



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1232

Introduced 2/8/2011, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.32 new

730 ILCS 5/5-5-5

225 ILCS 310/Act rep.

from Ch. 38, par. 1005-5-5

Creates the Interior Design Practice Act. Provides for licensure of interior designers by the Department of Financial and Professional Regulation. Creates the Interior Design Licensing Board and sets forth the powers and duties of the Board. Provides that it is unlawful for a person or entity to act or assume to act as an interior design company as defined in this Act, to engage in the business of interior design, or to advertise or hold himself or herself out to be a licensed interior design company without first obtaining a license issued by the Department under this Act. Includes provisions concerning exemption from the Act. Provides that persons practicing as an interior design company in Illinois as of the effective date of the Act may continue to practice until the Department has adopted rules implementing the Act. Provides that each entity registered under the Act shall designate a managing agent who is responsible to assure that the company operates in compliance with the Act. Sets forth the powers and duties of the Department, licensure qualifications, grounds for discipline, civil and criminal penalties, and administrative procedure. Sets forth provisions concerning standards of practice and prohibited activities. Preempts home rule. Effective immediately.

LRB097 05211 CEL 45260 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Interior Design Practice Act.

6 Section 5. Declaration of public policy. The practice of
7 interior design, as defined in this Act, in the State of
8 Illinois is hereby declared to affect the public health,
9 safety, and welfare and to be subject to regulation and control
10 in the public interest. It is further declared to be a matter
11 of public interest and concern that the practice of interior
12 design, as defined in this Act, merit and receive the
13 confidence of the public, and that only qualified persons be
14 authorized to practice interior design in the State of
15 Illinois. This Act shall be liberally construed to best carry
16 out these subjects and purposes.

17 Section 10. Application of Act. Nothing in this Act shall
18 be deemed or construed to prevent the practice of structural
19 engineering as defined in the Structural Engineering Licensing
20 Act of 1989, the practice of architecture as defined in the
21 Illinois Architecture Practice Act of 1989, or the practice of
22 professional engineering as defined in the Professional

1 Engineering Practice Act of 1989, or to prevent the offering or
2 preparation of environmental analysis, feasibility studies,
3 programming, or construction management services by persons
4 other than those licensed in accordance with this Act, the
5 Structural Engineering Licensing Act of 1989, the Professional
6 Engineering Practice Act of 1989, or the Illinois Architecture
7 Practice Act of 1989.

8 Nothing contained in this Act prevents (i) the draftsmen,
9 students, project representatives, and employees of those
10 lawfully practicing as licensed interior designers under the
11 provisions of this Act from acting under the direct supervision
12 and control of their employers, (ii) the employment of project
13 representatives for modification, enlargement, or alteration
14 of the interior space of buildings or any parts thereof, as
15 allowed under this Act, or (iii) project representatives from
16 acting under the direct supervision and control of the licensed
17 interior designer by whom the technical submissions (including
18 drawings and specifications of any interior space of a
19 building, modification, or alteration thereof) were prepared.

20 Nothing in this Act or any other Act prevents a registered
21 architect under the Illinois Architecture Practice Act of 1989
22 from practicing or providing interior design services. Nothing
23 in this Act shall be construed as requiring the services of an
24 interior designer for the interior designing of a single family
25 residence. This Act does not apply to any of the following:

26 (1) The building, remodeling, or repairing of any

1 building or other structure outside of the corporate limits
2 of any city or village, where the building or structure is
3 to be, or is used for residential or farm purposes, or for
4 the purposes of outbuildings or auxiliary buildings in
5 connection with the residential or farm premises.

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

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

11 (4) The interior design of any single family residence.

12 However, all buildings not included in the preceding
13 paragraphs (1) through (4), including multi-family buildings
14 and buildings previously exempt under those provisions but
15 subsequently non-exempt due to a change in occupancy or use,
16 are subject to the requirements of this Act.

17 Section 15. Definitions. In this Act:

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

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

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

24 "Public member" means a person who is not an interior
25 designer, educator in the field, architect, structural

1 engineer, or professional engineer. For the purposes of Board
2 membership, any person with a significant financial interest in
3 the design or construction service or profession is not a
4 public member.

5 "Interior designer" means a person who is qualified by
6 education, training, experience, or examination and who is
7 licensed under the laws of this State to practice the
8 profession of interior design.

9 "Profession of interior design" means the rendering of or
10 the offering to render designs, consultations, studies,
11 planning, drawings, specifications, contract documents, or
12 other technical submissions and the administration of interior
13 construction and contracts relating to non-structural interior
14 construction of a building by a licensed interior designer. The
15 term includes:

16 (1) space planning, finishes, furnishings, and the
17 design for fabrication of nonstructural interior
18 construction within interior spaces of buildings;

19 (2) responsibility for life safety design of proposed,
20 or modification of existing, nonstructural and
21 non-engineered elements of construction such as
22 partitions, doors, stairways, and paths of egress
23 connecting to exits or exitways; and

24 (3) modification of existing building construction so
25 as to alter the number of persons for which the egress
26 systems for the building are designed.

1 "Illinois licensed design professional" means a person who
2 holds an active license as an interior designer under this Act,
3 as a structural engineer under the Structural Engineering
4 Licensing Act of 1989, or as a professional engineer under the
5 Professional Engineering Practice Act of 1989.

6 "Interior design project" means the provision of
7 professional services for the purpose of creating an interior
8 space that satisfies the functional and aesthetic requirements
9 of an area, within a given structure, encompassing all elements
10 of design theory, programming, planning, pre-designed
11 analysis, conceptual design, materials and finish selection,
12 interior construction documentation, furniture or fixture and
13 equipment selection, interior life safety, codes and standards
14 review or analysis and interpretation, project administration
15 and representation, and interior construction observation in
16 conjunction with the construction of any interior space within
17 a proposed or given structure, building, project, or addition,
18 alteration, or restoration thereof; but, specifically
19 excluding: structural changes or alterations to previously
20 determined core enclosures, alterations to building entry
21 ingress or egress conditions that constitute horizontal or
22 vertical fire exitways, fire compartmentalization, or areas of
23 refuge, including any access point to the structure, used for
24 the purpose of entering or exiting the building, the approach
25 walk, the vertical access leading to the entrance platform,
26 areas of refuge, the entry doors or gates and their associated

1 hardware; but specifically not excluding egress or ingress
2 analysis and resolution within the interior space of the
3 building including horizontal fire exitways leading to
4 pre-determined vertical fire exitways.

5 "Interior technical submissions" means detailed drawings
6 and specifications sealed and signed by a licensed interior
7 designer certifying compliance with applicable current
8 building codes, ordinances, laws, and regulations that define
9 the work to be constructed in such form as is required for
10 approval of a construction permit by a building official.
11 Technical submissions are the designs, drawings, and
12 specifications that establish the scope of the interior design
13 to be constructed, the standard of quality for materials,
14 workmanship, equipment, and construction systems and the
15 studies and the technical reports and calculations prepared in
16 the course of the practice of interior design. Such submissions
17 may be combined with submissions prepared under the responsible
18 control, seal, and signature of other registered or licensed
19 professionals. All technical submissions intended for use in
20 interior construction in this State shall be prepared and
21 administered in accordance with standards of reasonable
22 professional skill and diligence. Care shall be taken to
23 reflect the requirements of State law and, where applicable,
24 federal law and county and municipal building ordinances in
25 such submissions. In recognition that interior designers are
26 licensed for the protection of the public health, safety, and

1 welfare, submissions shall be of such quality and scope, and be
2 so administered, as to conform to professional standards.

3 "Interior life safety" as it pertains to an interior design
4 project means the analysis, development, interpretation, and
5 review of space plans, interior construction components, and
6 the aggregate employment of such components to constitute an
7 assembly, materials, finishes, and furniture or fixtures and
8 equipment selections for compliance with regulatory building
9 code provisions that when applied collectively, provide
10 comprehensive safety features to eliminate, reduce, or control
11 life or health threatening situations in the interior
12 environments of a proposed or given structure or building, but
13 specifically excluding: structural changes or alterations to
14 previously determined core enclosures, alterations to building
15 entry ingress or egress conditions that constitute horizontal
16 or vertical fire exitways, fire compartmentalization, or areas
17 of refuge, including any access point to the structure, used
18 for the purpose of entering or exiting the building, the
19 approach walk, the vertical access leading to the entrance
20 platform, areas of refuge, the entry doors or gates and their
21 associated hardware, but specifically not excluding: egress or
22 ingress analysis and resolution within the interior space of
23 the building including horizontal fire exitways leading to
24 pre-determined vertical fire exitways.

25 "Interior alteration" means any modification or renovation
26 that involves or includes, but is not limited to, change in the

1 physical state of permanent fixtures or equipment, remodeling,
2 renovation, rehabilitation, historic preservation,
3 reconstruction, restoration or improvements, ordinary repairs,
4 changes in design function or layout of rooms, assessment
5 rearrangement, and verification of code compliance of interior
6 exit provisions, and interior office systems furniture
7 rearrangements, as they pertain to the interior areas of a
8 structure, but specifically excluding: changes to load bearing
9 walls, columns, or other load bearing elements of a building
10 essential to the structural integrity of a building the
11 structural envelope, extraordinary repairs, or mechanical,
12 electrical, plumbing, and fire protection requirements.

13 The following work is not included under the definition of
14 "interior alteration": routine maintenance, redecoration,
15 minor mechanical and electrical systems alterations,
16 replacement of plumbing piping or valves, and rearrangements of
17 interior office systems furniture encompassing or utilizing
18 less than 5,000 square feet of interior floor space.

19 "Space planning" means the translation of project or client
20 requirements into a physical plan of space within a proposed or
21 given structure, organizing major rooms, areas, furniture or
22 fixtures and equipment, determining internal circulation
23 systems or patterns, and the location of internal exit
24 requirements; based on occupancy loads, assessment of life
25 safety factors, or the analysis of and for compliance with
26 State and local building codes, but specifically excluding:

1 building core elements, any access point to the structure, used
2 for the purpose of entering or exiting the building, the
3 approach walk, the vertical access leading to the entrance
4 platform, areas of refuge, the entry doors or gates and the
5 hardware of the entry doors or gates.

6 Section 20. Powers and duties of the Department. Subject to
7 the other provisions of this Act, the Department shall exercise
8 the following functions, powers, and duties:

9 (1) to conduct examinations to ascertain the
10 qualifications and fitness of applicants for licensure as
11 licensed interior designers, and pass upon the
12 qualifications and fitness of applicants for licensure by
13 endorsement;

14 (2) to prescribe rules for a method of examination of
15 candidates;

16 (3) to prescribe rules defining what constitutes a
17 school, college, university (or department of a
18 university), or other institution that is reputable and in
19 good standing; to determine whether or not a school,
20 college, university (or department of a university), or
21 other institution is reputable and in good standing by
22 reference to compliance with the rules; and to terminate
23 the approval of a school, college, university (or
24 department of a university), or other institution that
25 refuses admittance to applicants solely on the basis of

1 race, color, creed, sex, or national origin. The Department
2 may adopt, as its own rules relating to education
3 requirements, those guidelines that may be published from
4 time to time by the National Council for Interior Design
5 Qualifications;

6 (4) to prescribe rules for diversified professional
7 training;

8 (5) to conduct oral interviews, disciplinary
9 conferences, and formal evidentiary hearings relating to
10 proceedings to reprimand or impose fines on a licensee or
11 to suspend, revoke, place on probationary status, or refuse
12 to issue or restore a license issued under this Act for any
13 of the reasons set forth in Section 90 of this Act;

14 (6) to issue licenses to those who meet the
15 requirements of this Act; and

16 (7) to formulate and publish rules necessary or
17 appropriate to carrying out the provisions of this Act.

18 Section 25. Creation of the Board. The Secretary shall
19 appoint an Interior Design Licensing Board that shall consist
20 of 5 members. Four members shall be licensed, or with respect
21 to the initial appointments under this Section, be qualified to
22 be licensed as interior designers, residing in this State, who
23 have been engaged in the practice of interior design at least 5
24 years. In addition to the 4 licensed interior designers, there
25 shall be one public member. The public member shall be a voting

1 member and shall not hold a license as an interior designer,
2 architect, professional engineer, structural engineer, or land
3 surveyor.

4 Board members shall serve for terms of 5 years and until
5 their successors are appointed and have qualified. For the
6 initial appointments made under this Act, however, 2 members
7 shall be appointed to serve for a period of one year, 2 members
8 shall be appointed to serve for a period of 3 years, and the
9 public member shall be appointed for a period of 5 years. In
10 appointing persons to the Board, the Secretary shall give due
11 consideration to recommendations by members and organizations
12 of the profession.

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

15 No member shall be reappointed to the Board for a term that
16 would cause his or her continuous service on the Board to be
17 longer than 10 successive years. Service on any board prior to
18 the effective date of this Act does not apply to this limit.

19 In making appointments to the Board, the Secretary shall
20 give due consideration to recommendations by national and State
21 organizations of the interior design profession and shall
22 promptly give due notice to those organizations of any vacancy
23 in the membership of the Board. The Secretary may terminate the
24 appointment of any member for any cause that, in the opinion of
25 the Secretary, reasonably justifies such termination.

26 A vacancy in the membership of the Board does not impair

1 the right of a quorum to exercise all the rights and perform
2 all the duties of the Board.

3 The members of the Board shall each receive as compensation
4 a reasonable sum as determined by the Secretary for each day
5 actually engaged in the duties of the office, and all
6 legitimate and necessary expenses incurred in attending
7 meetings of the Board.

8 Appointments to fill vacancies shall be made in the same
9 manner as original appointments, for the unexpired portion of
10 the vacated term.

11 Three members shall constitute a quorums of Board members.
12 The chairman may vote on matters to come before the Board only
13 in the case of a tie vote.

14 The Secretary may terminate the appointment of any member
15 for cause that in the opinion of the Secretary reasonably
16 justifies such termination.

17 Notice of proposed rulemaking shall be transmitted to the
18 Board and the Department shall review the response of the Board
19 and any recommendations made therein. The Department may, at
20 any time, seek the expert advice and knowledge of the Board on
21 any matter relating to the administration or enforcement of
22 this Act.

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

1 Section 30. Powers and duties of the Board.

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

4 (b) The Board shall annually elect a chairman, who shall be
5 a licensed interior designer.

6 (c) The Board, upon request by the Department, may make a
7 curriculum evaluation to determine if courses conform to the
8 requirements of approved interior design programs.

9 (d) The Board shall assist the Department in conducting
10 oral interviews, disciplinary conferences, and formal
11 evidentiary hearings.

12 (e) The Department may, at any time, seek the expert advise
13 and knowledge of the Board on any matter relating to the
14 enforcement of this Act.

15 (f) The Board may appoint a subcommittee to serve as a
16 Complaint Committee to recommend the disposition of case files
17 according to the procedures established by rule.

18 (g) The Board shall review applicant qualifications to sit
19 for the examination or for licensure and shall make
20 recommendations to the Department. The Department shall review
21 the Board's recommendations on applicant qualifications. The
22 Secretary shall notify the Board in writing with an explanation
23 of any deviation from the Board's recommendation on applicant
24 qualifications. After review of the Secretary's written
25 explanation of his or her reasons for deviation, the Board
26 shall have the opportunity to comment upon the Secretary's

1 decision.

2 Section 35. Application for original license.

3 (a) Each applicant for licensure shall apply to the
4 Department in writing on a form provided by the Department.
5 Except as otherwise provided in this Act, each applicant shall
6 take and pass an examination approved by the Department. The
7 Board may adopt substantially all or part of the examination
8 and grading procedures of the National Council for Interior
9 Design Qualifications or its equivalent. Prior to licensure,
10 the applicant shall provide substantial evidence to the Board
11 that the applicant:

12 (1) is a graduate of a 5 year interior design program
13 from an accredited institution and has completed at least 2
14 years of full time diversified interior design experience;

15 (2) is a graduate of a 4 year interior design program
16 from an accredited institution and has completed at least 2
17 years of full time diversified interior design experience.

18 (3) has completed at least 3 years of interior design
19 curriculum from an accredited institution and has
20 completed 3 years of full time diversified interior design
21 experience; or

22 (4) is a graduate of a 2 year interior design program
23 from an accredited institution and has completed 4 years of
24 full time diversified interior design experience.

25 (b) In addition to providing evidence of meeting the

1 requirements of subsection (a) each applicant shall provide
2 substantial evidence that he or she has successfully completed
3 all or part of the examination administered by the National
4 Council for Interior Design Qualifications or its equivalent.
5 Examinations for applicants under this Act may be held at the
6 direction of the Department from time to time but not less than
7 once each year. The scope and form of the examination shall
8 conform to the National Council for Interior Design
9 Qualifications examination or its equivalent as determined by
10 the Department.

11 Each applicant for licensure who possesses the necessary
12 qualifications shall pay to the Department the required license
13 fee, which is not refundable.

14 An individual applying for licensure shall have 3 years
15 from the date of application to complete the application
16 process. If the process has not been completed in 3 years, the
17 application shall be denied and the fee forfeited. The
18 applicant may reapply, but shall meet the requirements in
19 effect at the time of reapplication.

20 (c) An architect licensed under the Illinois Architecture
21 Practice Act of 1989 who meets the provisions of that Act may,
22 without examination, be granted a license to provide services
23 as an interior designer, upon submission to the Department of
24 proof of his or her licensure as an architect and payment of
25 the required fee, which shall be determined by the Department
26 by rule.

1 Section 40. Social Security number on license application.
2 In addition to any other information required to be contained
3 in the application, every application for an original, renewal,
4 or restored license under this Act shall include the
5 applicant's Social Security number.

6 Section 45. Qualifications of applicants. A person who is
7 of good moral character and is a citizen of the United States
8 or any of its territories or a lawfully admitted alien may take
9 an examination for licensure, if he or she is a graduate of a
10 program deemed satisfactory by the Department and has completed
11 diversified professional training, including academic
12 training, as required by rules of the Department. The
13 Department may adopt, as its own rules relating to diversified
14 professional training, those guidelines that may be published
15 from time to time by the National Council for Interior Design
16 Qualification.

17 "Good moral character" means such character as will enable
18 a person to discharge the fiduciary duties of an interior
19 designer to that person's clients and to the public in a manner
20 that protects health, safety, and welfare. Evidence of
21 inability to discharge those duties may include the commission
22 of an offense justifying discipline under Section 90. In
23 addition, the Department may take into consideration any felony
24 conviction of the applicant, but such a conviction shall not

1 operate as an absolute bar to qualification for examination for
2 licensure.

3 Section 50. Display of license; seal. Every holder of a
4 license as a licensed interior designer shall display it in a
5 conspicuous place in the principal office of the interior
6 designer.

7 Every licensed interior designer shall have a reproducible
8 seal, or facsimile, the print of which shall contain the name
9 of the interior designer, the license number, and the words
10 "Licensed Interior Designer, State of Illinois". The licensed
11 interior designer shall affix the signature, current date, date
12 of license expiration, and seal to the first sheet of any bound
13 set or loose sheets of interior technical submissions utilized
14 as contract documents or prepared for the review and approval
15 of any governmental or public authority having jurisdiction by
16 that licensed interior designer or under that licensed interior
17 designer's direct supervision and control. The sheet of
18 interior technical submissions to which the seal is affixed
19 shall indicate those documents or parts thereof to which the
20 seal applies.

21 For the purposes of this Act, "direct supervision and
22 control" means that the interior designer has exerted
23 sufficient personal supervision, control, and review of the
24 activities of those employed to perform interior design work to
25 ensure that the technical submissions produced by those so

1 employed and sealed by the interior designer meet the standards
2 of reasonable professional skill and diligence and are of no
3 lesser quality than if they had been produced personally by the
4 interior designer. The interior designer is obligated to have
5 detailed professional knowledge of the technical submissions
6 the interior designer seals and to have exercised professional
7 judgment in all interior design matters embodied in those
8 interior technical submissions. Merely reviewing the interior
9 technical submissions produced by others, even if they are
10 licensed, shall not constitute "direct supervision and
11 control" by the interior designer unless the interior designer
12 has actually exercised supervision and control over the
13 preparation of the interior technical submissions.

14 Section 55. Issuance of license. Whenever the provisions of
15 this Act have been complied with, the Department shall issue a
16 license as an interior designer.

17 Section 60. Licenses; renewal; restoration; interior
18 designers in military service. The expiration date and renewal
19 period for each license issued under this Act shall be set by
20 rule. The holder of a license may renew the license during the
21 month preceding the expiration date thereof by paying the
22 required fee. A licensed interior designer who has permitted
23 his or her license to expire or who has had his or her license
24 on inactive status may have his or her license restored by

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

6 If the person has not maintained an active practice in
7 another jurisdiction satisfactory to the Department, the Board
8 shall determine, by an evaluation program established by rule,
9 that person's fitness to resume active status and may require
10 that person to successfully complete an examination.

11 Any person whose license has been expired for more than 3
12 years may have his or her license restored by making
13 application to the Department and filing proof acceptable to
14 the Department of his or her fitness to have his or her license
15 restored, including sworn evidence certifying to active
16 practice in another jurisdiction, and by paying the required
17 restoration fee.

18 However, any person whose license has expired while he or
19 she has been engaged (i) in federal service on active duty with
20 the United States Army, Navy, Marine Corps, Air Force, Coast
21 Guard, or the State Militia called into the service or training
22 of the United States of America, or (ii) in training or
23 education under the supervision of the United States
24 preliminary to induction into the military service, may have
25 his or her license restored or reinstated without paying any
26 lapsed renewal fees or restoration fee if within 2 years after

1 termination of the service, training or education other than by
2 dishonorable discharge he or she furnishes the Department with
3 an affidavit to the effect that he or she has been so engaged
4 and that his or her service, training, or education has been so
5 terminated.

6 Section 65. Inactive status; restoration. Any licensed
7 interior designer who notifies the Department in writing, on
8 forms prescribed by the Department, may elect to place his or
9 her license on an inactive status and shall, subject to rules
10 of the Department, be excused from payment of renewal fees
11 until he or she notifies the Department in writing of his or
12 her desire to resume active status.

13 A licensed interior designer requesting restoration from
14 inactive status shall be required to pay the current renewal
15 fee and shall have his or her license restored as provided in
16 Section 135 of this Act.

17 A licensed interior designer whose license is in an
18 inactive status shall not practice interior design in the
19 State.

20 Section 70. Endorsement. The Department may, in its
21 discretion and upon payment of the required fee, license as an
22 interior designer, without examination, an applicant who is an
23 interior designer licensed under the laws of another state or
24 territory, if the requirements for licensure in that state or

1 territory were, at the date of his or her licensure,
2 substantially equivalent to the requirements in force in this
3 State on that date as determined by the Board.

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

9 Section 75. Fees. The following fees are not refundable.

10 (a) Licensure fees.

11 (1) The fee for application for a license is \$100.

12 (2) In addition, applicants for any examination are
13 required to pay, either to the Department or to the
14 designated testing service, a fee covering the cost of
15 determining the applicant's eligibility and providing the
16 examination. Failure to appear for the examination on the
17 scheduled date, at the time and place specified, after the
18 applicant's application for examination has been received
19 and acknowledged by the Department or the designated
20 testing service, shall result in the forfeiture of the
21 examination fee.

22 (3) The fee for a license for an interior designer
23 registered or licensed under the laws of another state or
24 territory of the United States or province is \$100.

25 (4) The fee for the renewal of a license shall be \$30.

1 (5) The fee for the restoration of a license other than
2 from inactive status is \$10 plus payment of all lapsed
3 renewal fees.

4 (6) The fee for application for a license as an
5 interior design corporation or partnership is \$100.

6 (7) The fee for a renewal of a license or certificate
7 of registration as a professional design firm shall be \$30.

8 (b) General fees.

9 (1) The fee for the issuance of a duplicate license,
10 for the issuance of a replacement license for a license
11 that has been lost or destroyed, or for the issuance of a
12 license with a change of name or address other than during
13 the renewal period is \$20. No fee is required for name and
14 address changes on Department records when no duplicate
15 license is issued.

16 (2) The fee for a certification of a licensee's record
17 for any purpose is \$20.

18 (3) The fee for rescoring an examination is the cost to
19 the Department of rescoring the examination, plus any fees
20 charged by the applicable testing service to have the
21 examination rescored.

22 (4) The fee for a wall certificate showing licensure is
23 the actual cost of producing such certificate.

24 (5) The fee for a roster of licensed interior designers
25 in this State is the actual cost of producing such a

1 roster.

2 (c) All of the fees and fines collected under this Section
3 shall be deposited into the Design Professional Administration
4 and Investigation Fund.

5 (d) Any person who delivers a check or other payment to the
6 Department that is returned to the Department unpaid by the
7 financial institution upon which it is drawn shall pay to the
8 Department, in addition to the amount already owing to the
9 Department, a fine of \$50. If the check or other payment was
10 for a renewal or issuance fee and that person practices without
11 paying the renewal fee or issuance fee and the fine due, an
12 additional fine of \$100 shall be imposed. The fines imposed by
13 this Section are in addition to any other discipline provided
14 under this Act for unlicensed practice or practice on a
15 nonrenewed license. The Department shall notify the person that
16 payment of fees and fines shall be paid to the Department by
17 certified check or money order within 30 calendar days of the
18 notification. If, after termination or denial, the person seeks
19 a license or certificate, he or she shall apply to the
20 Department for restoration or issuance of the license or
21 certificate and pay all fees and fines due to the Department.
22 The Department may establish a fee for the processing of an
23 application for restoration of a license or certificate to pay
24 all expenses of processing this application. The Secretary may
25 waive the fines due under this subsection in individual cases

1 where the Secretary finds that the fines would be unreasonable
2 or unnecessarily burdensome.

3 Section 80. Roster of licensees and registrants. A roster
4 showing the names and addresses of all interior designers,
5 interior designer corporations, and partnerships and
6 professional design firms licensed or registered under this Act
7 shall be prepared by the Department each year. This roster
8 shall be available upon written request and payment of the
9 required fee.

10 Section 85. Professional design firm registration;
11 conditions.

12 (a) Nothing in this Act prohibits the formation, under the
13 provisions of the Professional Service Corporation Act, of a
14 corporation to practice interior design.

15 Any business not formed under the Professional Service
16 Corporation Act and not registered as such with the Department,
17 and which includes the practice of interior design within its
18 stated purposes or practices or holds itself out as available
19 to practice interior design, shall register with the Department
20 under this Section. Any professional service corporation, sole
21 proprietorship, or professional design firm offering interior
22 design services must have a resident interior designer or other
23 Illinois licensed design professional overseeing the interior
24 design practices in each location in which interior design

1 services are provided.

2 Any sole proprietorship not owned and operated by an
3 Illinois licensed design professional licensed under this Act
4 shall be prohibited from offering interior design services to
5 the public. Any sole proprietorship owned and operated by an
6 interior designer with an active license issued under this Act
7 is exempt from the registration requirements of a professional
8 design firm.

9 (b) A corporation, partnership, or professional design
10 firm seeking to be registered under this Section shall not be
11 registered unless:

12 (1) two-thirds of the board of directors (in the case
13 of a corporation), general partners (in the case of a
14 partnership), or members (in the case of a limited
15 liability company) are licensed under the laws of any state
16 to practice interior design, architecture, professional
17 engineering, or structural engineering; and

18 (2) the person having the interior design practice in
19 this State in his or her charge is (i) a director (in the
20 case of a corporation), general partner (in the case of a
21 partnership), or member (in the case of a limited liability
22 company) and (ii) holds a license under this Act.

23 A corporation, limited liability company, professional
24 service corporation, or partnership qualifying under this
25 Section and practicing in this State shall file with the
26 Department all information concerning its officers, directors,

1 members, managers, partners, or beneficial owners that the
2 Department may, by rule, require.

3 (c) No business shall practice or hold itself out as
4 available to practice interior design until it is registered
5 with the Department.

6 (d) A business seeking to be registered under this Section
7 shall make application on a form provided by the Department and
8 shall provide all information requested by the Department,
9 including, but not limited to, all of the following:

10 (1) The name and interior designer's license number of
11 at least one person designated as the managing agent in
12 responsible charge of the practice of interior design in
13 Illinois. In the case of a corporation, the corporation
14 shall also submit a certified copy of the resolution by the
15 board of directors designating at least one managing agent.
16 If the business is a limited liability company, the company
17 shall submit a certified copy of either its articles of
18 organization or its operating agreement, whichever
19 designates the managing agent.

20 (2) The names and license numbers of the interior
21 designers, professional engineers, architects, and
22 structural engineers among the directors (in the case of a
23 corporation), members (in the case of a limited liability
24 company), or general partners (in the case of a
25 partnership).

26 (3) A list of all locations at which the professional

1 design firm provides interior designer services.

2 (4) A list of all assumed names of the business.

3 Nothing in this Section shall be construed to exempt a
4 business from compliance with the requirements of the
5 Assumed Business Name Act.

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

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

14 If it has so notified the Department, the professional
15 design firm has 30 days after the termination date in which to
16 notify the Department of the name and license number of the
17 interior designer who is the newly designated managing agent. A
18 corporation shall also submit a certified copy of a resolution
19 by the board of directors designating the new managing agent. A
20 limited liability company shall also submit a certified copy of
21 either its articles of organization or its operating agreement,
22 whichever designates the new managing agent. The Department
23 may, upon good cause shown, extend the original 30 day period.

24 If the professional design firm has not so notified the
25 Department within the specified time, the registration shall be
26 terminated without prior hearing. Notification of termination

1 shall be sent by certified mail to the last known address of
2 the business. If the professional design firm continues to
3 operate and offer interior design services after the
4 termination, the Department may seek prosecution under
5 Sections 95, 100, and 110 of this Act for the unlicensed
6 practice of interior design.

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

15 (g) Disciplinary action against a professional design firm
16 registered under this Section shall be administered in the same
17 manner and on the same grounds as disciplinary action against a
18 licensed interior designer.

19 Section 90. Refusal, suspension and revocation of
20 licenses; causes.

21 (a) The Department may refuse to issue, renew or restore,
22 or may suspend or revoke any license or registration, or may
23 place on probation, reprimand, or fine, with a civil penalty
24 not to exceed \$10,000 for each violation, any person,
25 corporation, or partnership, or professional design firm

1 licensed or registered under this Act for any of the following
2 reasons:

3 (1) material misstatement in furnishing information to
4 the Department;

5 (2) negligence, incompetence, or misconduct in the
6 practice of interior design;

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

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

11 (5) purposefully making false statements or signing
12 false statements, certificates, or affidavits to induce
13 payment;

14 (6) conviction of any crime under the laws of the
15 United States, or any state or territory thereof, which is
16 a felony, whether related to the practice of interior
17 design or not; or conviction of any crime, whether a
18 felony, misdemeanor, or otherwise, an essential element of
19 which is dishonesty or wanton disregard for the rights of
20 others, or that is directly related to the practice of
21 interior design;

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

24 (8) signing or affixing the licensed interior
25 designer's seal or permitting the interior designer's seal
26 to be affixed to any technical submissions not prepared by

1 the interior designer or under that interior designer's
2 direct supervision and control;

3 (9) engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public;

6 (10) habitual intoxication or addiction to the use of
7 drugs;

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

17 (12) a finding by the Board that a registrant, whose
18 license has been placed on probationary status, has
19 violated the terms of probation;

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

25 (14) failure to provide information in response to a
26 written request made by the Department within 30 days after

1 receipt of the written request;

2 (15) physical illness, including, but not limited to,
3 deterioration through the aging process or loss of motor
4 skill that results in the inability to practice the
5 profession with reasonable judgment, skill, or safety.

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

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

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

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

4 Section 95. Violations; injunction; cease and desist
5 order.

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

19 (b) If any person or entity practices as an interior
20 designer or holds himself or herself out as an interior
21 designer or professional design firm without being licensed or
22 registered under the provisions of this Act, then any licensed
23 interior designer, any interested party, or any person injured
24 thereby may, in addition to the Secretary, petition for relief
25 as provided in subsection (a) of this Section.

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

10 Section 100. Investigations; notice and hearing. The
11 Department may investigate the actions of any applicant or of
12 any person or entity holding or claiming to hold a license or
13 registration. Before the initiation of an investigation, the
14 matter shall be reviewed by a subcommittee of the Board
15 according to procedures established by rule for the Complaint
16 Committee. The Department shall, before refusing to restore,
17 issue, or renew a license or registration, or disciplining a
18 licensee or registrant, at least 30 days prior to the date set
19 for the hearing, notify in writing the applicant for, or holder
20 of, a license or registrant of the nature of the charges and
21 that a hearing will be held on the date designated, and direct
22 the applicant or entity or licensee or registrant to file a
23 written answer to the Board under oath within 20 days after the
24 service of the notice and inform the applicant, entity,
25 licensee, or registrant that failure to file an answer will

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

23 Section 105. Stenographer; transcript. The Department, at
24 its expense, shall preserve a record of all proceedings at the
25 formal hearing of any case involving the refusal to restore,

1 issue or renew a license, or the discipline of a licensee. The
2 notice of hearing, complaint, and all other documents in the
3 nature of pleadings and written motions filed in the
4 proceedings, the transcript of testimony, the report of the
5 Board and the orders of the Department shall be the record of
6 the proceedings. The Department shall furnish a transcript of
7 the record to any person interested in the hearing upon payment
8 of the fee required by Section 60f of the Civil Administrative
9 Code of Illinois.

10 Section 110. Subpoenas of witnesses; oaths. The Department
11 has power to subpoena and bring before it any person in this
12 State and to take testimony either orally or by deposition, or
13 both, with the same fees and mileage and in the same manner as
14 prescribed by law in judicial proceedings in civil cases in
15 circuit courts of this State.

16 The Secretary, and every member of the Board, each have
17 power to administer oaths to witnesses at any hearing that the
18 Department is authorized by law to conduct, and any other oaths
19 required or authorized in any Act administered by the
20 Department.

21 Section 115. Procedure to compel attendance of witnesses.
22 Any circuit court, upon the application of the accused person
23 or complainant or of the Department, may, by order duly
24 entered, require the attendance of witnesses and the production

1 of relevant books and papers before the Department in any
2 hearing relating to the application for or refusal, recall,
3 suspension, or revocation of the license, or the discipline of
4 a licensee, and the court may compel obedience to its order by
5 proceedings for contempt.

6 Section 120. Report of Board; rehearing. After the hearing,
7 the Board shall present to the Secretary its written report of
8 its findings and recommendations. A copy of the report shall be
9 served upon the accused person, either personally or by
10 registered or certified mail as provided in this Act for the
11 service of the notice. Within 20 days after the service, the
12 accused person may present to the Department his or her motion
13 in writing for a rehearing, which shall specify the particular
14 grounds for rehearing. If the accused person orders and pays
15 for a transcript of the record as provided in this Section, the
16 time elapsing before the transcript is ready for delivery to
17 him or her shall not be counted as part of the 20 days.

18 Whenever the Secretary is not satisfied that substantial
19 justice has been done, he or she may order a rehearing by the
20 same or another special board. At the expiration of the time
21 specified for filing a motion for a rehearing the Secretary has
22 the right to take the action recommended by the Board.

23 Section 125. Hearing officer. Notwithstanding the
24 provisions of Section 100 of this Act, the Secretary has the

1 authority to appoint any attorney duly licensed to practice law
2 in the State to serve as the hearing officer in any action
3 under Section 120. The Secretary shall notify the Board of any
4 such appointment. The hearing officer has full authority to
5 conduct the hearing. The Board has the right to have at least
6 one member present at any hearing conducted by the hearing
7 officer. The hearing officer shall report his or her findings
8 of fact, conclusions of law, and recommendations to the Board
9 and the Secretary. The Board has 60 days after the receipt of
10 the report to review the report of the hearing officer and
11 present his or her findings of fact, conclusions of law, and
12 recommendations to the Secretary. If the Board fails to present
13 its report within the 60-day period, the Secretary shall issue
14 an order based on the report of the hearing officer. If the
15 Secretary disagrees in any regard with the report of the Board
16 or hearing officer, he or she may issue an order in
17 contravention thereof. The Secretary shall provide a written
18 explanation to the Board on any deviation, and shall specify
19 with particularity the reasons for such action in the final
20 order.

21 Section 130. Order to be prima facie proof. An order of
22 revocation or suspension or a certified copy thereof, over the
23 seal of the Department and purporting to be signed by the
24 Secretary, shall be prima facie proof:

25 (1) that the signature is the genuine signature of the

1 Secretary;

2 (2) that the Secretary is duly appointed and qualified;

3 and

4 (3) that the Board and the members thereof are
5 qualified to act.

6 This prima facie proof may be rebutted.

7 Section 135. Issuance or restoration of license. At any
8 time after the refusal to issue or the suspension or revocation
9 of any license, the Department may issue or restore it to the
10 applicant without examination, upon the written recommendation
11 of the Board.

12 Section 140. Surrender of license. Upon the revocation or
13 suspension of any license, the licensee shall immediately
14 surrender the license to the Department and if the licensee
15 fails to do so, the Department has the right to seize the
16 license.

17 Section 145. Summary suspension of a license. The Secretary
18 may temporarily suspend the license of an interior designer
19 without a hearing, simultaneously with the institution of
20 proceedings for a hearing provided for in Section 100 of this
21 Act, if the Secretary finds that evidence in his or her
22 possession indicates that an interior designer's continuation
23 of practice would constitute an imminent danger to the public.

1 In the event that the Secretary temporarily suspends the
2 license of an interior designer without a hearing, a hearing by
3 the Board must be held within 30 days after the suspension has
4 occurred.

5 Section 150. Review under the Administrative Review Law;
6 venue. All final administrative decisions of the Department
7 under this Act are subject to judicial review under the
8 provisions of the Administrative Review Law, as now or
9 hereafter amended, and the rules adopted thereunder. The term
10 "administrative decision" is defined as in Section 3-101 of the
11 Code of Civil Procedure.

12 The proceedings for judicial review shall be commenced in
13 the circuit court of the county that the party applying for
14 review resides, but if the party is not a resident of this
15 State, the venue shall be in Sangamon County.

16 Section 155. Certifying record to court; costs. The
17 Department shall not be required to certify any record to the
18 court or file any answer in court or otherwise appear in any
19 court in a judicial review proceeding, unless there is filed in
20 the court with the complaint a receipt from the Department
21 acknowledging payment of the costs of furnishing and certifying
22 the record.

23 Section 160. Violations.

1 (a) Each of the following Acts constitutes a Class A
2 misdemeanor for the first offense and a Class 4 felony for a
3 second or subsequent offense:

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

15 (2) the making of any wilfully false oath or
16 affirmation in any matter or proceeding where an oath or
17 affirmation is required by this Act;

18 (3) the affixing of a licensed interior designer's seal
19 to any technical submission that has not been prepared by
20 that interior designer or under the interior designer's
21 direct supervision and control;

22 (4) the violation of any provision of this Act or its
23 rules;

24 (5) using or attempting to use an expired, inactive
25 suspended, or revoked license, or the certificate or seal
26 of another, or impersonating another licensee; or

1 (6) obtaining or attempting to obtain a license or
2 registration by fraud.

3 (b) In addition to any other penalty provided by law, the
4 Department may impose a civil penalty of up to \$5,000 for each
5 violation upon a person, sole proprietorship, professional
6 service corporation, limited liability company, corporation,
7 partnership, or other entity that does not hold an active
8 license as an interior designer or registration as a
9 professional design firm in this State and is not exempt from
10 the provisions of this Act, and:

11 (1) practices interior design in this State; or

12 (2) advertises or displays any sign or card or other
13 device that might indicate to the public that the person or
14 entity is entitled to practice as an interior designer in
15 this State; or

16 (3) uses the title "interior designer" or any of its
17 derivations with respect to his, her, or its professional
18 activities in this State.

19 (c) Civil penalties imposed and collected under this
20 Section shall be deposited into the Design Professionals
21 Administration and Investigation Fund.

22 Section 165. Administrative Procedure Act. The Illinois
23 Administrative Procedure Act is hereby expressly adopted and
24 incorporated herein as if all of the provisions of that Act
25 were included in this Act, except that the provision of

1 subsection (d) of Section 10-65 of the Illinois Administrative
2 Procedure Act that provides that at hearings the licensee has
3 the right to show compliance with all lawful requirements for
4 retention, continuation, or renewal of the license is
5 specifically excluded. For the purposes of this Act, the notice
6 required under Section 10 of the Illinois Administrative
7 Procedure Act is deemed sufficient when mailed to the last
8 known address of a party.

9 Section 170. Fund; appropriations; investments; audits.
10 Moneys deposited in the Design Professionals Administration
11 and Investigation Fund shall be appropriated to the Department
12 exclusively for expenses of the Department and the Board in the
13 administration of this Act, the Illinois Architecture Practice
14 Act of 1989, the Illinois Professional Land Surveyor Act of
15 1989, the Professional Engineering Practice Act of 1989, and
16 the Structural Engineering Licensing Act of 1989. The expenses
17 of the Department under this Act shall be limited to the
18 ordinary and contingent expenses of the Design Professionals
19 Dedicated Employees within the Department as established under
20 Section 62.1 of the Civil Administrative Code of Illinois and
21 other expenses related to the administration and enforcement of
22 this Act.

23 All fines and penalties under Sections 20 and 75 shall be
24 deposited into the Design Professionals Administration and
25 Investigation Fund.

1 Moneys in the Design Professional Administration and
2 Investigation Fund may be invested and reinvested. Earnings
3 attributable to those investments shall be deposited into the
4 Fund and used for the same purposes as fees deposited into the
5 Fund.

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

15 Section 175. Home rule. It is declared to be the public
16 policy of this State, under subsection (h) of Section 6 of
17 Article VII of the Illinois Constitution of 1970, that any
18 power or function set forth in this Act to be exercised by the
19 State is an exclusive State power or function. The power or
20 function shall not be exercised concurrently, either directly
21 or indirectly, by any unit of local government, including home
22 rule units, except as otherwise provided in this Act. This is a
23 limitation of home rule powers.

24 Section 500. The Regulatory Sunset Act is amended by adding

1 Section 4.32 as follows:

2 (5 ILCS 80/4.32 new)

3 Sec. 4.32. Act repealed on January 1, 2022. The following
4 Act is repealed on January 1, 2022:

5 The Interior Design Practice Act.

6 Section 505. The Unified Code of Corrections is amended by
7 changing Section 5-5-5 as follows:

8 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

9 Sec. 5-5-5. Loss and Restoration of Rights.

10 (a) Conviction and disposition shall not entail the loss by
11 the defendant of any civil rights, except under this Section
12 and Sections 29-6 and 29-10 of The Election Code, as now or
13 hereafter amended.

14 (b) A person convicted of a felony shall be ineligible to
15 hold an office created by the Constitution of this State until
16 the completion of his sentence.

17 (c) A person sentenced to imprisonment shall lose his right
18 to vote until released from imprisonment.

19 (d) On completion of sentence of imprisonment or upon
20 discharge from probation, conditional discharge or periodic
21 imprisonment, or at any time thereafter, all license rights and
22 privileges granted under the authority of this State which have
23 been revoked or suspended because of conviction of an offense

1 shall be restored unless the authority having jurisdiction of
2 such license rights finds after investigation and hearing that
3 restoration is not in the public interest. This paragraph (d)
4 shall not apply to the suspension or revocation of a license to
5 operate a motor vehicle under the Illinois Vehicle Code.

6 (e) Upon a person's discharge from incarceration or parole,
7 or upon a person's discharge from probation or at any time
8 thereafter, the committing court may enter an order certifying
9 that the sentence has been satisfactorily completed when the
10 court believes it would assist in the rehabilitation of the
11 person and be consistent with the public welfare. Such order
12 may be entered upon the motion of the defendant or the State or
13 upon the court's own motion.

14 (f) Upon entry of the order, the court shall issue to the
15 person in whose favor the order has been entered a certificate
16 stating that his behavior after conviction has warranted the
17 issuance of the order.

18 (g) This Section shall not affect the right of a defendant
19 to collaterally attack his conviction or to rely on it in bar
20 of subsequent proceedings for the same offense.

21 (h) No application for any license specified in subsection
22 (i) of this Section granted under the authority of this State
23 shall be denied by reason of an eligible offender who has
24 obtained a certificate of relief from disabilities, as defined
25 in Article 5.5 of this Chapter, having been previously
26 convicted of one or more criminal offenses, or by reason of a

1 finding of lack of "good moral character" when the finding is
2 based upon the fact that the applicant has previously been
3 convicted of one or more criminal offenses, unless:

4 (1) there is a direct relationship between one or more
5 of the previous criminal offenses and the specific license
6 sought; or

7 (2) the issuance of the license would involve an
8 unreasonable risk to property or to the safety or welfare
9 of specific individuals or the general public.

10 In making such a determination, the licensing agency shall
11 consider the following factors:

12 (1) the public policy of this State, as expressed in
13 Article 5.5 of this Chapter, to encourage the licensure and
14 employment of persons previously convicted of one or more
15 criminal offenses;

16 (2) the specific duties and responsibilities
17 necessarily related to the license being sought;

18 (3) the bearing, if any, the criminal offenses or
19 offenses for which the person was previously convicted will
20 have on his or her fitness or ability to perform one or
21 more such duties and responsibilities;

22 (4) the time which has elapsed since the occurrence of
23 the criminal offense or offenses;

24 (5) the age of the person at the time of occurrence of
25 the criminal offense or offenses;

26 (6) the seriousness of the offense or offenses;

1 (7) any information produced by the person or produced
2 on his or her behalf in regard to his or her rehabilitation
3 and good conduct, including a certificate of relief from
4 disabilities issued to the applicant, which certificate
5 shall create a presumption of rehabilitation in regard to
6 the offense or offenses specified in the certificate; and

7 (8) the legitimate interest of the licensing agency in
8 protecting property, and the safety and welfare of specific
9 individuals or the general public.

10 (i) A certificate of relief from disabilities shall be
11 issued only for a license or certification issued under the
12 following Acts:

13 (1) the Animal Welfare Act; except that a certificate
14 of relief from disabilities may not be granted to provide
15 for the issuance or restoration of a license under the
16 Animal Welfare Act for any person convicted of violating
17 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
18 Care for Animals Act or Section 26-5 of the Criminal Code
19 of 1961;

20 (2) the Illinois Athletic Trainers Practice Act;

21 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
22 and Nail Technology Act of 1985;

23 (4) the Boiler and Pressure Vessel Repairer Regulation
24 Act;

25 (5) the Professional Boxing Act;

26 (6) the Illinois Certified Shorthand Reporters Act of

1 1984;

2 (7) the Illinois Farm Labor Contractor Certification
3 Act;

4 (8) the Interior Design Practice Act ~~Title Act~~;

5 (9) the Illinois Professional Land Surveyor Act of
6 1989;

7 (10) the Illinois Landscape Architecture Act of 1989;

8 (11) the Marriage and Family Therapy Licensing Act;

9 (12) the Private Employment Agency Act;

10 (13) the Professional Counselor and Clinical
11 Professional Counselor Licensing Act;

12 (14) the Real Estate License Act of 2000;

13 (15) the Illinois Roofing Industry Licensing Act;

14 (16) the Professional Engineering Practice Act of
15 1989;

16 (17) the Water Well and Pump Installation Contractor's
17 License Act;

18 (18) the Electrologist Licensing Act;

19 (19) the Auction License Act;

20 (20) Illinois Architecture Practice Act of 1989;

21 (21) the Dietetic and Nutrition Services Practice Act;

22 (22) the Environmental Health Practitioner Licensing
23 Act;

24 (23) the Funeral Directors and Embalmers Licensing
25 Code;

26 (24) the Land Sales Registration Act of 1999;

1 (25) the Professional Geologist Licensing Act;
2 (26) the Illinois Public Accounting Act; and
3 (27) the Structural Engineering Practice Act of 1989.
4 (Source: P.A. 96-1246, eff. 1-1-11.)

5 (225 ILCS 310/Act rep.)

6 Section 510. The Interior Design Title Act is repealed.

7 Section 999. Effective date. This Act takes effect upon
8 becoming law.