

1 AMENDMENT TO SENATE BILL 1089

2 AMENDMENT NO. _____. Amend Senate Bill 1089, on page 1,
3 in line 18, by deleting "and Wrestling"; and
4 on page 1, below line 20, by inserting the following:

5 "Section 10. The Professional Boxing and Wrestling Act
6 is amended by changing the title of the Act and Sections
7 0.05, 1, 2, 5, 7, 8, 10, 11, 12, 13, 15, 16, 17.7, 17.8,
8 17.9, 18, 19, 19.1, 19.3, 19.4, 23, and 23.1 as follows:

9 (225 ILCS 105/Act title)

10 An Act in relation to professional boxing and--wrestling,
11 creating---a---board,--prescribing--its--powers--and--duties,
12 providing-penalties-for-violation-of-the-provisions--thereof,
13 and-to-amend-an-Act-herein-named.

14 (225 ILCS 105/0.05)

15 Sec. 0.05. Declaration of public policy. Professional
16 boxing and-wrestling in the State of Illinois is hereby
17 declared to affect the public health, safety, and welfare and
18 to be subject to regulation and control in the public
19 interest. It is further declared to be a matter of public
20 interest and concern that boxing and-wrestling, as defined in

1 this Act, merit and receive the confidence of the public and
2 that only qualified persons be authorized to participate in
3 boxing contests and--wrestling--exhibitions in the State of
4 Illinois. This Act shall be liberally construed to best carry
5 out these objects and purposes.

6 (Source: P.A. 91-408, eff. 1-1-00.)

7 (225 ILCS 105/1) (from Ch. 111, par. 5001)

8 Sec. 1. Short title and definitions.

9 (a) This Act may be cited as the Professional Boxing and
10 Wrestling Act.

11 (b) As used in this Act:

12 1. "Department" means the Department of
13 Professional Regulation.

14 2. "Director" means the Director of Professional
15 Regulation.

16 3. "Board" means the State Professional Boxing and
17 Wrestling Board appointed by the Director.

18 4. "License" means the license issued for boxing
19 promoters, contestants, or officials in accordance with
20 this Act.

21 5. (Blank). "Registration"--means--the--registration
22 issued--to--wrestling--promoters--in--accordance--with--this
23 Act-

24 6. "Boxing Contests" include professional boxing
25 matches and exhibitions.

26 7. (Blank). "Wrestling---Exhibitions"---include
27 professional-wrestling--contests,--matches,--events,--and
28 shows-

29 8. (Blank). "Athletic---Events"---include---both
30 professional-boxing-contests-and--professional--wrestling
31 exhibitions-

32 9. "Permit" means the authorization from the
33 Department to a promoter to conduct professional boxing

1 contests ~~or professional wrestling exhibitions.~~

2 10. "Promoter" means a person who is licensed ~~or~~
3 ~~registered~~ and who holds a permit to conduct professional
4 boxing contests ~~matches---or---professional---wrestling~~
5 ~~exhibitions.~~

6 11. Unless the context indicates otherwise,
7 "person" includes an association, partnership,
8 corporation, gymnasium, or club.

9 12. (Blank). ~~For the purposes of this Act the term~~
10 ~~"trainer" includes what is commonly referred to as~~
11 ~~"second", "corner man", or "coach".~~

12 13. "Ultimate fighting exhibition" has the meaning
13 given by rule adopted by the Department in accordance
14 with Section 7.5.

15 14. "Professional boxer" means a person licensed by
16 the Department who competes for a money prize, purse, or
17 other type of compensation in a boxing contest,
18 exhibition, or match held in Illinois.

19 15. "Judge" means a person licensed by the
20 Department who is at ringside during a boxing match and
21 who has the responsibility of scoring the performance of
22 the participants in the contest.

23 16. "Referee" means a person licensed by the
24 Department who has the general supervision of a boxing
25 contest and is present inside of the ring during the
26 contest.

27 17. "Amateur" means a person who has never received
28 or competed for any purse or other article of value,
29 either for participating in any boxing contest or for the
30 expenses of training therefor, other than a prize that
31 does not exceed \$50 in value.

32 18. "Contestant" means an individual who
33 participates in a boxing contest ~~or wrestling exhibition.~~

34 19. "Second" means a person licensed by the

1 Department who is present at any boxing contest to
2 provide assistance or advice to a boxer during the
3 contest.

4 20. "Matchmaker" means a person licensed by the
5 Department who brings together professional boxers or
6 procures matches or contests for professional boxers.

7 21. "Manager" means a person licensed by the
8 Department who is not a promoter and who, under contract,
9 agreement, or other arrangement with any boxer,
10 undertakes to, directly or indirectly, control or
11 administer the boxing affairs of boxers.

12 22. "Timekeeper" means a person licensed by the
13 Department who is the official timer of the length of
14 rounds and the intervals between the rounds.

15 23. "Purse" means the financial guarantee or any
16 other remuneration for which contestants are
17 participating in a boxing contest.

18 24. "Physician" means a person licensed to practice
19 medicine in all its branches under the Medical Practice
20 Act of 1987.

21 (Source: P.A. 91-408, eff. 1-1-00.)

22 (225 ILCS 105/2) (from Ch. 111, par. 5002)

23 Sec. 2. State Professional Boxing and-Wrestling Board.
24 There is created the State Professional Boxing and--Wrestling
25 Board consisting of 6 persons who shall be appointed by and
26 shall serve in an advisory capacity to the Director. One
27 shall be a physician licensed to practice medicine in all of
28 its branches. The Director shall appoint each member to serve
29 for a term of 3 years and until his or her successor is
30 appointed and qualified. One member of the board shall be
31 designated as the Chairperson and one member shall be
32 designated as the Vice-chairperson. No member shall be
33 appointed to the Board for a term which would cause

1 continuous service to be more than 9 years. Service prior to
 2 January 1, 2000 ~~the-effective-date-of-this-amendatory-Act--of~~
 3 ~~the---91st--General--Assembly~~ shall not be considered in
 4 calculating length of service on the Board. Each member of
 5 the board shall receive compensation for each day he or she
 6 is engaged in transacting the business of the board and, in
 7 addition, shall be reimbursed for his or her authorized and
 8 approved expenses necessarily incurred in relation to such
 9 service in accordance with the travel regulations applicable
 10 to the Department at the time the expenses are incurred.

11 A majority of the current members appointed shall
 12 constitute a quorum.

13 The members of the Board shall be immune from suit in any
 14 action based upon any disciplinary proceedings or other acts
 15 performed in good faith as members of the Board.

16 The Director may remove any member of the Board for
 17 misconduct, incapacity, or neglect of duty. The Director
 18 shall reduce to writing any causes for removal.

19 (Source: P.A. 91-408, eff. 1-1-00.)

20 (225 ILCS 105/5) (from Ch. 111, par. 5005)

21 Sec. 5. The Department shall exercise, but subject to
 22 the provisions of this Act, the following functions, powers,
 23 and duties: (a) to ascertain the qualifications and fitness
 24 of applicants for licenses~~7-registrations~~ and permits; (b) to
 25 prescribe rules and regulations for the administration of the
 26 Act; (c) to conduct hearings on proceedings to refuse to
 27 issue, refuse to renew, revoke, suspend, or subject to
 28 reprimand licenses~~7-registrations~~ or permits under this Act;
 29 and (d) to revoke, suspend, or refuse issuance or renewal of
 30 such licenses~~7-registrations~~ or permits.

31 (Source: P.A. 82-522.)

32 (225 ILCS 105/7) (from Ch. 111, par. 5007)

1 Sec. 7. In order to conduct a boxing contest ~~match--or~~
2 ~~wrestling-exhibition~~ in this State, a promoter shall obtain a
3 permit issued by the Department in accordance with this Act
4 and the rules and regulations adopted pursuant thereto. This
5 permit shall authorize one or more contests or exhibitions.
6 A permit issued under this Act is not transferable.

7 (Source: P.A. 82-522.)

8 (225 ILCS 105/8) (from Ch. 111, par. 5008)

9 Sec. 8. Permits.

10 (a) A promoter who desires to obtain a permit to conduct
11 a boxing contest ~~an--athletic--event~~ shall apply to the
12 Department at least 20 days prior to the event, in writing,
13 on forms furnished by the Department. The application shall
14 be accompanied by the required fee and shall contain at least
15 the following information:

- 16 (1) the names and addresses of the promoter;
- 17 (2) the name of the matchmaker;
- 18 (3) the time and exact location of the boxing
19 contest ~~athletic-event~~;
- 20 (4) the seating capacity of the building where the
21 event is to be held;
- 22 (5) a copy of the lease or proof of ownership of
23 the building where the event is to be held;
- 24 (6) the admission charge or charges to be made; and
- 25 (7) proof of adequate security measures and
26 adequate medical supervision, as determined by Department
27 rule, to ensure the protection of the health and safety
28 of the general public while attending boxing contests
29 ~~athletic--events~~ and the contestants' safety while
30 participating in the events and any other information
31 that the Department may determine by rule in order to
32 issue a permit.

33 (b) After the initial application and within 10 days of

1 a scheduled event, a promoter shall submit to the Department
2 all of the following information:

3 (1) The amount of compensation to be paid to each
4 participant.

5 (2) The names of the contestants.

6 (3) Proof of insurance for not less than \$10,000 for
7 each contestant participating in a boxing contest or
8 exhibition.

9 Insurance required under this subsection shall cover (i)
10 hospital, medication, physician, and other such expenses as
11 would accrue in the treatment of an injury as a result of the
12 boxing contest or exhibition and (ii) payment to the estate
13 of the contestant in the event of his or her death as a
14 result of his or her participation in the boxing contest or
15 exhibition.

16 (c) All boxing promoters shall provide to the
17 Department, at least 24 hours prior to commencement of the
18 event, the amount of the purse to be paid for the event. The
19 Department shall promulgate rules for payment of the purse.

20 (d) The boxing contest shall be held in an area where
21 adequate neurosurgical facilities are immediately available
22 for skilled emergency treatment of an injured boxer. It is
23 the responsibility of the promoter to ensure that the
24 building to be used for the event complies with all laws,
25 ordinances, and regulations in the city, town, or village
26 where the boxing contest athletic-event is to be held. The
27 Department may issue a permit to any promoter who meets the
28 requirements of this Act and the rules. The permit shall only
29 be issued for a specific date and location of a boxing
30 contest an--athletic-event and shall not be transferable. In
31 an emergency, the Department may allow a promoter to amend a
32 permit application to hold a boxing contest an-athletic-event
33 in a different location than the application specifies and
34 may allow the promoter to substitute contestants.

1 (e) The Department shall be responsible for assigning
 2 the judge, timekeepers, referees, physician, and medical
 3 personnel for a boxing contest. It shall be the
 4 responsibility of the promoter to cover the cost of the
 5 individuals utilized at a boxing contest an-athletic-event.

6 (Source: P.A. 91-408, eff. 1-1-00.)

7 (225 ILCS 105/10) (from Ch. 111, par. 5010)

8 Sec. 10. Who must be licensed. In order to participate
 9 in boxing contests the following persons must each be
 10 licensed and in good standing with the Department: (a)
 11 promoters, (b) contestants, (c) seconds, (d) referees, (e)
 12 judges, (f) managers, (g) matchmakers, and (h) timekeepers.

13 Announcers may participate in boxing contests without
 14 being licensed under this Act. It shall be the
 15 responsibility of the promoter to ensure that announcers
 16 comply with the Act, and all rules and regulations
 17 promulgated pursuant to this Act.

18 A licensed promoter may not act as, and cannot be
 19 licensed as, a second, boxer, referee, timekeeper, judge, or
 20 manager. If he or she is so licensed, he or she must
 21 relinquish any of these licenses to the Department for
 22 cancellation. A person possessing a valid promoter's license
 23 may act as a matchmaker. A-promoter--may--be--licensed--as--a
 24 matchmaker-

25 ~~Persons--involved-with-wrestling-exhibitions-shall-supply~~
 26 ~~the-Department-with-their-name,--address,--telephone--number,~~
 27 ~~and--social-security-number-and-shall-meet-other-requirements~~
 28 ~~as-established-by-rule.~~

29 (Source: P.A. 91-408, eff. 1-1-00.)

30 (225 ILCS 105/11) (from Ch. 111, par. 5011)

31 Sec. 11. Qualifications for license. The Department
 32 shall grant licenses to ~~er-register~~ the following persons if

1 the following qualifications are met:

2 (A) An applicant for licensure as a contestant in a
3 boxing contest match must: (1) be 18 years old, (2) be of
4 good moral character, (3) file an application stating the
5 applicant's correct name (and no assumed or ring name may be
6 used unless such name is registered with the Department along
7 with the applicant's correct name), date and place of birth,
8 place of current residence, and a sworn statement that he is
9 not currently in violation of any federal, State or local
10 laws or rules governing boxing, (4) file a certificate of a
11 physician licensed to practice medicine in all of its
12 branches which attests that the applicant is physically fit
13 and qualified to participate in boxing contests matches, and
14 (5) pay the required fee and meet any other requirements.
15 Applicants over age 35 39 who have not competed in a contest
16 within the last 36 months may be required to appear before
17 the Board to determine their fitness to participate in a
18 contest. A picture identification card shall be issued to all
19 boxers licensed by the Department who are residents of
20 Illinois or who are residents of any jurisdiction, state, or
21 country that does not regulate professional boxing. The
22 identification card shall be presented to the Department or
23 its representative upon request at weigh-ins ~~or~~ contests.

24 (B) An applicant for licensure as a boxing referee,
25 judge, manager, second, matchmaker, or timekeeper must: (1)
26 be of good moral character, (2) file an application stating
27 the applicant's name, date and place of birth, and place of
28 current residence along with a certifying statement that he
29 is not currently in violation of any federal, State, or local
30 laws or rules governing boxing, (3) have had satisfactory
31 experience in his field, (4) pay the required fee, and (5)
32 meet any other requirements as determined by rule.

33 (C) An applicant for licensure as a boxing promoter must:
34 (1) be of good moral character, (2) file an application with

1 the Department stating the applicant's name, date and place
 2 of birth, place of current residence along with a certifying
 3 statement that he is not currently in violation of any
 4 federal, State, or local laws or rules governing boxing, (3)
 5 provide proof of a surety bond of no less than \$5,000 to
 6 cover financial obligations pursuant to this Act, payable to
 7 the Department and conditioned for the payment of the tax
 8 imposed by this Act and compliance with this Act and the
 9 rules promulgated pursuant to this Act, (4) provide a
 10 financial statement, prepared by a certified public
 11 accountant, showing liquid working capital of \$10,000 or
 12 more, or a \$10,000 performance bond guaranteeing payment of
 13 all obligations relating to the promotional activities, and
 14 (5) pay the required fee and meet any other requirements.

15 ~~(D)---An--applicant--for--registration--as--a---wrestling~~
 16 ~~promoter--must:--(1)--be-of-good-moral-character,-(2)-file-an~~
 17 ~~application-with-the-Department-stating-the-applicant's-name,~~
 18 ~~date-and-place-of-birth,-and-place-of-current-residence-along~~
 19 ~~with-a-certifying-statement--that--he--is--not--currently--in~~
 20 ~~violation--of--any--federal,-State,-or--local-laws-or-rules~~
 21 ~~governing-wrestling,-(3)-provide-a-surety--bond--of--no--less~~
 22 ~~than--\$10,000-to-cover-financial-obligations-pursuant-to-this~~
 23 ~~Act,-payable--to--the--Department--and--conditioned--for--the~~
 24 ~~payment--of--the--tax-imposed-by-this-Act-and-compliance-with~~
 25 ~~this-Act-and-the-rules-promulgated-pursuant-to-this-Act,-(4)~~
 26 ~~provide-a-financial-statement,-prepared-by-a-certified-public~~
 27 ~~accountant,-showing--liquid--working--capital--of--\$10,000-or~~
 28 ~~more,-or-a-\$10,000-performance-bond-guaranteeing--payment--of~~
 29 ~~all--obligations--relating-to-the-promotional-activities,-and~~
 30 ~~(5)-pay-the-required-fee-and-meet-any-other-requirements.~~

31 In determining good moral character, the Department may
 32 take into consideration any violation of any of the
 33 provisions of Section 16 of this Act and any felony
 34 conviction of the applicant, but such a conviction shall not

1 operate as a bar to licensure. No license issued under this
2 Act is transferable.

3 The Department may issue temporary licenses and
4 registrations as provided by rule.

5 (Source: P.A. 90-655, eff. 7-30-98; 91-408, eff. 1-1-00.)

6 (225 ILCS 105/12) (from Ch. 111, par. 5012)

7 Sec. 12. Boxing contests. Each boxing contestant shall
8 be examined before entering the ring and immediately after
9 each contest by a physician licensed to practice medicine in
10 all of its branches. The physician shall determine, prior to
11 the contest, if each contestant is physically fit to engage
12 in the contest. After the contest the physician shall examine
13 the contestant to determine possible injury. If the
14 contestant's physical condition so indicates, the physician
15 shall recommend to the Department immediate medical
16 suspension. The physician may, at any time during the
17 contest, stop the contest to examine a boxer, and terminate
18 the contest when, in the physician's opinion, continuing the
19 contest could result in serious injury to the boxer. The
20 physician shall certify to the condition of the contestant in
21 writing, over his signature on blank forms provided by the
22 Department. Such reports shall be submitted to the Department
23 in a timely manner. The physician shall be paid by the
24 promoter a fee fixed by the Department. No boxing contest
25 shall be held unless a physician licensed to practice
26 medicine in all of its branches is in attendance.

27 No contest shall be allowed to begin unless at least one
28 physician and 2 trained paramedics or 2 nurses who are
29 trained to administer emergency medical care are present.

30 No contest shall be more than 12 rounds in length. The
31 rounds shall not be more than 3 minutes each with a one
32 minute interval between them, and no boxer shall be allowed
33 to participate in more than 12 rounds within 72 consecutive

1 hours. At each boxing contest there shall be a referee in
2 attendance who shall direct and control the contest. The
3 referee, before each contest, shall learn the name of the
4 contestant's chief second and shall hold the chief second
5 responsible for the conduct of his assistant during the
6 progress of the contest match.

7 There shall be 2 judges in attendance who shall render a
8 decision at the end of each contest match. The decision of
9 the judges, taken together with the decision of the referee,
10 is final; or, 3 judges shall score the contest match with the
11 referee not scoring. The method of scoring shall be set
12 forth in rules.

13 Judges, referees, or timekeepers for contests shall be
14 assigned by the Department. The Department or its
15 representative shall have discretion to declare a price,
16 remuneration, or purse or any part of it belonging to the
17 contestant withheld if in the judgment of the Department or
18 its representative the contestant is not honestly competing.
19 The Department shall have the authority to prevent a contest
20 or exhibition from being held and shall have the authority to
21 stop a fight for noncompliance with any part of this Act or
22 rules or when, in the judgment of the Department, or its
23 representative, continuation of the event would endanger the
24 health, safety, and welfare of the contestants or spectators.
25 (Source: P.A. 91-408, eff. 1-1-00.)

26 (225 ILCS 105/13) (from Ch. 111, par. 5013)

27 Sec. 13. Tickets; tax. Tickets to boxing contests
28 ~~athletic-events~~, other than a boxing contest an--athletic
29 event conducted at premises with an indoor seating capacity
30 of more than 17,000, shall be printed in such form as the
31 Department shall prescribe. A certified inventory of all
32 tickets printed for any boxing contest event shall be mailed
33 to the Department by the promoter not less than 7 days before

1 the boxing contest event. The total number of tickets printed
 2 shall not exceed the total seating capacity of the premises
 3 in which the boxing contest event is to be held. No tickets
 4 of admission to any boxing contest event, other than a boxing
 5 contest an--athletic--event conducted at premises with an
 6 indoor seating capacity of more than 17,000, shall be sold
 7 except those declared on an official ticket inventory as
 8 described in this Section.

9 A promoter who conducts a boxing contest an--athletic
 10 event under this Act, other than a boxing contest an-athletic
 11 event conducted at premises with an indoor seating capacity
 12 of more than 17,000, shall, within 24 hours after a boxing
 13 contest such--event: (1) furnish to the Department a written
 14 report verified by the promoter or his authorized designee
 15 showing the number of tickets sold for the boxing contest or
 16 the actual ticket stubs and the amount of the gross proceeds
 17 thereof; and (2) pay to the Department a tax of 10% of the
 18 first \$500,000 of gross receipts from the sale of admission
 19 tickets, to be placed in the General Revenue Fund.

20 (Source: P.A. 90-580, eff. 5-21-98; 91-408, eff. 1-1-00.)

21 (225 ILCS 105/15) (from Ch. 111, par. 5015)

22 Sec. 15. Inspectors. The Director may appoint boxing
 23 inspectors to assist the Department staff in the
 24 administration of the Act. Each boxing inspector appointed by
 25 the Director Such-inspecters shall receive compensation for
 26 each day he or she is they-are engaged in the transacting of
 27 business of the Department. Each inspector shall carry a card
 28 issued by the Department to authorize him or her to act in
 29 such capacity. The inspector or inspectors shall supervise
 30 each contest event to ensure that the provisions of the Act
 31 are strictly enforced. The inspectors shall also be present
 32 at the counting of the gross receipts and shall immediately
 33 deliver to the Department the official box office statement

1 as required by Section 13.

2 (Source: P.A. 91-408, eff. 1-1-00.)

3 (225 ILCS 105/16) (from Ch. 111, par. 5016)

4 Sec. 16. Discipline and sanctions.

5 (a) The Department may refuse to issue a permit,
6 registration, or license, refuse to renew, suspend, revoke,
7 reprimand, place on probation, or take such other
8 disciplinary action as the Department may deem proper,
9 including the imposition of fines not to exceed \$5,000 for
10 each violation, with regard to any license or registration
11 for any one or any combination of the following reasons:

12 (1) gambling, betting or wagering on the result of
13 or a contingency connected with a boxing contest an
14 athletic-event or permitting such activity to take place;

15 (2) participating in or permitting a sham or fake
16 boxing contest;

17 (3) holding the boxing contest athletic-event at
18 any other time or place than is stated on the permit
19 application;

20 (4) permitting any contestant other than those
21 stated on the permit application to participate in a
22 boxing contest an-athletic-event, except as provided in
23 Section 9;

24 (5) violation or aiding in the violation of any of
25 the provisions of this Act or any rules or regulations
26 promulgated thereto;

27 (6) violation of any federal, State or local laws
28 of the United States or other jurisdiction governing
29 boxing contests athletic--events or any regulation
30 promulgated pursuant thereto;

31 (7) charging a greater rate or rates of admission
32 than is specified on the permit application;

33 (8) failure to obtain all the necessary permits,

1 registrations, or licenses as required under this Act;

2 (9) failure to file the necessary bond or to pay
3 the gross receipts tax as required by this Act;

4 (10) engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public, or which is detrimental to
7 honestly conducted boxing contests athletic-events;

8 (11) employment of fraud, deception or any unlawful
9 means in applying for or securing a permit or license,
10 ~~or~~-registration under this Act;

11 (12) permitting a physician making the physical
12 examination to knowingly certify falsely to the physical
13 condition of a contestant;

14 (13) permitting contestants of widely disparate
15 weights or abilities to engage in boxing contests
16 athletic-events;

17 (14) boxing while under medical suspension in this
18 State or in any other state, territory or country;

19 (15) physical illness, including, but not limited
20 to, deterioration through the aging process, or loss of
21 motor skills which results in the inability to
22 participate in boxing contests athletic--events with
23 reasonable judgment, skill, or safety;

24 (16) allowing one's license or permit,
25 ~~or~~-registration issued under this Act to be used by another
26 person;

27 (17) failing, within a reasonable time, to provide
28 any information requested by the Department as a result
29 of a formal or informal complaint;

30 (18) professional incompetence;

31 (19) failure to file a return, or to pay the tax,
32 penalty or interest shown in a filed return, or to pay
33 any final assessment of tax, penalty or interest, as
34 required by any tax Act administered by the Illinois

1 Department of Revenue, until such time as the
2 requirements of any such tax Act are satisfied;

3 (20) holding or promoting an ultimate fighting
4 exhibition, or participating in an ultimate fighting
5 exhibition as a promoter, contestant, referee, judge,
6 scorer, manager, trainer, announcer, or timekeeper;

7 (21) habitual or excessive use or addiction to
8 alcohol, narcotics, stimulants, or any other chemical
9 agent or drug that results in an inability to participate
10 in an event; or

11 (22) failure to stop a contest or exhibition when
12 requested to do so by the Department.

13 (b) The determination by a circuit court that a licensee
14 is subject to involuntary admission or judicial admission as
15 provided in the Mental Health and Developmental Disabilities
16 Code operates as an automatic suspension. The suspension will
17 end only upon a finding by a court that the licensee is no
18 longer subject to involuntary admission or judicial
19 admission, issuance of an order so finding and discharging
20 the licensee, and upon the recommendation of the Board to the
21 Director that the licensee be allowed to resume his or her
22 practice.

23 (c) In enforcing this Section, the Board, upon a showing
24 of a possible violation, may compel any individual licensed
25 ~~or-registered~~ to practice under this Act, or who has applied
26 for licensure ~~or-registration~~ pursuant to this Act, to submit
27 to a mental or physical examination, or both, as required by
28 and at the expense of the Department. The examining
29 physicians or clinical psychologists shall be those
30 specifically designated by the Board. The Board or the
31 Department may order the examining physician or clinical
32 psychologist to present testimony concerning this mental or
33 physical examination of the licensee, ~~or-registrant,~~ or
34 applicant. No information shall be excluded by reason of any

1 common law or statutory privilege relating to communications
2 between the licensee, ~~registrant~~, or applicant and the
3 examining physician or clinical psychologist. Eye
4 examinations may be provided by a licensed and certified
5 therapeutic optometrist. The individual to be examined may
6 have, at his or her own expense, another physician of his or
7 her choice present during all aspects of the examination.
8 Failure of any individual to submit to a mental or physical
9 examination, when directed, shall be grounds for suspension
10 of a license until such time as the individual submits to the
11 examination if the Board finds, after notice and hearing,
12 that the refusal to submit to the examination was without
13 reasonable cause.

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

32 (Source: P.A. 91-408, eff. 1-1-00.)

33 (225 ILCS 105/17.7)

1 Sec. 17.7. Restoration of suspended or revoked license or
2 registration. At any time after the suspension or revocation
3 of a license, the Department may restore it to the licensee
4 or registrant upon the written recommendation of the Board,
5 unless after an investigation and a hearing the Board
6 determines that restoration is not in the public interest.

7 (Source: P.A. 91-408, eff. 1-1-00.)

8 (225 ILCS 105/17.8)

9 Sec. 17.8. Surrender of license or registration. Upon
10 the revocation or suspension of a license or registration,
11 the licensee or registrant shall immediately surrender his or
12 her license or registration to the Department. If the
13 licensee or registrant fails to do so, the Department has the
14 right to seize the license or registration.

15 (Source: P.A. 91-408, eff. 1-1-00.)

16 (225 ILCS 105/17.9)

17 Sec. 17.9. Summary suspension of a license or
18 registration. The Director may summarily suspend a license or
19 registration without a hearing if the Director finds that
20 evidence in the Director's possession indicates that the
21 continuation of practice would constitute an imminent danger
22 to the public or the individual involved. If the Director
23 summarily suspends the license or registration without a
24 hearing, a hearing must be commenced within 30 days after the
25 suspension has occurred and concluded as expeditiously as
26 practical.

27 (Source: P.A. 91-408, eff. 1-1-00.)

28 (225 ILCS 105/18) (from Ch. 111, par. 5018)

29 Sec. 18. Investigations; notice and hearing. The
30 Department may investigate the actions of any applicant or of
31 any person or persons promoting or participating in a contest

1 er--~~exhibition~~ or any person holding or claiming to hold a
2 license er--~~registration~~. The Department shall, before
3 revoking, suspending, placing on probation, reprimanding, or
4 taking any other disciplinary action under this Act, at least
5 30 days before the date set for the hearing, (i) notify the
6 accused in writing of the charges made and the time and place
7 for the hearing on the charges, (ii) direct him or her to
8 file a written answer to the charges with the Board under
9 oath within 20 days after the service on him or her of the
10 notice, and (iii) inform the accused that, if he or she fails
11 to answer, default will be taken against him or her or that
12 his or her license er--~~registration~~ may be suspended, revoked,
13 or placed on probationary status or that other disciplinary
14 action may be taken with regard to the license er
15 ~~registration~~, including limiting the scope, nature, or extent
16 of his or her practice, as the Department may consider
17 proper. At the time and place fixed in the notice, the Board
18 shall proceed to hear the charges, and the parties or their
19 counsel shall be accorded ample opportunity to present any
20 pertinent statements, testimony, evidence, and arguments. The
21 Board may continue the hearing from time to time. In case the
22 person, after receiving the notice, fails to file an answer,
23 his or her license er--~~registration~~ may, in the discretion of
24 the Department, be suspended, revoked, or placed on
25 probationary status or the Department may take whatever
26 disciplinary action considered proper, including limiting the
27 scope, nature, or extent of the person's practice or the
28 imposition of a fine, without a hearing, if the act or acts
29 charged constitute sufficient grounds for that action under
30 this Act. The written notice may be served by personal
31 delivery or by certified mail to the address specified by the
32 accused in his or her last notification with the Department.
33 (Source: P.A. 91-408, eff. 1-1-00.)

1 (225 ILCS 105/19) (from Ch. 111, par. 5019)

2 Sec. 19. Findings and recommendations. At the conclusion
3 of the hearing, the Board shall present to the Director a
4 written report of its findings, conclusions of law, and
5 recommendations. The report shall contain a finding of
6 whether the accused person violated this Act or its rules or
7 failed to comply with the conditions required in this Act or
8 its rules. The Board shall specify the nature of any
9 violations or failure to comply and shall make its
10 recommendations to the Director. In making recommendations
11 for any disciplinary actions, the Board may take into
12 consideration all facts and circumstances bearing upon the
13 reasonableness of the conduct of the accused and the
14 potential for future harm to the public including, but not
15 limited to, previous discipline of the accused by the
16 Department, intent, degree of harm to the public and
17 likelihood of harm in the future, any restitution made by the
18 accused, and whether the incident or incidents contained in
19 the complaint appear to be isolated or represent a continuing
20 pattern of conduct. In making its recommendations for
21 discipline, the Board shall endeavor to ensure that the
22 severity of the discipline recommended is reasonably related
23 to the severity of the violation.

24 The report of findings of fact, conclusions of law, and
25 recommendation of the Board shall be the basis for the
26 Department's order refusing to issue, restore, or renew a
27 license ~~or registration~~, or otherwise disciplining a licensee
28 ~~or---registrant~~. If the Director disagrees with the
29 recommendations of the Board, the Director may issue an order
30 in contravention of the Board recommendations. The Director
31 shall provide a written report to the Board on any
32 disagreement and shall specify the reasons for the action in
33 the final order. The finding is not admissible in evidence
34 against the person in a criminal prosecution brought for a

1 violation of this Act, but the hearing and finding are not a
2 bar to a criminal prosecution brought for a violation of this
3 Act.

4 (Source: P.A. 91-408, eff. 1-1-00.)

5 (225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

6 Sec. 19.1. Appointment of a hearing officer. The
7 Director has the authority to appoint any attorney duly
8 licensed to practice law in the State of Illinois to serve as
9 the hearing officer in any action for refusal to issue,
10 restore, or renew a license ~~or certificate of registration~~ or
11 discipline of a licensee ~~or registrant~~. The hearing officer
12 has full authority to conduct the hearing. The hearing
13 officer shall report his or her findings of fact, conclusions
14 of law, and recommendations to the Board and the Director.
15 The Board shall have 60 days from receipt of the report to
16 review the report of the hearing officer and present its
17 findings of fact, conclusions of law and recommendations to
18 the Director. If the Board fails to present its report
19 within the 60 day period, the Director may issue an order
20 based on the report of the hearing officer. If the Director
21 determines that the Board's report is contrary to the
22 manifest weight of the evidence, he may issue an order in
23 contravention of the recommendation. The Director shall
24 promptly provide a written report of the Board on any
25 deviation and shall specify the reasons for the action in the
26 final order.

27 (Source: P.A. 91-408, eff. 1-1-00.)

28 (225 ILCS 105/19.3)

29 Sec. 19.3. Compelling testimony. Any circuit court, upon
30 application of the Department, designated hearing officer, or
31 the applicant or licensee ~~or registrant~~ against whom
32 proceedings under this Act are pending, may enter an order

1 requiring the attendance of witnesses and their testimony and
2 the production of documents, papers, files, books, and
3 records in connection with any hearing or investigation. The
4 court may compel obedience to its order by proceedings for
5 contempt.

6 (Source: P.A. 91-408, eff. 1-1-00.)

7 (225 ILCS 105/19.4)

8 Sec. 19.4. Director; rehearing. Whenever the Director
9 believes that justice has not been done in the revocation,
10 suspension, refusal to issue, restore, or renew a license ~~or~~
11 registration, or other discipline of an applicant or
12 licensee, ~~or-registrant~~, he or she may order a rehearing by
13 the same or other examiners.

14 (Source: P.A. 91-408, eff. 1-1-00.)

15 (225 ILCS 105/23) (from Ch. 111, par. 5023)

16 Sec. 23. Fees. The fees for the administration and
17 enforcement of this Act including, but not limited to,
18 original licensure ~~or-registration~~, renewal, and restoration
19 shall be set by rule. The fees shall not be refundable.
20 {Blank}.

21 (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00;
22 revised 8-27-99.)

23 (225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

24 Sec. 23.1. Returned checks; fines. Any person who
25 delivers a check or other payment to the Department that is
26 returned to the Department unpaid by the financial
27 institution upon which it is drawn shall pay to the
28 Department, in addition to the amount already owed to the
29 Department, a fine of \$50. ~~If-the-check-or-other-payment-was~~
30 ~~for-a-renewal-or--issuance--fee--and--that--person--practices~~
31 ~~without--paying--the-renewal-fee-or-issuance-fee-and-the-fine~~

1 ~~due, an additional fine of \$100 shall be imposed.~~ The fines
2 imposed by this Section are in addition to any other
3 discipline provided under this Act for unlicensed practice or
4 practice on a nonrenewed license. The Department shall notify
5 the person that payment of fees and fines shall be paid to
6 the Department by certified check or money order within 30
7 calendar days of the notification. If, after the expiration
8 of 30 days from the date of the notification, the person has
9 failed to submit the necessary remittance, the Department
10 shall automatically terminate the license ~~or certificate~~ or
11 deny the application, without hearing. If, after termination
12 or denial, the person seeks a license ~~or certificate~~, he or
13 she shall apply to the Department for restoration or issuance
14 of the license ~~or certificate~~ and pay all fees and fines due
15 to the Department. The Department may establish a fee for the
16 processing of an application for restoration of a license ~~or~~
17 ~~certificate~~ to pay all expenses of processing this
18 application. The Director may waive the fines due under this
19 Section in individual cases where the Director finds that the
20 fines would be unreasonable or unnecessarily burdensome.

21 (Source: P.A. 86-615; 87-1031.); and

22 on page 1, line 22, after "law", by inserting ", except that
23 Section 10 takes effect on January 1, 2002."