

1 AMENDMENT TO HOUSE BILL 3057

2 AMENDMENT NO. _____. Amend House Bill 3057 on page 1,
3 line 6, by deleting "10-40,"; and

4 on page 1, line 7, after "15-15," by inserting "15-45,"; and

5 on page 8, by replacing lines 18 and 19 with the following:

6 "Association of Funeral Home Owners, Inc., Illinois Selected
7 Morticians Association, Inc., Illinois Cemetery and Funeral
8 Home Association, National Funeral Directors"; and

9 on page 15, by replacing lines 4 and 5 with the following:

10 "Funeral Home Owners, Inc., Illinois Selected Morticians
11 Associations, Inc., Illinois Cemetery and Funeral Home
12 Association, National Funeral Directors Association,"; and

13 by deleting lines 17 through 33 on page 16 and lines 1
14 through 8 on page 17; and

15 on page 20, line 4, after "by mailing it by" by inserting
16 "certified or"; and

17 on page 20, by inserting the following after line 29:

18 "(225 ILCS 41/15-45)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 15-45. Practice without license; injunction; cease

1 and desist order; civil penalties.

2 (a) The practice of funeral directing and embalming or
3 funeral directing by any person who has not been issued a
4 license by the Department, whose license has been suspended
5 or revoked, or whose license has not been renewed is hereby
6 declared to be inimical to the public welfare and to
7 constitute a public nuisance. The Director of Professional
8 Regulation may, in the name of the People of the State of
9 Illinois through the Attorney General of the State of
10 Illinois, or the State's Attorney of any county in the State
11 of Illinois, apply for an injunction in the circuit court to
12 enjoin any person who has not been issued a license or whose
13 license has been suspended or revoked, or whose license has
14 not been renewed, from practicing funeral directing and
15 embalming or funeral directing. Upon the filing of a verified
16 complaint in court, the court, if satisfied by affidavit or
17 otherwise that the person is or has been practicing funeral
18 directing and embalming or funeral directing without having
19 been issued a license or after his or her license has been
20 suspended, revoked, or not renewed, may issue a temporary
21 restraining order or preliminary injunction, without notice
22 or bond, enjoining the defendant from further practicing
23 funeral directing and embalming or funeral directing. A copy
24 of the verified complaint shall be served upon the defendant
25 and the proceedings shall thereafter be conducted as in other
26 civil cases. If it is established that the defendant has been
27 or is practicing funeral directing and embalming or funeral
28 directing without having been issued a license or has been or
29 is practicing funeral directing and embalming or funeral
30 directing after his or her license has been suspended,
31 revoked, or not renewed, the court may enter a judgment
32 perpetually enjoining the defendant from further practicing
33 funeral directing and embalming or funeral directing. In case
34 of violation of any injunction entered under this Section,

1 the court may summarily try and punish the offender for
2 contempt of court. Any injunction proceeding shall be in
3 addition to, and not in lieu of, all penalties and other
4 remedies in this Code.

5 (b) Whenever, in the opinion of the Department, any
6 person or other entity violates any provision of this Act,
7 the Department may issue a notice to show cause why an order
8 to cease and desist should not be entered against that person
9 or other entity. The rule shall clearly set forth the grounds
10 relied upon by the Department and shall provide a period of 7
11 days from the date of the rule to file an answer to the
12 satisfaction of the Department. Failure to answer to the
13 satisfaction of the Department shall cause an order to cease
14 and desist to be issued immediately.

15 (c) (1) In addition to any other penalty provided by
16 law, any person, sole proprietorship, professional
17 service corporation, limited liability company,
18 partnership, or other entity that violates Section 1-15
19 or 1-20 of this Act shall forfeit and pay to the General
20 Professions Dedicated Fund a civil penalty in an amount
21 determined by the Department of not more than \$10,000 for
22 each offense. The penalty shall be assessed in
23 proceedings as provided in Sections 15-10 through 15-40
24 of this Act.

25 (2) Unless the amount of the penalty is paid within
26 60 days after the order becomes final, the order shall
27 constitute a judgement and shall be filed and execution
28 issued thereon in the same manner as the judgement of a
29 court of record.

30 (Source: P.A. 87-966.); and

31 on page 21, line 25, by replacing "a intern trainee" with "an
32 intern a-trainee"; and

33 on page 22, line 17, after "felony" by inserting "or

1 misdemeanor; and

2 on page 22, line 18, after "felony" by inserting "or
3 misdemeanor; and

4 on page 24, line 16, after "Code," by inserting "the rules
5 for the administration of this Code,"; and

6 on page 24, by replacing lines 24 and 25 with the following:
7 "the public in-the-course-of-providing-professional-services
8 or-activities."; and

9 on page 27, by inserting the following after line 3:

10 "(29) A finding by the Department that the license,
11 after having his or her license placed on probationary
12 status or subjected to conditions or restrictions,
13 violated the terms of the probation or failed to comply
14 with such terms or conditions.

15 (30) Violation of any final administrative action
16 of the Director.

17 (31) Being named as a perpetrator in an indicated
18 report by the Department of Children and Family Services
19 pursuant to the Abused and Neglected Child Reporting Act
20 and, upon proof by clear and convincing evidence, being
21 found to have caused a child to be an abused child or
22 neglected child as defined in the Abused and Neglected
23 Child Reporting Act.".