

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
18 the qualifications of applicants by endorsement and issue
19 a license or enrollment to those who are found to be fit
20 and qualified.†

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

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

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

32 (e) To prescribe rules as to what shall constitute
33 an engineering or related science curriculum and to

1 determine if a specific engineering curriculum is in
2 compliance with the rules, and to terminate the approval
3 of a specific engineering curriculum for non-compliance
4 with such rules.†

5 (f) To promulgate rules required for the
6 administration of this Act, including rules of
7 professional conduct.†

8 (g) To maintain membership in the National Council
9 of Examiners for Engineering and Surveying and
10 participate in activities of the Council by designation
11 of individuals for the various classifications of
12 membership, the appointment of delegates for attendance
13 at zone and national meetings of the Council, and the
14 funding of the delegates for attendance at the meetings
15 of the Council.†--and

16 (h) To obtain written recommendations from the
17 Board regarding qualifications of individuals for
18 licensure and enrollment, definitions of curriculum
19 content and approval of engineering curricula, standards
20 of professional conduct and formal disciplinary actions,
21 and the promulgation of the rules affecting these
22 matters.

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

1 may at any time seek the expert advice and knowledge of
2 the Board on any matter relating to the enforcement of
3 this Act.

4 (i) To publish and distribute or to post on the
5 Department's website, at least semi-annually, a
6 newsletter to all persons licensed and registered under
7 this Act. The newsletter shall describe the most recent
8 changes in this Act and the rules adopted under this Act
9 and shall contain information of any final disciplinary
10 action that has been ordered under this Act since the
11 date of the last newsletter.

12 None of the functions, powers or duties enumerated in
13 this Section shall be exercised by the Department except upon
14 the action and report in writing of the Board.

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

16 (225 ILCS 325/8) (from Ch. 111, par. 5208)

17 Sec. 8. Applications for licensure.

18 (a) Applications for licensure shall (1) be on forms
19 prescribed and furnished by the Department, (2) contain
20 statements made under oath showing the applicant's education
21 and a detailed summary of the applicant's technical work, and
22 (3) contain references as required by the Department.

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

28 (1) Credit for one year of experience shall be
29 given for a graduate of a baccalaureate curriculum
30 providing a cooperative program, which is supervised
31 industrial or field experience of at least one academic
32 year which alternates with periods of full-time academic
33 training, when such program is certified by the

1 university, or

2 (2) Partial credit may shall be given for
3 professional engineering experience as defined by rule
4 for employment prior to receipt of a baccalaureate degree
5 if the employment is full-time while the applicant is
6 takes 8 or more years (16 semesters or 24 quarters
7 minimum) as a part-time student taking fewer than 12
8 hours per semester or 8 hours per quarter to earn the
9 degree concurrent with the full-time engineering
10 experience employment.

11 (3) If an applicant files an application and
12 supporting documents containing a material misstatement
13 of information or a misrepresentation for the purpose of
14 obtaining licensure or enrollment or if an applicant
15 performs any fraud or deceit in taking any examination to
16 qualify for licensure or enrollment under this Act, the
17 Department may issue a rule of intent to deny licensure
18 or enrollment and may conduct a hearing in accordance
19 with Sections 26 through 33 and Sections 37 and 38 of
20 this Act.

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

24 It is the responsibility of the applicant to supplement
25 the application, when requested by the Board, by provision of
26 additional documentation of education, including transcripts,
27 course content and credentials of the engineering college or
28 college granting related science degrees, or of work
29 experience to permit the Board to determine the
30 qualifications of the applicant. The Department may require
31 an applicant, at the applicant's expense, to have an
32 evaluation of the applicant's education in a foreign country
33 by a nationally recognized educational body approved by the
34 Board in accordance with rules prescribed by the Department.

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

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

7 (225 ILCS 325/9) (from Ch. 111, par. 5209)

8 Sec. 9. Licensure qualifications; Examinations; Failure
9 or refusal to take examinations. Examinations provided for
10 by this Act shall be conducted under rules prescribed by the
11 Department. Examinations shall be held not less frequently
12 than semi-annually, at times and places prescribed by the
13 Department, of which applicants shall be notified by the
14 Department in writing.

15 Beginning on or before January 1, 2005, a principles of
16 practice examination in Software Engineering shall be offered
17 to applicants.

18 Examinations of the applicants who seek to practice
19 professional engineering shall ascertain: (a) if the
20 applicant has an adequate understanding of the basic and
21 engineering sciences, which shall embrace subjects required
22 of candidates for an approved baccalaureate degree in
23 engineering, and (b) if the training and experience of the
24 applicant have provided a background for the application of
25 the basic and engineering sciences to the solution of
26 engineering problems. The Department may by rule prescribe
27 additional subjects for examination. If an applicant
28 neglects, fails without an approved excuse, or refuses to
29 take the next available examination offered for licensure
30 under this Act within 3 years after filing the application,
31 the fee paid by the applicant shall be forfeited and the
32 application denied. If an applicant fails to pass an
33 examination for licensure under this Act within 3 years after

1 filing the application, the application shall be denied.
2 However, such applicant may thereafter make a new application
3 for examination, accompanied by the required fee.

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

5 (225 ILCS 325/12) (from Ch. 111, par. 5212)

6 Sec. 12. Educational credits or teaching as equivalent
7 of experience.

8 (a) After earning an acceptable baccalaureate degree as
9 required by subsection (a) or (b) of Section 10 in
10 engineering or related science and upon completion of a
11 Master's degree in engineering, the applicant may receive one
12 year of experience credit. Upon completion of a Ph.D. in
13 engineering, an applicant may receive an additional year
14 experience credit for a maximum of 2 years.

15 (b) Teaching engineering subjects in an engineering
16 college at a rank of instructor or above is considered
17 experience in engineering.

18 (c) (Blank).

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

20 (225 ILCS 325/14) (from Ch. 111, par. 5214)

21 Sec. 14. Seal. Every professional engineer shall have a
22 seal or stamp, the print of which shall be reproducible and
23 contain the name of the professional engineer, the
24 professional engineer's license number, and the words
25 "Licensed Professional Engineer of Illinois". Any
26 reproducible stamp heretofore authorized under the laws of
27 this state for use by a professional engineer, including
28 those with the words "Registered Professional Engineer of
29 Illinois", shall serve the same purpose as the seal provided
30 for by this Act. When technical submissions are prepared
31 utilizing a computer or other electronic means, the seal may
32 be generated by the computer. Signatures generated by

1 computer shall not be permitted.

2 The professional engineer who has contract responsibility
3 shall seal a cover sheet of the technical submissions, and
4 these individual portions of the technical submissions for
5 which the professional engineer is legally and professionally
6 responsible. The professional engineer practicing as the
7 support design professional shall seal these individual
8 portions of technical submissions for which the professional
9 engineer is legally and professionally responsible.

10 The use of a professional engineer's seal on technical
11 submissions constitutes a representation by the professional
12 engineer that the work has been prepared by or under the
13 personal supervision of the professional engineer or
14 developed in conjunction with the use of accepted engineering
15 standards. The use of the seal further represents that the
16 work has been prepared and administered in accordance with
17 the standards of reasonable professional skill and diligence.

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

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

29 (225 ILCS 325/15) (from Ch. 111, par. 5215)

30 Sec. 15. Technical submissions. All technical
31 submissions prepared by or under the personal supervision of
32 a professional engineer shall bear that professional
33 engineer's seal, signature, and license expiration date. The

1 licensee's written signature and date of signing, along with
2 the date of license expiration, shall be placed adjacent to
3 the seal. Computer generated signatures are not permitted.

4 The professional engineer who has contract responsibility
5 shall seal a cover sheet of the technical submissions, and
6 those individual portions of the technical submissions for
7 which the professional engineer is legally and professionally
8 responsible. The professional engineer practicing as the
9 support design professional shall seal those individual
10 portions of technical submissions for which the professional
11 engineer is legally and professionally responsible.

12 All technical submissions intended for use in
13 construction in the State of Illinois shall be prepared and
14 administered in accordance with standards of reasonable
15 professional skill and diligence. Care shall be taken to
16 reflect the requirements of State statutes and, where
17 applicable, county and municipal ordinances in such
18 documents. In recognition that professional engineers are
19 licensed for the protection of the public health, safety and
20 welfare, documents shall be of such quality and scope, and be
21 so administered as to conform to professional standards.

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

23 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

26 (a) The Department shall adopt rules setting standards
27 of professional conduct and establish appropriate penalty for
28 the breach of such rules.

29 (a-1) The Department may, singularly or in combination,
30 refuse to issue, restore, or renew a license or registration,
31 revoke or suspend a license or registration, or place on
32 probation, reprimand, or impose a civil penalty not to exceed
33 \$10,000 upon any person, corporation, partnership, or

1 professional design firm licensed or registered under this
2 Act for any one or combination of the following:

3 (1) Material misstatement in furnishing information
4 to the Department.

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

7 (3) Conviction of any crime under the laws of the
8 United States, or any state or territory thereof, which
9 is a felony, whether related to practice or not, or
10 conviction of any crime, whether a felony, misdemeanor,
11 or otherwise, an essential element of which is dishonesty
12 or which is directly related to the practice of
13 engineering.

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

18 (5) Purposefully making false statements or signing
19 false statements, certificates, or affidavits to induce
20 payment.

21 (6) Negligence, incompetence or misconduct in the
22 practice of professional engineering as a licensed
23 professional engineer or in working as an engineer
24 intern.

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

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

30 (9) Engaging in dishonorable, unethical or
31 unprofessional conduct of a character likely to deceive,
32 defraud or harm the public.

33 (10) Habitual intoxication or addiction to the use
34 of drugs.

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

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

11 (13) A finding by the Board that an applicant or
12 registrant has failed to pay a fine imposed by the
13 Department, a registrant whose license has been placed on
14 probationary status has violated the terms of probation,
15 or a registrant has practiced on an expired, inactive,
16 suspended, or revoked license.

17 (14) Signing, affixing the professional engineer's
18 seal or permitting the professional engineer's seal to be
19 affixed to any technical submissions not prepared as
20 required by Section 14 or completely reviewed by the
21 professional engineer or under the professional
22 engineer's direct supervision.

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

27 (16) The making of a statement pursuant to the
28 Environmental Barriers Act that a plan for construction
29 or alteration of a public facility or for construction of
30 a multi-story housing unit is in compliance with the
31 Environmental Barriers Act when such plan is not in
32 compliance.

33 (17) Failing to file a return, or to pay the tax,
34 penalty or interest shown in a filed return, or to pay

1 any final assessment of tax, penalty or interest as
2 required by a tax Act administered by the Illinois
3 Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied.

5 (a-5) In enforcing this Section, the Board upon a
6 showing of a possible violation may compel a person licensed
7 to practice under this Act, or who has applied for licensure
8 or certification pursuant to this Act, to submit to a mental
9 or physical examination, or both, as required by and at the
10 expense of the Department. The examining physicians shall be
11 those specifically designated by the Board. The Board or the
12 Department may order the examining physician to present
13 testimony concerning this mental or physical examination of
14 the licensee or applicant. No information shall be excluded
15 by reason of any common law or statutory privilege relating
16 to communications between the licensee or applicant and the
17 examining physician. The person to be examined may have, at
18 his or her own expense, another physician of his or her
19 choice present during all aspects of the examination.
20 Failure of any person to submit to a mental or physical
21 examination, when directed, shall be grounds for suspension
22 of a license until the person submits to the examination if
23 the Board finds, after notice and hearing, that the refusal
24 to submit to the examination was without reasonable cause.

25 If the Board finds a person unable to practice because of
26 the reasons set forth in this Section, the Board may require
27 that person to submit to care, counseling, or treatment by
28 physicians approved or designated by the Board as a
29 condition, term, or restriction for continued, reinstated, or
30 renewed licensure to practice; or, in lieu of care,
31 counseling, or treatment, the Board may recommend to the
32 Department to file a complaint to immediately suspend,
33 revoke, or otherwise discipline the license of the person.
34 Any person whose license was granted, continued, reinstated,

1 renewed, disciplined, or supervised subject to such terms,
2 conditions, or restrictions and who fails to comply with such
3 terms, conditions, or restrictions shall be referred to the
4 Director for a determination as to whether the person shall
5 have his or her license suspended immediately, pending a
6 hearing by the Board.

7 (b) The determination by a circuit court that a
8 registrant is subject to involuntary admission or judicial
9 admission as provided in the Mental Health and Developmental
10 Disabilities Code, as now or hereafter amended, operates as
11 an automatic suspension. Such suspension will end only upon
12 a finding by a court that the patient is no longer subject to
13 involuntary admission or judicial admission, the issuance of
14 an order so finding and discharging the patient, and the
15 recommendation of the Board to the Director that the
16 registrant be allowed to resume practice.

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

18 (225 ILCS 325/39) (from Ch. 111, par. 5239)

19 Sec. 39. Violations.

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

22 (b) Each of the following acts is a Class A misdemeanor
23 for the first offense and a Class 4 Felony for a second or
24 subsequent offense:

25 (1) A violation of any provision of this Act or its
26 rules, except as noted in subsection (a) or (c) of this
27 Section;

28 (2) The making of any wilfully false oath or
29 affirmation in any matter or proceeding where an oath or
30 affirmation is required by this Act;

31 (3) Using or attempting to use an inactive,
32 suspended, or revoked license or the license or seal of
33 another, or impersonating another licensee, or practicing

1 professional engineering while one's license is inactive,
2 suspended, or revoked;

3 (4) The practice, attempt to practice, or offer to
4 practice professional engineering without a license as a
5 licensed professional engineer, with each day of
6 practicing professional engineering, or attempting to
7 practice professional engineering, and each instance of
8 offering to practice professional engineering without a
9 license as a licensed professional engineer constituting
10 a separate offense;

11 (5) Advertising or displaying any sign or card or
12 other device which might indicate to the public that the
13 person or entity is entitled to practice as a
14 professional engineer, or using the initials "P.E.", or
15 using the title "engineer" or any of its derivations,
16 unless such person holds an active license as a
17 professional engineer in the State of Illinois, or such
18 professional service corporation, corporation,
19 partnership, sole proprietorship, professional design
20 firm, limited liability company, or other entity is in
21 compliance with Section 23 of this Act; or

22 (6) Obtaining or attempting to obtain a license by
23 fraud.

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

27 (Source: P.A. 88-428; 88-595, eff. 8-26-94; 89-61, eff.
28 6-30-95)