

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Architecture Practice Act of 1989
5 is amended by changing Sections 3, 8, 9, 10, 12, 14, 16, 17,
6 21, 23, and 36 and by adding Section 37.5 as follows:

7 (225 ILCS 305/3) (from Ch. 111, par. 1303)

8 (Section scheduled to be repealed on January 1, 2020)

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

22 Nothing contained in this Act shall prevent the draftsmen,
23 students, project representatives and other employees of those

1 lawfully practicing as ~~licensed~~ architects under the
2 provisions of this Act, from acting under the responsible
3 control of their employers, or to prevent the employment of
4 project representatives for enlargement or alteration of
5 buildings or any parts thereof, or prevent such project
6 representatives from acting under the responsible control of
7 the ~~licensed~~ architect by whom the construction documents
8 including drawings and specifications of any such building,
9 enlargement or alteration were prepared.

10 Nothing in this Act or any other Act shall prevent an ~~a~~
11 ~~licensed~~ architect from practicing interior design services.
12 Nothing in this Act shall be construed as requiring the
13 services of an interior designer for the interior designing of
14 a single family residence.

15 The involvement of an ~~a licensed~~ architect is not required
16 for the following:

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

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

25 (C) The construction, remodeling or repairing of a
26 two-family residence of wood frame construction on a single

1 lot, not more than two stories and basement in height.

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

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

16 (Source: P.A. 96-610, eff. 8-24-09.)

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

18 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

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

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

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

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

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

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

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

15 (2) Upon the issuance of any final decision or order that
16 deviates from any report or recommendation of the Board
17 relating to the qualification of applicants, discipline of
18 licensees or registrants, or promulgation of rules, the
19 Secretary shall notify the Board with an explanation of the
20 deviation and provide a reasonable time for the Board to submit
21 comments to the Secretary regarding the final decision or
22 order. The Department may at any time seek the expert advice
23 and knowledge of the Board on any matter relating to the
24 enforcement of this Act.

25 (3) The Department may in its discretion, but shall not be
26 required to, employ or utilize the legal services of outside

1 counsel and the investigative services of outside personnel to
2 assist the Department. However, no attorney employed or used by
3 the Department shall prosecute a matter or provide legal
4 services to the Department or Board with respect to the same
5 matter.

6 (Source: P.A. 96-610, eff. 8-24-09.)

7 (225 ILCS 305/9) (from Ch. 111, par. 1309)

8 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

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

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

19 Four members of the Board shall constitute a quorum. A
20 quorum is required for Board decisions.

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

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

26 Notice of proposed rulemaking shall be transmitted to the

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

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

9 (Source: P.A. 96-610, eff. 8-24-09.)

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

11 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

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

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

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

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

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

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

1 (Source: P.A. 96-610, eff. 8-24-09.)

2 (225 ILCS 305/12) (from Ch. 111, par. 1312)

3 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

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

24 (e) general structures (identification, resolution,
25 and incorporation of structural systems and the long span

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

3 (f) lateral forces (identification and resolution of
4 the effects of lateral forces on the technical aspects of
5 the design of buildings and the process of construction);

6 (g) mechanical and electrical systems (as applied to
7 the design of buildings, including plumbing and acoustical
8 systems);

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

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

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

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

25 If an applicant neglects without an approved excuse or
26 refuses to take the next available examination offered for

1 licensure under this Act, the fee paid by the applicant shall
2 be forfeited. If an applicant fails to pass an examination for
3 licensure under this Act within 3 years after filing an
4 application, the application shall be denied. The applicant
5 may, however, make a new application for examination
6 accompanied by the required fee and must furnish proof of
7 meeting the qualifications for examination in effect at the
8 time of the new application.

9 An applicant shall have 5 years from the passage of the
10 first examination to successfully complete all examinations
11 required by rule of the Department.

12 The Department may by rule prescribe additional subjects
13 for examination.

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

22 (Source: P.A. 96-610, eff. 8-24-09.)

23 (225 ILCS 305/14) (from Ch. 111, par. 1314)

24 (Section scheduled to be repealed on January 1, 2020)

25 Sec. 14. Display of license; Seal. Every holder of a

1 license as an ~~a licensed~~ architect shall display it in a
2 conspicuous place in the principal office of the architect.

3 Every ~~licensed~~ architect shall have a reproducible seal, or
4 facsimile, the print of which shall contain the name of the
5 architect, the license number, and the words "Licensed
6 Architect, State of Illinois". The ~~licensed~~ architect shall
7 affix the signature, current date, date of license expiration
8 and seal to the first sheet of any bound set or loose sheets of
9 technical submissions utilized as contract documents between
10 the parties to the contract or prepared for the review and
11 approval of any governmental or public authority having
12 jurisdiction by that ~~licensed~~ architect or under that ~~licensed~~
13 architect's responsible control. The sheet of technical
14 submissions in which the seal is affixed shall indicate those
15 documents or parts thereof for which the seal shall apply. The
16 seal and dates may be electronically affixed. The licensee may
17 provide, at his or her sole discretion, an original signature
18 in the licensee's handwriting, a scanned copy of the document
19 bearing an original signature, or a signature generated by a
20 computer. All technical submissions issued by any corporation,
21 partnership, professional service corporation, or professional
22 design firm as registered under this Act shall contain the
23 corporate or assumed business name and design firm registration
24 number, in addition to any other seal requirements as set forth
25 in this Section.

26 "Responsible control" means that amount of control over and

1 detailed professional knowledge of the content of technical
2 submissions during their preparation as is ordinarily
3 exercised by architects applying the required professional
4 standard of care. Merely reviewing or reviewing and correcting
5 the technical submissions or any portion thereof prepared by
6 those not in the regular employment of the office where the
7 architect is resident without control over the content of such
8 work throughout its preparation does not constitute
9 responsible control.

10 An architect licensed under the laws of this jurisdiction
11 shall not sign and seal technical submissions that were not
12 prepared by or under the responsible control of the architect
13 except that:

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

21 (2) the architect may sign and seal portions of the
22 professional work that are not required by this Act to be
23 prepared by or under the responsible control of an
24 architect if the architect has reviewed and adopted in
25 whole or in part such portions and has integrated them into
26 his or her work; and

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

11 The architect exercising responsible control under which
12 the documents or portions of the documents were prepared shall
13 be identified on the documents or portions of the documents by
14 name and Illinois license number.

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

24 (Source: P.A. 98-289, eff. 1-1-14.)

25 (225 ILCS 305/16) (from Ch. 111, par. 1316)

1 (Section scheduled to be repealed on January 1, 2020)

2 Sec. 16. Licenses; Renewal; Restoration; Architects in
3 military service. The expiration date and renewal period for
4 each license issued under this Act shall be set by rule. The
5 holder of a license may renew such license during the month
6 preceding the expiration date thereof by paying the required
7 fee. An ~~A licensed~~ architect who has permitted his license to
8 expire or who has had his license on inactive status may have
9 his license restored by making application to the Department
10 and filing proof acceptable to the Department of his fitness to
11 have his license restored, including sworn evidence certifying
12 to active practice in another jurisdiction satisfactory to the
13 Department, and by paying the required restoration fee.

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

19 Any person whose license has been expired for more than 3
20 years may have his license restored by making application to
21 the Department and filing proof acceptable to the Department of
22 his fitness to have his license restored, including sworn
23 evidence certifying to active practice in another
24 jurisdiction, and by paying the required restoration fee.

25 However, any person whose license has expired while he has
26 been engaged (1) in federal service on active duty with the

1 Army of the United States, the United States Navy, the Marine
2 Corps, the Air Force, the Coast Guard, or the State Militia
3 called into the service or training of the United States of
4 America, or (2) in training or education under the supervision
5 of the United States preliminary to induction into the military
6 service, may have his license restored or reinstated without
7 paying any lapsed renewal fees or restoration fee if within 2
8 years after termination of such service, training or education
9 other than by dishonorable discharge he furnishes the
10 Department with an affidavit to the effect that he has been so
11 engaged and that his service, training or education has been so
12 terminated.

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

14 (225 ILCS 305/17) (from Ch. 111, par. 1317)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 17. Inactive status; Restoration. Any ~~licensed~~
17 architect, who notifies the Department in writing on forms
18 prescribed by the Department, may elect to place his or her
19 license on an inactive status and shall, subject to rules of
20 the Department, be excused from payment of renewal fees until
21 he or she notifies the Department in writing of his or her
22 desire to resume active status.

23 Any ~~licensed~~ architect requesting restoration from
24 inactive status shall be required to pay the current renewal
25 fee and shall have his or her license restored as provided in

1 Section 16 of this Act.

2 Any ~~licensed~~ architect whose license is in an inactive
3 status shall not practice architecture in the State of
4 Illinois.

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

6 (225 ILCS 305/21) (from Ch. 111, par. 1321)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 21. Professional design firm registration;
9 conditions.

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

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

23 Any sole proprietorship not owned and operated by an
24 Illinois licensed design professional licensed under this Act
25 is ~~shall be~~ prohibited from offering architectural services to

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

18 (b) Any corporation, including a Professional Service
19 Corporation, partnership, limited liability company, or
20 professional design firm seeking to be registered under this
21 Section shall not be registered unless:

22 (1) two-thirds of the board of directors, in the case
23 of a corporation, or two-thirds of the general partners, in
24 the case of a partnership, or two-thirds of the members, in
25 the case of a limited liability company, are licensed under
26 the laws of any State to practice architecture,

1 professional engineering, land surveying, or structural
2 engineering; and

3 (2) a managing agent is (A) a director in the case of a
4 corporation, a general partner in the case of a
5 partnership, or a member in the case of a limited liability
6 company, and (B) holds a license under this Act.

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

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

20 (d) Any business seeking to be registered under this
21 Section shall make application on a form provided by the
22 Department and shall provide any information requested by the
23 Department, which shall include but shall not be limited to all
24 of the following:

25 (1) The name and architect's license number of at least
26 one person designated as a ~~the~~ managing agent. In the case

1 of a corporation, the corporation shall also submit a
2 certified copy of the resolution by the board of directors
3 designating at least one managing agent. If a limited
4 liability company, the company shall submit a certified
5 copy of either its articles of organization or operating
6 agreement designating at least one managing agent.

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

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

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

19 It is the responsibility of the professional design firm to
20 provide the Department notice, in writing, of any changes in
21 the information requested on the application.

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

1 termination.

2 Thereafter, the professional design firm, if it has so
3 informed the Department, has 30 days in which to notify the
4 Department of the name and architect's license number of the
5 architect who is the newly designated managing agent. If a
6 corporation, the corporation shall also submit a certified copy
7 of a resolution by the board of directors designating the new
8 managing agent. If a limited liability company, the company
9 shall also submit a certified copy of either its articles of
10 organization or operating agreement designating the new
11 managing agent. The Department may, upon good cause shown,
12 extend the original 30 day period.

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

22 (f) No professional design firm shall be relieved of
23 responsibility for the conduct or acts of its agents,
24 employees, or officers by reason of its compliance with this
25 Section, nor shall any individual practicing architecture be
26 relieved of the responsibility for professional services

1 performed by reason of the individual's employment or
2 relationship with a professional design firm registered under
3 this Section.

4 (g) Disciplinary action against a professional design firm
5 registered under this Section shall be administered in the same
6 manner and on the same grounds as disciplinary action against a
7 licensed architect. All disciplinary action taken or pending
8 against a corporation or partnership before the effective date
9 of this amendatory Act of 1993 shall be continued or remain in
10 effect without the Department filing separate actions.

11 (Source: P.A. 96-610, eff. 8-24-09.)

12 (225 ILCS 305/23) (from Ch. 111, par. 1323)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 23. Violations; Injunction; Cease and desist order.

15 (a) If any person or entity violates a provision of this
16 Act, the Director may, in the name of the People of the State
17 of Illinois, through the Attorney General of the State of
18 Illinois, petition for an order enjoining such violation or for
19 an order enforcing compliance with this Act. Upon the filing of
20 a verified petition in such court, the court may issue a
21 temporary restraining order, without notice or bond, and may
22 preliminarily and permanently enjoin such violation. If it is
23 established that such person or entity has violated or is
24 violating the injunction, the Court may punish the offender for
25 contempt of court. Proceedings under this Section are in

1 addition to, and not in lieu of, all other remedies and
2 penalties provided by this Act.

3 (b) If any person or entity practices as an architect or
4 holds himself out as an architect or professional design firm
5 without being licensed or registered under the provisions of
6 this Act, then any ~~licensed~~ architect, any interested party or
7 any person injured thereby may, in addition to the Director,
8 petition for relief as provided in subsection (a) of this
9 Section.

10 (c) Whenever in the opinion of the Department any person or
11 entity violates any provision of this Act, the Department may
12 issue a rule to show cause why an order to cease and desist
13 should not be entered against him. The rule shall clearly set
14 forth the grounds relied upon by the Department and shall
15 provide a period of 7 days from the date of the rule to file an
16 answer to the satisfaction of the Department. Failure to answer
17 to the satisfaction of the Department shall cause an order to
18 cease and desist to be issued immediately.

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

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

21 (Section scheduled to be repealed on January 1, 2020)

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

25 (a) the practice, attempt to practice or offer to

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

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

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

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

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

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

25 (g) If any person, sole proprietorship, professional
26 service corporation, limited liability company,

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

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

20 (Source: P.A. 96-610, eff. 8-24-09.)

21 (225 ILCS 305/37.5 new)

22 Sec. 37.5. Confidentiality. All information collected by
23 the Department in the course of an examination or investigation
24 of a licensee or applicant, including, but not limited to, any
25 complaint against a licensee filed with the Department and

1 information collected to investigate any such complaint, shall
2 be maintained for the confidential use of the Department and
3 shall not be disclosed. The Department may not disclose the
4 information to anyone other than law enforcement officials,
5 other regulatory agencies that have an appropriate regulatory
6 interest as determined by the Secretary, or a party presenting
7 a lawful subpoena to the Department. Information and documents
8 disclosed to a federal, State, county, or local law enforcement
9 agency shall not be disclosed by the agency for any purpose to
10 any other agency or person. A formal complaint filed against a
11 licensee by the Department or any order issued by the
12 Department against a licensee or applicant shall be a public
13 record, except as otherwise prohibited by law.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.