



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3488

Introduced 2/14/2014, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

225 ILCS 305/9	from Ch. 111, par. 1309
225 ILCS 305/12	from Ch. 111, par. 1312
225 ILCS 305/21	from Ch. 111, par. 1321

Amends the Illinois Architecture Practice Act of 1989. Removes a provision stating that a member's service on the Illinois Architecture Licensing Board that occurred prior to the effective date of the Act shall not be considered in determining the length of his or her consecutive years of service. Further provides that an applicant for licensure under the Act shall be required to complete certain experience requirements in addition to the examination requirements under the Act, and that he or she has one year from the date of notification of successful completion of all examination and experience requirements to apply to the Department of Financial and Professional Regulation for a license. Includes a professional land surveyor in the definition of "Illinois licensed design professional". Effective immediately.

LRB098 15835 ZMM 50877 b

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 9, 12, and 21 as follows:

6 (225 ILCS 305/9) (from Ch. 111, par. 1309)

7 (Section scheduled to be repealed on January 1, 2020)

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

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

1 organizations of the profession.

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

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

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

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

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

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

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

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

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

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

11 (225 ILCS 305/12) (from Ch. 111, par. 1312)

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

13 Sec. 12. Examinations; subjects; failure or refusal to take
14 examination. The Department shall authorize examination of
15 applicants as architects at such times and places as it may
16 determine. The examination shall be in English and shall be
17 written or written and graphic. It shall include at a minimum
18 the following subjects:

19 (a) pre-design (environmental analysis, architectural
20 programming, and application of principles of project
21 management and coordination);

22 (b) site planning (site analysis, design and
23 development, parking, and application of zoning
24 requirements);

25 (c) building planning (conceptual planning of

1 functional and space relationships, building design,
2 interior space layout, barrier-free design, and the
3 application of the life safety code requirements and
4 principles of energy efficient design);

5 (d) building technology (application of structural
6 systems, building components, and mechanical and
7 electrical systems);

8 (e) general structures (identification, resolution,
9 and incorporation of structural systems and the long span
10 design on the technical aspects of the design of buildings
11 and the process and construction);

12 (f) lateral forces (identification and resolution of
13 the effects of lateral forces on the technical aspects of
14 the design of buildings and the process of construction);

15 (g) mechanical and electrical systems (as applied to
16 the design of buildings, including plumbing and acoustical
17 systems);

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

20 (i) construction documents and services (conduct of
21 architectural practice as it relates to construction
22 documents, bidding, and construction administration and
23 contractual documents from beginning to end of a building
24 project).

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

1 Examination subject matter headings and bases on which
2 examinations are graded shall be indicated in rules pertaining
3 to this Act. The Department may adopt the examinations and
4 grading procedures of the National Council of Architectural
5 Registration Boards. Content of any particular examination
6 shall not be considered public record under the Freedom of
7 Information Act.

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

18 An applicant shall have 5 years from the passage of the
19 first examination to successfully complete all examinations
20 required by rule of the Department.

21 The Department may by rule prescribe additional subjects
22 for examination.

23 An applicant has one year from the date of notification of
24 successful completion of all the examination and experience
25 requirements to apply to the Department for a license. If an
26 applicant fails to apply within one year, the applicant shall

1 be required to again take and pass the examination, unless the
2 Department, upon recommendation of the Board, determines that
3 there is sufficient cause for the delay that is not due to the
4 fault of the applicant.

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

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 shall be prohibited from offering architectural services to the

1 public. "Illinois licensed design professional" means a person
2 who holds an active license as an architect under this Act, as
3 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. Every entity registered as a
16 professional design firm shall display its certificate of
17 registration or a facsimile thereof in a conspicuous place in
18 each office offering architectural services.

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

24 (1) The name and architect's license number of at least
25 one person designated as the managing agent. In the case of
26 a corporation, the corporation shall also submit a

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

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

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

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

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

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

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

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

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

1 relationship with a professional design firm registered under
2 this Section.

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

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.