hearing which the Department is authorized
4 to conduct, and any other oaths authorized in any Act
5 administered by the Department.

6 (Source: P.A. 88-363.)

7 (225 ILCS 315/22.1)

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

9 Sec. 22.1. Findings and recommendations. At the conclusion
10 of the hearing, the Board shall present to the Secretary
11 ~~Director~~ a written report of its findings of fact, conclusions
12 of law, and recommendations. The report shall contain a finding
13 whether the licensee violated this Act or failed to comply with
14 the conditions required in this Act. The Board shall specify
15 the nature of the violation or failure to comply, and shall
16 make its recommendations to the Secretary ~~Director~~.

17 The report of findings of fact, conclusions of law, and
18 recommendation of the Board shall be the basis for the
19 Department's order for refusal or for the granting of the
20 license. If the Secretary ~~Director~~ disagrees with the
21 recommendations of the Board, the Secretary ~~Director~~ may issue
22 an order in contravention of the Board recommendations. The
23 Secretary ~~Director~~ shall provide a written report to the Board
24 on any disagreement and shall specify the reasons for the
25 action in the final order. The findings are not admissible in

1 evidence against the person in a criminal prosecution for
2 violation of this Act, but the hearing and findings are not a
3 bar to a criminal prosecution for violation of this Act.

4 (Source: P.A. 88-363.)

5 (225 ILCS 315/23) (from Ch. 111, par. 8123)

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

7 Sec. 23. Board; Rehearing. At the conclusion of the
8 hearing, a copy of the Board's report shall be served upon the
9 accused person, either personally or as provided in this Act
10 for the service of the notice. Within 20 days after such
11 service, the applicant or licensee may present to the
12 Department a motion in writing for a rehearing which shall
13 specify the particular grounds for rehearing. If no motion for
14 a rehearing is filed, then upon the expiration of the time
15 specified for filing such a motion, or if a motion for
16 rehearing is denied, then upon the denial, the Secretary
17 ~~Director~~ may enter any order in accordance with recommendations
18 of the Board, except as provided in Section 120 of this Act. If
19 the applicant or licensee requests and pays for a transcript of
20 the record within the time for filing a motion for rehearing,
21 the 20-day period within which a motion may be filed shall
22 commence upon the delivery of the transcript to the applicant
23 or licensee.

24 Whenever the Secretary ~~Director~~ is not satisfied that
25 substantial justice has been done, he may order a rehearing by

1 the same or another special board. At the expiration of the
2 time specified for filing a motion for a rehearing the
3 Secretary ~~Director~~ has the right to take the action recommended
4 by the Board.

5 (Source: P.A. 88-363.)

6 (225 ILCS 315/24) (from Ch. 111, par. 8124)

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

8 Sec. 24. Appointment of a hearing officer. The Secretary
9 ~~Director~~ has the authority to appoint any attorney licensed to
10 practice law in the State of Illinois to serve as the hearing
11 officer in any action for refusal to issue or renew a license
12 or permit or to discipline a licensee. The Secretary ~~Director~~
13 shall notify the Board of any such appointment. The hearing
14 officer has full authority to conduct the hearing. At least one
15 member of the Board shall attend each hearing. The hearing
16 officer shall report his findings of fact, conclusions of law
17 and recommendations to the Board and the Secretary ~~Director~~.
18 The Board has 60 days from receipt of the report to review it
19 and present its findings of fact, conclusions of law and
20 recommendations to the Secretary ~~Director~~. If the Board fails
21 to present its report within the 60 day period, the Secretary
22 ~~Director~~ shall issue an order based on the report of the
23 hearing officer. If the Secretary ~~Director~~ disagrees with the
24 recommendation of the Board or hearing officer, the Secretary
25 ~~Director~~ may issue an order in contravention of the

1 recommendation. The Secretary ~~Director~~ shall promptly provide
2 a written explanation to the Board on any disagreement.

3 (Source: P.A. 88-363.)

4 (225 ILCS 315/25) (from Ch. 111, par. 8125)

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

6 Sec. 25. Order or certified copy; prima facie proof. An
7 order or a certified copy thereof, over the seal of the
8 Department and purporting to be signed by the Secretary
9 ~~Director~~, shall be prima facie proof that:

10 (a) the signature is the genuine signature of the
11 Secretary ~~Director~~;

12 (b) the Secretary ~~Director~~ is duly appointed and
13 qualified; and

14 (c) the Board and the members thereof are qualified to
15 act.

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

17 (225 ILCS 315/28) (from Ch. 111, par. 8128)

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

19 Sec. 28. Summary suspension of a license. The Secretary
20 ~~Director~~ may summarily suspend the license of a landscape
21 architect without a hearing, simultaneously with the
22 institution of proceedings for a hearing provided for in
23 Section 24 of this Act, if the Secretary ~~Director~~ finds that
24 evidence in the possession of the Secretary ~~Director~~ indicates

1 that the continuation in practice by the landscape architect
2 would constitute an imminent danger to the public. In the event
3 that the Secretary ~~Director~~ temporarily suspends the license of
4 an individual without a hearing, a hearing must be held within
5 30 days after such suspension has occurred.

6 (Source: P.A. 88-363.)

7 Section 10. The Professional Engineering Practice Act of
8 1989 is amended by changing Section 4 as follows:

9 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

12 (a) "Approved engineering curriculum" means an engineering
13 curriculum or program of 4 academic years or more which meets
14 the standards established by the rules of the 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 Professional
19 Regulation.

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

1 or the Illinois Landscape Architecture Act of 1989.

2 (e) "Director" means the Director of Professional
3 Regulation.

4 (f) "Direct supervision/responsible charge" means work
5 prepared under the control of a licensed professional engineer
6 or that work as to which that professional engineer has
7 detailed professional knowledge.

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

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

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

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

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

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

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

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

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

1 through the use of the initials "P.E." or the title "engineer"
2 or any of its derivations or some other title implies licensure
3 as a professional engineer, or holds himself out as able to
4 perform any service which is recognized as professional
5 engineering practice.

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

1 recognition, measurement, evaluation and control of
2 environmental systems and emissions; automated building
3 management systems; or the provision of professional
4 engineering site observation of the construction of works and
5 engineering systems. Nothing contained in this Section imposes
6 upon a person licensed under this Act the responsibility for
7 the performance of any of the foregoing functions unless such
8 person specifically contracts to provide it.

9 (p) "Project representative" means the professional
10 engineer's representative at the project site who assists in
11 the administration of the construction contract.

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

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

23 (s) "Rules" means those rules promulgated pursuant to this
24 Act.

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

1 (u) "Site observation" is visitation of the construction
2 site for the purpose of reviewing, as available, the quality
3 and conformance of the work to the technical submissions as
4 they relate to design.

5 (v) "Support design professional" means a professional
6 engineer practicing in conformance with the Professional
7 Engineering Practice Act of 1989, who provides services to the
8 design professional who has contract responsibility.

9 (w) "Technical submissions" means designs, drawings, and
10 specifications which establish the standard of quality for
11 materials, workmanship, equipment, and the construction
12 systems, studies, and other technical reports prepared in the
13 course of a design professional's practice.

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

16 (225 ILCS 315/5 rep.)

17 Section 15. The Illinois Landscape Architecture Act of 1989
18 is amended by repealing Section 5.

19 Section 20. The Regulatory Sunset Act is amended by
20 changing Section 4.20 as follows:

21 (5 ILCS 80/4.20)

22 Sec. 4.20. Acts repealed on January 1, 2010 and December
23 31, 2010.

- 1 (a) The following Acts are repealed on January 1, 2010:
- 2 The Auction License Act.
- 3 The Illinois Architecture Practice Act of 1989.
- 4 ~~The Illinois Landscape Architecture Act of 1989.~~
- 5 The Illinois Professional Land Surveyor Act of 1989.
- 6 The Land Sales Registration Act of 1999.
- 7 The Orthotics, Prosthetics, and Pedorthics Practice
- 8 Act.
- 9 The Perfusionist Practice Act.
- 10 The Professional Engineering Practice Act of 1989.
- 11 The Real Estate License Act of 2000.
- 12 The Structural Engineering Practice Act of 1989.
- 13 (b) The following Act is repealed on December 31, 2010:
- 14 The Medical Practice Act of 1987.
- 15 (Source: P.A. 95-1018, eff. 12-18-08.)

16 Section 25. The Regulatory Sunset Act is amended by adding

17 Section 4.30 as follows:

18 (5 ILCS 80/4.30 new)

19 Sec. 4.30. Act repealed on January 1, 2020. The following

20 Act is repealed on January 1, 2020:

21 The Illinois Landscape Architecture Act of 1989.

22 Section 99. Effective date. This Act takes effect December

23 31, 2009.

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