

SB0838



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0838

Introduced 2/11/2015, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Illinois Roofing Industry Licensing Act from January 1, 2016 to January 1, 2026. Amends the Illinois Roofing Industry Licensing Act. Makes changes in provisions concerning: definitions, application procedures, inactive licenses, qualifying parties, fees, grounds for discipline, disciplinary procedures, surrender of licenses, suspension of licenses, the Roofing Advisory Board, and home rule. Authorizes the Department of Professional and Financial Regulation to compel physical or mental evaluations of licensees when necessary to ensure compliance with the Act. Adds provisions concerning confidentiality of investigative information and the issuance of citations. Makes other changes. Effective immediately.

LRB099 04219 HAF 24241 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by changing
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 ~~The Illinois Roofing Industry Licensing Act.~~

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Illinois Roofing Industry Licensing Act.

3 Section 10. The Illinois Roofing Industry Licensing Act is
4 amended by changing Sections 2, 2.1, 3, 3.5, 4.5, 5, 5.1, 5.5,
5 6, 7, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9a, 9.10,
6 9.14, 9.15, 10, 10a, 11 and 11.5, and by adding Sections 11.6,
7 11.7, 11.8, 11.9, and 11.10 as follows:

8 (225 ILCS 335/2) (from Ch. 111, par. 7502)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 2. Definitions. As used in this Act, unless the
11 context otherwise requires:

12 (a) "Licensure" means the act of obtaining or holding a
13 license issued by the Department as provided in this Act.

14 (b) "Department" means the Department of Financial and
15 Professional Regulation.

16 (c) "Secretary Director" means the Secretary Director of
17 Financial and Professional Regulation.

18 (d) "Person" means any individual, partnership,
19 corporation, business trust, limited liability company, or
20 other legal entity.

21 (e) "Roofing contractor" is one who has the experience,
22 knowledge and skill to construct, reconstruct, alter, maintain
23 and repair roofs and use materials and items used in the
24 construction, reconstruction, alteration, maintenance and

1 repair of all kinds of roofing and waterproofing as related to
2 roofing, all in such manner to comply with all plans,
3 specifications, codes, laws, and regulations applicable
4 thereto, but does not include such contractor's employees to
5 the extent the requirements of Section 3 of this Act apply and
6 extend to such employees.

7 (f) "Board" means the Roofing Advisory Board.

8 (g) "Qualifying party" means the individual filing as a
9 sole proprietor, partner of a partnership, officer of a
10 corporation, trustee of a business trust, or party of another
11 legal entity, who is legally qualified to act for the business
12 organization in all matters connected with its roofing
13 contracting business, has the authority to supervise roofing
14 installation operations, and is actively engaged in day to day
15 activities of the business organization.

16 "Qualifying party" does not apply to a seller of roofing
17 materials or services when the construction, reconstruction,
18 alteration, maintenance, or repair of roofing or waterproofing
19 is to be performed by a person other than the seller or the
20 seller's employees.

21 (h) "Limited roofing license" means a license made
22 available to contractors whose roofing business is limited to
23 roofing residential properties consisting of 8 units or less.

24 (i) "Unlimited roofing license" means a license made
25 available to contractors whose roofing business is unlimited in
26 nature and includes roofing on residential, commercial, and

1 industrial properties.

2 (j) "Seller of services or materials" means a business
3 entity primarily engaged in the sale of tangible personal
4 property at retail.

5 (k) "Building permit" means a permit issued by a unit of
6 local government for work performed within the local
7 government's jurisdiction that requires a license under this
8 Act.

9 (l) "Address of record" means the designated address
10 recorded by the Department in the applicant's or licensee's
11 application file or license file as maintained by the
12 Department's licensure maintenance unit. It is the duty of the
13 applicant or licensee to inform the Department of any change of
14 address, and those changes must be made either through the
15 Department's website or by contacting the Department.

16 (Source: P.A. 96-624, eff. 1-1-10; 97-965, eff. 8-15-12.)

17 (225 ILCS 335/2.1) (from Ch. 111, par. 7502.1)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 2.1. Administration of Act; rules and forms. ~~The~~
20 ~~Department may exercise the following powers and duties subject~~
21 ~~to the provisions of this Act:~~

22 (a) The Department shall exercise the powers and duties
23 prescribed by the Civil Administrative Code of Illinois for the
24 administration of licensing Acts and shall exercise such other
25 powers and duties necessary for effectuating the purposes of

1 ~~this Act To prescribe forms of application for certificates of~~
2 ~~registration.~~

3 (b) The Secretary may adopt rules consistent with the
4 provisions of this Act for the administration and enforcement
5 of this Act and for the payment of fees connected with this Act
6 and may prescribe forms that shall be issued in connection with
7 this Act. The rules may include, but not be limited to, the
8 standards and criteria for licensure and professional conduct
9 and discipline and the standards and criteria used when
10 determining fitness to practice. The Department may consult
11 with the Board in adopting rules ~~To pass upon the~~
12 ~~qualifications of applicants for certificates of registration~~
13 ~~and issue certificates of registration to those found to be fit~~
14 ~~and qualified.~~

15 (c) The Department may, at any time, seek the advice and
16 the expert knowledge of the Board on any matter relating to the
17 administration of this Act ~~To conduct hearings on proceedings~~
18 ~~to revoke, suspend or otherwise discipline or to refuse to~~
19 ~~issue or renew certificates of registration.~~

20 (d) (Blank) ~~To formulate rules and regulations when~~
21 ~~required for the administration and enforcement of this Act.~~

22 (Source: P.A. 89-387, eff. 1-1-96.)

23 (225 ILCS 335/3) (from Ch. 111, par. 7503)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 3. Application for license.

1 (1) To obtain a license, an applicant must indicate if the
2 license is sought for a sole proprietorship, partnership,
3 corporation, business trust, or other legal entity and whether
4 the application is for a limited or unlimited roofing license.
5 If the license is sought for a sole proprietorship, the license
6 shall be issued to the sole proprietor who shall also be
7 designated as the qualifying party. If the license is sought
8 for a partnership, corporation, business trust, or other legal
9 entity, the license shall be issued in the company name. A
10 company must designate one individual who will serve as a
11 qualifying party. The qualifying party is the individual who
12 must take the examination required under Section 3.5. The
13 company shall submit an application in writing to the
14 Department on a form containing the information prescribed by
15 the Department and accompanied by the fee fixed by the
16 Department. The application shall include, but shall not be
17 limited to:

18 (a) the name and address of the person designated as
19 the qualifying party responsible for the practice of
20 professional roofing in Illinois;

21 (b) the name of the sole proprietorship and its sole
22 proprietor, the name of the partnership and its partners,
23 the name of the corporation and its officers, shareholders,
24 and directors, the name of the business trust and its
25 trustees, or the name of such other legal entity and its
26 members;

1 (c) evidence of compliance with any statutory
2 requirements pertaining to such legal entity, including
3 compliance with the Assumed Business Name Act; and ~~any laws~~
4 ~~pertaining to the use of fictitious names, if a fictitious~~
5 ~~name is used; if the business is a sole proprietorship and~~
6 ~~doing business under a name other than that of the~~
7 ~~individual proprietor, the individual proprietor must list~~
8 ~~all business names used for that proprietorship.~~

9 (d) a signed irrevocable uniform consent to service of
10 process form provided by the Department.

11 (1.5) (Blank). ~~A certificate issued by the Department~~
12 ~~before the effective date of this amendatory Act of the 91st~~
13 ~~General Assembly shall be deemed a license for the purposes of~~
14 ~~this Act.~~

15 (2) An applicant for a license must submit satisfactory
16 evidence that:

17 (a) he or she has obtained public liability and
18 property damage insurance in such amounts and under such
19 circumstances as may be determined by the Department;

20 (b) he or she has obtained Workers' Compensation
21 insurance for roofing covering his or her employees or is
22 approved as a self-insurer of Workers' Compensation in
23 accordance with Illinois law;

24 (c) he or she has an unemployment insurance employer
25 account number issued by the Department of Employment
26 Security, and he or she is not delinquent in the payment of

1 any amount due under the Unemployment Insurance Act;

2 (d) he or she has submitted a continuous bond to the
3 Department in the amount of \$10,000 for a limited license
4 and in the amount of \$25,000 for an unlimited license; and

5 (e) a qualifying party has satisfactorily completed
6 the examination required under Section 3.5.

7 (3) It is the ongoing responsibility of the licensee to
8 provide to the Department notice in writing of any changes in
9 the information required to be provided on the application.

10 (4) (Blank). ~~All roofing contractors must designate a~~
11 ~~qualifying party and otherwise achieve compliance with this Act~~
12 ~~no later than July 1, 2003 or his or her license will~~
13 ~~automatically expire on July 1, 2003.~~

14 (5) Nothing in this Section shall apply to a seller of
15 roofing materials or services when the construction,
16 reconstruction, alteration, maintenance, or repair of roofing
17 or waterproofing is to be performed by a person other than the
18 seller or the seller's employees.

19 (6) Applicants have 3 years from the date of application to
20 complete the application process. If the application has not
21 been completed within 3 years, the application shall be denied,
22 the fee shall be forfeited and the applicant must reapply and
23 meet the requirements in effect at the time of reapplication.

24 (Source: P.A. 98-838, eff. 1-1-15.)

25 (225 ILCS 335/3.5)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 3.5. Examinations ~~Examination~~.

3 (a) The Department shall authorize examinations for
4 applicants for initial licensure ~~licenses~~ at the time and place
5 it may designate. The examinations shall be of a character to
6 fairly test the competence and qualifications of applicants to
7 act as roofing contractors. Each applicant for limited licenses
8 shall designate a qualifying party who shall take an
9 examination, the technical portion of which shall cover
10 residential roofing practices. Each applicant for an unlimited
11 license shall designate a qualifying party who shall take an
12 examination, the technical portion of which shall cover
13 residential, commercial, and industrial roofing practices.

14 (b) An applicant for a limited license or an unlimited
15 license or a qualifying party designated by an applicant for a
16 limited license or unlimited license shall pay, either to the
17 Department or the designated testing service, a fee established
18 by the Department to cover the cost of providing the
19 examination. ~~Failure of the individual scheduled~~ to appear for
20 the examination on the scheduled date at the time and place
21 specified, after the applicant's ~~his or her~~ application for
22 examination has been received and acknowledged by the
23 Department or the designated testing service, l shall result in
24 forfeiture of the examination fee.

25 (c) The qualifying party for an applicant for a new license
26 must have passed an examination authorized by the Department

1 before the Department may issue a license.

2 (d) The application for a license as a corporation,
3 business trust, or other legal entity submitted by a sole
4 proprietor who is currently licensed under this Act and exempt
5 from the examination requirement of this Section shall not be
6 considered an application for initial licensure for the
7 purposes of this subsection (d) if the sole proprietor is named
8 in the application as the qualifying party and is the sole
9 owner of the legal entity. Upon issuance of a license to the
10 new legal entity, the sole proprietorship license is
11 terminated.

12 The application for initial licensure as a partnership,
13 corporation, business trust, or other legal entity submitted by
14 a currently licensed partnership, corporation, business trust,
15 or other legal entity shall not be considered an application
16 for initial licensure for the purposes of this subsection (d)
17 if the entity's current qualifying party is exempt from the
18 examination requirement of this Section, that qualifying party
19 is named as the new legal entity's qualifying party, and the
20 majority of ownership in the new legal entity remains the same
21 as the currently licensed entity. Upon issuance of a license to
22 the new legal entity under this subsection (d), the former
23 license issued to the applicant is terminated.

24 (e) An applicant has 3 years after the date of ~~his or her~~
25 application to complete the application process. If the process
26 has not been completed within 3 years, the application shall be

1 denied, the fee shall be forfeited, and the applicant must
2 reapply and meet the requirements in effect at the time of
3 reapplication.

4 (Source: P.A. 95-303, eff. 1-1-08; 96-624, eff. 1-1-10.)

5 (225 ILCS 335/4.5)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 4.5. Duties of qualifying party; replacement; grounds
8 for discipline.

9 (a) While engaged as or named as a qualifying party for a
10 licensee, no person may be the named qualifying party for any
11 other licensee. However, the person may act in the capacity of
12 the qualifying party for one additional licensee of the same
13 type of licensure if one of the following conditions exists:

14 (1) there ~~There~~ is a common ownership of at least 25%
15 of each licensed entity for which the person acts as a
16 qualifying party; or.

17 (2) the ~~The~~ same person acts as a qualifying party for
18 one licensed entity and its licensed subsidiary.

19 "Subsidiary" as used in this Section means a corporation of
20 which at least 25% is owned by another licensee.

21 (b) Upon the loss of ~~In the event that~~ a qualifying party
22 who is not replaced ~~is terminated or terminating his or her~~
23 ~~status as qualifying party of a licensee,~~ the qualifying party
24 or and the licensee, or both, shall notify the Department ~~of~~
25 ~~that fact in writing. Thereafter, the licensee shall notify the~~

1 ~~Department~~ of the name and address of the newly designated
2 qualifying party. The newly designated qualifying party must
3 take and pass the examination prescribed in Section 3.5 of this
4 Act; ~~however, a newly designated qualifying party is exempt~~
5 ~~from the examination requirement until January 1, 2012 if he or~~
6 ~~she has acted in the capacity of a roofing contractor for a~~
7 ~~period of at least 15 years for the licensee for which he or~~
8 ~~she seeks to be the qualifying party.~~ These requirements shall
9 be met in a timely manner as established by rule of the
10 Department.

11 (c) A qualifying party that is accepted by the Department
12 shall have the authority to act for the licensed entity in all
13 matters connected with its roofing contracting business and to
14 supervise roofing installation operations. This authority
15 shall not be deemed to be a license for purposes of this Act.

16 (d) Designation of a qualifying party by an applicant under
17 this Section and Section 3 is subject to acceptance by the
18 Department. The Department may refuse to accept a qualifying
19 party (i) for failure to qualify as required under this Act and
20 the rules adopted under this Act or (ii) after making a
21 determination that the designated party has a history of acting
22 illegally, fraudulently, incompetently, or with gross
23 negligence in the roofing or construction business.

24 (e) The Department may, at any time after giving
25 appropriate notice and the opportunity for a hearing, suspend
26 or revoke its acceptance of a qualifying party designated by a

1 licensee for any act or failure to act that gives rise to any
2 ground for disciplinary action against that licensee under
3 ~~Section 9.1 or 9.6 of this Act~~ and the rules adopted under this
4 Act. If the Department suspends or revokes its acceptance of a
5 qualifying party, the license of the licensee shall be deemed
6 to be suspended until a new qualifying party has been
7 designated by the licensee and accepted by the Department.

8 If acceptance of a qualifying party is suspended or revoked
9 for action or inaction that constitutes a violation of this Act
10 or the rules adopted under this Act, the Department may in
11 addition take such other disciplinary or non-disciplinary
12 action as it may deem proper, including imposing a fine on the
13 qualifying party, not to exceed \$10,000 for each violation.

14 All administrative decisions of the Department under this
15 subsection (e) are subject to judicial review pursuant to
16 Section 9.7 of this Act. An order taking action against a
17 qualifying party shall be deemed a final administrative
18 decision of the Department for purposes of Section 9.7 of this
19 Act.

20 (Source: P.A. 96-624, eff. 1-1-10.)

21 (225 ILCS 335/5) (from Ch. 111, par. 7505)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 5. Display of license number; building permits;
24 advertising.

25 (a) Each State licensed roofing contractor shall affix the

1 roofing contractor license number and the licensee's name, as
2 it appears on the license, to all ~~of his or her~~ contracts and
3 bids. In addition, the official issuing building permits shall
4 affix the roofing contractor license number to each application
5 for a building permit and on each building permit issued and
6 recorded.

7 (a-3) A municipality or a county that requires a building
8 permit may not issue a building permit to a roofing contractor
9 unless that contractor has provided sufficient proof of current
10 licensure ~~that he or she is licensed currently~~ as a roofing
11 contractor by the State. Holders of an unlimited roofing
12 license may be issued permits for residential, commercial, and
13 industrial roofing projects. Holders of a limited roofing
14 license are restricted to permits for work on residential
15 properties consisting of 8 units or less.

16 (a-5) A person who knowingly, in the course of applying for
17 a building permit with a unit of local government, provides the
18 roofing license number or name of a roofing contractor whom
19 that person ~~he or she~~ does not intend to have perform the work
20 on the roofing portion of the project commits identity theft
21 under paragraph (8) of subsection (a) of Section 16-30 of the
22 Criminal Code of 2012.

23 (a-10) A building permit applicant must present a
24 government-issued identification along with the building
25 permit application. Except for the name of the individual, all
26 other personal information contained in the government-issued

1 identification shall be exempt from disclosure under
2 subsection (c) of Section 7 of the Freedom of Information Act.
3 The official issuing the building permit shall maintain the
4 name and identification number, as it appears on the
5 government-issued identification, in the building permit
6 application file. It is not necessary that the building permit
7 applicant be the qualifying party. This subsection shall not
8 apply to a county or municipality whose building permit process
9 occurs through electronic means.

10 (b) (Blank).

11 (c) Every holder of a license shall display it in a
12 conspicuous place in the licensee's ~~his or her~~ principal
13 office, place of business, or place of employment.

14 (d) No person licensed under this Act may advertise
15 services regulated by this Act unless that person includes in
16 the advertisement the roofing contractor license number and the
17 licensee's name, as it appears on the license. Nothing
18 contained in this subsection requires the publisher of
19 advertising for roofing contractor services to investigate or
20 verify the accuracy of the license number provided by the
21 licensee.

22 (e) A person who advertises services regulated by this Act
23 who knowingly (i) fails to display the license number and the
24 licensee's name, as it appears on the license, in any manner
25 required by this Section, (ii) fails to provide a publisher
26 with the correct license number as required by subsection (d),

1 or (iii) provides a publisher with a false license number or a
2 license number of another person, or a person who knowingly
3 allows the licensee's ~~his or her~~ license number to be displayed
4 or used by another person to circumvent any provisions of this
5 Section, is guilty of a Class A misdemeanor with a fine of
6 \$1,000, and, in addition, is subject to the administrative
7 enforcement provisions of this Act. Each day that an
8 advertisement runs or each day that a person knowingly allows
9 the licensee's ~~his or her~~ license to be displayed or used in
10 violation of this Section constitutes a separate offense.

11 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;
12 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; 97-965, eff. 8-15-12;
13 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 (225 ILCS 335/5.1)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 5.1. Commercial vehicles. Any entity offering
17 services regulated by the Roofing Industry Licensing Act shall
18 affix the roofing contractor license number and the licensee's
19 name, as it appears on the license, on all commercial vehicles
20 used in offering such services. An entity in violation of this
21 Section shall be subject to a \$250 civil penalty. This Section
22 may be enforced by local code enforcement officials employed by
23 units of local government as it relates to roofing work being
24 performed within the boundaries of their jurisdiction. For
25 purposes of this Section, "code enforcement official" means an

1 officer or other designated authority charged with the
2 administration, interpretation, and enforcement of codes on
3 behalf of a municipality or county. If the alleged violation
4 has been corrected prior to or on the date of the hearing
5 scheduled to adjudicate the alleged violation, the violation ~~it~~
6 shall be dismissed.

7 (Source: P.A. 97-235, eff. 1-1-12.)

8 (225 ILCS 335/5.5)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 5.5. Contracts. A roofing contractor, when signing a
11 contract, must provide a land-based phone number and a street
12 address other than a post office box at which the roofing
13 contractor ~~he or she~~ may be contacted.

14 (Source: P.A. 91-950, eff. 2-9-01.)

15 (225 ILCS 335/6) (from Ch. 111, par. 7506)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 6. Expiration and renewal; inactive status;
18 ~~restoration, renewal.~~

19 (a) The expiration date and renewal period for each
20 certificate of registration issued under this Act shall be set
21 by the Department by rule.

22 (b) A licensee who has permitted his or her license to
23 expire or whose license is on inactive status may have his or
24 her license restored by making application to the Department in

1 the form and manner prescribed by the Department.

2 (c) A licensee who notifies the Department in writing on
3 forms prescribed by the Department may elect to place his or
4 her license on inactive status and shall, subject to rules of
5 the Department, be excused from payment of renewal fees until
6 he or she notifies the Department in writing of his or her
7 desire to resume active status.

8 (d) A licensee whose license expired while he or she was
9 (1) on active duty with the Armed Forces of the United States
10 or the State Militia called into service or training or (2) in
11 training or education under the supervision of the United
12 States preliminary to induction into the military service, may
13 have his or her license renewed or restored without paying any
14 lapsed renewal fees if, within 2 years after termination of
15 such service, training, or education, except under conditions
16 other than honorable, he or she furnishes the Department with
17 satisfactory evidence to the effect that he or she has been so
18 engaged and that his or her service, training, or education has
19 been so terminated.

20 (e) A roofing contractor whose license is expired or on
21 inactive status shall not practice under this Act in the State
22 of Illinois.

23 (Source: P.A. 95-303, eff. 1-1-08.)

24 (225 ILCS 335/7) (from Ch. 111, par. 7507)

25 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 7. Fees. The fees for the administration and
2 enforcement of this Act, including, but not limited to,
3 original certification, renewal, and restoration of a license
4 issued under this Act, shall be set by rule. The fees shall be
5 nonrefundable. ~~(1) The initial application fee for a~~
6 ~~certificate shall be fixed by the Department by rule. (2) All~~
7 ~~other fees not set forth herein shall be fixed by rule. (3)~~
8 ~~(Blank). (4) (Blank). (5) (Blank). (6) All fees, penalties, and~~
9 fines collected under this Act shall be deposited into the
10 General Professions Dedicated Fund and shall be appropriated to
11 the Department for the ordinary and contingent expenses of the
12 Department in the administration of this Act.

13 (Source: P.A. 94-254, eff. 7-19-05.)

14 (225 ILCS 335/9) (from Ch. 111, par. 7509)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 9. Licensure requirement.

17 (1) It is unlawful for any person to engage in the business
18 or act in the capacity of or hold himself, ~~or~~ herself, or
19 itself out in any manner as a roofing contractor without having
20 been duly licensed under the provisions of this Act.

21 (2) No work involving the construction, reconstruction,
22 alteration, maintenance or repair of any kind of roofing or
23 waterproofing may be done except by a roofing contractor
24 licensed under this Act.

25 (3) Sellers of roofing services may subcontract the

1 provision of those roofing services only to roofing contractors
2 licensed under this Act.

3 (4) All persons performing roofing services under this Act
4 shall be licensed as roofing contractors, except for those
5 persons who are deemed to be employees under Section 10 of the
6 Employee Classification Act of a licensed roofing contractor.

7 (Source: P.A. 98-838, eff. 1-1-15.)

8 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 9.1. Grounds for disciplinary action.

11 (1) The Department may refuse to issue or to renew, or may
12 revoke, suspend, place on probation, reprimand or take other
13 disciplinary or non-disciplinary action as the Department may
14 deem proper, including fines not to exceed \$10,000 for each
15 violation, with regard to any license for any one or
16 combination of the following ~~causes~~:

17 (a) violation of this Act or its rules;

18 (b) conviction or plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States ~~or any~~
24 ~~state or territory thereof~~ that is (i) a felony or (ii) a
25 misdemeanor, an essential element of which is dishonesty or

1 that is directly related to the practice of the profession;

2 (c) Fraud or ~~making~~ any misrepresentation in applying
3 for or procuring ~~for the purpose of obtaining~~ a license
4 under this Act, or in connection with applying for renewal
5 of a license under this Act;

6 (d) professional incompetence or gross negligence in
7 the practice of roofing contracting, prima facie evidence
8 of which may be a conviction or judgment in any court of
9 competent jurisdiction against an applicant or licensee
10 relating to the practice of roofing contracting or the
11 construction of a roof or repair thereof that results in
12 leakage within 90 days after the completion of such work;

13 (e) (blank);

14 (f) aiding or assisting another person in violating any
15 provision of this Act or rules;

16 (g) failing, within 60 days, to provide information in
17 response to a written request made by the Department ~~which~~
18 ~~has been sent by certified or registered mail to the~~
19 ~~licensee's last known address;~~

20 (h) engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public;

23 (i) habitual or excessive use or abuse of controlled
24 substances, as defined by the Illinois Controlled
25 Substances Act, alcohol, or any other substance that
26 ~~addiction to alcohol, narcotics, stimulants or any other~~

1 ~~chemical agent or drug which~~ results in the inability to
2 practice with reasonable judgment, skill, or safety;

3 (j) discipline by another state, unit of government, or
4 government agency, the District of Columbia, a territory,
5 ~~U.S. jurisdiction~~ or a foreign nation, if at least one of
6 the grounds for the discipline is the same or substantially
7 equivalent to those set forth in this Section;

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

13 (l) a finding by the Department that the licensee,
14 after having his or her license disciplined, ~~placed on~~
15 ~~probationary status~~ has violated the terms of the
16 discipline probation;

17 (m) a finding by any court of competent jurisdiction,
18 either within or without this State, of any violation of
19 any law governing the practice of roofing contracting, if
20 the Department determines, after investigation, that such
21 person has not been sufficiently rehabilitated to warrant
22 the public trust;

23 (n) willfully making or filing false records or reports
24 in the practice of roofing contracting, including, but not
25 limited to, false records filed with the State agencies or
26 departments ~~a finding that licensure has been applied for~~

1 ~~or obtained by fraudulent means;~~

2 (o) practicing, attempting to practice, or advertising
3 under a name other than the full name as shown on the
4 license or any other legally authorized name;

5 (p) gross and willful overcharging for professional
6 services including filing false statements for collection
7 of fees or monies for which services are not rendered;

8 (q) (blank); ~~failure to file a return, or to pay the~~
9 ~~tax, penalty or interest shown in a filed return, or to pay~~
10 ~~any final assessment of tax, penalty or interest, as~~
11 ~~required by any tax Act administered by the Illinois~~
12 ~~Department of Revenue, until such time as the requirements~~
13 ~~of any such tax Act are satisfied;~~

14 (r) (blank); ~~the Department shall deny any license or~~
15 ~~renewal under this Act to any person who has defaulted on~~
16 ~~an educational loan guaranteed by the Illinois State~~
17 ~~Scholarship Commission; however, the Department may issue~~
18 ~~a license or renewal if the person in default has~~
19 ~~established a satisfactory repayment record as determined~~
20 ~~by the Illinois State Scholarship Commission;~~

21 (s) failure to continue to meet the requirements of
22 this Act shall be deemed a violation;

23 (t) physical or mental disability, including
24 deterioration through the aging process or loss of
25 abilities and skills that result in an inability to
26 practice the profession with reasonable judgment, skill,

1 or safety;

2 (u) material misstatement in furnishing information to
3 the Department or to any other State agency;

4 (v) (blank); ~~the determination by a court that a~~
5 ~~licensee is subject to involuntary admission or judicial~~
6 ~~admission as provided in the Mental Health and~~
7 ~~Developmental Disabilities Code will result in an~~
8 ~~automatic suspension of his or her license. The suspension~~
9 ~~will end upon a finding by a court that the licensee is no~~
10 ~~longer subject to involuntary admission or judicial~~
11 ~~admission, the issuance of an order so finding and~~
12 ~~discharging the patient, and the recommendation of the~~
13 ~~Board to the Director that the licensee be allowed to~~
14 ~~resume professional practice;~~

15 (w) advertising in any manner that is false,
16 misleading, or deceptive;

17 (x) taking undue advantage of a customer, which results
18 in the perpetration of a fraud;

19 (y) performing any act or practice that is a violation
20 of the Consumer Fraud and Deceptive Business Practices Act;

21 (z) engaging in the practice of roofing contracting, as
22 defined in this Act, with a suspended, revoked, or
23 cancelled license;

24 (aa) treating any person differently to the person's
25 detriment because of race, color, creed, gender, age,
26 religion, or national origin;

1 (bb) knowingly making any false statement, oral,
2 written, or otherwise, of a character likely to influence,
3 persuade, or induce others in the course of obtaining or
4 performing roofing contracting services;

5 (cc) violation of any final administrative action of
6 the Secretary;

7 (dd) allowing the use of his or her roofing license by
8 an unlicensed roofing contractor for the purposes of
9 providing roofing or waterproofing services; or

10 (ee) (blank); ~~aiding or assisting another person in~~
11 ~~violating any provision of this Act or its rules,~~
12 ~~including, but not limited to, Section 9 of this Act.~~

13 (ff) cheating or attempting to subvert a licensing
14 examination administered under this Act; or

15 (gg) use of a license to permit or enable an unlicensed
16 person to provide roofing contractor services.

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

1 (3) The Department may refuse to issue or take disciplinary
2 action concerning the license of any person who fails to file a
3 return, to pay the tax, penalty, or interest shown in a filed
4 return, or to pay any final assessment of tax, penalty, or
5 interest as required by any tax Act administered by the
6 Department of Revenue, until such time as the requirements of
7 any such tax Act are satisfied as determined by the Department
8 of Revenue.

9 (4) In enforcing this Section, the Department, upon a
10 showing of a possible violation, may compel any individual who
11 is licensed under this Act or any individual who has applied
12 for licensure to submit to a mental or physical examination or
13 evaluation, or both, which may include a substance abuse or
14 sexual offender evaluation, at the expense of the Department.
15 The Department shall specifically designate the examining
16 physician licensed to practice medicine in all of its branches
17 or, if applicable, the multidisciplinary team involved in
18 providing the mental or physical examination and evaluation.
19 The multidisciplinary team shall be led by a physician licensed
20 to practice medicine in all of its branches and may consist of
21 one or more or a combination of physicians licensed to practice
22 medicine in all of its branches, licensed chiropractic
23 physicians, licensed clinical psychologists, licensed clinical
24 social workers, licensed clinical professional counselors, and
25 other professional and administrative staff. Any examining
26 physician or member of the multidisciplinary team may require

1 any person ordered to submit to an examination and evaluation
2 pursuant to this Section to submit to any additional
3 supplemental testing deemed necessary to complete any
4 examination or evaluation process, including, but not limited
5 to, blood testing, urinalysis, psychological testing, or
6 neuropsychological testing.

7 (5) The Department may order the examining physician or any
8 member of the multidisciplinary team to provide to the
9 Department any and all records, including business records,
10 that relate to the examination and evaluation, including any
11 supplemental testing performed. The Department may order the
12 examining physician or any member of the multidisciplinary team
13 to present testimony concerning this examination and
14 evaluation of the licensee or applicant, including testimony
15 concerning any supplemental testing or documents relating to
16 the examination and evaluation. No information, report,
17 record, or other documents in any way related to the
18 examination and evaluation shall be excluded by reason of any
19 common law or statutory privilege relating to communication
20 between the licensee or applicant and the examining physician
21 or any member of the multidisciplinary team. No authorization
22 is necessary from the licensee or applicant ordered to undergo
23 an evaluation and examination for the examining physician or
24 any member of the multidisciplinary team to provide
25 information, reports, records, or other documents or to provide
26 any testimony regarding the examination and evaluation. The

1 individual to be examined may have, at his or her own expense,
2 another physician of his or her choice present during all
3 aspects of the examination.

4 (6) Failure of any individual to submit to mental or
5 physical examination or evaluation, or both, when directed,
6 shall result in an automatic suspension without hearing until
7 such time as the individual submits to the examination. If the
8 Department finds a licensee unable to practice because of the
9 reasons set forth in this Section, the Department shall require
10 the licensee to submit to care, counseling, or treatment by
11 physicians approved or designated by the Department as a
12 condition for continued, reinstated, or renewed licensure.

13 (7) When the Secretary immediately suspends a license under
14 this Section, a hearing upon such person's license must be
15 convened by the Department within 15 days after the suspension
16 and completed without appreciable delay. The Department shall
17 have the authority to review the licensee's record of treatment
18 and counseling regarding the impairment to the extent permitted
19 by applicable federal statutes and regulations safeguarding
20 the confidentiality of medical records.

21 (8) Licensees affected under this Section shall be afforded
22 an opportunity to demonstrate to the Department that they can
23 resume practice in compliance with acceptable and prevailing
24 standards under the provisions of their license.

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

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with paragraph (5) of
4 subsection (a) of Section 2105-15 of the Department of
5 Professional Regulation Law of the Civil Administrative Code of
6 Illinois.

7 (10) In cases where the Department of Healthcare and Family
8 Services has previously determined a licensee or a potential
9 licensee is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's license or may take other
13 disciplinary action against that person based solely upon the
14 certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with paragraph (5)
16 of subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 The changes to this Act made by this amendatory Act of 1997
20 apply only to disciplinary actions relating to events occurring
21 after the effective date of this amendatory Act of 1997.

22 (Source: P.A. 95-303, eff. 1-1-08; 96-1324, eff. 7-27-10.)

23 (225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 9.2. Record Stenographer; ~~record~~ of proceedings. The

1 Department, at its expense, shall ~~provide a stenographer to~~
2 ~~take down the testimony and~~ preserve a record of all
3 proceedings at the formal hearing of any case initiated
4 ~~pursuant to this Act, the rules for the administration of this~~
5 ~~Act, or any other Act or rules relating to this Act and~~
6 ~~proceedings for restoration of any license issued under this~~
7 ~~Act.~~ The notice of hearing, complaint, answer, and all other
8 documents in the nature of pleadings and written motions and
9 responses filed in the proceedings, the transcript of the
10 testimony, all exhibits admitted into evidence, the report of
11 the hearing officer, the Board's findings of fact, conclusions
12 of law, and recommendations to the Director, and the order of
13 the Department shall be the record of the proceedings. Any
14 licensee who is found to have violated this Act or who fails to
15 appear for a hearing to refuse to issue, restore, or renew a
16 license or to discipline a licensee may be required by the
17 Department to pay for the costs of the proceeding. These costs
18 are limited to costs for court reporters, transcripts, and
19 witness attendance and mileage fees. All costs imposed under
20 this Section shall be paid within 60 days after the effective
21 date of the order imposing the fine. ~~The Department shall~~
22 ~~furnish a transcript of the record to any person interested in~~
23 ~~the hearing upon payment of the fee required under Section~~
24 ~~2105-115 of the Department of Professional Regulation Law (20~~
25 ~~ILCS 2105/2105-115).~~

26 (Source: P.A. 91-239, eff. 1-1-00; 91-950, eff. 2-9-01.)

1 (225 ILCS 335/9.3) (from Ch. 111, par. 7509.3)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 9.3. Attendance of witnesses; contempt. Any circuit
4 court may, upon application of the Department or its designee
5 or of the applicant or licensee against whom proceedings are
6 pending, ~~enter an order requiring the attendance of witnesses~~
7 and ~~their~~ testimony of witnesses, and the production of
8 relevant documents, papers, files, books and records in
9 connection with any hearing or investigation. The court may
10 compel obedience to its order by proceedings for contempt.

11 (Source: P.A. 86-615.)

12 (225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 9.4. Subpoenas; oaths. The Department has power to
15 subpoena and bring before it any person in this State and to
16 take the oral or written testimony ~~either orally or by~~
17 ~~deposition or both~~, or to compel the production of any books,
18 papers, records, subpoena documents, exhibits, or other
19 materials that the Secretary or his or her designee deems
20 relevant or material to an investigation or hearing conducted
21 by the Department, with the same fees and mileage and in the
22 same manner as prescribed by law in judicial proceedings in
23 civil cases in ~~circuit~~ courts of this State.

24 The Secretary, the designated hearing officer, Director

1 ~~and any member of the Roofing Advisory Board, or a certified~~
2 ~~shorthand court reporter may have power to~~ administer oaths to
3 witnesses at any hearing that the Department conducts ~~or~~
4 ~~Roofing Advisory Board is authorized by law to conduct.~~
5 Notwithstanding any other statute or Department rule to the
6 contrary, all requests for testimony or production of documents
7 or records shall be in accordance with this Act. Further, the
8 ~~Director has power to administer any other oaths required or~~
9 ~~authorized to be administered by the Department under this Act.~~
10 (Source: P.A. 91-950, eff. 2-9-01.)

11 (225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 9.5. Findings of fact, conclusions of law, and
14 recommendations of the Board; rehearing order. The Board shall
15 have 90 days after receipt of the report of the hearing officer
16 to review the report and present their findings of fact,
17 conclusions of law, and recommendations to the Secretary. If
18 the Board fails to present its findings of fact, conclusions of
19 law, and recommendations within the 90-day period, the
20 Secretary may issue an order based on the report of the hearing
21 officer. If the Secretary disagrees with the recommendation of
22 the Board or hearing officer, then the Secretary may issue an
23 order in contravention of the recommendation. In any case
24 involving the refusal to issue or renew or the taking of
25 disciplinary action against a license, a copy of the Board's

1 findings of fact, conclusions of law, and recommendations shall
2 be served upon the respondent by the Department as provided in
3 this Act for the service of the notice of hearing. Within 20
4 days after such service, the respondent may present to the
5 Department a motion in writing for a rehearing, which motion
6 shall specify the particular grounds therefor. If no motion for
7 rehearing is filed, then upon the expiration of the time
8 specified for filing such a motion or, if a motion for
9 rehearing is denied, then upon such denial the Secretary may
10 enter an order in accordance with recommendations of the Board.
11 If the respondent shall order from the reporting service, and
12 pays for a transcript of the record within the time for filing
13 a motion for rehearing, the 20-day period within which such a
14 motion may be filed shall commence upon the delivery of the
15 transcript to the respondent. Whenever the Secretary is
16 satisfied that substantial justice has not been done in the
17 revocation or suspension of, or the refusal to issue or renew,
18 a license, the Secretary may order a rehearing by the hearing
19 officer.

20 ~~Within 60 days of the Department's receipt of the transcript of~~
21 ~~any hearing that is conducted pursuant to this Act or the rules~~
22 ~~for its enforcement or any other statute or rule requiring a~~
23 ~~hearing under this Act or the rules for its enforcement, or for~~
24 ~~any hearing related to restoration of any license issued~~
25 ~~pursuant to this Act, the hearing officer shall submit his or~~
26 ~~her written findings and recommendations to the Roofing~~

1 ~~Advisory Board. The Roofing Advisory Board shall review the~~
2 ~~report of the hearing officer and shall present its findings of~~
3 ~~fact, conclusions of law, and recommendations to the Director~~
4 ~~by the date of the Board's second meeting following the Board's~~
5 ~~receipt of the hearing officer's report.~~

6 ~~A copy of the findings of fact, conclusions of law, and~~
7 ~~recommendations to the Director shall be served upon the~~
8 ~~accused person, either personally or by registered or certified~~
9 ~~mail. Within 20 days after service, the accused person may~~
10 ~~present to the Department a written motion for a rehearing,~~
11 ~~which shall state the particular grounds therefor. If the~~
12 ~~accused person orders and pays for a transcript pursuant to~~
13 ~~Section 9.2, the time elapsing thereafter and before the~~
14 ~~transcript is ready for delivery to him or her shall not be~~
15 ~~counted as part of the 20 days.~~

16 ~~The Director shall issue an order based on the findings of~~
17 ~~fact, conclusions of law, and recommendations to the Director.~~
18 ~~If the Director disagrees in any regard with the findings of~~
19 ~~fact, conclusions of law, and recommendations to the Director,~~
20 ~~he may issue an order in contravention of the findings of fact,~~
21 ~~conclusions of law, and recommendations to the Director.~~

22 ~~If the Director issues an order in contravention of the~~
23 ~~findings of fact, conclusions of law, and recommendations to~~
24 ~~the Director, the Director shall notify the Board in writing~~
25 ~~with an explanation for any deviation from the Board's findings~~
26 ~~of fact, conclusions of law, and recommendations to the~~

1 ~~Director within 30 days of the Director's entry of the order.~~

2 (Source: P.A. 91-950, eff. 2-9-01.)

3 (225 ILCS 335/9.6) (from Ch. 111, par. 7509.6)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 9.6. Summary ~~Temporary~~ suspension pending hearing.
6 The Secretary ~~Director~~ may summarily ~~temporarily~~ suspend a ~~the~~
7 license issued under this Act ~~of a roofing contractor~~ without a
8 hearing, simultaneously with the institution of proceedings
9 for a hearing provided for in this Act, if the Secretary
10 ~~Director~~ finds that evidence ~~in his or her possession~~ indicates
11 that continuation in practice would constitute an imminent
12 danger to the public. In the event that the Secretary summarily
13 ~~Director temporarily~~ suspends a license without a hearing, a
14 hearing by the Department shall be commenced ~~held~~ within 30
15 days after such suspension has occurred and shall be concluded
16 as expeditiously as possible.

17 (Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

18 (225 ILCS 335/9.7) (from Ch. 111, par. 7509.7)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 9.7. All final administrative decisions of the
21 Department are subject to judicial review pursuant to the
22 Administrative Review Law, ~~as amended,~~ and all its rules
23 adopted pursuant thereto. The term "administrative decision"
24 is defined as in Section 3-101 of the Code of Civil Procedure.

1 Proceedings for judicial review shall be commenced in the
2 circuit court of the county in which the party applying for
3 review resides, except that, if the party is not a resident of
4 this State, the venue shall be Sangamon County.

5 (Source: P.A. 86-615.)

6 (225 ILCS 335/9.8) (from Ch. 111, par. 7509.8)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 9.8. Criminal penalties. Any person who is found to
9 have violated any provision of this Act is guilty of a Class A
10 misdemeanor for the first offense. On conviction of a second or
11 subsequent offense the violator is guilty of a Class 4 felony.
12 Each day of violation constitutes a separate offense.

13 (Source: P.A. 89-387, eff. 1-1-96.)

14 (225 ILCS 335/9.9a)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 9.9a. Certification of record; costs. The Department
17 shall not be required to certify any record to the court, to
18 file an answer in court, or to otherwise appear in any court in
19 a judicial review proceeding, unless and until the Department
20 has received from the plaintiff payment of the costs of
21 furnishing and certifying the record, which costs shall be
22 determined by the Department ~~there is filed in the court, with~~
23 ~~the complaint, a receipt from the Department acknowledging~~
24 ~~payment of the costs of furnishing and certifying the record.~~

1 Failure on the part of the plaintiff to file the receipt in
2 court is grounds for dismissal of the action.

3 (Source: P.A. 89-387, eff. 1-1-96.)

4 (225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 9.10. Returned checks; fines. Any person who delivers
7 a check or other payment to the Department that is returned to
8 the Department unpaid by the financial institution upon which
9 it is drawn shall pay to the Department, in addition to the
10 amount already owed to the Department, a fine of \$50. The fines
11 imposed by this Section are in addition to any other discipline
12 provided under this Act for unlicensed practice or practice on
13 a nonrenewed license. The Department shall notify the person
14 that payment of fees and fines shall be paid to the Department
15 by certified check or money order within 30 calendar days of
16 the notification. If, after the expiration of 30 days from the
17 date of the notification, the person has failed to submit the
18 necessary remittance, the Department shall automatically
19 terminate the license or deny the application, without hearing.
20 If, after termination or denial, the person seeks a license,
21 that person ~~he or she~~ shall apply to the Department for
22 restoration or issuance of the license and pay all the
23 application fees as set by rule. The Department may establish a
24 fee for the processing of an application for restoration of a
25 license to pay all expenses of processing this application. The

1 Director may waive the fines due under this Section in
2 individual cases where the Director finds that the fines would
3 be unreasonable or unnecessarily burdensome.

4 (Source: P.A. 91-950, eff. 2-9-01; 92-146, eff. 1-1-02; 92-651,
5 eff. 7-11-02.)

6 (225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 9.14. Appointment of hearing officer. The Secretary
9 ~~Director~~ has the authority to appoint any attorney duly
10 licensed to practice law in the State of Illinois to serve as
11 the hearing officer for any action for refusal to issue or
12 renew a license, for discipline of a licensee for sanctions for
13 unlicensed practice, for restoration of a license, or for any
14 other action for which findings of fact, conclusions of law,
15 and recommendations are required pursuant to Section 9.5 of
16 this Act. The hearing officer shall have full authority to
17 conduct the hearing and shall issue his or her findings of
18 fact, conclusions of law, and recommendations to the Board
19 pursuant to Section ~~Sections~~ 9.5 of this Act.

20 (Source: P.A. 91-950, eff. 2-9-01.)

21 (225 ILCS 335/9.15) (from Ch. 111, par. 7509.15)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 9.15. Investigation; notice; default. The Department
24 may investigate the actions of any applicant or any person or

1 persons holding or claiming to hold a license. The Department
2 shall, before refusing to issue, renew, or discipline a
3 licensee or applicant ~~suspending, revoking, placing on~~
4 ~~probationary status, or taking any other disciplinary action as~~
5 ~~the Department may deem proper with regard to any license,~~ at
6 least 30 days prior to the date set for the hearing, notify the
7 applicant or licensee ~~accused~~ in writing of the nature of the
8 ~~any~~ charges made and the time and place for a hearing on the
9 charges. The Department shall direct the applicant or licensee
10 ~~before the hearing officer, direct him or her to file a~~ his
11 written answer to the charges with the hearing officer under
12 oath within 20 ~~30~~ days after the service ~~on him or her of the~~
13 ~~such~~ notice, and inform the applicant or licensee ~~him or her~~
14 that failure if he or she fails to file an ~~such~~ answer will
15 result in default being ~~will be~~ taken against the applicant or
16 licensee ~~him or her and his or her license may be suspended,~~
17 ~~revoked, placed on probationary status, or other disciplinary~~
18 ~~action, including limiting the scope, nature or extent of his~~
19 ~~or her practice, as the Department may deem proper, taken. This~~
20 ~~written notice may be served by personal delivery or certified~~
21 ~~or registered mail to the Department. At the time and place~~
22 fixed in the notice, the Department shall proceed to hear the
23 charges and the parties or their counsel shall be accorded
24 ample opportunity to present any pertinent statements,
25 testimony, evidence, and arguments. The Department may
26 continue the hearing from time to time. In case the person

1 fails to file an answer after receiving notice, ~~the his or her~~
2 license may, in the discretion of the Department, be suspended,
3 revoked, or placed on probationary status, or the Department
4 may take whatever disciplinary action deemed proper, including
5 limiting the scope, nature, or extent of the person's practice
6 or the imposition of a fine, without a hearing, if the act or
7 acts charged constitute sufficient grounds for such action
8 under this Act. The written notice and any notice in the
9 subsequent proceeding may be served by registered or certified
10 mail to the licensee's address of record. ~~At the time and place~~
11 ~~fixed in the notice, the Department shall proceed to hear the~~
12 ~~charges and the parties or their counsel shall be accorded~~
13 ~~ample opportunity to present such statements, testimony,~~
14 ~~evidence and argument as may be pertinent to the charges or to~~
15 ~~their defense. The Department may continue such hearing from~~
16 ~~time to time. At the discretion of the Director after having~~
17 ~~first received the recommendation of the hearing officer, the~~
18 ~~accused person's license may be suspended, revoked, placed on~~
19 ~~probationary status, or other disciplinary action may be taken~~
20 ~~as the Director may deem proper, including limiting the scope,~~
21 ~~nature, or extent of said person's practice without a hearing,~~
22 ~~if the act or acts charged constitute sufficient grounds for~~
23 ~~such action under this Act.~~

24 (Source: P.A. 90-55, eff. 1-1-98.)

25 (225 ILCS 335/10) (from Ch. 111, par. 7510)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 10. Injunctive relief; order to cease and desist
3 ~~Enforcement; petition to court.~~

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

18 (2) If any person shall practice as a licensee or hold
19 himself or herself out as a licensee without being licensed
20 under the provisions of this Act, then any person licensed
21 under this Act, any interested party or any person injured
22 thereby may, in addition to the Secretary ~~those officers~~
23 ~~identified in subsection (1) of this Section~~, petition for
24 relief as provided in subsection (1) of this Section ~~therein~~.

25 (3) (Blank).

26 (4) Whenever, in the opinion of the Department, any person

1 violates any provision of this Act, the Department may issue a
2 rule to show cause why an order to cease and desist should not
3 be entered. The rule shall clearly set forth the grounds relied
4 upon by the Department and shall provide a period of 7 days
5 after the date of issuance of the rule to file an answer to the
6 satisfaction of the Department. Failure to answer to the
7 satisfaction of the Department shall cause an order to cease
8 and desist to be issued forthwith. Proceedings under this
9 Section shall be in addition to, and not in lieu of, all other
10 remedies and penalties which may be provided by law.

11 (Source: P.A. 95-303, eff. 1-1-08.)

12 (225 ILCS 335/10a)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 10a. Unlicensed practice; violation; civil penalty.

15 (a) In addition to any other penalty provided by law, any
16 ~~Any~~ person who practices, offers to practice, attempts to
17 practice, or holds himself or herself out to practice roofing
18 without being licensed under this Act shall, in addition to any
19 other penalty provided by law, pay a civil penalty to the
20 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
21 offense as determined by the Department. The civil penalty
22 shall be assessed by the Department after a hearing is held in
23 accordance with the provisions set forth in this Act regarding
24 the provision of a hearing for the discipline of a licensee.

25 (b) The Department has the authority and power to

1 investigate any and all unlicensed activity.

2 (c) The civil penalty shall be paid within 60 days after
3 the effective date of the order imposing the civil penalty. The
4 order shall constitute a judgment and may be filed and
5 execution had thereon in the same manner as any judgment from
6 any court of record.

7 (Source: P.A. 89-387, eff. 1-1-96.)

8 (225 ILCS 335/11) (from Ch. 111, par. 7511)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 11. Application of Act.

11 (1) Nothing in this Act limits the power of a municipality,
12 city, ~~or~~ county, or incorporated area to regulate the quality
13 and character of work performed by roofing contractors through
14 a system of permits, fees, and inspections which are designed
15 to secure compliance with and aid in the implementation of
16 State and local building laws or to enforce other local laws
17 for the protection of the public health and safety.

18 (2) Nothing in this Act shall be construed to require a
19 seller of roofing materials or services to be licensed as a
20 roofing contractor when the construction, reconstruction,
21 alteration, maintenance or repair of roofing or waterproofing
22 is to be performed by a person other than the seller or the
23 seller's employees.

24 (3) Nothing in this Act shall be construed to require a
25 person who performs roofing or waterproofing work to his or her

1 own property, or for no consideration, to be licensed as a
2 roofing contractor.

3 (4) Nothing in this Act shall be construed to require a
4 person who performs roofing or waterproofing work to his or her
5 employer's property to be licensed as a roofing contractor,
6 where there exists an employer-employee relationship. Nothing
7 in this Act shall be construed to apply to the installation of
8 plastics, glass or fiberglass to greenhouses and related
9 horticultural structures, or to the repair or construction of
10 farm buildings.

11 (5) Nothing in this Act limits the power of a municipality,
12 city, ~~or~~ county, or incorporated area to collect occupational
13 license and inspection fees for engaging in roofing
14 contracting.

15 (6) Nothing in this Act limits the power of the
16 municipalities, cities, ~~or~~ counties, or incorporated areas to
17 adopt any system of permits requiring submission to and
18 approval by the municipality, city, ~~or~~ county, or incorporated
19 area of plans and specifications for work to be performed by
20 roofing contractors before commencement of the work.

21 (7) Any official authorized to issue building or other
22 related permits shall ascertain that the applicant contractor
23 is duly licensed before issuing the permit. The evidence shall
24 consist only of the exhibition to him or her of current
25 evidence of licensure.

26 (8) This Act applies to any roofing contractor performing

1 work for the State or any municipality, city, county, or
2 incorporated area municipality. Officers of the State or any
3 municipality, city, county or incorporated area municipality
4 are required to determine compliance with this Act before
5 awarding any contracts for construction, improvement,
6 remodeling, or repair.

7 (9) If an incomplete contract exists at the time of death
8 of a licensee contractor, the contract may be completed by any
9 person even though not licensed. Such person shall notify the
10 Department within 30 days after the death of the contractor of
11 his or her name and address. For the purposes of this
12 subsection, an incomplete contract is one which has been
13 awarded to, or entered into by, the licensee contractor before
14 his or her death or on which he or she was the low bidder and
15 the contract is subsequently awarded to him or her regardless
16 of whether any actual work has commenced under the contract
17 before his or her death.

18 (10) The State or any municipality, city, county, or
19 incorporated area municipality may require that bids submitted
20 for roofing construction, improvement, remodeling, or repair
21 of public buildings be accompanied by evidence that that bidder
22 holds an appropriate license issued pursuant to this Act.

23 (11) (Blank).

24 (12) Nothing in this Act shall prevent a municipality,
25 city, county, or incorporated area from making laws or
26 ordinances that are more stringent than those contained in this

1 Act.

2 (Source: P.A. 97-965, eff. 8-15-12.)

3 (225 ILCS 335/11.5)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 11.5. Board. The Roofing Advisory Board is created and
6 shall consist of 8 persons, one of whom is a knowledgeable
7 public member and 7 of whom have been issued licenses as
8 roofing contractors by the Department. One of the 7 licensed
9 roofing contractors on the Board shall represent a statewide
10 association representing home builders and another of the 7
11 licensed roofing contractors shall represent an association
12 predominately representing retailers. The public member shall
13 not be licensed under this Act ~~or any other Act the Department~~
14 ~~administers~~. Each member shall be appointed by the Secretary
15 Director. Five members of the Board shall constitute a quorum.
16 A quorum is required for all Board decisions. ~~Members shall be~~
17 ~~appointed who reasonably represent the different geographic~~
18 ~~areas of the State. A quorum of the Board shall consist of the~~
19 ~~majority of Board members appointed.~~

20 Members of the ~~Roofing Advisory~~ Board shall be immune from
21 suit in any action based upon any disciplinary proceedings or
22 other acts performed in good faith as members of the ~~Roofing~~
23 ~~Advisory Board, unless the conduct that gave rise to the suit~~
24 ~~was willful and wanton misconduct.~~

25 The persons appointed shall hold office for 4 years and

1 until a successor is appointed and qualified. The initial terms
2 shall begin July 1, 1997. Of the members of the Board first
3 appointed, 2 shall be appointed to serve for 2 years, 2 shall
4 be appointed to serve for 3 years, and 3 shall be appointed to
5 serve for 4 years. No member shall serve more than 2 complete 4
6 year terms.

7 The Secretary shall have the authority to remove or suspend
8 any member of the Board for cause at any time before the
9 expiration of his or her term. The Secretary shall be the sole
10 arbiter of cause.

11 Within 90 days of a vacancy occurring, the Secretary
12 ~~Director~~ shall fill the vacancy for the unexpired portion of
13 the term with an appointee who meets the same qualifications as
14 the person whose position has become vacant. The Board shall
15 meet annually to elect one member as chairman and one member as
16 vice-chairman. No officer shall be elected more than twice in
17 succession to the same office. The members of the Board shall
18 receive reimbursement for actual, necessary, and authorized
19 expenses incurred in attending the meetings of the Board.

20 (Source: P.A. 94-254, eff. 7-19-05.)

21 (225 ILCS 335/11.6 new)

22 Sec. 11.6. 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 (225 ILCS 335/11.7 new)

15 Sec. 11.7. Order or certified copy; prima facie proof. An
16 order or a certified copy thereof, over the seal of the
17 Department and purporting to be signed by the Secretary, shall
18 be prima facie proof that:

19 (1) the signature is the genuine signature of the
20 Secretary; and

21 (2) the Secretary is duly appointed and qualified.

22 (225 ILCS 335/11.8 new)

23 Sec. 11.8. Surrender of license. Upon the revocation or
24 suspension of any license, the licensee shall immediately

1 surrender the license or licenses to the Department. If the
2 licensee fails to do so, the Department shall have the right to
3 seize the license.

4 (225 ILCS 335/11.9 new)

5 Sec. 11.9. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012. A person whose license or other
13 authorization to practice is suspended under this Section is
14 prohibited from practicing until the restitution is made in
15 full.

16 (225 ILCS 335/11.10 new)

17 Sec. 11.10. Citations.

18 (a) The Department may adopt rules to permit the issuance
19 of citations for non-frivolous complaints. The citation shall
20 list the person's name and address, a brief factual statement,
21 the Sections of the Act or rules allegedly violated, the
22 penalty imposed, and if applicable the licensee's license
23 number. The citation must clearly state that the person may
24 choose, in lieu of accepting the citation, to request a

1 hearing. If the person does not dispute the matter in the
2 citation with the Department within 30 days after the citation
3 is served, then the citation shall become a final order and
4 shall constitute discipline. The penalty shall be a fine or
5 other conditions as established by rule.

6 (b) The Department shall adopt rules designating
7 violations for which a citation may be issued. Such rules shall
8 designate as citation violations those violations for which
9 there is no substantial threat to the public health, safety,
10 and welfare. Citations shall not be utilized if there was any
11 significant consumer harm resulting from the violation.

12 (c) A citation must be issued within 6 months after the
13 reporting of a violation that is the basis for the citation.

14 (d) Service of a citation may be made by personal service
15 or certified mail to the person at the person's last known
16 address of record or, if applicable, the licensee's address of
17 record.

18 (225 ILCS 335/8 rep.)

19 (225 ILCS 335/9.12 rep.)

20 (225 ILCS 335/10b rep.)

21 Section 15. The Illinois Roofing Industry Licensing Act is
22 amended by repealing Sections 8, 9.12, and 10b.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

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7	225 ILCS 335/3	from Ch. 111, par. 7503
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