

AN ACT concerning professional regulation.

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

Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 5 and 9.1 as follows:

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

(Section scheduled to be repealed on January 1, 2016)

Sec. 5. Display of license number; advertising.

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

(a-5) A person who knowingly, in the course of applying ~~if a general contractor applies~~ for a building permit with a unit of local government, provides the ~~and knowingly submits a~~ roofing license number ~~that is not that~~ of a ~~the~~ roofing contractor whom he or she does not intend to have perform the work on the roofing portion of ~~who will be the subcontractor for the project~~ commits ~~for which the general contractor has requested the permit,~~ the general contractor shall be guilty of

identity theft under paragraph (8) of subsection (a) of Section 16G-15 of the Criminal Code of 1961.

(b) In addition, every roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles used as part of his or her business as a roofing contractor.

(c) Every holder of a license shall display it in a conspicuous place in his or her principal office, place of business, or place of employment.

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

(e) A person who advertises services regulated by this Act who knowingly (i) fails to display the license number and the licensee's name, as it appears on the license, in any manner required by this Section, (ii) fails to provide a publisher with the correct license number as required by subsection (d), or (iii) provides a publisher with a false license number or a license number of another person, or a person who knowingly allows his or her license number to be displayed or used by another person to circumvent any provisions of this Section, is

guilty of a Class A misdemeanor with a fine of \$1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an advertisement runs or each day that a person knowingly allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

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

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

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

Sec. 9.1. Grounds for disciplinary action. The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the following causes:

(a) violation of this Act or its rules;

(b) conviction or plea of guilty or nolo contendere of any crime under the laws of the United States or any state or territory thereof that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty or that is directly related to the practice of the profession;

(c) making any misrepresentation for the purpose of obtaining a license;

(d) professional incompetence or gross negligence in

the practice of roofing contracting, prima facie evidence of which may be a conviction or judgment in any court of competent jurisdiction against an applicant or licensee relating to the practice of roofing contracting or the construction of a roof or repair thereof that results in leakage within 90 days after the completion of such work;

(e) (blank);

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

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

(h) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(i) habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

(k) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association

any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(l) a finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation;

(m) a finding by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of roofing contracting, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(n) a finding that licensure has been applied for or obtained by fraudulent means;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cc) violation of any final administrative action of the Secretary;~~:-~~

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

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

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

after the effective date of this amendatory Act of 1997.

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

Section 10. The Criminal Code of 1961 is amended by changing Section 16G-15 as follows:

(720 ILCS 5/16G-15)

Sec. 16G-15. Identity theft.

(a) A person commits the offense of identity theft when he or she knowingly:

(1) uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property, or

(2) uses any personal identification information or personal identification document of another with intent to commit any felony theft or other felony violation of State law not set forth in paragraph (1) of this subsection (a), or

(3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law, or

(4) uses, obtains, records, possesses, sells,

transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or

(5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of State law, or

(6) uses any personal identification information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identification information or personal identification document of that person, without the prior express permission of that person, or

(7) uses any personal identification information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person, or -

(8) in the course of applying for a building permit with a unit of a local government, provides the license

number of a roofing contractor whom he or she does not intend to have perform the work on the roofing portion of the project. It is an affirmative defense to prosecution under this paragraph (8) that the building permit applicant promptly informed the unit of local government that issued the building permit of any change in the roofing contractor.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:

(A) Identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class 4 felony. A person who has been previously convicted of identity theft of less than \$300 who is convicted of a second or subsequent offense of identity theft of less than \$300 is guilty of a Class 3 felony.

A person who has been convicted of identity theft of less than \$300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 3 felony. Identity theft of credit, money, goods, services, or other property not exceeding \$300 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 3 felony. A person who has been previously convicted of identity theft of less than \$300 who is convicted of a second or subsequent offense of identity theft of less than \$300 when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 2 felony. A person who has been convicted of identity theft of less than \$300 when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country who has been previously convicted of any type of theft, robbery, armed robbery,

burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 2 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a Class 3 felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(B) Identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value is a Class 3 felony. Identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 2 felony.

(C) Identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding \$10,000 in value is a Class 2 felony. Identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding

\$10,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 1 felony.

(D) Identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 1 felony. Identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class X felony.

(E) Identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a Class X felony.

(2) A person convicted of any offense enumerated in paragraphs (2) through (7) of subsection (a) is guilty of a Class 3 felony. A person convicted of any offense enumerated in paragraphs (2) through (7) of subsection (a) when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 2 felony.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a Class 2 felony. A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony.

(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (7) of subsection (a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 2 felony. A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (7) of subsection (a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony.

(5) A person convicted of identity theft in violation of paragraph (2) of subsection (a) who uses any personal identification information or personal identification

document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine is guilty of a Class 2 felony for a first offense and a Class 1 felony for a second or subsequent offense. A person convicted of identity theft in violation of paragraph (2) of subsection (a) who uses any personal identification information or personal identification document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony for a first offense and a Class X felony for a second or subsequent offense.

(6) A person convicted of identity theft in violation of paragraph (8) of subsection (a) of this Section shall be guilty of a Class 4 felony.

(Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff. 8-21-07.)

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