

1 AN ACT concerning the regulation of professions.

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

4 Section 5. The Professional Engineering Practice Act of
5 1989 is amended by changing Sections 4, 5, 8, 9, 12, 14, 15,
6 24, and 39 as follows:

7 (225 ILCS 325/4) (from Ch. 111, par. 5204)

8 Sec. 4. Definitions. As used in this Act:

9 (a) "Approved engineering curriculum" means an
10 engineering curriculum or program of 4 academic years or more
11 which meets the standards established by the rules of the
12 Department.

13 (b) "Board" means the State Board of Professional
14 Engineers of the Department of Professional Regulation,
15 previously known as the Examining Committee.

16 (c) "Department" means the Department of Professional
17 Regulation.

18 (d) "Design professional" means an architect, structural
19 engineer or professional engineer practicing in conformance
20 with the Illinois Architecture Practice Act of 1989, the
21 Structural Engineering Practice Act of 1989 or the
22 Professional Engineering Practice Act of 1989.

23 (e) "Director" means the Director of Professional
24 Regulation.

25 (f) "Direct supervision/responsible charge" means work
26 prepared under the control of a licensed professional
27 engineer or that work as to which that professional engineer
28 has detailed professional knowledge.

29 (g) "Engineering college" means a school, college,
30 university, department of a university or other educational
31 institution, reputable and in good standing in accordance

1 with rules prescribed by the Department, and which grants
2 baccalaureate degrees in engineering.

3 (h) "Engineering system or facility" means a system or
4 facility whose design is based upon the application of the
5 principles of science for the purpose of modification of
6 natural states of being.

7 (i) "Engineer intern" means a person who is a candidate
8 for licensure as a professional engineer and who has been
9 enrolled as an engineer intern.

10 (j) "Enrollment" means an action by the Department to
11 record those individuals who have met the Board's
12 requirements for an engineer intern.

13 (k) "License" means an official document issued by the
14 Department to an individual, a corporation, a partnership, a
15 professional service corporation, a limited liability
16 company, or a sole proprietorship, signifying authority to
17 practice.

18 (l) "Negligence in the practice of professional
19 engineering" means the failure to exercise that degree of
20 reasonable professional skill, judgment and diligence
21 normally rendered by professional engineers in the practice
22 of professional engineering.

23 (m) "Professional engineer" means a person licensed
24 under the laws of the State of Illinois to practice
25 professional engineering.

26 (n) "Professional engineering" means the application of
27 science to the design of engineering systems and facilities
28 using the knowledge, skills, ability and professional
29 judgment developed through professional engineering
30 education, training and experience.

31 (o) "Professional engineering practice" means the
32 consultation on, conception, investigation, evaluation,
33 planning, and design of, and selection of materials and
34 methods to be used in, administration of construction

1 contracts for, or site observation of, an engineering system
2 or facility, where such consultation, conception,
3 investigation, evaluation, planning, design, selection,
4 administration, or observation requires extensive knowledge
5 of engineering laws, formulae, materials, practice, and
6 construction methods. A person shall be construed to
7 practice or offer to practice professional engineering,
8 within the meaning and intent of this Act, who practices, or
9 who, by verbal claim, sign, advertisement, letterhead, card,
10 or any other way, is represented to be a professional
11 engineer, or through the use of the initials "P.E." or the
12 title "engineer" or any of its derivations or some other
13 title implies licensure as a professional engineer, or holds
14 himself out as able to perform any service which is
15 recognized as professional engineering practice.

16 Examples of the practice of professional engineering
17 include, but need not be limited to, transportation
18 facilities and publicly owned utilities for a region or
19 community, railroads, railways, highways, subways, canals,
20 harbors, river improvements; irrigation works; aircraft,
21 airports and landing fields; waterworks, piping systems and
22 appurtenances, sewers, sewage disposal works; plants for the
23 generation of power; devices for the utilization of power;
24 boilers; refrigeration plants, air conditioning systems and
25 plants; heating systems and plants; plants for the
26 transmission or distribution of power; electrical plants
27 which produce, transmit, distribute, or utilize electrical
28 energy; works for the extraction of minerals from the earth;
29 plants for the refining, alloying or treating of metals;
30 chemical works and industrial plants involving the use of
31 chemicals and chemical processes; plants for the production,
32 conversion, or utilization of nuclear, chemical, or radiant
33 energy; forensic engineering, geotechnical engineering
34 including, subsurface investigations; soil classification,

1 geology and geohydrology, incidental to the practice of
2 professional engineering; energy analysis, environmental
3 design, hazardous waste mitigation and control; recognition,
4 measurement, evaluation and control of environmental systems
5 and emissions; automated building management systems; or the
6 provision of professional engineering site observation of the
7 construction of works and engineering systems. Nothing
8 contained in this Section imposes upon a person licensed
9 under this Act the responsibility for the performance of any
10 of the foregoing functions unless such person specifically
11 contracts to provide it.

12 (p) "Project representative" means the professional
13 engineer's representative at the project site who assists in
14 the administration of the construction contract.

15 (q) "Registered" means the same as "licensed" for
16 purposes of this Act.

17 (r) "Related science curriculum" means a 4 year program
18 of study, the satisfactory completion of which results in a
19 Bachelor of Science degree, and which contains courses from
20 such areas as life, earth, engineering and computer sciences,
21 including but not limited to, physics and chemistry. In the
22 study of these sciences, the objective is to acquire
23 fundamental knowledge about the nature of its phenomena,
24 including quantitative expression, appropriate to particular
25 fields of engineering.

26 (s) "Rules" means those rules promulgated pursuant to
27 this Act.

28 (t) "Seal" means the seal in compliance with Section 14
29 of this Act.

30 (u) "Site observation" is visitation of the construction
31 site for the purpose of reviewing, as available, the quality
32 and conformance of the work to the technical submissions as
33 they relate to design.

34 (v) "Support design professional" means a professional

1 engineer practicing in conformance with the Professional
2 Engineering Practice Act of 1989, who provides services to
3 the design professional who has contract responsibility.

4 (w) "Technical submissions" means designs, drawings, and
5 specifications which establish the standard of quality for
6 materials, workmanship, equipment, and the construction
7 systems, studies, and other technical reports prepared in the
8 course of a design professional's practice.

9 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; revised
10 10-7-99.)

11 (225 ILCS 325/5) (from Ch. 111, par. 5205)

12 Sec. 5. Powers and duties of the Department. Subject to
13 the provisions of this Act, the Department shall exercise the
14 following functions, powers and duties:

15 (a) To pass upon the qualifications and conduct
16 examinations of applicants for licensure as professional
17 engineers or enrollment as engineer interns and pass upon the
18 qualifications of applicants by endorsement and issue a
19 license or enrollment to those who are found to be fit and
20 qualified;

21 (b) To prescribe rules for the method, conduct and
22 grading of the examination of applicants;

23 (c) To license corporations, partnerships, professional
24 service corporations, limited liability companies, and sole
25 proprietorships for the practice of professional engineering
26 and issue a license to those who qualify;

27 (d) To conduct investigations and hearings regarding
28 violations of this Act and take disciplinary or other actions
29 as provided in this Act as a result of the proceedings;

30 (e) To prescribe rules as to what shall constitute an
31 engineering or related science curriculum and to determine if
32 a specific engineering curriculum is in compliance with the
33 rules, and to terminate the approval of a specific

1 engineering curriculum for non-compliance with such rules;

2 (f) To promulgate rules required for the administration
3 of this Act, including rules of professional conduct;

4 (g) To maintain membership in the National Council of
5 Examiners for Engineering and Surveying and participate in
6 activities of the Council by designation of individuals for
7 the various classifications of membership, the appointment of
8 delegates for attendance at zone and national meetings of the
9 Council, and the funding of the delegates for attendance at
10 the meetings of the Council; and

11 (h) To obtain written recommendations from the Board
12 regarding qualifications of individuals for licensure and
13 enrollment, definitions of curriculum content and approval of
14 engineering curricula, standards of professional conduct and
15 formal disciplinary actions, and the promulgation of the
16 rules affecting these matters;:-

17 (i) To publish and distribute, at least semi-annually, a
18 newsletter to all persons licensed and registered under this
19 Act.

20 Prior to issuance of any final decision or order that
21 deviates from any report or recommendations of the Board
22 relating to the qualification of applicants, discipline of
23 licensees or registrants, or promulgation of rules, the
24 Director shall notify the Board in writing with an
25 explanation of any such deviation and provide a reasonable
26 time for the Board to submit written comments to the Director
27 regarding the proposed action. In the event that the Board
28 fails or declines to submit such written comments within 30
29 days of said notification, the Director may issue a final
30 decision or orders consistent with the Director's original
31 decision. The Department may at any time seek the expert
32 advice and knowledge of the Board on any matter relating to
33 the enforcement of this Act.

34 None of the functions, powers or duties enumerated in

1 this Section shall be exercised by the Department except upon
2 the action and report in writing of the Board.

3 (Source: P.A. 91-92, eff. 1-1-00.)

4 (225 ILCS 325/8) (from Ch. 111, par. 5208)

5 Sec. 8. Applications for licensure.

6 (a) Applications for licensure shall (1) be on forms
7 prescribed and furnished by the Department, (2) contain
8 statements made under oath showing the applicant's education
9 and a detailed summary of the applicant's technical work, and
10 (3) contain references as required by the Department.

11 (b) Applicants shall have obtained the education and
12 experience as required in Section 10 or Section 11 prior to
13 submittal of application for examination, except as provided
14 in subsection (b) of Section 11. Allowable experience shall
15 commence at the date of the baccalaureate degree, except:

16 (1) Credit for one year of experience shall be
17 given for a graduate of a baccalaureate curriculum
18 providing a cooperative program, which is supervised
19 industrial or field experience of at least one academic
20 year which alternates with periods of full-time academic
21 training, when such program is certified by the
22 university, or

23 (2) Partial credit may shall be given for
24 professional engineering experience as defined by rule
25 for employment prior to receipt of a baccalaureate degree
26 if the employment is full-time while the applicant is
27 ~~takes--8--or--more--years--(16--semesters--or--24--quarters~~
28 ~~minimum)~~ as a part-time student taking fewer than 12
29 hours per semester or 8 hours per quarter to earn the
30 degree concurrent with the full-time engineering
31 experience employment.

32 (3) If an applicant files an application and

1 supporting documents containing a material misstatement
2 of information or a misrepresentation for the purpose of
3 obtaining licensure or enrollment or if an applicant
4 performs any fraud or deceit in taking any examination to
5 qualify for licensure or enrollment under this Act, the
6 Department may issue a rule of intent to deny licensure
7 or enrollment and may conduct a hearing in accordance
8 with Sections 26 through 33 and Sections 37 and 38 of
9 this Act.

10 The Board may conduct oral interviews of any applicant
11 under Sections 10, 11, or 19 to assist in the evaluation of
12 the qualifications of the applicant.

13 It is the responsibility of the applicant to supplement
14 the application, when requested by the Board, by provision of
15 additional documentation of education, including transcripts,
16 course content and credentials of the engineering college or
17 college granting related science degrees, or of work
18 experience to permit the Board to determine the
19 qualifications of the applicant. The Department may require
20 an applicant, at the applicant's expense, to have an
21 evaluation of the applicant's education in a foreign country
22 by a nationally recognized educational body approved by the
23 Board in accordance with rules prescribed by the Department.

24 An applicant who graduated from an engineering program
25 outside the United States or its territories and whose first
26 language is not English shall submit certification of passage
27 of the Test of English as a Foreign Language (TOEFL) and the
28 Test of Spoken English (TSE) as defined by rule.

29 (Source: P.A. 91-92, eff. 1-1-00.)

30 (225 ILCS 325/9) (from Ch. 111, par. 5209)

31 Sec. 9. Licensure qualifications; Examinations; Failure
32 or refusal to take examinations. Examinations provided for
33 by this Act shall be conducted under rules prescribed by the

1 Department. Examinations shall be held not less frequently
2 than semi-annually, at times and places prescribed by the
3 Department, of which applicants shall be notified by the
4 Department in writing.

5 Beginning on or before January 1, 2005, a principles of
6 practice examination in Software Engineering shall be offered
7 to applicants.

8 Examinations of the applicants who seek to practice
9 professional engineering shall ascertain: (a) if the
10 applicant has an adequate understanding of the basic and
11 engineering sciences, which shall embrace subjects required
12 of candidates for an approved baccalaureate degree in
13 engineering, and (b) if the training and experience of the
14 applicant have provided a background for the application of
15 the basic and engineering sciences to the solution of
16 engineering problems. The Department may by rule prescribe
17 additional subjects for examination. If an applicant
18 neglects, fails without an approved excuse, or refuses to
19 take the next available examination offered for licensure
20 under this Act within 3 years after filing the application,
21 the fee paid by the applicant shall be forfeited and the
22 application denied. If an applicant fails to pass an
23 examination for licensure under this Act within 3 years after
24 filing the application, the application shall be denied.
25 However, such applicant may thereafter make a new application
26 for examination, accompanied by the required fee.

27 (Source: P.A. 88-595, eff. 8-26-94.)

28 (225 ILCS 325/12) (from Ch. 111, par. 5212)

29 Sec. 12. Educational credits or teaching as equivalent
30 of experience.

31 (a) After earning an acceptable baccalaureate degree as
32 required by subsection (a) or (b) of Section 10 in
33 engineering or related science and upon completion of a

1 Master's degree in engineering, the applicant may receive one
2 year of experience credit. Upon completion of a Ph.D. in
3 engineering, an applicant may receive an additional year
4 experience credit for a maximum of 2 years.

5 (b) Teaching engineering subjects in an engineering
6 college at a rank of instructor or above is considered
7 experience in engineering.

8 (c) (Blank).

9 (Source: P.A. 91-92, eff. 1-1-00.)

10 (225 ILCS 325/14) (from Ch. 111, par. 5214)

11 Sec. 14. Seal. Every professional engineer shall have a
12 seal or stamp, the print of which shall be reproducible and
13 contain the name of the professional engineer, the
14 professional engineer's license number, and the words
15 "Licensed Professional Engineer of Illinois". Any
16 reproducible stamp heretofore authorized under the laws of
17 this state for use by a professional engineer, including
18 those with the words "Registered Professional Engineer of
19 Illinois", shall serve the same purpose as the seal provided
20 for by this Act. When technical submissions are prepared
21 utilizing a computer or other electronic means, the seal may
22 be generated by the computer. Signatures generated by
23 computer shall not be permitted.

24 ~~The professional engineer who has contract responsibility~~
25 ~~shall seal a cover sheet of the technical submissions, and~~
26 ~~these individual portions of the technical submissions for~~
27 ~~which the professional engineer is legally and professionally~~
28 ~~responsible. The professional engineer practicing as the~~
29 ~~support design professional shall seal these individual~~
30 ~~portions of technical submissions for which the professional~~
31 ~~engineer is legally and professionally responsible.~~

32 The use of a professional engineer's seal on technical
33 submissions constitutes a representation by the professional

1 engineer that the work has been prepared by or under the
2 personal supervision of the professional engineer or
3 developed in conjunction with the use of accepted engineering
4 standards. The use of the seal further represents that the
5 work has been prepared and administered in accordance with
6 the standards of reasonable professional skill and diligence.

7 It is unlawful to affix one's seal to technical
8 submissions if it masks the true identity of the person who
9 actually exercised direction, control and supervision of the
10 preparation of such work. A professional engineer who seals
11 and signs technical submissions is not responsible for damage
12 caused by subsequent changes to or uses of those technical
13 submissions, where the subsequent changes or uses, including
14 changes or uses made by State or local governmental agencies,
15 are not authorized or approved by the professional engineer
16 who originally sealed and signed the technical submissions.

17 (Source: P.A. 91-92, eff. 1-1-00.)

18 (225 ILCS 325/15) (from Ch. 111, par. 5215)

19 Sec. 15. Technical submissions. All technical
20 submissions prepared by or under the personal supervision of
21 a professional engineer shall bear that professional
22 engineer's seal, signature, and license expiration date. The
23 licensee's written signature and date of signing, along with
24 the date of license expiration, shall be placed adjacent to
25 the seal. Computer generated signatures are not permitted.

26 The professional engineer who has contract responsibility
27 shall seal a cover sheet of the technical submissions, and
28 those individual portions of the technical submissions for
29 which the professional engineer is legally and professionally
30 responsible. The professional engineer practicing as the
31 support design professional shall seal those individual
32 portions of technical submissions for which the professional
33 engineer is legally and professionally responsible.

1 All technical submissions intended for use in
2 construction in the State of Illinois shall be prepared and
3 administered in accordance with standards of reasonable
4 professional skill and diligence. Care shall be taken to
5 reflect the requirements of State statutes and, where
6 applicable, county and municipal ordinances in such
7 documents. In recognition that professional engineers are
8 licensed for the protection of the public health, safety and
9 welfare, documents shall be of such quality and scope, and be
10 so administered as to conform to professional standards.

11 (Source: P.A. 91-92, eff. 1-1-00.)

12 (225 ILCS 325/24) (from Ch. 111, par. 5224)

13 Sec. 24. Rules of professional conduct; disciplinary or
14 administrative action.

15 (a) The Department shall adopt rules setting standards
16 of professional conduct and establish appropriate penalty for
17 the breach of such rules.

18 (a-1) The Department may, singularly or in combination,
19 refuse to issue, restore, or renew a license or registration,
20 revoke or suspend a license or registration, or place on
21 probation, reprimand, or impose a civil penalty not to exceed
22 \$10,000 upon any person, corporation, partnership, or
23 professional design firm licensed or registered under this
24 Act for any one or combination of the following:

25 (1) Material misstatement in furnishing information
26 to the Department.

27 (2) Failure to comply with any provisions of this
28 Act or any of its rules.

29 (3) Conviction of any crime under the laws of the
30 United States, or any state or territory thereof, which
31 is a felony, whether related to practice or not, or
32 conviction of any crime, whether a felony, misdemeanor,
33 or otherwise, an essential element of which is dishonesty

1 or which is directly related to the practice of
2 engineering.

3 (4) Making any misrepresentation for the purpose of
4 obtaining licensure, or in applying for restoration or
5 renewal; or practice of any fraud or deceit in taking any
6 examination to qualify for licensure under this Act.

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

10 (6) Negligence, incompetence or misconduct in the
11 practice of professional engineering as a licensed
12 professional engineer or in working as an engineer
13 intern.

14 (7) Aiding or assisting another person in violating
15 any provision of this Act or its rules.

16 (8) Failing to provide information in response to a
17 written request made by the Department within 30 days
18 after receipt of such written request.

19 (9) Engaging in dishonorable, unethical or
20 unprofessional conduct of a character likely to deceive,
21 defraud or harm the public.

22 (10) Habitual intoxication or addiction to the use
23 of drugs.

24 (11) Discipline by the United States Government,
25 another state, District of Columbia, territory, foreign
26 nation or government agency, if at least one of the
27 grounds for the discipline is the same or substantially
28 equivalent to those set forth in this Act.

29 (12) Directly or indirectly giving to or receiving
30 from any person, firm, corporation, partnership or
31 association any fee, commission, rebate or other form of
32 compensation for any professional services not actually
33 or personally rendered.

34 (13) A finding by the Board that an applicant or

1 registrant has failed to pay a fine imposed by the
2 Department, a registrant whose license has been placed on
3 probationary status has violated the terms of probation,
4 or a registrant has practiced on an expired, inactive,
5 suspended, or revoked license.

6 (14) Signing, affixing the professional engineer's
7 seal or permitting the professional engineer's seal to be
8 affixed to any technical submissions not prepared as
9 required by Section 14 or completely reviewed by the
10 professional engineer or under the professional
11 engineer's direct supervision.

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

16 (16) The making of a statement pursuant to the
17 Environmental Barriers Act that a plan for construction
18 or alteration of a public facility or for construction of
19 a multi-story housing unit is in compliance with the
20 Environmental Barriers Act when such plan is not in
21 compliance.

22 (17) Failing to file a return, or to pay the tax,
23 penalty or interest shown in a filed return, or to pay
24 any final assessment of tax, penalty or interest as
25 required by a tax Act administered by the Illinois
26 Department of Revenue, until such time as the
27 requirements of any such tax Act are satisfied.

28 (a-5) In enforcing this Section, the Board upon a
29 showing of a possible violation may compel a person licensed
30 to practice under this Act, or who has applied for licensure
31 or certification pursuant to this Act, to submit to a mental
32 or physical examination, or both, as required by and at the
33 expense of the Department. The examining physicians shall be
34 those specifically designated by the Board. The Board or the

1 Department may order the examining physician to present
2 testimony concerning this mental or physical examination of
3 the licensee or applicant. No information shall be excluded
4 by reason of any common law or statutory privilege relating
5 to communications between the licensee or applicant and the
6 examining physician. The person to be examined may have, at
7 his or her own expense, another physician of his or her
8 choice present during all aspects of the examination.
9 Failure of any person to submit to a mental or physical
10 examination, when directed, shall be grounds for suspension
11 of a license until the person submits to the examination if
12 the Board finds, after notice and hearing, that the refusal
13 to submit to the examination was without reasonable cause.

14 If the Board finds a person unable to practice because of
15 the reasons set forth in this Section, the Board may require
16 that person to submit to care, counseling, or treatment by
17 physicians approved or designated by the Board as a
18 condition, term, or restriction for continued, reinstated, or
19 renewed licensure to practice; or, in lieu of care,
20 counseling, or treatment, the Board may recommend to the
21 Department to file a complaint to immediately suspend,
22 revoke, or otherwise discipline the license of the person.
23 Any person whose license was granted, continued, reinstated,
24 renewed, disciplined, or supervised subject to such terms,
25 conditions, or restrictions and who fails to comply with such
26 terms, conditions, or restrictions shall be referred to the
27 Director for a determination as to whether the person shall
28 have his or her license suspended immediately, pending a
29 hearing by the Board.

30 (b) The determination by a circuit court that a
31 registrant is subject to involuntary admission or judicial
32 admission as provided in the Mental Health and Developmental
33 Disabilities Code, as now or hereafter amended, operates as
34 an automatic suspension. Such suspension will end only upon

1 a finding by a court that the patient is no longer subject to
2 involuntary admission or judicial admission, the issuance of
3 an order so finding and discharging the patient, and the
4 recommendation of the Board to the Director that the
5 registrant be allowed to resume practice.

6 (Source: P.A. 91-92, eff. 1-1-00.)

7 (225 ILCS 325/39) (from Ch. 111, par. 5239)

8 Sec. 39. Violations.

9 (a) Using or attempting to use an expired license or
10 registration is a Class A misdemeanor.

11 (b) Each of the following acts is a Class A misdemeanor
12 for the first offense and a Class 4 Felony for a second or
13 subsequent offense:

14 (1) A violation of any provision of this Act or its
15 rules, except as noted in subsection (a) or (c) of this
16 Section;

17 (2) The making of any wilfully false oath or
18 affirmation in any matter or proceeding where an oath or
19 affirmation is required by this Act;

20 (3) Using or attempting to use an inactive,
21 suspended, or revoked license or the license or seal of
22 another, or impersonating another licensee, or practicing
23 professional engineering while one's license is inactive,
24 suspended, or revoked;

25 (4) The practice, attempt to practice, or offer to
26 practice professional engineering without a license as a
27 licensed professional engineer, with each day of
28 practicing professional engineering, or attempting to
29 practice professional engineering, and each instance of
30 offering to practice professional engineering without a
31 license as a licensed professional engineer constituting
32 a separate offense;

33 (5) Advertising or displaying any sign or card or

1 other device which might indicate to the public that the
2 person or entity is entitled to practice as a
3 professional engineer, or using the initials "P.E.", or
4 using the title "engineer" or any of its derivations,
5 unless such person holds an active license as a
6 professional engineer in the State of Illinois, or such
7 professional service corporation, corporation,
8 partnership, sole proprietorship, professional design
9 firm, limited liability company, or other entity is in
10 compliance with Section 23 of this Act; or

11 (6) Obtaining or attempting to obtain a license by
12 fraud.

13 (c) A violation of paragraphs (3), (6), (10), (11),
14 (15), or (17) of subsection (a-1) ~~(a)~~ of Section 24 is not
15 subject to the penalty provisions of this Section.

16 (Source: P.A. 88-428; 88-595, eff. 8-26-94; 89-61, eff.
17 6-30-95)