

1                                    AMENDMENT TO HOUSE BILL 2274

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2274, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5            "Section 5. The Professional Engineering Practice Act of  
6 1989 is amended by changing Section 29 as follows:

7            (225 ILCS 325/29) (from Ch. 111, par. 5229)

8            (Section scheduled to be repealed on January 1, 2010)

9            Sec. 29. Notice of hearing; Findings and  
10 recommendations. At the conclusion of the hearing, the Board  
11 shall present to the Director a written report of its finding  
12 and recommendations. The report shall contain a finding  
13 whether or not the accused person violated this Act or its  
14 rules or failed to comply with the conditions required in  
15 this Act or its rules. The Board shall specify the nature of  
16 the violation or failure to comply, and shall make its  
17 recommendations to the Director. The Board may take into  
18 consideration in making its recommendations for discipline  
19 all facts and circumstances bearing upon the reasonableness  
20 of the conduct of the respondent and the potential for future  
21 harm to the public, including but not limited to previous  
22 discipline by the Department, intent, degree of harm to the

1 public and likelihood of harm in the future, any restitution  
2 made, and whether the incident or incidents complained of  
3 appear to be isolated or a pattern of conduct. In making its  
4 recommendations for discipline, the Board shall endeavor to  
5 ensure that the severity of the discipline recommended bears  
6 some reasonable relationship to the severity of the  
7 violation. The report of findings of fact, conclusions of  
8 law and recommendation of the Board shall be the basis for  
9 the Department's order refusing to issue, restore or renew a  
10 license, or otherwise discipline a registrant. If the  
11 Director disagrees in any regard with the report of the  
12 Board, the Director may issue an order in contravention  
13 thereof, following the procedures set forth in Section 7.  
14 The Director shall provide a written report to the Board on  
15 any deviation, and shall specify with particularity the  
16 reasons for said action. The finding is not admissible in  
17 evidence against the person in a criminal prosecution brought  
18 for the violation of this Act, but the hearing and finding  
19 are not a bar to a criminal prosecution brought for the  
20 violation of this Act. In no case shall the time from the  
21 receipt of the complaint by the Department to the issuance of  
22 a final order by the Director exceed 90 days.

23 (Source: P.A. 86-667.)

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