



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 1270

2 AMENDMENT NO. _____. Amend Senate Bill 1270 by replacing
3 everything after the enacting clause with the following:

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

6 Section 5. Declaration of public policy. The practice of
7 licensed interior design, as limited by and defined in this
8 Act, in the State of Illinois is hereby declared to affect the
9 public health, safety, and welfare and to be subject to
10 regulation and control in the public interest. It is further
11 declared to be a matter of public interest and concern that the
12 practice of licensed interior design merit and receive the
13 confidence of the public and that only qualified persons be
14 authorized to practice licensed interior design in the State of
15 Illinois. Nothing in this Act shall be construed as limiting or
16 restricting the use by any individual or entity of the terms

1 "interior designer", "registered interior designer", or
2 "interior decorator". This Act shall be liberally construed to
3 best carry out these subjects and purposes.

4 Section 10. Licensed interior design practitioner defined;
5 acts constituting practice.

6 (a) A licensed interior design practitioner is a person who
7 is qualified by education, training, experience, and
8 examination and who is licensed under the laws of this State to
9 engage in the practice of licensed interior design.

10 (b) The practice of licensed interior design within the
11 meaning and intent of this Act is limited solely to the
12 practice of licensed interior design as defined in Section 5 of
13 this Act.

14 (c) Nothing contained in this Section imposes upon a person
15 licensed under this Act the responsibility to perform any of
16 the services described in subsection (b) of this Section unless
17 such person specifically contracts to provide the services.

18 Section 15. Application of Act. Nothing in this Act shall
19 be deemed or construed to prevent the practice of structural
20 engineering as defined in the Structural Engineering Practice
21 Act of 1989, the practice of architecture as defined in the
22 Illinois Architecture Practice Act of 1989, the practice of
23 professional engineering as defined in the Professional
24 Engineering Practice Act of 1989, or the practice of land

1 surveying as defined in the Illinois Professional Land Surveyor
2 Act of 1989.

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

16 Nothing in this Act or any other Act prevents an architect
17 licensed under the Illinois Architecture Practice Act of 1989
18 from practicing or providing licensed interior design
19 services.

20 Nothing in this Act shall be construed as requiring the
21 services of a licensed interior design practitioner for the
22 interior designing of any single-family residence.

23 Nothing in this Act shall require the use of a licensed
24 interior design practitioner if the federal, State, and local
25 codes do not require the use of a licensed architect.

26 This Act does not apply to:

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

7 (2) the interior design of any single-family
8 residence, whether that single-family residence is a
9 detached residence on a single lot or a single-family
10 residence included in any multi-family unit building; or

11 (3) any person or entity, including any person or
12 entity providing assistance to any realtor in staging or
13 presenting any property for sale or lease, who prepares
14 drawings limited to depicting the layout of furnishings
15 used in interior design or provides assistance in the
16 selection of furnishings used in interior design,
17 including without limitation the following, provided the
18 preparation or implementation of those drawings or the
19 installation of those materials or furnishings is not
20 regulated by any building code or other law, ordinance,
21 rule, or regulation governing the alteration or
22 construction of a structure:

23 (A) decorative accessories;

24 (B) wallpaper, wall coverings, and paint;

25 (C) tile, carpeting, or floor coverings;

26 (D) draperies, blinds, or window coverings;

1 (E) lighting fixtures that are not part of the
2 structure;

3 (F) plumbing fixtures that are not part of the
4 structure; or

5 (G) furniture, fixtures, or equipment, including
6 cabinetry.

7 However, when an ordinance or statute of a unit of federal,
8 State, or local government requires the involvement of a
9 licensed interior design practitioner for the interior design
10 of any building included in items (1) through (3) of this
11 paragraph, the requirements of this Act shall apply.

12 Section 20. Definitions. In this Act:

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

20 "Board" means the Licensed Interior Design Practice Board.

21 "Interior life safety", as it pertains to the practice of
22 licensed interior design, means the analysis, development,
23 interpretation, and review of space plans, interior
24 construction components, and the aggregate employment of such
25 components to constitute an assembly, materials, finishes, and

1 furniture or fixtures and equipment selections for compliance
2 with regulatory building code provisions as they specifically
3 relate to the practice of licensed interior design.

4 "Licensed design professional" means a person who holds an
5 active license as a licensed interior design practitioner under
6 this Act, as an architect under the Illinois Architecture
7 Practice Act of 1989, as a structural engineer under the
8 Structural Engineering Practice Act of 1989, as a professional
9 engineer under the Professional Engineering Practice Act of
10 1989, or as a land surveyor under the Illinois Professional
11 Land Surveyor Act of 1989.

12 "Load-bearing structural element" means a foundation,
13 column, girder, truss, wall, arch, or beam in which safe design
14 and construction require that loads and stresses must be
15 computed and the size and strength of parts must be determined
16 by mathematical calculations based upon scientific principles
17 and engineering data.

18 "Practice of licensed interior design" means the rendering
19 of or the offering to render designs, consultations, studies,
20 planning, drawings, specifications, contract documents, or
21 other technical submissions and the administration of interior
22 construction and contracts relating to interior construction
23 and interior life safety not involving load-bearing structural
24 elements of a building by a licensed interior design
25 practitioner. "Practice of licensed interior design" includes:

26 (1) space planning, finishes, furnishings, and the

1 design for fabrication of interior construction not
2 involving load-bearing structural elements within interior
3 spaces of buildings;

4 (2) responsibility for design of proposed, or
5 modification of existing, nonstructural and non-engineered
6 elements of construction, such as partitions, doors,
7 stairways, and paths of egress connecting to exits or exit
8 ways, but specifically excluding load-bearing structural
9 elements; and

10 (3) modification of existing building construction not
11 involving load-bearing structural elements so as to alter
12 the number of persons for which the egress systems for the
13 building are designed.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation.

16 Section 25. Technical submissions. All technical
17 submissions intended for use in construction in the State of
18 Illinois within the scope of the practice of licensed interior
19 design shall be prepared and administered in accordance with
20 standards of reasonable professional skill and diligence. Care
21 shall be taken to reflect the requirements of applicable
22 federal and State statutes and county and municipal building
23 ordinances in such submissions. In recognition that licensed
24 interior design practitioners are licensed for the protection
25 of the public health, safety, and welfare, submissions shall be

1 of such quality and scope, and be so administered, as to
2 conform to professional standards. Technical submissions are
3 the designs, drawings, and specifications that establish the
4 scope of the licensed interior design project to be
5 constructed, the standard of quality for materials,
6 workmanship, equipment, and construction systems, and the
7 studies and other technical reports and calculations prepared
8 in the course of the practice of licensed interior design. Such
9 submissions may be combined with submissions prepared under the
10 responsible control, seal, and signature of other licensed
11 design professionals.

12 No officer, board, commission, or other public entity who
13 receives technical submissions relating to services requiring
14 the involvement of a licensed interior design practitioner may
15 accept any such submission that does not bear the seal and
16 signature of a licensed interior design practitioner licensed
17 under this Act.

18 It is unlawful to affix one's seal to technical submissions
19 if it masks the true identity of the person who actually
20 exercised responsible control of the preparation of such work.
21 A licensed interior design practitioner who seals and signs
22 technical submissions is not responsible for damage caused by
23 subsequent changes to or uses of those technical submissions
24 where the subsequent changes or uses, including changes or uses
25 made by federal, State, or local governmental agencies, are not
26 authorized or approved in writing by the licensed interior

1 design practitioner who originally sealed and signed the
2 technical submissions.

3 Section 30. Powers and duties of the Department. Subject to
4 the other provisions of this Act, the Department shall exercise
5 the following functions, powers, and duties:

6 (1) to conduct examinations to ascertain the
7 qualifications and fitness of applicants for licensure as
8 licensed interior design practitioners and pass upon the
9 qualifications and fitness of applicants for licensure by
10 endorsement;

11 (2) to adopt rules for a method of examination of
12 candidates;

13 (3) to adopt rules defining what constitutes a school,
14 college, university (or department of a university), or
15 other institution that is reputable and in good standing;
16 to determine whether or not a school, college, university
17 (or department of a university), or other institution is
18 reputable and in good standing by reference to compliance
19 with the rules; and to terminate the approval of a school,
20 college, university (or department of a university), or
21 other institution that refuses admittance to applicants
22 solely on the basis of race, color, creed, sex, national
23 origin, or sexual orientation; the Department may adopt, as
24 its own rules relating to education requirements, those
25 guidelines that may be published from time to time by the

1 Council for Interior Design Accreditation (CIDA) or its
2 successor entity;

3 (4) to adopt rules for diversified professional
4 training;

5 (5) to conduct oral interviews, disciplinary
6 conferences, and formal evidentiary hearings relating to
7 proceedings to reprimand or impose fines on a licensee or
8 to suspend, revoke, place on probationary status, or refuse
9 to issue or restore a license issued under this Act for any
10 of the reasons set forth in Section 105 of this Act;

11 (6) to issue licenses to persons who meet the
12 requirements of this Act;

13 (7) to adopt rules necessary or appropriate to carry
14 out the provisions of this Act; and

15 (8) to review applicant qualifications to sit for the
16 examination or for licensure that the Board designates
17 pursuant to Section 55.

18 Section 35. Creation of the Board. The Secretary shall
19 appoint a Licensed Interior Design Practice Board that shall
20 consist of 5 members. Four members shall be licensed or, with
21 respect to the initial appointments under this Section, be
22 qualified to be licensed as licensed interior design
23 practitioners, residing in this State, who have been engaged in
24 the practice of licensed interior design for at least 5 years.
25 In addition to the 4 licensed interior design practitioners,

1 there shall be one public member. The public member shall be a
2 voting member.

3 For the purposes of this Section, "public member" means a
4 person who is not a licensed interior design practitioner,
5 educator in the field, architect, structural engineer,
6 professional engineer, or land surveyor. For the purposes of
7 Board membership, any person with a significant financial
8 interest in a design profession may not be a public member.

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

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

20 No member shall be reappointed to the Board for a term that
21 would cause his or her continuous service on the Board to be
22 longer than 6 successive years. Service on any board prior to
23 the effective date of this Act does not apply to this limit.

24 In making appointments to the Board, the Secretary shall
25 give due consideration to recommendations by national and State
26 organizations of the interior design profession and shall

1 promptly give due notice to those organizations of any vacancy.

2 A vacancy in the membership of the Board does not impair
3 the right of a quorum to exercise all the rights and perform
4 all the duties of the Board.

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

10 Appointments to fill vacancies shall be made in the same
11 manner as original appointments and shall be for the unexpired
12 portion of the vacated term.

13 Three members shall constitute a quorum of Board members.
14 The chairman may vote on matters to come before the Board only
15 in the case of a tie vote.

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

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

25 Members of the Board shall be immune from suit in any
26 action based upon any disciplinary proceedings or other

1 activities performed in good faith as members of the Board.

2 Section 40. Powers and duties of the Board.

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

5 (b) The Board shall annually elect a chairman, who shall be
6 a licensed interior design practitioner.

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

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

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

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

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

1 explanation of his or her reasons for deviation, the Board
2 shall have the opportunity to comment upon the Secretary's
3 decision.

4 Section 45. Application for original license.

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

14 (1) is a graduate of a 5-year interior design program
15 from an accredited institution and has completed at least
16 one year of full-time diversified interior design
17 experience;

18 (2) is a graduate of a 4-year interior design program
19 from an accredited institution and has completed at least 2
20 years of full-time diversified interior design experience;
21 or

22 (3) is a holder of a master's degree or its equivalent
23 awarded upon completion of an interior design program from
24 an accredited institution and has completed one year of
25 full-time diversified interior design experience.

1 (b) In addition to providing evidence of meeting the
2 requirements of subsection (a), each applicant shall provide
3 substantial evidence that he or she has successfully completed
4 the examination administered by the governing entity known as
5 the Council for Interior Design Qualification or its successor
6 entity. Examinations for applicants under this Act may be held
7 at the direction of the Department from time to time but not
8 less than once each year. The scope and form of the examination
9 shall conform to the National Council for Interior Design
10 Qualification examination or the examination administered as
11 that examination's successor, as recognized and determined by
12 the Department.

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

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

22 (c) An architect licensed under the Illinois Architecture
23 Practice Act of 1989 may, without examination, be granted a
24 license to provide services as a licensed interior design
25 practitioner upon submission to the Department of proof of his
26 or her licensure as an architect and payment of the required

1 fee, which shall be determined by the Department by rule.

2 (d) All currently active registered interior designers who
3 are registered under the Interior Design Title Act and who have
4 met the qualifications for licensure set forth in this Act may
5 be granted a license to provide services as a licensed interior
6 design practitioner, as described in this Act and as determined
7 by the Department.

8 Section 50. Social Security number on license application.
9 In addition to any other information required to be contained
10 in the application, every application for an original, renewal,
11 or restored license under this Act shall include the
12 applicant's Social Security number.

13 Section 55. Qualifications of applicants. A person who is
14 of good moral character and is a citizen of the United States
15 or any of its territories or a lawfully admitted alien may take
16 an examination for licensure if he or she is a graduate of a
17 program deemed satisfactory by the Department and has completed
18 diversified professional training, including academic
19 training, as required by Section 45 and the rules of the
20 Department. The Department may adopt, as its own rules relating
21 to diversified professional training, those guidelines that
22 may be published from time to time by the Council for Interior
23 Design Qualification or its successor entity.

24 As used in this Section, "good moral character" means such

1 character as will enable a person to discharge the fiduciary
2 duties of a licensed interior design practitioner to that
3 person's clients and to the public in a manner that protects
4 health, safety, and welfare. Evidence of inability to discharge
5 those duties may include the commission of an offense
6 justifying discipline under Section 105 of this Act. In
7 addition, the Department may take into consideration any felony
8 conviction of the applicant, but such a conviction shall not
9 operate as an absolute bar to qualification for examination for
10 licensure.

11 Section 60. Display of license seal. Every holder of a
12 license as a licensed interior design practitioner shall
13 display it in a conspicuous place in the principal office of
14 the licensed interior design practitioner.

15 Every licensed interior design practitioner shall have a
16 reproducible seal, or facsimile, the print of which shall
17 contain the name of the licensed interior design practitioner,
18 the license number, and the words "Licensed Interior Design
19 Practitioner, State of Illinois". The licensed interior design
20 practitioner shall affix the signature, current date, date of
21 license expiration, and seal to the first sheet of any bound
22 set or loose sheets of technical submissions utilized as
23 contract documents or prepared for the review and approval of
24 any governmental or public authority having jurisdiction by
25 that licensed interior design practitioner or under that

1 licensed interior design practitioner's direct supervision and
2 control. The sheet of technical submissions to which the seal
3 is affixed shall indicate those documents or parts thereof to
4 which the seal applies. A licensed interior design practitioner
5 shall be deemed to be a registered or licensed design
6 professional as that term is used or defined in any building
7 code or regulation adopted by any governmental or public
8 authority.

9 For the purposes of this Section, "direct supervision and
10 control" means that the licensed interior design practitioner
11 has exerted sufficient personal supervision, control, and
12 review of the activities of those employed to perform licensed
13 design work to ensure that the technical submissions produced
14 by those so employed and sealed by the licensed interior design
15 practitioner meet the standards of reasonable professional
16 skill and diligence and are of no lesser quality than if they
17 had been produced personally by the licensed interior design
18 practitioner. The licensed interior design practitioner is
19 obligated to have detailed professional knowledge of the
20 technical submissions the licensed interior design
21 practitioner seals and to have exercised professional judgment
22 in all licensed design matters embodied in those technical
23 submissions. Merely reviewing the technical submissions
24 produced by others, even if they are licensed, shall not
25 constitute direct supervision and control by the licensed
26 interior design practitioner unless the licensed interior

1 design practitioner has actually exercised supervision and
2 control over the preparation of the technical submissions.

3 Section 65. Issuance of license. If an applicant has
4 complied with the provisions of this Act, the Department shall
5 issue a license to that applicant.

6 Section 70. Licenses; renewal; restoration; reciprocity;
7 military service. The expiration date and renewal period for
8 each license issued under this Act shall be set by rule. The
9 holder of a license may renew the license during the month
10 preceding the expiration date of the license by paying the
11 required fee. A licensed interior design practitioner who has
12 permitted his or her license to expire or who has had his or
13 her license placed on inactive status may have his or her
14 license restored by making application to the Department and
15 filing proof acceptable to the Department of his or her fitness
16 to have his or her license restored, including sworn evidence
17 certifying to active practice in another jurisdiction
18 satisfactory to the Department, and by paying the required
19 restoration fee.

20 If the person has not maintained an active practice in
21 another jurisdiction satisfactory to the Department, the Board
22 shall determine, by an evaluation program established by rule,
23 that person's fitness to resume active status and may require
24 that person to successfully complete an examination.

1 Any person whose license has been expired for more than 3
2 years may have his or her license restored by making
3 application to the Department and filing proof acceptable to
4 the Department of his or her fitness to have his or her license
5 restored, including sworn evidence certifying to active
6 practice in another jurisdiction, and by paying the required
7 restoration fee.

8 However, any person whose license has expired while he or
9 she has been engaged (i) in federal service on active duty with
10 the United States Army, Navy, Marine Corps, Air Force, or Coast
11 Guard or the State Militia called into the service or training
12 of the United States of America or (ii) in training or
13 education under the supervision of the United States
14 preliminary to induction into military service, may have his or
15 her license restored or reinstated without paying any lapsed
16 renewal fees or restoration fee if within 2 years after
17 termination of the service, training, or education other than
18 by dishonorable discharge he or she furnishes the Department
19 with an affidavit to the effect that he or she has been so
20 engaged and that his or her service, training, or education has
21 been so terminated.

22 Section 75. Inactive status; restoration. Any licensed
23 interior design practitioner who notifies the Department in
24 writing, on forms prescribed by the Department, may elect to
25 place his or her license on an inactive status and shall,

1 subject to rules of the Department, be excused from payment of
2 renewal fees until he or she notifies the Department in writing
3 of his or her desire to resume active status.

4 A licensed interior design practitioner requesting
5 restoration from inactive status shall be required to pay the
6 current renewal fee and shall have his or her license restored
7 as provided in Section 150 of this Act.

8 A licensed interior design practitioner whose license is in
9 an inactive status shall not practice licensed interior design
10 in this State.

11 Section 80. Endorsement. The Department may, in its
12 discretion and upon payment of the required fee, issue a
13 license as a licensed interior design practitioner, without
14 examination, to an applicant who is a licensed design
15 practitioner or licensed under the laws of another state or
16 territory, if the requirements for licensure or license in that
17 state or territory were, on the date of his or her license,
18 substantially equivalent to the requirements in force in this
19 State on that date as determined by the Board.

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

1 Section 85. Fees.

2 (a) The Department shall provide by rule for a schedule of
3 fees to be paid for licenses by all applicants. All fees are
4 not refundable.

5 (b) The fees for the administration and enforcement of this
6 Act, including, but not limited to, original licensure,
7 renewal, and restoration, shall be set by rule of the
8 Department.

9 (c) All the fees and fines collected pursuant to this
10 Section shall be deposited in the Design Professionals
11 Administration and Investigation Fund. Of the moneys deposited
12 into the Design Professionals Administration and Investigation
13 Fund, the Department may use such funds as necessary and
14 available to produce and distribute newsletters to persons
15 licensed under this Act.

16 Section 90. Roster of licensees. A roster showing the
17 names and addresses of all licensed interior design
18 practitioners, licensed interior design practitioner
19 corporations and partnerships, and professional licensed
20 design firms licensed under this Act shall be prepared by the
21 Department each year. This roster shall be available upon
22 written request and payment of the required fee.

23 Section 95. Continuing education. The Department shall
24 adopt rules establishing continuing education requirements for

1 persons licensed under this Act. The Department shall consider
2 the recommendations of the Board in establishing the guidelines
3 for the continuing education requirements. The requirements of
4 this Section apply to any person seeking license renewal or
5 restoration under Section 70 or 75 of this Act.

6 Section 100. Professional licensed design firm license;
7 conditions.

8 (a) Nothing in this Act prohibits the formation, under the
9 provisions of the Professional Service Corporation Act, of a
10 corporation to practice licensed interior design.

11 (b) Any business that includes the practice of licensed
12 interior design within its stated purposes, practices, offers
13 to practice, or holds itself out as available to practice
14 licensed interior design shall be licensed by the Department
15 under this Section. Any professional service corporation, sole
16 proprietorship, or professional licensed design firm offering
17 licensed interior design services must have a resident licensed
18 interior design practitioner or other Illinois licensed design
19 professional overseeing the practice of licensed interior
20 design in each location in which interior design services are
21 provided.

22 Any sole proprietorship not owned and operated by a
23 licensed interior design practitioner shall be prohibited from
24 offering licensed design services under this Act to the public.
25 Any sole proprietorship owned and operated by a licensed

1 interior design practitioner with an active license issued
2 under this Act is exempt from the license requirements of a
3 professional licensed design firm.

4 (c) Any corporation, including a professional service
5 corporation, partnership, limited liability company, or
6 professional licensed design firm seeking to be licensed under
7 this Section shall not be licensed unless:

8 (1) two-thirds of the board of directors (in the case
9 of a corporation), general partners (in the case of a
10 partnership), or members (in the case of a limited
11 liability company) are registered, certified, or licensed
12 under the laws of any state to practice licensed interior
13 design, architecture, professional engineering, structural
14 engineering, or land surveying; and

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

20 A corporation, limited liability company, professional
21 service corporation, or partnership qualifying under this
22 Section and practicing in this State shall file with the
23 Department all information concerning its officers, directors,
24 members, managers, or partners that the Department may, by
25 rule, require.

26 (d) A business seeking to be licensed under this Section

1 shall make application on a form provided by the Department and
2 shall provide all information requested by the Department,
3 including, but not limited to, all of the following:

4 (1) The name and license number of at least one person
5 designated as the managing agent in responsible charge of
6 the practice of the profession of licensed interior design
7 in Illinois. In the case of a corporation, the corporation
8 shall also submit a certified copy of the resolution by the
9 board of directors designating at least one managing agent.
10 If the business is a limited liability company, the company
11 shall submit a certified copy of either its articles of
12 organization or its operating agreement, whichever
13 designates the managing agent.

14 (2) The names and license numbers of the licensed
15 interior design practitioners, professional engineers,
16 architects, structural engineers, and land surveyors among
17 the directors (in the case of a corporation), members (in
18 the case of a limited liability company), or general
19 partners (in the case of a partnership).

20 (3) A list of all locations at which the professional
21 licensed design firm provides licensed interior design
22 services.

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

24 Nothing in this Section shall be construed to exempt a
25 business from compliance with the requirements of the Assumed
26 Business Name Act. It is the responsibility of the professional

1 licensed design firm to provide the Department notice in
2 writing of any changes in the information requested on the
3 application.

4 (e) If a managing agent terminates his or her status as a
5 managing agent of the professional licensed design firm or is
6 terminated, then the managing agent and the professional
7 licensed design firm shall each notify the Department of this
8 fact in writing, by certified mail, within 30 business days
9 after the termination.

10 If it has so notified the Department, the professional
11 licensed design firm has 60 days after the termination date in
12 which to notify the Department of the name and license number
13 of the licensed interior design practitioner who is the newly
14 designated managing agent. A corporation shall also submit a
15 certified copy of a resolution by the board of directors
16 designating the new managing agent. A limited liability company
17 shall also submit a certified copy of either its articles of
18 organization or its operating agreement, whichever designates
19 the new managing agent. The Department may, upon good cause
20 shown, extend the original 30-day period.

21 If the professional licensed design firm has not so
22 notified the Department within the specified time, the license
23 shall be terminated without prior hearing. Notification of
24 termination shall be sent by certified mail to the last known
25 address of the business. If the professional licensed design
26 firm continues to operate and offer licensed interior design

1 services after the termination, the Department may seek
2 prosecution under this Act for the unlicensed practice of
3 licensed interior design.

4 (f) No professional licensed design firm shall be relieved
5 of responsibility for the conduct or acts of its agents,
6 employees, or officers by reason of its compliance with this
7 Section, nor shall any individual engaged in the practice of
8 licensed interior design be relieved of the responsibility for
9 professional services performed by reason of the individual's
10 employment or relationship with a professional licensed design
11 firm licensed under this Section.

12 (g) Disciplinary action against a professional licensed
13 design firm licensed under this Section shall be administered
14 in the same manner and on the same grounds as disciplinary
15 action against a licensed interior design practitioner.

16 Section 105. Refusal, suspension, and revocation of
17 licenses; causes.

18 (a) The Department may refuse to issue, renew, or restore,
19 or may suspend or revoke any license, or may place on
20 probation, reprimand, or fine, with a civil penalty not to
21 exceed \$10,000 for each violation, any person, corporation,
22 partnership, or professional licensed design firm licensed
23 under this Act for any of the following reasons:

24 (1) material misstatement in furnishing information to
25 the Department;

1 (2) negligence, incompetence, or misconduct in the
2 practice of licensed interior design;

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

5 (4) making any misrepresentation for the purpose of
6 obtaining licensure;

7 (5) purposefully making false statements or signing
8 false statements, certificates, or affidavits to induce
9 payment;

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

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

20 (8) signing or affixing the licensed interior design
21 practitioner's seal or permitting the licensed interior
22 design practitioner's seal to be affixed to any technical
23 submissions not prepared by the licensed interior design
24 practitioner or under that licensed interior design
25 practitioner's direct supervision and control;

26 (9) engaging in dishonorable, unethical, or

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

3 (10) habitual intoxication or addiction to the use of
4 drugs;

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

14 (12) a finding by the Board that a licensee whose
15 license has been placed on probationary status has violated
16 the terms of probation;

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

22 (14) failure to provide information in response to a
23 written request made by the Department within 30 days after
24 receipt of the written request; or

25 (15) physical illness, including, but not limited to,
26 deterioration through the aging process or loss of motor

1 skill that results in the inability to practice the
2 profession with reasonable judgment, skill, or safety.

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

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

19 Persons who assist the Department as consultants or expert
20 witnesses in the investigation or prosecution of alleged
21 violations of this Act, licensure matters, restoration
22 proceedings, or criminal prosecutions shall not be liable for
23 damages in any civil action or proceeding as a result of such
24 assistance, except upon proof of actual malice. The Attorney
25 General shall defend those persons in any such action or
26 proceeding.

1 Section 110. Violations; injunction; cease and desist
2 order.

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

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

25 (c) Whenever, in the opinion of the Department, any person

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

9 Section 115. Investigations; notice and hearing. The
10 Department may investigate the actions of any applicant or of
11 any person or entity holding or claiming to hold a license.
12 Before the initiation of an investigation, the matter shall be
13 reviewed by a subcommittee of the Board according to procedures
14 established by rule for the Complaint Committee. The Department
15 shall, before refusing to restore, issue, or renew a license or
16 disciplining a licensee, at least 30 days prior to the date set
17 for the hearing, notify in writing the applicant for, or holder
18 of, a license of the nature of the charges and that a hearing
19 will be held on the date designated and direct the applicant or
20 entity or licensee to file a written answer to the Board under
21 oath within 20 days after the service of the notice and inform
22 the applicant, entity, or licensee that failure to file an
23 answer will result in default being taken against the
24 applicant, entity, or licensee and that the license may be
25 suspended, revoked, or placed on probationary status, or other

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

19 Section 120. Stenographer; transcript. The Department, at
20 its expense, shall preserve a record of all proceedings at the
21 formal hearing of any case involving the refusal to restore,
22 issue, or renew a license or the discipline of a licensee. The
23 notice of hearing, complaint, and all other documents in the
24 nature of pleadings and written motions filed in the
25 proceedings, the transcript of testimony, the report of the

1 Board, and the orders of the Department shall be the record of
2 the proceedings. The Department shall furnish a transcript of
3 the record to any person interested in the hearing upon payment
4 of the fee required by Section 2105-115 of the Department of
5 Professional Regulation Law.

6 Section 125. Subpoenas of witnesses; oaths. The Department
7 has the power to subpoena and bring before it any person in
8 this State and to take testimony either orally or by
9 deposition, or both, with the same fees and mileage and in the
10 same manner as prescribed by law in judicial proceedings in
11 civil cases in circuit courts of this State.

12 The Secretary and every member of the Board have the power
13 to administer oaths to witnesses at any hearing that the
14 Department is authorized by law to conduct and any other oaths
15 required or authorized in any Act administered by the
16 Department.

17 Section 130. Procedure to compel attendance of witnesses.
18 Any circuit court, upon the application of the accused person
19 or complainant or of the Department, may, by order duly
20 entered, require the attendance of witnesses and the production
21 of relevant books and papers before the Department in any
22 hearing relating to the application for or refusal, recall,
23 suspension, or revocation of the license, or the discipline of
24 a licensee, and the court may compel obedience to its order by

1 proceedings for contempt.

2 Section 135. Report of Board; rehearing. After the hearing,
3 the Board shall present to the Secretary its written report of
4 its findings and recommendations. A copy of the report shall be
5 served upon the accused person, either personally or by
6 registered or certified mail as provided in this Act for the
7 service of the notice. Within 20 days after the service, the
8 accused person may present to the Department his or her motion
9 in writing for a rehearing, which shall specify the particular
10 grounds for rehearing. If the accused person orders and pays
11 for a transcript of the record as provided in this Section, the
12 time elapsing before the transcript is ready for delivery to
13 him or her shall not be counted as part of the 20 days.
14 Whenever the Secretary is not satisfied that substantial
15 justice has been done, he or she may order a rehearing by the
16 same or another special board. At the expiration of the time
17 specified for filing a motion for a rehearing the Secretary has
18 the right to take the action recommended by the Board.

19 Section 140. Hearing officer. Notwithstanding the
20 provisions of Section 115 of this Act, the Secretary has the
21 authority to appoint any attorney duly licensed to practice law
22 in the State to serve as the hearing officer in any action
23 under Section 135. The Secretary shall notify the Board of any
24 such appointment. The hearing officer has full authority to

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

17 Section 145. Order; prima facie proof. An order of
18 revocation or suspension or a certified copy thereof, over the
19 seal of the Department and purporting to be signed by the
20 Secretary, shall be prima facie proof that:

21 (1) the signature is the genuine signature of the
22 Secretary;

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

24 (3) the Board and the members thereof are qualified to
25 act.

1 This prima facie proof may be rebutted.

2 Section 150. Issuance or restoration of license. At any
3 time after the refusal to issue or the suspension or revocation
4 of any license, the Department may issue or restore it to the
5 applicant without examination, upon the written recommendation
6 of the Board.

7 Section 155. Surrender of license. Upon the revocation or
8 suspension of any license, the licensee shall immediately
9 surrender the license to the Department and, if the licensee
10 fails to do so, the Department has the right to seize the
11 license.

12 Section 160. Summary suspension of a license. The Secretary
13 may temporarily suspend the license of a licensed interior
14 design practitioner without a hearing, simultaneously with the
15 institution of proceedings for a hearing provided for in
16 Section 115 of this Act, if the Secretary finds that evidence
17 that indicates a licensed interior design practitioner's
18 continuation of practice would constitute an imminent danger to
19 the public.

20 If the Secretary temporarily suspends the license of a
21 licensed interior design practitioner without a hearing, a
22 hearing by the Board must be held within 30 days after the
23 suspension has occurred.

1 Section 165. Review under the Administrative Review Law;
2 venue. All final administrative decisions of the Department
3 under this Act are subject to judicial review under the
4 provisions of the Administrative Review Law. The term
5 "administrative decision" is defined as in Section 3-101 of the
6 Code of Civil Procedure. The proceedings for judicial review
7 shall be commenced in the circuit court of the county that the
8 party applying for review resides, but if the party is not a
9 resident of this State, the venue shall be in Sangamon County.

10 Section 170. Certifying record to court; costs. The
11 Department shall not be required to certify any record to the
12 court or file any answer in court or otherwise appear in any
13 court in a judicial review proceeding, unless there is filed in
14 the court with the complaint a receipt from the Department
15 acknowledging payment of the costs of furnishing and certifying
16 the record.

17 Section 175. Violations.

18 (a) Each of the following Acts constitutes a Class A
19 misdemeanor for the first offense and a Class 4 felony for a
20 second or subsequent offense:

21 (1) the practice of, attempt to practice, or offer to
22 practice licensed interior design, or the advertising or
23 putting out of any sign or card or other device that might

1 indicate to the public that the person is entitled to
2 engage in the practice of licensed interior design, without
3 a license as a licensed interior design practitioner or
4 license as a professional licensed design firm issued by
5 the Department; each day engaged in the practice of
6 licensed interior design or attempting to engage in the
7 practice of licensed interior design, and each instance of
8 offering to engage in the practice of licensed interior
9 design, without a license as a licensed interior design
10 practitioner or license as a professional licensed design
11 firm constitutes a separate offense;

12 (2) the making of any willfully false oath or
13 affirmation in any matter or proceeding where an oath or
14 affirmation is required by this Act;

15 (3) the affixing of a licensed interior design
16 practitioner's seal to any technical submission that has
17 not been prepared by that licensed interior design
18 practitioner or under the licensed interior design
19 practitioner's direct supervision and control;

20 (4) the violation of any provision of this Act or its
21 rules;

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

25 (6) obtaining or attempting to obtain a license by
26 fraud.

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

9 (1) practices licensed interior design in this State;

10 (2) advertises or displays any sign or card or other
11 device that might indicate to the public that the person or
12 entity is entitled to practice as a licensed interior
13 design practitioner in this State; or

14 (3) uses the title "Licensed Interior Design
15 Practitioner" or any of its derivations with respect to
16 his, her, or its professional activities in this State.

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

20 Section 180. Illinois Administrative Procedure Act. The
21 Illinois Administrative Procedure Act is hereby expressly
22 adopted and incorporated herein as if all of the provisions of
23 that Act were included in this Act, except that the provision
24 of subsection (d) of Section 10-65 of the Illinois
25 Administrative Procedure Act that provides that at hearings the

1 licensee has the right to show compliance with all lawful
2 requirements for retention, continuation, or renewal of the
3 license is specifically excluded. For the purposes of this Act,
4 the notice required under Section 10-25 of the Illinois
5 Administrative Procedure Act is deemed sufficient when mailed
6 to the last known address of a party.

7 Section 185. Fund; appropriations; investments; audits.
8 Moneys deposited in the Design Professionals Administration
9 and Investigation Fund shall be appropriated to the Department
10 exclusively for expenses of the Department and the Board in the
11 administration of this Act, the Illinois Architecture Practice
12 Act of 1989, the Illinois Professional Land Surveyor Act of
13 1989, the Professional Engineering Practice Act of 1989, and
14 the Structural Engineering Practice Act of 1989. The expenses
15 of the Department under this Act shall be limited to the
16 ordinary and contingent expenses of the Design Professionals
17 Dedicated Employees within the Department as established under
18 Section 2105-75 of the Department of Professional Regulation
19 Law of the Civil Administrative Code of Illinois and other
20 expenses related to the administration and enforcement of this
21 Act.

22 All fines and penalties under Sections 30 and 85 shall be
23 deposited into the Design Professionals Administration and
24 Investigation Fund.

25 Moneys in the Design Professional Administration and

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

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

14 Section 190. Home rule. It is declared to be the public
15 policy of this State, under subsection (h) of Section 6 of
16 Article VII of the Illinois Constitution of 1970, that any
17 power or function set forth in this Act to be exercised by the
18 State is an exclusive State power or function. The power or
19 function shall not be exercised concurrently, either directly
20 or indirectly, by any unit of local government, including home
21 rule units, except as otherwise provided in this Act. This is a
22 limitation of home rule powers.

23 Section 900. The Regulatory Sunset Act is amended by
24 amending Section 4.32 and adding Section 4.36 as follows:

1 (5 ILCS 80/4.32)

2 Sec. 4.32. Acts repealed on January 1, 2022. The following
3 Acts are repealed on January 1, 2022:

4 The Boxing and Full-contact Martial Arts Act.

5 The Collateral Recovery Act.

6 The Detection of Deception Examiners Act.

7 The Home Inspector License Act.

8 ~~The Interior Design Title Act.~~

9 The Massage Licensing Act.

10 The Petroleum Equipment Contractors Licensing Act.

11 The Real Estate Appraiser Licensing Act of 2002.

12 The Water Well and Pump Installation Contractor's License
13 Act.

14 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;
15 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.
16 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,
17 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

18 (5 ILCS 80/4.36 new)

19 Sec. 4.36. Act repealed on January 1, 2026. The following
20 Act is repealed on January 1, 2026:

21 The Licensed Interior Design Practitioner Act.

22 (225 ILCS 310/Act rep.)

23 Section 905. The Interior Design Title Act is repealed.

1 Section 910. The Unified Code of Corrections is amended by
2 changing Section 5-5-5 as follows:

3 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

14 (d) On completion of sentence of imprisonment or upon
15 discharge from probation, conditional discharge or periodic
16 imprisonment, or at any time thereafter, all license rights and
17 privileges granted under the authority of this State which have
18 been revoked or suspended because of conviction of an offense
19 shall be restored unless the authority having jurisdiction of
20 such license rights finds after investigation and hearing that
21 restoration is not in the public interest. This paragraph (d)
22 shall not apply to the suspension or revocation of a license to
23 operate a motor vehicle under the Illinois Vehicle Code.

24 (e) Upon a person's discharge from incarceration or parole,

1 or upon a person's discharge from probation or at any time
2 thereafter, the committing court may enter an order certifying
3 that the sentence has been satisfactorily completed when the
4 court believes it would assist in the rehabilitation of the
5 person and be consistent with the public welfare. Such order
6 may be entered upon the motion of the defendant or the State or
7 upon the court's own motion.

8 (f) Upon entry of the order, the court shall issue to the
9 person in whose favor the order has been entered a certificate
10 stating that his behavior after conviction has warranted the
11 issuance of the order.

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

15 (h) No application for any license specified in subsection
16 (i) of this Section granted under the authority of this State
17 shall be denied by reason of an eligible offender who has
18 obtained a certificate of relief from disabilities, as defined
19 in Article 5.5 of this Chapter, having been previously
20 convicted of one or more criminal offenses, or by reason of a
21 finding of lack of "good moral character" when the finding is
22 based upon the fact that the applicant has previously been
23 convicted of one or more criminal offenses, unless:

24 (1) there is a direct relationship between one or more
25 of the previous criminal offenses and the specific license
26 sought; or

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

4 In making such a determination, the licensing agency shall
5 consider the following factors:

6 (1) the public policy of this State, as expressed in
7 Article 5.5 of this Chapter, to encourage the licensure and
8 employment of persons previously convicted of one or more
9 criminal offenses;

10 (2) the specific duties and responsibilities
11 necessarily related to the license being sought;

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

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

18 (5) the age of the person at the time of occurrence of
19 the criminal offense or offenses;

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

21 (7) any information produced by the person or produced
22 on his or her behalf in regard to his or her rehabilitation
23 and good conduct, including a certificate of relief from
24 disabilities issued to the applicant, which certificate
25 shall create a presumption of rehabilitation in regard to
26 the offense or offenses specified in the certificate; and

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

4 (i) A certificate of relief from disabilities shall be
5 issued only for a license or certification issued under the
6 following Acts:

7 (1) the Animal Welfare Act; except that a certificate
8 of relief from disabilities may not be granted to provide
9 for the issuance or restoration of a license under the
10 Animal Welfare Act for any person convicted of violating
11 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
12 Care for Animals Act or Section 26-5 or 48-1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012;

14 (2) the Illinois Athletic Trainers Practice Act;

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

17 (4) the Boiler and Pressure Vessel Repairer Regulation
18 Act;

19 (5) the Boxing and Full-contact Martial Arts Act;

20 (6) the Illinois Certified Shorthand Reporters Act of
21 1984;

22 (7) the Illinois Farm Labor Contractor Certification
23 Act;

24 (8) the Licensed Interior Design Practitioner Act ~~the~~
25 ~~Interior Design Title Act;~~

26 (9) the Illinois Professional Land Surveyor Act of

1 1989;

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

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

4 (12) the Private Employment Agency Act;

5 (13) the Professional Counselor and Clinical
6 Professional Counselor Licensing and Practice Act;

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

8 (15) the Illinois Roofing Industry Licensing Act;

9 (16) the Professional Engineering Practice Act of
10 1989;

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

13 (18) the Electrologist Licensing Act;

14 (19) the Auction License Act;

15 (20) the Illinois Architecture Practice Act of 1989;

16 (21) the Dietitian Nutritionist Practice Act;

17 (22) the Environmental Health Practitioner Licensing
18 Act;

19 (23) the Funeral Directors and Embalmers Licensing
20 Code;

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

22 (25) the Professional Geologist Licensing Act;

23 (26) the Illinois Public Accounting Act; and

24 (27) the Structural Engineering Practice Act of 1989.

25 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;
26 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.

1 1-25-13; 98-756, eff. 7-16-14.)

2 Section 999. Effective date. This Act takes effect upon
3 becoming law.".