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1 AMENDMENT TO HOUSE BILL 900

2 AMENDMENT NO. _____. Amend House Bill 900 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Professional Regulation Law
5 of the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-5 and 2105-15 as follows:

7 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

8 Sec. 2105-5. Definitions.

9 (a) In this Law:

10 "Department" means the Department of Professional
11 Regulation.

12 "Director" means the Director of Professional Regulation.

13 (b) In the construction of this Section and Sections
14 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120,
15 2105-125, 2105-175, and 2105-325, the following definitions
16 shall govern unless the context otherwise clearly indicates:

17 "Board" means the board of persons designated for a
18 profession, trade, or occupation under the provisions of any
19 Act now or hereafter in force whereby the jurisdiction of that
20 profession, trade, or occupation is devolved on the Department.

21 "Certificate" means a license, certificate of
22 registration, permit, or other authority purporting to be
23 issued or conferred by the Department by virtue or authority of
24 which the registrant has or claims the right to engage in a

1 profession, trade, occupation, or operation of which the
2 Department has jurisdiction.

3 "Registrant" means a person who holds or claims to hold a
4 certificate.

5 "Retiree" means a person who has been duly licensed,
6 registered, or certified in a profession regulated by the
7 Department and who chooses to relinquish or not renew his or
8 her license, registration, or certification.

9 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
10 eff. 6-28-01.)

11 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

12 Sec. 2105-15. General powers and duties.

13 (a) The Department has, subject to the provisions of the
14 Civil Administrative Code of Illinois, the following powers and
15 duties:

16 (1) To authorize examinations in English to ascertain
17 the qualifications and fitness of applicants to exercise
18 the profession, trade, or occupation for which the
19 examination is held.

20 (2) To prescribe rules and regulations for a fair and
21 wholly impartial method of examination of candidates to
22 exercise the respective professions, trades, or
23 occupations.

24 (3) To pass upon the qualifications of applicants for
25 licenses, certificates, and authorities, whether by
26 examination, by reciprocity, or by endorsement.

27 (4) To prescribe rules and regulations defining, for
28 the respective professions, trades, and occupations, what
29 shall constitute a school, college, or university, or
30 department of a university, or other institution,
31 reputable and in good standing, and to determine the
32 reputability and good standing of a school, college, or
33 university, or department of a university, or other

1 institution, reputable and in good standing, by reference
2 to a compliance with those rules and regulations; provided,
3 that no school, college, or university, or department of a
4 university, or other institution that refuses admittance
5 to applicants solely on account of race, color, creed, sex,
6 or national origin shall be considered reputable and in
7 good standing.

8 (5) To conduct hearings on proceedings to revoke,
9 suspend, refuse to renew, place on probationary status, or
10 take other disciplinary action as authorized in any
11 licensing Act administered by the Department with regard to
12 licenses, certificates, or authorities of persons
13 exercising the respective professions, trades, or
14 occupations and to revoke, suspend, refuse to renew, place
15 on probationary status, or take other disciplinary action
16 as authorized in any licensing Act administered by the
17 Department with regard to those licenses, certificates, or
18 authorities. The Department shall issue a monthly
19 disciplinary report. The Department shall deny any license
20 or renewal authorized by the Civil Administrative Code of
21 Illinois to any person who has defaulted on an educational
22 loan or scholarship provided by or guaranteed by the
23 Illinois Student Assistance Commission or any governmental
24 agency of this State; however, the Department may issue a
25 license or renewal if the aforementioned persons have
26 established a satisfactory repayment record as determined
27 by the Illinois Student Assistance Commission or other
28 appropriate governmental agency of this State.
29 Additionally, beginning June 1, 1996, any license issued by
30 the Department may be suspended or revoked if the
31 Department, after the opportunity for a hearing under the
32 appropriate licensing Act, finds that the licensee has
33 failed to make satisfactory repayment to the Illinois
34 Student Assistance Commission for a delinquent or

1 defaulted loan. For the purposes of this Section,
2 "satisfactory repayment record" shall be defined by rule.
3 The Department shall refuse to issue or renew a license to,
4 or shall suspend or revoke a license of, any person who,
5 after receiving notice, fails to comply with a subpoena or
6 warrant relating to a paternity or child support
7 proceeding. However, the Department may issue a license or
8 renewal upon compliance with the subpoena or warrant.

9 The Department, without further process or hearings,
10 shall revoke, suspend, or deny any license or renewal
11 authorized by the Civil Administrative Code of Illinois to
12 a person who is certified by the Illinois Department of
13 Public Aid as being more than 30 days delinquent in
14 complying with a child support order or who is certified by
15 a court as being in violation of the Non-Support Punishment
16 Act for more than 60 days. The Department may, however,
17 issue a license or renewal if the person has established a
18 satisfactory repayment record as determined by the
19 Illinois Department of Public Aid or if the person is
20 determined by the court to be in compliance with the
21 Non-Support Punishment Act. The Department may implement
22 this paragraph as added by Public Act 89-6 through the use
23 of emergency rules in accordance with Section 5-45 of the
24 Illinois Administrative Procedure Act. For purposes of the
25 Illinois Administrative Procedure Act, the adoption of
26 rules to implement this paragraph shall be considered an
27 emergency and necessary for the public interest, safety,
28 and welfare.

29 (6) To transfer jurisdiction of any realty under the
30 control of the Department to any other department of the
31 State Government or to acquire or accept federal lands when
32 the transfer, acquisition, or acceptance is advantageous
33 to the State and is approved in writing by the Governor.

34 (7) To formulate rules and regulations necessary for

1 the enforcement of any Act administered by the Department.

2 (8) To exchange with the Illinois Department of Public
3 Aid information that may be necessary for the enforcement
4 of child support orders entered pursuant to the Illinois
5 Public Aid Code, the Illinois Marriage and Dissolution of
6 Marriage Act, the Non-Support of Spouse and Children Act,
7 the Non-Support Punishment Act, the Revised Uniform
8 Reciprocal Enforcement of Support Act, the Uniform
9 Interstate Family Support Act, or the Illinois Parentage
10 Act of 1984. Notwithstanding any provisions in this Code to
11 the contrary, the Department of Professional Regulation
12 shall not be liable under any federal or State law to any
13 person for any disclosure of information to the Illinois
14 Department of Public Aid under this paragraph (8) or for
15 any other action taken in good faith to comply with the
16 requirements of this paragraph (8).

17 (9) To perform other duties prescribed by law.

18 (b) The Department may, when a fee is payable to the
19 Department for a wall certificate of registration provided by
20 the Department of Central Management Services, require that
21 portion of the payment for printing and distribution costs be
22 made directly or through the Department to the Department of
23 Central Management Services for deposit into the Paper and
24 Printing Revolving Fund. The remainder shall be deposited into
25 the General Revenue Fund.

26 (c) For the purpose of securing and preparing evidence, and
27 for the purchase of controlled substances, professional
28 services, and equipment necessary for enforcement activities,
29 recoupment of investigative costs, and other activities
30 directed at suppressing the misuse and abuse of controlled
31 substances, including those activities set forth in Sections
32 504 and 508 of the Illinois Controlled Substances Act, the
33 Director and agents appointed and authorized by the Director
34 may expend sums from the Professional Regulation Evidence Fund

1 that the Director deems necessary from the amounts appropriated
2 for that purpose. Those sums may be advanced to the agent when
3 the Director deems that procedure to be in the public interest.
4 Sums for the purchase of controlled substances, professional
5 services, and equipment necessary for enforcement activities
6 and other activities as set forth in this Section shall be
7 advanced to the agent who is to make the purchase from the
8 Professional Regulation Evidence Fund on vouchers signed by the
9 Director. The Director and those agents are authorized to
10 maintain one or more commercial checking accounts with any
11 State banking corporation or corporations organized under or
12 subject to the Illinois Banking Act for the deposit and
13 withdrawal of moneys to be used for the purposes set forth in
14 this Section; provided, that no check may be written nor any
15 withdrawal made from any such account except upon the written
16 signatures of 2 persons designated by the Director to write
17 those checks and make those withdrawals. Vouchers for those
18 expenditures must be signed by the Director. All such
19 expenditures shall be audited by the Director, and the audit
20 shall be submitted to the Department of Central Management
21 Services for approval.

22 (d) Whenever the Department is authorized or required by
23 law to consider some aspect of criminal history record
24 information for the purpose of carrying out its statutory
25 powers and responsibilities, then, upon request and payment of
26 fees in conformance with the requirements of Section 2605-400
27 of the Department of State Police Law (20 ILCS 2605/2605-400),
28 the Department of State Police is authorized to furnish,
29 pursuant to positive identification, the information contained
30 in State files that is necessary to fulfill the request.

31 (e) The provisions of this Section do not apply to private
32 business and vocational schools as defined by Section 1 of the
33 Private Business and Vocational Schools Act.

34 (f) Beginning July 1, 1995, this Section does not apply to

1 those professions, trades, and occupations licensed under the
2 Real Estate License Act of 2000, nor does it apply to any
3 permits, certificates, or other authorizations to do business
4 provided for in the Land Sales Registration Act of 1989 or the
5 Illinois Real Estate Time-Share Act.

6 (g) The Department may grant the title "Retired", to be
7 used immediately adjacent to the title of a profession
8 regulated by the Department, to eligible retirees. The use of
9 the title "Retired" shall not constitute representation of
10 current licensure, registration, or certification. Any person
11 without an active license, registration, or certificate in a
12 profession that requires licensure, registration, or
13 certification shall not be permitted to practice that
14 profession.

15 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;
16 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

17 Section 10. The Professional Engineering Practice Act of
18 1989 is amended by changing Section 9 as follows:

19 (225 ILCS 325/9) (from Ch. 111, par. 5209)

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

21 Sec. 9. Licensure qualifications; Examinations; Failure or
22 refusal to take examinations. Examinations provided for by this
23 Act shall be conducted under rules prescribed by the
24 Department. Examinations shall be held not less frequently than
25 semi-annually, at times and places prescribed by the
26 Department, of which applicants shall be notified by the
27 Department in writing.

28 ~~Beginning on or before January 1, 2005, a principles of~~
29 ~~practice examination in Software Engineering shall be offered~~
30 ~~to applicants.~~

31 Examinations of the applicants who seek to practice
32 professional engineering shall ascertain: (a) if the applicant

1 has an adequate understanding of the basic and engineering
2 sciences, which shall embrace subjects required of candidates
3 for an approved baccalaureate degree in engineering, and (b) if
4 the training and experience of the applicant have provided a
5 background for the application of the basic and engineering
6 sciences to the solution of engineering problems. The
7 Department may by rule prescribe additional subjects for
8 examination. If an applicant neglects, fails without an
9 approved excuse, or refuses to take the next available
10 examination offered for licensure under this Act within 3 years
11 after filing the application, the fee paid by the applicant
12 shall be forfeited and the application denied. If an applicant
13 fails to pass an examination for licensure under this Act
14 within 3 years after filing the application, the application
15 shall be denied. However, such applicant may thereafter make a
16 new application for examination, accompanied by the required
17 fee.

18 (Source: P.A. 92-145, eff. 1-1-02.)

19 Section 99. Effective date. This Act takes effect January
20 1, 2006."