

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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016: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. Acts repealed on January 1, 2026. The following

1 Acts are repealed on January 1, 2026:

2 The Illinois Athletic Trainers Practice Act.

3 The Illinois Roofing Industry Licensing Act.

4 Section 10. The Illinois Athletic Trainers Practice Act is
5 amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
6 13, 14, 16, 17, 17.5, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
7 28, 29, 30, and 31 and by adding Sections 7.5, 18.5, and 19.5
8 as follows:

9 (225 ILCS 5/3) (from Ch. 111, par. 7603)

10 (Section scheduled to be repealed on January 1, 2016)

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

12 (1) "Department" means the Department of Financial and
13 Professional Regulation.

14 (2) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of
15 Financial and Professional Regulation.

16 (3) "Board" means the Illinois Board of Athletic Trainers
17 appointed by the Secretary ~~Director~~.

18 (4) "Licensed athletic trainer" means a person licensed to
19 practice athletic training as defined in this Act and with the
20 specific qualifications set forth in Section 9 of this Act who,
21 upon the direction of his or her team physician or consulting
22 physician, carries out the practice of prevention/emergency
23 care or physical reconditioning of injuries incurred by
24 athletes participating in an athletic program conducted by an

1 educational institution, professional athletic organization,
2 or sanctioned amateur athletic organization employing the
3 athletic trainer; or a person who, under the direction of a
4 physician, carries out comparable functions for a health
5 organization-based extramural program of athletic training
6 services for athletes. Specific duties of the athletic trainer
7 include but are not limited to:

8 A. Supervision of the selection, fitting, and
9 maintenance of protective equipment;

10 B. Provision of assistance to the coaching staff in the
11 development and implementation of conditioning programs;

12 C. Counseling of athletes on nutrition and hygiene;

13 D. Supervision of athletic training facility and
14 inspection of playing facilities;

15 E. Selection and maintenance of athletic training
16 equipment and supplies;

17 F. Instruction and supervision of student trainer
18 staff;

19 G. Coordination with a team physician to provide:

20 (i) pre-competition physical exam and health
21 history updates,

22 (ii) game coverage or phone access to a physician
23 or paramedic,

24 (iii) follow-up injury care,

25 (iv) reconditioning programs, and

26 (v) assistance on all matters pertaining to the

1 health and well-being of athletes.

2 H. Provision of on-site injury care and evaluation as
3 well as appropriate transportation, follow-up treatment
4 and rehabilitation as necessary for all injuries sustained
5 by athletes in the program;

6 I. With a physician, determination of when an athlete
7 may safely return to full participation post-injury; and

8 J. Maintenance of complete and accurate records of all
9 athletic injuries and treatments rendered.

10 To carry out these functions the athletic trainer is
11 authorized to utilize modalities, including, but not limited
12 to, heat, light, sound, cold, electricity, exercise, or
13 mechanical devices related to care and reconditioning.

14 (5) "Referral" means the guidance and direction given by
15 the physician, who shall maintain supervision of the athlete.

16 (6) "Athletic trainer aide" means a person who has received
17 on-the-job training specific to the facility in which he or she
18 is employed, on either a paid or volunteer basis, but is not
19 enrolled in an accredited athletic training curriculum.

20 (7) "Address of record" means the designated address
21 recorded by the Department in the applicant's or licensee's
22 application file or license file as maintained by the
23 Department's licensure maintenance unit. It is the duty of the
24 applicant or licensee to inform the Department of any change of
25 address, and those changes must be made either through the
26 Department's website or by contacting the Department.

1 (8) "Board of Certification" means the Board of
2 Certification for the Athletic Trainer.

3 (Source: P.A. 94-246, eff. 1-1-06.)

4 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

6 Sec. 4. Licensure; exempt requirement—~~Exempt~~ activities.
7 ~~No~~ ~~After the effective date of this Act,~~ ~~no~~ person shall
8 provide any of the services set forth in subsection (4) of
9 Section 3 of this Act, or use the title "athletic trainer" or
10 "certified athletic trainer" or "athletic trainer certified"
11 or "licensed athletic trainer" or the letters "A.T.", "C.A.T.",
12 "A.T.C.", "A.C.T.", or "I.A.T.L." after his or her name, unless
13 licensed under this Act.

14 Nothing in this Act shall be construed as preventing or
15 restricting the practice, services, or activities of:

16 (1) Any person licensed or registered in this State by
17 any other law from engaging in the profession or occupation
18 for which he or she is licensed or registered.

19 (2) Any person employed as an athletic trainer by the
20 Government of the United States, if such person provides
21 athletic training solely under the direction or control of
22 the organization by which he or she is employed.

23 (3) Any person pursuing a course of study leading to a
24 degree or certificate in athletic training at an accredited
25 educational program if such activities and services

1 constitute a part of a supervised course of study involving
2 daily personal or verbal contact at the site of supervision
3 between the athletic training student and the licensed
4 athletic trainer who plans, directs, advises, and
5 evaluates the student's athletic training clinical
6 education. The supervising licensed athletic trainer must
7 be on-site where the athletic training clinical education
8 is being obtained. A person meeting the criteria under this
9 paragraph (3) must be designated by a title which clearly
10 indicates his or her status as a student or trainee.

11 (4) (Blank).

12 (5) The practice of athletic training under the
13 supervision of a licensed athletic trainer by one who has
14 applied in writing to the Department for licensure and has
15 complied with all the provisions of Section 9 except the
16 passing of the examination to be eligible to receive such
17 license. This temporary right to act as an athletic trainer
18 shall expire 3 months after the filing of his or her
19 written application to the Department; when the applicant
20 has been notified of his or her failure to pass the
21 examination authorized by the Department; when the
22 applicant has withdrawn his or her application; when the
23 applicant has received a license from the Department after
24 successfully passing the examination authorized by the
25 Department; or when the applicant has been notified by the
26 Department to cease and desist from practicing, whichever

1 occurs first. This provision shall not apply to an
2 applicant ~~In no event shall this exemption extend to any~~
3 ~~person for longer than 3 months. Anyone who has previously~~
4 ~~failed the examination, or who fails the examination during~~
5 ~~this 3 month period, shall immediately cease practice as an~~
6 ~~athletic trainer and shall not engage in the practice of~~
7 ~~athletic training again until he or she passes the~~
8 ~~examination.~~

9 (6) Any person in a coaching position from rendering
10 emergency care on an as needed basis to the athletes under
11 his or her supervision when a licensed athletic trainer is
12 not available.

13 (7) Any person who is an athletic trainer from another
14 state or territory of the United States or another nation,
15 state, or territory acting as an athletic trainer while
16 performing his or her duties for his or her respective
17 non-Illinois based team or organization, so long as he or
18 she restricts his or her duties to his or her team or
19 organization during the course of his or her team's or
20 organization's stay in this State. For the purposes of this
21 Act, a team shall be considered based in Illinois if its
22 home contests are held in Illinois, regardless of the
23 location of the team's administrative offices.

24 (8) The practice of athletic training by persons
25 licensed in another state who have applied in writing to
26 the Department for licensure by endorsement. This

1 temporary right to act as an athletic trainer shall expire
2 6 months after the filing of his or her written application
3 to the Department; upon the withdrawal of the application
4 for licensure under this Act; upon delivery of a notice of
5 intent to deny the application from the Department; or upon
6 the denial of the application by the Department, whichever
7 occurs first. ~~for no longer than 6 months or until~~
8 ~~notification has been given that licensure has been granted~~
9 ~~or denied, whichever period of time is lesser.~~

10 (9) The practice of athletic training by one who has
11 applied in writing to the Department for licensure and has
12 complied with all the provisions of Section 9. This
13 temporary right to act as an athletic trainer shall expire
14 6 months after the filing of his or her written application
15 to the Department; upon the withdrawal of the application
16 for licensure under this Act; upon delivery of a notice of
17 intent to deny the application from the Department; or upon
18 the denial of the application by the Department, whichever
19 occurs first. ~~for no longer than 6 months or until~~
20 ~~notification has been given that licensure has been granted~~
21 ~~or denied, whichever period of time is lesser.~~

22 (10) The practice of athletic training by persons
23 actively licensed as an athletic trainer in another state
24 or territory of the United States or another country, or
25 currently certified by the ~~National Athletic Trainers~~
26 ~~Association~~ Board of Certification, ~~Inc.,~~ or its successor

1 entity, at a special athletic tournament or event conducted
2 by a sanctioned amateur athletic organization, including,
3 but not limited to, the Prairie State Games and the Special
4 Olympics, for no more than 14 days. This shall not include
5 contests or events that are part of a scheduled series of
6 regular season events.

7 (11) Athletic trainer aides from performing patient
8 care activities under the on-site supervision of a licensed
9 athletic trainer. These patient care activities shall not
10 include interpretation of referrals or evaluation
11 procedures, planning or major modifications of patient
12 programs, administration of medication, or solo practice
13 or event coverage without immediate access to a licensed
14 athletic trainer.

15 (12) Persons or entities practicing the specified
16 occupations set forth in subsection (a) of, and pursuant to
17 a licensing exemption granted in subsection (b) or (d) of,
18 Section 2105-350 of the Department of Professional
19 Regulation Law of the Civil Administrative Code of
20 Illinois, but only for so long as the 2016 Olympic and
21 Paralympic Games Professional Licensure Exemption Law is
22 operable.

23 (Source: P.A. 96-7, eff. 4-3-09.)

24 (225 ILCS 5/5) (from Ch. 111, par. 7605)

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

1 Sec. 5. Administration of Act; rules and forms ~~Licensure~~
2 ~~Rules and Forms~~ ~~Reports~~.

3 (a) The Department shall exercise the powers and duties
4 prescribed by the Civil Administrative Code of Illinois for the
5 administration of Licensure Acts and shall exercise such other
6 powers and duties necessary for effectuating the purposes of
7 this Act.

8 (b) The Secretary ~~Director~~ may promulgate rules consistent
9 with the provisions of this Act for the administration and
10 enforcement thereof, and for the payment of fees connected
11 therewith, and may prescribe forms which shall be issued in
12 connection therewith. The rules may ~~shall~~ include standards and
13 criteria for licensure, certification, and ~~for~~ professional
14 conduct and discipline. The Department may ~~shall~~ consult with
15 the Board in promulgating rules. ~~Notice of proposed rulemaking~~
16 ~~shall be transmitted to the Board, and the Department shall~~
17 ~~review the Board's response and any recommendations made~~
18 ~~therein. The Department shall notify the Board in writing with~~
19 ~~proper explanation of deviations from the Board's~~
20 ~~recommendations and responses.~~

21 (c) The Department may at any time seek the advice and the
22 expert knowledge of the Board on any matter relating to the
23 administration of this Act.

24 (d) (Blank). ~~The Department shall issue a quarterly report~~
25 ~~to the Board of the status of all complaints related to the~~
26 ~~profession filed with the Department.~~

1 (Source: P.A. 89-216, eff. 1-1-96.)

2 (225 ILCS 5/6) (from Ch. 111, par. 7606)

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

4 Sec. 6. Board ~~Athletic Training Board~~ ~~Appointment~~
5 ~~Membership~~ ~~Term~~ ~~Duties~~. The Secretary ~~Director~~ shall
6 appoint an Illinois Board of Athletic Trainers as follows: 7
7 persons who shall be appointed by and shall serve in an
8 advisory capacity to the Secretary ~~Director~~. Two members must
9 be licensed physicians in good standing in this State; 4
10 members must be licensed athletic trainers in good standing,
11 and actively engaged in the practice or teaching of athletic
12 training in this State; and 1 member must be a public member
13 who is not licensed under this Act, or a similar Act of another
14 jurisdiction, and is not a provider of athletic health care
15 service.

16 Members shall serve 4 year terms and until their successors
17 are appointed and qualified. No member shall be reappointed to
18 the Board for more than 2 consecutive terms. Appointments to
19 fill vacancies shall be made in the same manner as original
20 appointments, for the unexpired portion of the vacated term.

21 ~~The membership of the Board should reasonably reflect~~
22 ~~representation from the geographic areas in this State.~~

23 The Secretary shall have the authority to remove or suspend
24 any member of the Board for cause at any time before the
25 expiration of his or her term. The Secretary shall be the sole

1 ~~arbiter of cause~~ Director may terminate the appointment of any
2 ~~member for cause~~ which in the opinion of the Secretary ~~Director~~
3 reasonably justifies such termination.

4 The Secretary ~~may~~ ~~Director~~ shall consider the
5 recommendation of the Board on questions involving standards of
6 professional conduct, discipline, and qualifications of
7 candidates and license holders under this Act.

8 Four members of the Board shall constitute a quorum. A
9 quorum is required for all Board decisions. Members of the
10 Board have no liability in any action based upon any
11 disciplinary proceeding or other activity performed in good
12 faith as a member of the Board. Members of the Board shall be
13 reimbursed for all legitimate, necessary, and authorized
14 expenses incurred in attending the meetings of the Board, from
15 funds appropriated for that purpose.

16 (Source: P.A. 94-246, eff. 1-1-06.)

17 (225 ILCS 5/7) (from Ch. 111, par. 7607)

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

19 Sec. 7. Applications for original licensure. Applications
20 for original licensure shall be made to the Department in
21 writing on forms prescribed by the Department and shall be
22 accompanied by the required fee, which shall not be returnable.
23 Any such application shall require such information as in the
24 judgment of the Department will enable the Department to pass
25 on the qualifications of the applicant for licensure.

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

6 ~~The applicant is entitled to licensure as an athletic~~
7 ~~trainer if he or she possesses the qualifications set forth in~~
8 ~~Section 9 hereof, and satisfactorily completes the examination~~
9 ~~administered by the National Athletic Trainers Association~~
10 ~~Board of Certification, Inc.~~

11 (Source: P.A. 89-216, eff. 1-1-96.)

12 (225 ILCS 5/7.5 new)

13 Sec. 7.5. Social Security Number on license application. In
14 addition to any other information required to be contained in
15 the application, every application for an original license
16 under this Act shall include the applicant's Social Security
17 Number, which shall be retained in the Department's records
18 pertaining to the license. As soon as practical, the Department
19 shall assign a customer's identification number to each
20 applicant for a license. Every application for a renewal or
21 restored license shall require the applicant's customer
22 identification number.

23 (225 ILCS 5/8) (from Ch. 111, par. 7608)

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

1 Sec. 8. Examinations. If an applicant neglects, fails, or
2 refuses to take an examination or fails to pass an examination
3 for licensure under this Act within 3 years after filing his or
4 her application, the application shall be denied. The applicant
5 may thereafter make a new application accompanied by the
6 required fee; however, the applicant shall meet all
7 requirements in effect at the time of subsequent application
8 before obtaining licensure. ~~However, such applicant may~~
9 ~~thereafter file a new application accompanied by the required~~
10 ~~fee.~~

11 The Department may employ ~~engage the National Athletic~~
12 ~~Trainers Association Board of Certification, Inc. as~~
13 consultants for the purposes of preparing and conducting
14 examinations.

15 (Source: P.A. 89-216, eff. 1-1-96.)

16 (225 ILCS 5/9) (from Ch. 111, par. 7609)

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

18 Sec. 9. Qualifications for licensure ~~Educational and~~
19 ~~Professional Requirements.~~ A person ~~having the qualifications~~
20 ~~prescribed in this Section~~ shall be qualified for licensure ~~to~~
21 ~~receive a license~~ as an athletic trainer if he or she fulfills
22 all of the following:

23 (a) Has graduated from a curriculum in athletic
24 training accredited by the Commission on Accreditation of
25 Athletic Training Education (CAATE) ~~Joint Review Committee~~

1 ~~on Athletic Training (JRC-AT) of the Commission on~~
2 ~~Accreditation of Allied Health Education Programs~~
3 ~~(CAAHEP), its successor entity, or its equivalent, as~~
4 approved by the Department.

5 (b) Gives proof of current certification, on the date
6 of application, in cardiopulmonary resuscitation (CPR) and
7 automated external defibrillators (AED) ~~CPR/AED~~ for ~~the~~
8 Healthcare Providers and Professional Rescuers or its
9 equivalent based on American Red Cross or American Heart
10 Association standards.

11 (b-5) Has graduated ~~and graduation~~ from a 4 year
12 accredited college or university.

13 (c) Has passed an examination approved by the
14 Department to determine his or her fitness for practice as
15 an athletic trainer, or is entitled to be licensed without
16 examination as provided in Sections 7 and 8 of this Act.

17 ~~The Department may request a personal interview of an~~
18 ~~applicant before the Board to further evaluate his or her~~
19 ~~qualifications for a license.~~

20 ~~An applicant has 3 years from the date of his or her~~
21 ~~application to complete the application process. If the process~~
22 ~~has not been completed in 3 years, the application shall be~~
23 ~~denied, the fee forfeited, and the applicant must reapply and~~
24 ~~meet the requirements in effect at the time of reapplication.~~

25 (Source: P.A. 94-246, eff. 1-1-06.)

1 (225 ILCS 5/10) (from Ch. 111, par. 7610)

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

3 Sec. 10. Expiration and License expiration; renewal;
4 continuing education requirement. The expiration date and
5 renewal period for ~~of~~ licenses issued under this Act shall be
6 set by rule. As a condition for renewal of a license, licensees
7 shall be required to complete continuing education in athletic
8 training in accordance with rules established by the
9 Department. ~~Licenses shall be renewed according to procedures~~
10 ~~established by the Department and upon payment of the renewal~~
11 ~~fee established herein and proof of completion of approved~~
12 ~~continuing education relating to the performance and practice~~
13 ~~of athletic training. The number of hours required and their~~
14 ~~composition shall be set by rule.~~

15 (Source: P.A. 94-246, eff. 1-1-06.)

16 (225 ILCS 5/11) (from Ch. 111, par. 7611)

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

18 Sec. 11. Inactive licenses; restoration. Any athletic
19 trainer who notifies the Department in writing on forms
20 prescribed by the Department, may elect to place his or her
21 license on an inactive status and shall, subject to rules of
22 the Department, be excused from payment of renewal fees until
23 he or she notifies the Department in writing of his or her
24 desire to resume active status.

25 Any athletic trainer requesting restoration from inactive

1 status shall be required to pay the current renewal fee, shall
2 demonstrate compliance with continuing education requirements,
3 if any, and shall be required to restore his or her license as
4 provided in Section 12.

5 Any athletic trainer whose license is in expired or
6 inactive status shall not practice athletic training in the
7 State of Illinois.

8 (Source: P.A. 89-216, eff. 1-1-96.)

9 (225 ILCS 5/12) (from Ch. 111, par. 7612)

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

11 Sec. 12. Restoration of expired licenses. An athletic
12 trainer who has permitted his or her license registration to
13 expire or who has had his or her license on inactive status may
14 have his or her license restored by making application to the
15 Department and filing proof acceptable to the Department of his
16 or her fitness to have his or her license restored, ~~including~~
17 ~~sworn evidence certifying to active practice in another~~
18 ~~jurisdiction satisfactory to the Department~~ and by paying the
19 required fees ~~restoration fee~~. Proof of fitness may include
20 sworn evidence certifying active lawful practice in another
21 jurisdiction.

22 If the athletic trainer has not maintained an active
23 practice in another jurisdiction satisfactory to the
24 Department, the Department shall determine, by an evaluation
25 program established by rule, ~~with the advice of the Board~~ his

1 or her fitness for restoration of the license and shall
2 establish procedures and requirements for restoration ~~to~~
3 ~~resume active status and may require the athletic trainer to~~
4 ~~complete a period of evaluated clinical experience and may~~
5 ~~require successful completion of an examination.~~

6 Any athletic trainer whose license has been expired for
7 more than 5 years may have his or her license restored by
8 making application to the Department and filing proof
9 acceptable to the Department of his or her fitness to have his
10 or her license restored, including sworn evidence certifying to
11 active practice in another jurisdiction and by paying the
12 required restoration fee. However, any athletic trainer whose
13 license has expired while he or she has been engaged (1) in the
14 federal service in active duty with the Army of the United
15 States, the United States Navy, the Marine Corps, the Air
16 Force, the Coast Guard, or the State Militia called into the
17 service or training of the United States of America, or (2) in
18 training or education under the supervision of the United
19 States preliminary to induction into the military service, may
20 have his or her license restored without paying any lapsed
21 renewal fees or restoration fee, if within 2 years after
22 termination of such service, training, or education, other than
23 by dishonorable discharge, he or she furnished the Department
24 with an affidavit to the effect that he or she has been so
25 engaged and that his or her service, training, or education has
26 been so terminated.

1 (Source: P.A. 89-216, eff. 1-1-96.)

2 (225 ILCS 5/13) (from Ch. 111, par. 7613)

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

4 Sec. 13. Endorsement. The Department may, at its
5 discretion, license as an athletic trainer, without
6 examination, on payment of the required fee, an applicant for
7 licensure who is an athletic trainer registered or licensed
8 under the laws of another jurisdiction ~~state~~ if the
9 requirements pertaining to athletic trainers in such
10 jurisdiction ~~state~~ were at the date of his or her registration
11 or licensure substantially equal to the requirements in force
12 in Illinois on that date or equivalent to the requirements of
13 this Act. ~~If the requirements of that state are not~~
14 ~~substantially equal to the Illinois requirements, or if at the~~
15 ~~time of application the state in which the applicant has been~~
16 ~~practicing does not regulate the practice of athletic training,~~
17 ~~and the applicant began practice in that state prior to January~~
18 ~~1, 2004, a person having the qualifications prescribed in this~~
19 ~~Section may be qualified to receive a license as an athletic~~
20 ~~trainer if he or she:~~

21 ~~(1) has passed an examination approved by the~~
22 ~~Department to determine his or her fitness for practice as~~
23 ~~an athletic trainer; and~~

24 ~~(2) gives proof of current certification, on the date~~
25 ~~of application, in CPR/AED for the Healthcare Professional~~

1 ~~or equivalent based on American Red Cross or American Heart~~
2 ~~Association standards.~~

3 ~~The Department may request a personal interview of an~~
4 ~~applicant before the Board to further evaluate his or her~~
5 ~~qualifications for a license.~~

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

11 (Source: P.A. 94-246, eff. 1-1-06.)

12 (225 ILCS 5/14) (from Ch. 111, par. 7614)

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

14 Sec. 14. Fees; returned checks. The fees for administration
15 and enforcement of this Act, including but not limited to
16 original licensure, renewal, and restoration shall be set by
17 rule. The fees shall be non-refundable.

18 Any person who delivers a check or other payment to the
19 Department that is returned to the Department unpaid by the
20 financial institution upon which it is drawn shall pay to the
21 Department, in addition to the amount already owed to the
22 Department, a fine of \$50.

23 The fines imposed by this Section are in addition to any
24 other discipline provided under this Act for unlicensed
25 practice or practice on a nonrenewed license. The Department

1 shall notify the person that payment of fees and fines shall be
2 paid to the Department by certified check or money order within
3 30 calendar days of the notification. If, after the expiration
4 of 30 days from the date of the notification, the person has
5 failed to submit the necessary remittance, the Department shall
6 automatically terminate the license or certificate or deny the
7 application, without hearing. If, after termination or denial,
8 the person seeks a license or certificate, he or she shall
9 apply to the Department for restoration or issuance of the
10 license or certificate and pay all fees and fines due to the
11 Department. The Department may establish a fee for the
12 processing of an application for restoration of a license or
13 certificate to pay all expenses of processing this application.
14 The Secretary ~~Director~~ may waive the fines due under this
15 Section in individual cases where the Secretary ~~Director~~ finds
16 that the fines would be unreasonable or unnecessarily
17 burdensome.

18 (Source: P.A. 92-146, eff. 1-1-02.)

19 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

21 Sec. 16. Grounds for discipline ~~Refusal to issue,~~
22 ~~suspension, or revocation of license.~~

23 (1) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other
25 disciplinary action as the Department may deem proper,

1 including fines not to exceed \$10,000 ~~\$5,000~~ for each
2 violation, with regard to any licensee for any one or
3 combination of the following:

4 (A) Material misstatement in furnishing information to
5 the Department;

6 (B) Violations ~~Negligent or intentional disregard~~ of
7 this Act, or of the rules or regulations promulgated
8 hereunder;

9 (C) Conviction of or plea of guilty to any crime under
10 the Criminal Code of 2012 or the laws of any jurisdiction
11 of the United States ~~or any state or territory thereof~~ that
12 is (i) a felony, (ii) a misdemeanor, an essential element
13 of which is dishonesty, or (iii) of any crime that is
14 directly related to the practice of the profession;

15 (D) Fraud or ~~Making~~ any misrepresentation in applying
16 for or procuring a license under this Act, or in connection
17 with applying for renewal of a license under this Act ~~for~~
18 ~~the purpose of obtaining registration, or violating any~~
19 ~~provision of this Act;~~

20 (E) Professional incompetence or gross negligence;

21 (F) Malpractice;

22 (G) Aiding or assisting another person, firm,
23 partnership, or corporation in violating any provision of
24 this Act or rules;

25 (H) Failing, within 60 days, to provide information in
26 response to a written request made by the Department;

1 (I) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud or harm the public;

4 (J) Habitual or excessive use or abuse ~~intoxication or~~
5 ~~addiction to the use~~ of drugs defined in law as controlled
6 substances, alcohol, or any other substance that results in
7 the inability to practice with reasonable judgment, skill,
8 or safety;

9 (K) Discipline by another state, unit of government,
10 government agency, the District of Columbia, territory, or
11 foreign nation, if at least one of the grounds for the
12 discipline is the same or substantially equivalent to those
13 set forth herein;

14 (L) Directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate, or other form of compensation
17 for any professional services not actually or personally
18 rendered. Nothing in this subparagraph (L) affects any bona
19 fide independent contractor or employment arrangements
20 among health care professionals, health facilities, health
21 care providers, or other entities, except as otherwise
22 prohibited by law. Any employment arrangements may include
23 provisions for compensation, health insurance, pension, or
24 other employment benefits for the provision of services
25 within the scope of the licensee's practice under this Act.
26 Nothing in this subparagraph (L) shall be construed to

1 require an employment arrangement to receive professional
2 fees for services rendered;

3 (M) A finding by the Department that the licensee after
4 having his or her license disciplined ~~placed on~~
5 ~~probationary status~~ has violated the terms of probation;

6 (N) Abandonment of an athlete;

7 (O) Willfully making or filing false records or reports
8 in his or her practice, including but not limited to false
9 records filed with State agencies or departments;

10 (P) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act;

13 (Q) Physical illness, including but not limited to
14 deterioration through the aging process, or loss of motor
15 skill that results in the inability to practice the
16 profession with reasonable judgment, skill, or safety;

17 (R) Solicitation of professional services other than
18 by permitted institutional policy;

19 (S) The use of any words, abbreviations, figures or
20 letters with the intention of indicating practice as an
21 athletic trainer without a valid license as an athletic
22 trainer under this Act;

23 (T) The evaluation or treatment of ailments of human
24 beings other than by the practice of athletic training as
25 defined in this Act or the treatment of injuries of
26 athletes by a licensed athletic trainer except by the

1 referral of a physician, podiatric physician, or dentist;

2 (U) Willfully violating or knowingly assisting in the
3 violation of any law of this State relating to the use of
4 habit-forming drugs;

5 (V) Willfully violating or knowingly assisting in the
6 violation of any law of this State relating to the practice
7 of abortion;

8 (W) Continued practice by a person knowingly having an
9 infectious communicable or contagious disease;

10 (X) Being named as a perpetrator in an indicated report
11 by the Department of Children and Family Services pursuant
12 to the Abused and Neglected Child Reporting Act and upon
13 proof by clear and convincing evidence that the licensee
14 has caused a child to be an abused child or neglected child
15 as defined in the Abused and Neglected Child Reporting Act;

16 (Y) (Blank) ~~Failure to file a return, or to pay the~~
17 ~~tax, penalty, or interest shown in a filed return, or to~~
18 ~~pay any final assessment of tax, penalty, or interest, as~~
19 ~~required by any tax Act administered by the Illinois~~
20 ~~Department of Revenue, until such time as the requirements~~
21 ~~of any such tax Act are satisfied; or~~

22 (Z) Failure to fulfill continuing education
23 requirements; ~~as prescribed in Section 10 of this Act.~~

24 (AA) Allowing one's license under this Act to be used
25 by an unlicensed person in violation of this Act;

26 (BB) Practicing under a false or, except as provided by

1 law, assumed name;

2 (CC) Promotion of the sale of drugs, devices,
3 appliances, or goods provided in any manner to exploit the
4 client for the financial gain of the licensee;

5 (DD) Gross, willful, or continued overcharging for
6 professional services;

7 (EE) Mental illness or disability that results in the
8 inability to practice under this Act with reasonable
9 judgment, skill, or safety; or

10 (FF) Cheating on or attempting to subvert the licensing
11 examination administered under this Act.

12 All fines imposed under this Section shall be paid within
13 60 days after the effective date of the order imposing the fine
14 or in accordance with the terms set forth in the order imposing
15 the fine.

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

26 (3) The Department may refuse to issue or may suspend

1 without hearing, as provided for in the Code of Civil
2 Procedure, 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 Illinois Department of Revenue, until such time as the
7 requirements of any such tax Act are satisfied in accordance
8 with subsection (a) of Section 2105-15 of the Department of
9 Professional Regulation Law of the Civil Administrative Code of
10 Illinois.

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

1 other professional and administrative staff. Any examining
2 physician or member of the multidisciplinary team may require
3 any person ordered to submit to an examination and evaluation
4 pursuant to this Section to submit to any additional
5 supplemental testing deemed necessary to complete any
6 examination or evaluation process, including, but not limited
7 to, blood testing, urinalysis, psychological testing, or
8 neuropsychological testing.

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

1 information, reports, records, or other documents or to provide
2 any testimony regarding the examination and evaluation. The
3 individual to be examined may have, at his or her own expense,
4 another physician of his or her choice present during all
5 aspects of the examination.

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

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

23 Individuals licensed under this Act who are affected under
24 this Section shall be afforded an opportunity to demonstrate to
25 the Department that they can resume practice in compliance with
26 acceptable and prevailing standards under the provisions of

1 their license.

2 (5) The Department shall deny a license or renewal
3 authorized by this Act to a person who has defaulted on an
4 educational loan or scholarship provided or guaranteed by the
5 Illinois Student Assistance Commission or any governmental
6 agency of this State in accordance with paragraph (5) of
7 subsection (a) of Section 2105-15 of the Department of
8 Professional Regulation Law of the Civil Administrative Code of
9 Illinois.

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

22 (Source: P.A. 98-214, eff. 8-9-13.)

23 (225 ILCS 5/17) (from Ch. 111, par. 7617)

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

25 Sec. 17. Violations; injunction; cease and desist order

1 ~~Violations — Injunction — Cease and desist order.~~

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

16 (b) If any person shall hold himself or herself out in a
17 manner prohibited by this Act, any interested party or any
18 person injured thereby may, in addition to the Secretary
19 ~~Director~~, petition for relief as provided in subsection (a) of
20 this Section.

21 (c) Whenever in the opinion of the Department any person
22 violates any provision of this Act, the Department may issue a
23 rule to show cause why an order to cease and desist should not
24 be entered against him or her. The rule shall clearly set forth
25 the grounds relied upon by the Department and shall provide a
26 period of 7 days from the date of the rule to file an answer to

1 the satisfaction of the Department. Failure to answer to the
2 satisfaction of the Department shall cause an order to cease
3 and desist to be issued forthwith.

4 (Source: P.A. 84-1080.)

5 (225 ILCS 5/17.5)

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

7 Sec. 17.5. Unlicensed practice; violation; civil penalty.

8 (a) In addition to any other penalty provided by law, any
9 ~~Any~~ person who practices, offers to practice, attempts to
10 practice, or holds oneself out to practice as a licensed
11 athletic trainer without being licensed under this Act shall,
12 in addition to any other penalty provided by law, pay a civil
13 penalty to the Department in an amount not to exceed \$10,000
14 ~~\$5,000~~ for each offense as determined by the Department. The
15 civil penalty shall be assessed by the Department after a
16 hearing is held in accordance with the provisions set forth in
17 this Act regarding the provision of a hearing for the
18 discipline of a licensee.

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

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty or
23 in accordance with the order imposing the civil penalty. The
24 order shall constitute a judgment and may be filed and
25 execution had thereon in the same manner as any judgment from

1 any court of record.

2 (Source: P.A. 94-246, eff. 1-1-06.)

3 (225 ILCS 5/18) (from Ch. 111, par. 7618)

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

5 Sec. 18. Investigations; notice and hearing. The
6 Department may investigate the actions of any applicant or of
7 any person or persons holding or claiming to hold a license.
8 The Department shall, before refusing to issue or to renew a
9 license or disciplining a registrant, at least 30 days prior to
10 the date set for the hearing, notify in writing the applicant
11 or licensee ~~for, or holder of, a license~~ of the nature of the
12 charges and the time and place that a hearing will be held on
13 the charges ~~date designated~~. The Department shall direct the
14 applicant or licensee to file a written answer ~~to the Board~~
15 under oath within 20 days after the service of the notice ~~and~~
16 ~~inform the applicant or licensee that failure to file an answer~~
17 ~~will result in default being taken against the applicant or~~
18 ~~licensee and that the license or certificate may be suspended,~~
19 ~~revoked, placed on probationary status, or other disciplinary~~
20 ~~action may be taken, including limiting the scope, nature, or~~
21 ~~extent of practice, as the Director may deem proper. Written~~
22 ~~notice may be served by personal delivery or certified or~~
23 ~~registered mail to the respondent at the address of his or her~~
24 ~~last notification to the Department.~~ In case the person fails
25 to file an answer after receiving notice, his or her license or

1 certificate may, in the discretion of the Department, be
2 suspended, revoked, or placed on probationary status, or the
3 Department may take whatever disciplinary action deemed
4 proper, including limiting the scope, nature, or extent of the
5 person's practice or the imposition of a fine, without a
6 hearing, if the act or acts charged constitute sufficient
7 grounds for such action under this Act. At the time and place
8 fixed in the notice, the Department Board shall proceed to hear
9 the charges, and the parties or their counsel shall be accorded
10 ample opportunity to present such statements, testimony,
11 evidence, and argument as may be pertinent to the charges or to
12 their defense. The Department Board may continue a hearing from
13 time to time. The written notice and any notice in the
14 subsequent proceeding may be served by registered or certified
15 mail to the licensee's address of record.

16 (Source: P.A. 89-216, eff. 1-1-96.)

17 (225 ILCS 5/18.5 new)

18 Sec. 18.5. Confidentiality. All information collected by
19 the Department in the course of an examination or investigation
20 of a licensee or applicant, including, but not limited to, any
21 complaint against a licensee filed with the Department and
22 information collected to investigate any such complaint, shall
23 be maintained for the confidential use of the Department and
24 shall not be disclosed. The Department may not disclose the
25 information to anyone other than law enforcement officials,

1 other regulatory agencies that have an appropriate regulatory
2 interest as determined by the Secretary, or a party presenting
3 a lawful subpoena to the Department. Information and documents
4 disclosed to a federal, State, county, or local law enforcement
5 agency shall not be disclosed by the agency for any purpose to
6 any other agency or person. A formal complaint filed against a
7 licensee by the Department or any order issued by the
8 Department against a licensee or applicant shall be a public
9 record, except as otherwise prohibited by law.

10 (225 ILCS 5/19) (from Ch. 111, par. 7619)

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

12 Sec. 19. Record of proceedings ~~Stenographer — Transcript.~~

13 The Department, at its expense, shall preserve a record of all
14 proceedings at the formal hearing of any case ~~involving the~~
15 ~~refusal to issue or renew a license or the discipline of a~~
16 ~~licensee.~~ The notice of hearing, complaint and all other
17 documents in the nature of pleadings and written motions filed
18 in the proceedings, the transcript of testimony, the report of
19 the Board and order of the Department shall be the record of
20 such proceeding. Any licensee who is found to have violated
21 this Act or who fails to appear for a hearing to refuse to
22 issue, restore, or renew a license or to discipline a licensee
23 may be required by the Department to pay for the costs of the
24 proceeding. These costs are limited to costs for court
25 reporters, transcripts, and witness attendance and mileage

1 fees. All costs imposed under this Section shall be paid within
2 60 days after the effective date of the order imposing the fine
3 or in accordance with the terms set forth in the order imposing
4 the fine.

5 (Source: P.A. 89-216, eff. 1-1-96.)

6 (225 ILCS 5/19.5 new)

7 Sec. 19.5. Subpoenas; oaths. The Department may subpoena
8 and bring before it any person and may take the oral or written
9 testimony of any person or compel the production of any books,
10 papers, records, or any other documents that the Secretary or
11 his or her designee deems relevant or material to an
12 investigation or hearing conducted by the Department with the
13 same fees and mileage and in the same manner as prescribed by
14 law in judicial procedure in civil cases in courts of this
15 State.

16 The Secretary, the designated hearing officer, any member
17 of the Board, or a certified shorthand court reporter may
18 administer oaths at any hearing which the Department conducts.
19 Notwithstanding any other statute or Department rule to the
20 contrary, all requests for testimony or production of documents
21 or records shall be in accordance with this Act.

22 (225 ILCS 5/20) (from Ch. 111, par. 7620)

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

24 Sec. 20. Attendance of witnesses; contempt ~~Compelling~~

1 ~~testimony~~. Any circuit court may, upon application of the
2 Department or its designee or of the applicant or licensee
3 against whom proceedings pursuant to Section 20 of this Act are
4 pending, enter an order requiring the attendance of witnesses
5 and their testimony, and the production of documents, papers,
6 files, books, and records in connection with any hearing or
7 investigation. The court may compel obedience to its order by
8 proceedings for contempt.

9 (Source: P.A. 89-216, eff. 1-1-96.)

10 (225 ILCS 5/21) (from Ch. 111, par. 7621)

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

12 Sec. 21. Findings of Board ~~and recommendations~~. At the
13 conclusion of the hearing the Board shall present to the
14 Secretary Director a written report of its findings of fact,
15 conclusions of law, and recommendations. The report shall
16 contain a finding of whether or not the accused person violated
17 this Act or failed to comply with the conditions required in
18 this Act. The Board shall specify the nature of the violation
19 or failure to comply, and shall make its recommendations to the
20 Secretary Director.

21 The report of findings of fact, conclusions of law, and
22 recommendations of the Board shall be the basis for the
23 Department's order refusing to issue, restore, or renew a
24 license, or otherwise disciplining a licensee. If ~~of refusal or~~
25 ~~for the granting of licensure unless~~ the Secretary disagrees

1 ~~with the report of Director shall determine that~~ the Board,
2 ~~report is contrary to the manifest weight of the evidence, in~~
3 ~~which case the Secretary Director~~ may issue an order in
4 contravention of the Board report. The finding is not
5 admissible in evidence against the person in a criminal
6 prosecution brought for the violation of this Act, but the
7 hearing and finding are not a bar to a criminal prosecution
8 brought for the violation of this Act.

9 (Source: P.A. 89-216, eff. 1-1-96.)

10 (225 ILCS 5/22) (from Ch. 111, par. 7622)

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

12 Sec. 22. Report of Board; motion for rehearing ~~Rehearing.~~
13 In any case involving the refusal to issue or renew a license
14 or the discipline of a licensee, a copy of the Board's report
15 shall be served upon the respondent by the Department, ~~either~~
16 ~~personally or~~ as provided in this Act for the service of the
17 notice of hearing. Within 20 days after such service, the
18 respondent may present to the Department a motion in writing
19 for a rehearing, which motion shall specify the particular
20 grounds therefor. If no motion for rehearing is filed, then
21 upon the expiration of the time specified for filing such a
22 motion, or if a motion for rehearing is denied, then upon such
23 denial the Secretary Director may enter an order in accordance
24 with recommendations of the Board except as provided in Section
25 23 of this Act. If the respondent shall order from the

1 reporting service, and pay for a transcript of the record
2 within the time for filing a motion for rehearing, the 20 day
3 period within which such a motion may be filed shall commence
4 upon the delivery of the transcript to the respondent.

5 (Source: P.A. 89-216, eff. 1-1-96.)

6 (225 ILCS 5/23) (from Ch. 111, par. 7623)

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

8 Sec. 23. Rehearing ~~Director~~ Rehearing. Whenever the
9 Secretary ~~Director~~ is satisfied that substantial justice has
10 not been done in the revocation or suspension of a license or
11 refusal to issue or renew a license, the Secretary ~~Director~~ may
12 order a rehearing by the same or other examiners.

13 (Source: P.A. 89-216, eff. 1-1-96.)

14 (225 ILCS 5/24) (from Ch. 111, par. 7624)

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

16 Sec. 24. Hearing officer appointment. The Secretary
17 ~~Director~~ shall have the authority to appoint any attorney duly
18 licensed to practice law in the State of Illinois to serve as
19 the hearing officer in any action for refusal to issue or
20 renew a license, or for the taking of disciplinary action
21 against a license ~~discipline of a licensee~~. The hearing officer
22 shall have full authority to conduct the hearing. The hearing
23 officer shall report his or her findings of fact, conclusions
24 of law, and recommendations to the Board and the Secretary

1 ~~Director~~. The Board shall have 90 ~~60~~ days from receipt of the
2 report to review the report of the hearing officer and present
3 its ~~their~~ findings of fact, conclusions of law and
4 recommendation to the Secretary ~~Director~~. If the Board fails to
5 present its report within the 90 ~~60~~ day period, the Secretary
6 ~~may~~ ~~Director shall~~ issue an order based on the report of the
7 hearing officer. If the Secretary ~~Director~~ determines that the
8 Board's report is contrary to the manifest weight of the
9 evidence, he or she may issue an order in contravention of the
10 Board's report.

11 (Source: P.A. 89-216, eff. 1-1-96.)

12 (225 ILCS 5/25) (from Ch. 111, par. 7625)

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

14 Sec. 25. Order or certified copy; prima ~~thereof~~ ~~Prima~~
15 facie proof. An order or a certified copy thereof, over the
16 seal of the Department and purporting to be signed by the
17 Secretary ~~Director~~, shall be prima facie proof:

18 (a) That such signature is the genuine signature of the
19 Secretary ~~Director~~;

20 (b) That such Secretary ~~Director~~ is duly appointed and
21 qualified;

22 (c) (Blank) ~~That the Board and the members thereof are~~
23 ~~qualified to act.~~

24 (Source: P.A. 84-1080.)

1 (225 ILCS 5/26) (from Ch. 111, par. 7626)

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

3 Sec. 26. Restoration of ~~suspended or revoked~~ license from
4 discipline. At any time after the successful completion of a
5 term of indefinite probation, suspension or revocation of any
6 license, the Department may restore the license to the
7 licensee, unless, after an investigation and a hearing, the
8 Secretary determines that restoration is not in the public
9 interest or that the licensee has not been sufficiently
10 rehabilitated to warrant the public trust. No person or entity
11 whose license, certificate, or authority has been revoked as
12 authorized in this Act may apply for restoration of that
13 license, certificate, or authority until such time as provided
14 for in the Civil Administrative Code of Illinois ~~it to the~~
15 ~~accused person upon the written recommendation of the Board~~
16 ~~unless, after an investigation and a hearing, the Board~~
17 ~~determines that restoration is not in the public interest.~~

18 (Source: P.A. 89-216, eff. 1-1-96.)

19 (225 ILCS 5/27) (from Ch. 111, par. 7627)

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

21 Sec. 27. Surrender of license. Upon the revocation or
22 suspension of any license, the licensee shall forthwith
23 surrender the license or licenses to the Department, and if he
24 or she fails to do so, the Department shall have the right to
25 seize the license.

1 (Source: P.A. 89-216, eff. 1-1-96.)

2 (225 ILCS 5/28) (from Ch. 111, par. 7628)

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

4 Sec. 28. Summary ~~Temporary~~ suspension of a license. The
5 Secretary Director may summarily ~~temporarily~~ suspend the
6 license of an athletic trainer without a hearing,
7 simultaneously with the institution of proceedings for a
8 hearing provided for in Section 20 of this Act, if the
9 Secretary Director finds that evidence ~~in his or her possession~~
10 indicates that an athletic trainer's continuation in practice
11 would constitute an imminent danger to the public. In the event
12 that the Secretary Director suspends, summarily ~~temporarily~~,
13 the license of an athletic trainer without a hearing, a hearing
14 shall be commenced ~~by the Board must be held~~ within 30 days
15 after such suspension has occurred and shall be concluded as
16 expeditiously as possible.

17 (Source: P.A. 89-216, eff. 1-1-96.)

18 (225 ILCS 5/29) (from Ch. 111, par. 7629)

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

20 Sec. 29. Administrative review; venue ~~review~~ ~~Venue~~. All
21 final administrative decisions of the Department are subject to
22 judicial review pursuant to the provisions of the
23 "Administrative Review Law", ~~as now or hereafter amended~~ and
24 all rules adopted pursuant thereto. The term "administrative

1 decision" is defined as in Section 3-101 of the Code of Civil
2 Procedure.

3 Proceedings for judicial review shall be commenced in the
4 circuit court of the county in which the party applying for
5 review ~~relief~~ resides; but if the party is not a resident of
6 this State, the venue shall be in Sangamon County.

7 (Source: P.A. 84-1080.)

8 (225 ILCS 5/30) (from Ch. 111, par. 7630)

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

10 Sec. 30. Certifications of record; costs. The Department
11 shall not be required to certify any record to the Court or
12 file any answer in court or otherwise appear in any court in a
13 judicial review proceeding, unless and until the Department has
14 received from the plaintiff payment of the costs of furnishing
15 and certifying the record, which costs shall be determined by
16 the Department. Exhibits shall be certified without cost ~~there~~
17 ~~is filed in the court, with the complaint, a receipt from the~~
18 ~~Department acknowledging payment of the costs of furnishing and~~
19 ~~certifying the record.~~ Failure on the part of the plaintiff to
20 file a receipt in court ~~Court~~ shall be grounds for dismissal of
21 the action.

22 (Source: P.A. 87-1031.)

23 (225 ILCS 5/31) (from Ch. 111, par. 7631)

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

1 Sec. 31. Criminal penalties ~~Violations~~. Any person who is
2 found to have violated any provision of this Act is guilty of a
3 Class A misdemeanor for a first offense. On conviction of a
4 second or subsequent offense, the violator shall be guilty of a
5 Class 4 felony.

6 (Source: P.A. 84-1080.)

7 Section 15. The Illinois Roofing Industry Licensing Act is
8 amended by changing Sections 2, 2.1, 3, 3.5, 4.5, 5, 5.1, 5.5,
9 6, 7, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9a, 9.10,
10 9.14, 9.15, 10, 10a, 11 and 11.5, and by adding Sections 11.6,
11 11.7, 11.8, 11.9, and 11.10 as follows:

12 (225 ILCS 335/2) (from Ch. 111, par. 7502)

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

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

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

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

20 (c) "Secretary ~~Director~~" means the Secretary ~~Director~~ of
21 Financial and Professional Regulation.

22 (d) "Person" means any individual, partnership,
23 corporation, business trust, limited liability company, or
24 other legal entity.

1 (e) "Roofing contractor" is one who has the experience,
2 knowledge and skill to construct, reconstruct, alter, maintain
3 and repair roofs and use materials and items used in the
4 construction, reconstruction, alteration, maintenance and
5 repair of all kinds of roofing and waterproofing as related to
6 roofing, all in such manner to comply with all plans,
7 specifications, codes, laws, and regulations applicable
8 thereto, but does not include such contractor's employees to
9 the extent the requirements of Section 3 of this Act apply and
10 extend to such employees.

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

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

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

25 (h) "Limited roofing license" means a license made
26 available to contractors whose roofing business is limited to

1 roofing residential properties consisting of 8 units or less.

2 (i) "Unlimited roofing license" means a license made
3 available to contractors whose roofing business is unlimited in
4 nature and includes roofing on residential, commercial, and
5 industrial properties.

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

9 (k) "Building permit" means a permit issued by a unit of
10 local government for work performed within the local
11 government's jurisdiction that requires a license under this
12 Act.

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

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

21 (225 ILCS 335/2.1) (from Ch. 111, par. 7502.1)

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

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

1 (a) The Department shall exercise the powers and duties
2 prescribed by the Civil Administrative Code of Illinois for the
3 administration of licensing Acts and shall exercise such other
4 powers and duties necessary for effectuating the purposes of
5 this Act ~~To prescribe forms of application for certificates of~~
6 ~~registration.~~

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

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

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

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

1 (225 ILCS 335/3) (from Ch. 111, par. 7503)

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

3 Sec. 3. Application for license.

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

21 (a) the name and address of the person designated as
22 the qualifying party responsible for the practice of
23 professional roofing in Illinois;

24 (b) the name of the sole proprietorship and its sole
25 proprietor, the name of the partnership and its partners,

1 the name of the corporation and its officers, shareholders,
2 and directors, the name of the business trust and its
3 trustees, or the name of such other legal entity and its
4 members;

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

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

15 (1.5) (Blank). ~~A certificate issued by the Department~~
16 ~~before the effective date of this amendatory Act of the 91st~~
17 ~~General Assembly shall be deemed a license for the purposes of~~
18 ~~this Act.~~

19 (2) An applicant for a license must submit satisfactory
20 evidence that:

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

24 (b) he or she has obtained Workers' Compensation
25 insurance for roofing covering his or her employees or is
26 approved as a self-insurer of Workers' Compensation in

1 accordance with Illinois law;

2 (c) he or she has an unemployment insurance employer
3 account number issued by the Department of Employment
4 Security, and he or she is not delinquent in the payment of
5 any amount due under the Unemployment Insurance Act;

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

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

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

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

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

23 (6) Applicants have 3 years from the date of application to
24 complete the application process. If the application has not
25 been completed within 3 years, the application shall be denied,
26 the fee shall be forfeited and the applicant must reapply and

1 meet the requirements in effect at the time of reapplication.

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

3 (225 ILCS 335/3.5)

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

5 Sec. 3.5. Examinations ~~Examination~~.

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

19 (b) An applicant for a limited license or an unlimited
20 license or a qualifying party designated by an applicant for a
21 limited license or unlimited license shall pay, either to the
22 Department or the designated testing service, a fee established
23 by the Department to cover the cost of providing the
24 examination. ~~Failure of the individual scheduled~~ to appear for
25 the examination on the scheduled date at the time and place

1 specified, after the applicant's ~~his or her~~ application for
2 examination has been received and acknowledged by the
3 Department or the designated testing service, shall result in
4 forfeiture of the examination fee.

5 (c) The qualifying party for an applicant for a new license
6 must have passed an examination authorized by the Department
7 before the Department may issue a license.

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

18 The application for initial licensure as a partnership,
19 corporation, business trust, or other legal entity submitted by
20 a currently licensed partnership, corporation, business trust,
21 or other legal entity shall not be considered an application
22 for initial licensure for the purposes of this subsection (d)
23 if the entity's current qualifying party is exempt from the
24 examination requirement of this Section, that qualifying party
25 is named as the new legal entity's qualifying party, and the
26 majority of ownership in the new legal entity remains the same

1 as the currently licensed entity. Upon issuance of a license to
2 the new legal entity under this subsection (d), the former
3 license issued to the applicant is terminated.

4 (e) An applicant has 3 years after the date of ~~his or her~~
5 application to complete the application process. If the process
6 has not been completed within 3 years, the application shall be
7 denied, the fee shall be forfeited, and the applicant must
8 reapply and meet the requirements in effect at the time of
9 reapplication.

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

11 (225 ILCS 335/4.5)

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

13 Sec. 4.5. Duties of qualifying party; replacement; grounds
14 for discipline.

15 (a) While engaged as or named as a qualifying party for a
16 licensee, no person may be the named qualifying party for any
17 other licensee. However, the person may act in the capacity of
18 the qualifying party for one additional licensee of the same
19 type of licensure if one of the following conditions exists:

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

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

25 "Subsidiary" as used in this Section means a corporation of

1 which at least 25% is owned by another licensee.

2 (b) Upon the loss of ~~In the event that~~ a qualifying party
3 who is not replaced ~~is terminated or terminating his or her~~
4 ~~status as qualifying party of a licensee,~~ the qualifying party
5 or and the licensee, or both, shall notify the Department ~~of~~
6 ~~that fact in writing. Thereafter, the licensee shall notify the~~
7 ~~Department~~ of the name and address of the newly designated
8 qualifying party. The newly designated qualifying party must
9 take and pass the examination prescribed in Section 3.5 of this
10 Act; ~~however, a newly designated qualifying party is exempt~~
11 ~~from the examination requirement until January 1, 2012 if he or~~
12 ~~she has acted in the capacity of a roofing contractor for a~~
13 ~~period of at least 15 years for the licensee for which he or~~
14 ~~she seeks to be the qualifying party.~~ These requirements shall
15 be met in a timely manner as established by rule of the
16 Department.

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

22 (d) Designation of a qualifying party by an applicant under
23 this Section and Section 3 is subject to acceptance by the
24 Department. The Department may refuse to accept a qualifying
25 party (i) for failure to qualify as required under this Act and
26 the rules adopted under this Act or (ii) after making a

1 determination that the designated party has a history of acting
2 illegally, fraudulently, incompetently, or with gross
3 negligence in the roofing or construction business.

4 (e) The Department may, at any time after giving
5 appropriate notice and the opportunity for a hearing, suspend
6 or revoke its acceptance of a qualifying party designated by a
7 licensee for any act or failure to act that gives rise to any
8 ground for disciplinary action against that licensee under
9 ~~Section 9.1 or 9.6 of this Act~~ and the rules adopted under this
10 Act. If the Department suspends or revokes its acceptance of a
11 qualifying party, the license of the licensee shall be deemed
12 to be suspended until a new qualifying party has been
13 designated by the licensee and accepted by the Department.

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

20 All administrative decisions of the Department under this
21 subsection (e) are subject to judicial review pursuant to
22 Section 9.7 of this Act. An order taking action against a
23 qualifying party shall be deemed a final administrative
24 decision of the Department for purposes of Section 9.7 of this
25 Act.

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

1 (225 ILCS 335/5) (from Ch. 111, par. 7505)

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

3 Sec. 5. Display of license number; building permits;
4 advertising.

5 (a) Each State licensed roofing contractor shall affix the
6 roofing contractor license number and the licensee's name, as
7 it appears on the license, to all ~~of his or her~~ contracts and
8 bids. In addition, the official issuing building permits shall
9 affix the roofing contractor license number to each application
10 for a building permit and on each building permit issued and
11 recorded.

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

21 (a-5) A person who knowingly, in the course of applying for
22 a building permit with a unit of local government, provides the
23 roofing license number or name of a roofing contractor whom
24 that person ~~he or she~~ does not intend to have perform the work
25 on the roofing portion of the project commits identity theft

1 under paragraph (8) of subsection (a) of Section 16-30 of the
2 Criminal Code of 2012.

3 (a-10) A building permit applicant must present a
4 government-issued identification along with the building
5 permit application. Except for the name of the individual, all
6 other personal information contained in the government-issued
7 identification shall be exempt from disclosure under
8 subsection (c) of Section 7 of the Freedom of Information Act.
9 The official issuing the building permit shall maintain the
10 name and identification number, as it appears on the
11 government-issued identification, in the building permit
12 application file. It is not necessary that the building permit
13 applicant be the qualifying party. This subsection shall not
14 apply to a county or municipality whose building permit process
15 occurs through electronic means.

16 (b) (Blank).

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

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

1 licensee.

2 (e) A person who advertises services regulated by this Act
3 who knowingly (i) fails to display the license number and the
4 licensee's name, as it appears on the license, in any manner
5 required by this Section, (ii) fails to provide a publisher
6 with the correct license number as required by subsection (d),
7 or (iii) provides a publisher with a false license number or a
8 license number of another person, or a person who knowingly
9 allows the licensee's ~~his or her~~ license number to be displayed
10 or used by another person to circumvent any provisions of this
11 Section, is guilty of a Class A misdemeanor with a fine of
12 \$1,000, and, in addition, is subject to the administrative
13 enforcement provisions of this Act. Each day that an
14 advertisement runs or each day that a person knowingly allows
15 the licensee's ~~his or her~~ license to be displayed or used in
16 violation of this Section constitutes a separate offense.

17 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;
18 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; 97-965, eff. 8-15-12;
19 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 (225 ILCS 335/5.1)

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

22 Sec. 5.1. Commercial vehicles. Any entity offering
23 services regulated by the Roofing Industry Licensing Act shall
24 affix the roofing contractor license number and the licensee's
25 name, as it appears on the license, on all commercial vehicles

1 used in offering such services. An entity in violation of this
2 Section shall be subject to a \$250 civil penalty. This Section
3 may be enforced by local code enforcement officials employed by
4 units of local government as it relates to roofing work being
5 performed within the boundaries of their jurisdiction. For
6 purposes of this Section, "code enforcement official" means an
7 officer or other designated authority charged with the
8 administration, interpretation, and enforcement of codes on
9 behalf of a municipality or county. If the alleged violation
10 has been corrected prior to or on the date of the hearing
11 scheduled to adjudicate the alleged violation, the violation ~~it~~
12 shall be dismissed.

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

14 (225 ILCS 335/5.5)

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

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

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

21 (225 ILCS 335/6) (from Ch. 111, par. 7506)

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

23 Sec. 6. Expiration and renewal; inactive status;
24 restoration; ~~renewal~~.

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

4 (b) A licensee who has permitted his or her license to
5 expire or whose license is on inactive status may have his or
6 her license restored by making application to the Department in
7 the form and manner prescribed by the Department.

8 (c) A licensee who notifies the Department in writing on
9 forms prescribed by the Department may elect to place his or
10 her license on inactive status and shall, subject to rules of
11 the Department, be excused from payment of renewal fees until
12 he or she notifies the Department in writing of his or her
13 desire to resume active status.

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

26 (e) A roofing contractor whose license is expired or on

1 inactive status shall not practice under this Act in the State
2 of Illinois.

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

4 (225 ILCS 335/7) (from Ch. 111, par. 7507)

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

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

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

19 (225 ILCS 335/9) (from Ch. 111, par. 7509)

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

21 Sec. 9. Licensure requirement.

22 (1) It is unlawful for any person to engage in the business
23 or act in the capacity of or hold himself, ~~or~~ herself, or
24 itself out in any manner as a roofing contractor without having

1 been duly licensed under the provisions of this Act.

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

6 (3) Sellers of roofing services may subcontract the
7 provision of those roofing services only to roofing contractors
8 licensed under this Act.

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

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

14 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

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

16 Sec. 9.1. Grounds for disciplinary action.

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

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

24 (b) conviction or plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or

1 sentencing of any crime, including, but not limited to,
2 convictions, preceding sentences of supervision,
3 conditional discharge, or first offender probation, under
4 the laws of any jurisdiction of the United States ~~or any~~
5 ~~state or territory thereof~~ that is (i) a felony or (ii) a
6 misdemeanor, an essential element of which is dishonesty or
7 that is directly related to the practice of the profession;

8 (c) fraud or making any misrepresentation in applying
9 for or procuring ~~for the purpose of obtaining~~ a license
10 under this Act, or in connection with applying for renewal
11 of a license under this Act;

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

19 (e) (blank);

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

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

26 (h) engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public;

3 (i) habitual or excessive use or abuse of controlled
4 substances, as defined by the Illinois Controlled
5 Substances Act, alcohol, or any other substance that
6 ~~addiction to alcohol, narcotics, stimulants or any other~~
7 ~~chemical agent or drug which~~ results in the inability to
8 practice with reasonable judgment, skill, or safety;

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

14 (k) directly or indirectly giving to or receiving from
15 any person, firm, corporation, partnership, or association
16 any fee, commission, rebate, or other form of compensation
17 for any professional services not actually or personally
18 rendered;

19 (l) a finding by the Department that the licensee,
20 after having his or her license disciplined, placed on
21 ~~probationary status~~ has violated the terms of the
22 discipline probation;

23 (m) a finding by any court of competent jurisdiction,
24 either within or without this State, of any violation of
25 any law governing the practice of roofing contracting, if
26 the Department determines, after investigation, that such

1 person has not been sufficiently rehabilitated to warrant
2 the public trust;

3 (n) willfully making or filing false records or reports
4 in the practice of roofing contracting, including, but not
5 limited to, false records filed with the State agencies or
6 departments ~~a finding that licensure has been applied for~~
7 ~~or obtained by fraudulent means;~~

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

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

14 (q) (blank); ~~failure to file a return, or to pay the~~
15 ~~tax, penalty or interest shown in a filed return, or to pay~~
16 ~~any final assessment of tax, penalty or interest, as~~
17 ~~required by any tax Act administered by the Illinois~~
18 ~~Department of Revenue, until such time as the requirements~~
19 ~~of any such tax Act are satisfied;~~

20 (r) (blank); ~~the Department shall deny any license or~~
21 ~~renewal under this Act to any person who has defaulted on~~
22 ~~an educational loan guaranteed by the Illinois State~~
23 ~~Scholarship Commission; however, the Department may issue~~
24 ~~a license or renewal if the person in default has~~
25 ~~established a satisfactory repayment record as determined~~
26 ~~by the Illinois State Scholarship Commission;~~

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

3 (t) physical or mental disability, including
4 deterioration through the aging process or loss of
5 abilities and skills that result in an inability to
6 practice the profession with reasonable judgment, skill,
7 or safety;

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

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

21 (w) advertising in any manner that is false,
22 misleading, or deceptive;

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

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

1 (z) engaging in the practice of roofing contracting, as
2 defined in this Act, with a suspended, revoked, or
3 cancelled license;

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

7 (bb) knowingly making any false statement, oral,
8 written, or otherwise, of a character likely to influence,
9 persuade, or induce others in the course of obtaining or
10 performing roofing contracting services;

11 (cc) violation of any final administrative action of
12 the Secretary;

13 (dd) allowing the use of his or her roofing license by
14 an unlicensed roofing contractor for the purposes of
15 providing roofing or waterproofing services; or

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

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

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

23 (2) The determination by a circuit court that a license
24 holder is subject to involuntary admission or judicial
25 admission, as provided in the Mental Health and Developmental
26 Disabilities Code, operates as an automatic suspension. Such

1 suspension will end only upon a finding by a court that the
2 patient is no longer subject to involuntary admission or
3 judicial admission, an order by the court so finding and
4 discharging the patient, and the recommendation of the Board to
5 the Director that the license holder be allowed to resume his
6 or her practice.

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

15 (4) In enforcing this Section, the Department, upon a
16 showing of a possible violation, may compel any individual who
17 is licensed under this Act or any individual who has applied
18 for licensure to submit to a mental or physical examination or
19 evaluation, or both, which may include a substance abuse or
20 sexual offender evaluation, at the expense of the Department.
21 The Department shall specifically designate the examining
22 physician licensed to practice medicine in all of its branches
23 or, if applicable, the multidisciplinary team involved in
24 providing the mental or physical examination and evaluation.
25 The multidisciplinary team shall be led by a physician licensed
26 to practice medicine in all of its branches and may consist of

1 one or more or a combination of physicians licensed to practice
2 medicine in all of its branches, licensed chiropractic
3 physicians, licensed clinical psychologists, licensed clinical
4 social workers, licensed clinical professional counselors, and
5 other professional and administrative staff. Any examining
6 physician or member of the multidisciplinary team may require
7 any person ordered to submit to an examination and evaluation
8 pursuant to this Section to submit to any additional
9 supplemental testing deemed necessary to complete any
10 examination or evaluation process, including, but not limited
11 to, blood testing, urinalysis, psychological testing, or
12 neuropsychological testing.

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

1 or any member of the multidisciplinary team. No authorization
2 is necessary from the licensee or applicant ordered to undergo
3 an evaluation and examination for the examining physician or
4 any member of the multidisciplinary team to provide
5 information, reports, records, or other documents or to provide
6 any testimony regarding the examination and evaluation. The
7 individual to be examined may have, at his or her own expense,
8 another physician of his or her choice present during all
9 aspects of the examination.

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

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

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

5 (9) The Department shall deny a license or renewal
6 authorized by this Act to a person who has defaulted on an
7 educational loan or scholarship provided or guaranteed by the
8 Illinois Student Assistance Commission or any governmental
9 agency of this State in accordance with paragraph (5) of
10 subsection (a) of Section 2105-15 of the Department of
11 Professional Regulation Law of the Civil Administrative Code of
12 Illinois.

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

25 The changes to this Act made by this amendatory Act of 1997
26 apply only to disciplinary actions relating to events occurring

1 after the effective date of this amendatory Act of 1997.

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

3 (225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

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

5 Sec. 9.2. Record ~~Stenographer; record~~ of proceedings. The
6 Department, at its expense, shall ~~provide a stenographer to~~
7 ~~take down the testimony and~~ preserve a record of all
8 proceedings at the formal hearing of any case initiated
9 ~~pursuant to this Act, the rules for the administration of this~~
10 ~~Act, or any other Act or rules relating to this Act and~~
11 ~~proceedings for restoration of any license issued under this~~
12 ~~Act.~~ The notice of hearing, complaint, answer, and all other
13 documents in the nature of pleadings and written motions and
14 responses filed in the proceedings, the transcript of the
15 testimony, all exhibits admitted into evidence, the report of
16 the hearing officer, the Board's findings of fact, conclusions
17 of law, and recommendations to the Director, and the order of
18 the Department shall be the record of the proceedings. Any
19 licensee who is found to have violated this Act or who fails to
20 appear for a hearing to refuse to issue, restore, or renew a
21 license or to discipline a licensee may be required by the
22 Department to pay for the costs of the proceeding. These costs
23 are limited to costs for court reporters, transcripts, and
24 witness attendance and mileage fees. All costs imposed under
25 this Section shall be paid within 60 days after the effective

1 date of the order imposing the fine. ~~The Department shall~~
2 ~~furnish a transcript of the record to any person interested in~~
3 ~~the hearing upon payment of the fee required under Section~~
4 ~~2105-115 of the Department of Professional Regulation Law (20~~
5 ~~ILCS 2105/2105-115).~~

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

7 (225 ILCS 335/9.3) (from Ch. 111, par. 7509.3)

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

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

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

18 (225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

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

20 Sec. 9.4. Subpoenas; oaths. The Department has power to
21 subpoena and bring before it any person in this State and to
22 take the oral or written testimony ~~either orally or by~~
23 ~~deposition or both~~, or to compel the production of any books,
24 papers, records, subpoena documents, exhibits, or other

1 materials that the Secretary or his or her designee deems
2 relevant or material to an investigation or hearing conducted
3 by the Department, with the same fees and mileage and in the
4 same manner as prescribed by law in judicial proceedings in
5 civil cases in ~~circuit~~ courts of this State.

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

17 (225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

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

19 Sec. 9.5. Findings of fact, conclusions of law, and
20 recommendations of the Board; rehearing order. The Board shall
21 have 90 days after receipt of the report of the hearing officer
22 to review the report and present their findings of fact,
23 conclusions of law, and recommendations to the Secretary. If
24 the Board fails to present its findings of fact, conclusions of
25 law, and recommendations within the 90-day period, the

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

26 ~~Within 60 days of the Department's receipt of the transcript of~~

1 ~~any hearing that is conducted pursuant to this Act or the rules~~
2 ~~for its enforcement or any other statute or rule requiring a~~
3 ~~hearing under this Act or the rules for its enforcement, or for~~
4 ~~any hearing related to restoration of any license issued~~
5 ~~pursuant to this Act, the hearing officer shall submit his or~~
6 ~~her written findings and recommendations to the Roofing~~
7 ~~Advisory Board. The Roofing Advisory Board shall review the~~
8 ~~report of the hearing officer and shall present its findings of~~
9 ~~fact, conclusions of law, and recommendations to the Director~~
10 ~~by the date of the Board's second meeting following the Board's~~
11 ~~receipt of the hearing officer's report.~~

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

22 ~~The Director shall issue an order based on the findings of~~
23 ~~fact, conclusions of law, and recommendations to the Director.~~
24 ~~If the Director disagrees in any regard with the findings of~~
25 ~~fact, conclusions of law, and recommendations to the Director,~~
26 ~~he may issue an order in contravention of the findings of fact,~~

1 ~~conclusions of law, and recommendations to the Director.~~

2 ~~If the Director issues an order in contravention of the~~
3 ~~findings of fact, conclusions of law, and recommendations to~~
4 ~~the Director, the Director shall notify the Board in writing~~
5 ~~with an explanation for any deviation from the Board's findings~~
6 ~~of fact, conclusions of law, and recommendations to the~~
7 ~~Director within 30 days of the Director's entry of the order.~~

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

9 (225 ILCS 335/9.6) (from Ch. 111, par. 7509.6)

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

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

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

24 (225 ILCS 335/9.7) (from Ch. 111, par. 7509.7)

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

2 Sec. 9.7. All final administrative decisions of the
3 Department are subject to judicial review pursuant to the
4 Administrative Review Law, ~~as amended,~~ and all its rules
5 adopted pursuant thereto. The term "administrative decision"
6 is defined as in Section 3-101 of the Code of Civil Procedure.
7 Proceedings for judicial review shall be commenced in the
8 circuit court of the county in which the party applying for
9 review resides, except that, if the party is not a resident of
10 this State, the venue shall be Sangamon County.

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

12 (225 ILCS 335/9.8) (from Ch. 111, par. 7509.8)

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

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

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

20 (225 ILCS 335/9.9a)

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

22 Sec. 9.9a. Certification of record; costs. The Department
23 shall not be required to certify any record to the court, to
24 file an answer in court, or to otherwise appear in any court in

1 a judicial review proceeding, unless and until the Department
2 has received from the plaintiff payment of the costs of
3 furnishing and certifying the record, which costs shall be
4 determined by the Department ~~there is filed in the court, with~~
5 ~~the complaint, a receipt from the Department acknowledging~~
6 ~~payment of the costs of furnishing and certifying the record.~~
7 Failure on the part of the plaintiff to file the receipt in
8 court is grounds for dismissal of the action.

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

10 (225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

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

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

1 If, after termination or denial, the person seeks a license,
2 that person ~~he or she~~ shall apply to the Department for
3 restoration or issuance of the license and pay all the
4 application fees as set by rule. The Department may establish a
5 fee for the processing of an application for restoration of a
6 license to pay all expenses of processing this application. The
7 Director may waive the fines due under this Section in
8 individual cases where the Director finds that the fines would
9 be unreasonable or unnecessarily burdensome.

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

12 (225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

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

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

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

2 (225 ILCS 335/9.15) (from Ch. 111, par. 7509.15)

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

4 Sec. 9.15. Investigation; notice; default. The Department
5 may investigate the actions of any applicant or any person or
6 persons holding or claiming to hold a license. The Department
7 shall, before refusing to issue, renew, or discipline a
8 licensee or applicant ~~suspending, revoking, placing on~~
9 ~~probationary status, or taking any other disciplinary action as~~
10 ~~the Department may deem proper with regard to any license, at~~
11 ~~least 30 days prior to the date set for the hearing, notify the~~
12 applicant or licensee ~~accused~~ in writing of the nature of the
13 ~~any~~ charges made and the time and place for a hearing on the
14 charges. The Department shall direct the applicant or licensee
15 ~~before the hearing officer, direct him or her to file a~~ his
16 written answer to the charges with the hearing officer under
17 oath within 20 ~~30~~ days after the service ~~on him or her of the~~
18 ~~such~~ notice, and inform the applicant or licensee ~~him or her~~
19 that failure if he or she fails to file an ~~such~~ answer will
20 result in default being ~~will be~~ taken against the applicant or
21 licensee ~~him or her and his or her license may be suspended,~~
22 ~~revoked, placed on probationary status, or other disciplinary~~
23 ~~action, including limiting the scope, nature or extent of his~~
24 ~~or her practice, as the Department may deem proper, taken. This~~
25 ~~written notice may be served by personal delivery or certified~~

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

1 ~~nature, or extent of said person's practice without a hearing,~~
2 ~~if the act or acts charged constitute sufficient grounds for~~
3 ~~such action under this Act.~~

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

5 (225 ILCS 335/10) (from Ch. 111, par. 7510)

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

7 Sec. 10. Injunctive relief; order to cease and desist
8 ~~Enforcement; petition to court.~~

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

23 (2) If any person shall practice as a licensee or hold
24 himself or herself out as a licensee without being licensed
25 under the provisions of this Act, then any person licensed

1 under this Act, any interested party or any person injured
2 thereby may, in addition to the Secretary ~~those officers~~
3 ~~identified in subsection (1) of this Section~~, petition for
4 relief as provided in subsection (1) of this Section ~~therein~~.

5 (3) (Blank).

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

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

18 (225 ILCS 335/10a)

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

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

21 (a) In addition to any other penalty provided by law, any
22 ~~Any~~ person who practices, offers to practice, attempts to
23 practice, or holds himself or herself out to practice roofing
24 without being licensed under this Act shall, in addition to any
25 other penalty provided by law, pay a civil penalty to the

1 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
2 offense as determined by the Department. The civil penalty
3 shall be assessed by the Department after a hearing is held in
4 accordance with the provisions set forth in this Act regarding
5 the provision of a hearing for the discipline of a licensee.

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

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

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

14 (225 ILCS 335/11) (from Ch. 111, par. 7511)

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

16 Sec. 11. Application of Act.

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

24 (2) Nothing in this Act shall be construed to require a
25 seller of roofing materials or services to be licensed as a

1 roofing contractor when the construction, reconstruction,
2 alteration, maintenance or repair of roofing or waterproofing
3 is to be performed by a person other than the seller or the
4 seller's employees.

5 (3) Nothing in this Act shall be construed to require a
6 person who performs roofing or waterproofing work to his or her
7 own property, or for no consideration, to be licensed as a
8 roofing contractor.

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

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

21 (6) Nothing in this Act limits the power of the
22 municipalities, cities, ~~or~~ counties, or incorporated areas to
23 adopt any system of permits requiring submission to and
24 approval by the municipality, city, ~~or~~ county, or incorporated
25 area of plans and specifications for work to be performed by
26 roofing contractors before commencement of the work.

1 (7) Any official authorized to issue building or other
2 related permits shall ascertain that the applicant contractor
3 is duly licensed before issuing the permit. The evidence shall
4 consist only of the exhibition to him or her of current
5 evidence of licensure.

6 (8) This Act applies to any roofing contractor performing
7 work for the State or any municipality, city, county, or
8 incorporated area ~~municipality~~. Officers of the State or any
9 municipality, city, county or incorporated area ~~municipality~~
10 are required to determine compliance with this Act before
11 awarding any contracts for construction, improvement,
12 remodeling, or repair.

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

24 (10) The State or any municipality, city, county, or
25 incorporated area ~~municipality~~ may require that bids submitted
26 for roofing construction, improvement, remodeling, or repair

1 of public buildings be accompanied by evidence that that bidder
2 holds an appropriate license issued pursuant to this Act.

3 (11) (Blank).

4 (12) Nothing in this Act shall prevent a municipality,
5 city, county, or incorporated area from making laws or
6 ordinances that are more stringent than those contained in this
7 Act.

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

9 (225 ILCS 335/11.5)

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

11 Sec. 11.5. Board. The Roofing Advisory Board is created and
12 shall consist of 8 persons, one of whom is a knowledgeable
13 public member and 7 of whom are (i) designated as the
14 qualifying party of a licensed roofing contractor or (ii)
15 legally qualified to act for the business organization on
16 behalf of the licensee in all matters connected with its
17 roofing contracting business, have the authority to supervise
18 roofing installation operations, and actively engaged in
19 day-to-day activities of the business organization for a
20 licensed roofing contractor ~~have been issued licenses as~~
21 ~~roofing contractors by the Department.~~ One of the 7 nonpublic
22 members ~~licensed roofing contractors~~ on the Board shall
23 represent a statewide association representing home builders
24 and another of the 7 nonpublic members ~~licensed roofing~~
25 ~~contractors~~ shall represent an association predominately

1 representing retailers. The public member shall not be licensed
2 under this Act ~~or any other Act the Department administers.~~
3 Each member shall be appointed by the Secretary Director. Five
4 members of the Board shall constitute a quorum. A quorum is
5 required for all Board decisions. ~~Members shall be appointed~~
6 ~~who reasonably represent the different geographic areas of the~~
7 ~~State. A quorum of the Board shall consist of the majority of~~
8 ~~Board members appointed.~~

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

14 The persons appointed shall hold office for 4 years and
15 until a successor is appointed and qualified. ~~The initial terms~~
16 ~~shall begin July 1, 1997. Of the members of the Board first~~
17 ~~appointed, 2 shall be appointed to serve for 2 years, 2 shall~~
18 ~~be appointed to serve for 3 years, and 3 shall be appointed to~~
19 ~~serve for 4 years.~~ No member shall serve more than 2 complete 4
20 year terms.

21 The Secretary shall have the authority to remove or suspend
22 any member of the Board for cause at any time before the
23 expiration of his or her term. The Secretary shall be the sole
24 arbiter of cause.

25 The Secretary ~~Within 90 days of a vacancy occurring, the~~
26 ~~Director~~ shall fill a ~~the~~ vacancy for the unexpired portion of

1 the term with an appointee who meets the same qualifications as
2 the person whose position has become vacant. The Board shall
3 meet annually to elect one member as chairman and one member as
4 vice-chairman. No officer shall be elected more than twice in
5 succession to the same office. The members of the Board shall
6 receive reimbursement for actual, necessary, and authorized
7 expenses incurred in attending the meetings of the Board.

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

9 (225 ILCS 335/11.6 new)

10 Sec. 11.6. Confidentiality. All information collected by
11 the Department in the course of an examination or investigation
12 of a licensee or applicant, including, but not limited to, any
13 complaint against a licensee filed with the Department and
14 information collected to investigate any such complaint, shall
15 be maintained for the confidential use of the Department and
16 shall not be disclosed. The Department may not disclose the
17 information to anyone other than law enforcement officials,
18 other regulatory agencies that have an appropriate regulatory
19 interest as determined by the Secretary, or a party presenting
20 a lawful subpoena to the Department. Information and documents
21 disclosed to a federal, State, county, or local law enforcement
22 agency shall not be disclosed by the agency for any purpose to
23 any other agency or person. A formal complaint filed against a
24 licensee by the Department or any order issued by the
25 Department against a licensee or applicant shall be a public

1 record, except as otherwise prohibited by law.

2 (225 ILCS 335/11.7 new)

3 Sec. 11.7. Order or certified copy; prima facie proof. An
4 order or a certified copy thereof, over the seal of the
5 Department and purporting to be signed by the Secretary, shall
6 be prima facie proof that:

7 (1) the signature is the genuine signature of the
8 Secretary; and

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

10 (225 ILCS 335/11.8 new)

11 Sec. 11.8. Surrender of license. Upon the revocation or
12 suspension of any license, the licensee shall immediately
13 surrender the license or licenses to the Department. If the
14 licensee fails to do so, the Department shall have the right to
15 seize the license.

16 (225 ILCS 335/11.9 new)

17 Sec. 11.9. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or

1 the Criminal Code of 2012. A person whose license or other
2 authorization to practice is suspended under this Section is
3 prohibited from practicing until the restitution is made in
4 full.

5 (225 ILCS 335/11.10 new)

6 Sec. 11.10. Citations.

7 (a) The Department may adopt rules to permit the issuance
8 of citations for non-frivolous complaints. The citation shall
9 list the person's name and address, a brief factual statement,
10 the Sections of the Act or rules allegedly violated, the
11 penalty imposed, and, if applicable, the licensee's license
12 number. The citation must clearly state that the person may
13 choose, in lieu of accepting the citation, to request a
14 hearing. If the person does not dispute the matter in the
15 citation with the Department within 30 days after the citation
16 is served, then the citation shall become a final order and
17 shall constitute discipline. The penalty shall be a fine or
18 other conditions as established by rule.

19 (b) The Department shall adopt rules designating
20 violations for which a citation may be issued. Such rules shall
21 designate as citation violations those violations for which
22 there is no substantial threat to the public health, safety,
23 and welfare. Citations shall not be utilized if there was any
24 significant consumer harm resulting from the violation.

25 (c) A citation must be issued within 6 months after the

1 reporting of a violation that is the basis for the citation.

2 (d) Service of a citation may be made by personal service
3 or certified mail to the person at the person's last known
4 address of record or, if applicable, the licensee's address of
5 record.

6 (225 ILCS 335/8 rep.)

7 (225 ILCS 335/9.12 rep.)

8 (225 ILCS 335/10b rep.)

9 Section 20. The Illinois Roofing Industry Licensing Act is
10 amended by repealing Sections 8, 9.12, and 10b.

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