

1 AN ACT concerning regulation.

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

4 Section 5. The Department of Professional Regulation Law of  
5 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  
25 profession, trade, occupation, or operation of which the  
26 Department has jurisdiction.

27 "Registrant" means a person who holds or claims to hold a  
28 certificate.

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

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

3 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

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

5 (a) The Department has, subject to the provisions of the  
6 Civil Administrative Code of Illinois, the following powers and  
7 duties:

8 (1) To authorize examinations in English to ascertain  
9 the qualifications and fitness of applicants to exercise  
10 the profession, trade, or occupation for which the  
11 examination is held.

12 (2) To prescribe rules and regulations for a fair and  
13 wholly impartial method of examination of candidates to  
14 exercise the respective professions, trades, or  
15 occupations.

16 (3) To pass upon the qualifications of applicants for  
17 licenses, certificates, and authorities, whether by  
18 examination, by reciprocity, or by endorsement.

19 (4) To prescribe rules and regulations defining, for  
20 the respective professions, trades, and occupations, what  
21 shall constitute a school, college, or university, or  
22 department of a university, or other institution,  
23 reputable and in good standing, and to determine the  
24 reputability and good standing of a school, college, or  
25 university, or department of a university, or other  
26 institution, reputable and in good standing, by reference  
27 to a compliance with those rules and regulations; provided,  
28 that no school, college, or university, or department of a  
29 university, or other institution that refuses admittance  
30 to applicants solely on account of race, color, creed, sex,  
31 or national origin shall be considered reputable and in  
32 good standing.

33 (5) To conduct hearings on proceedings to revoke,  
34 suspend, refuse to renew, place on probationary status, or  
35 take other disciplinary action as authorized in any

1 licensing Act administered by the Department with regard to  
2 licenses, certificates, or authorities of persons  
3 exercising the respective professions, trades, or  
4 occupations and to revoke, suspend, refuse to renew, place  
5 on probationary status, or take other disciplinary action  
6 as authorized in any licensing Act administered by the  
7 Department with regard to those licenses, certificates, or  
8 authorities. The Department shall issue a monthly  
9 disciplinary report. The Department shall deny any license  
10 or renewal authorized by the Civil Administrative Code of  
11 Illinois to any person who has defaulted on an educational  
12 loan or scholarship provided by or guaranteed by the  
13 Illinois Student Assistance Commission or any governmental  
14 agency of this State; however, the Department may issue a  
15 license or renewal if the aforementioned persons have  
16 established a satisfactory repayment record as determined  
17 by the Illinois Student Assistance Commission or other  
18 appropriate governmental agency of this State.  
19 Additionally, beginning June 1, 1996, any license issued by  
20 the Department may be suspended or revoked if the  
21 Department, after the opportunity for a hearing under the  
22 appropriate licensing Act, finds that the licensee has  
23 failed to make satisfactory repayment to the Illinois  
24 Student Assistance Commission for a delinquent or  
25 defaulted loan. For the purposes of this Section,  
26 "satisfactory repayment record" shall be defined by rule.  
27 The Department shall refuse to issue or renew a license to,  
28 or shall suspend or revoke a license of, any person who,  
29 after receiving notice, fails to comply with a subpoena or  
30 warrant relating to a paternity or child support  
31 proceeding. However, the Department may issue a license or  
32 renewal upon compliance with the subpoena or warrant.

33 The Department, without further process or hearings,  
34 shall revoke, suspend, or deny any license or renewal  
35 authorized by the Civil Administrative Code of Illinois to  
36 a person who is certified by the Illinois Department of

1 Public Aid as being more than 30 days delinquent in  
2 complying with a child support order or who is certified by  
3 a court as being in violation of the Non-Support Punishment  
4 Act for more than 60 days. The Department may, however,  
5 issue a license or renewal if the person has established a  
6 satisfactory repayment record as determined by the  
7 Illinois Department of Public Aid or if the person is  
8 determined by the court to be in compliance with the  
9 Non-Support Punishment Act. The Department may implement  
10 this paragraph as added by Public Act 89-6 through the use  
11 of emergency rules in accordance with Section 5-45 of the  
12 Illinois Administrative Procedure Act. For purposes of the  
13 Illinois Administrative Procedure Act, the adoption of  
14 rules to implement this paragraph shall be considered an  
15 emergency and necessary for the public interest, safety,  
16 and welfare.

17 (6) To transfer jurisdiction of any realty under the  
18 control of the Department to any other department of the  
19 State Government or to acquire or accept federal lands when  
20 the transfer, acquisition, or acceptance is advantageous  
21 to the State and is approved in writing by the Governor.

22 (7) To formulate rules and regulations necessary for  
23 the enforcement of any Act administered by the Department.

24 (8) To exchange with the Illinois Department of Public  
25 Aid information that may be necessary for the enforcement  
26 of child support orders entered pursuant to the Illinois  
27 Public Aid Code, the Illinois Marriage and Dissolution of  
28 Marriage Act, the Non-Support of Spouse and Children Act,  
29 the Non-Support Punishment Act, the Revised Uniform  
30 Reciprocal Enforcement of Support Act, the Uniform  
31 Interstate Family Support Act, or the Illinois Parentage  
32 Act of 1984. Notwithstanding any provisions in this Code to  
33 the contrary, the Department of Professional Regulation  
34 shall not be liable under any federal or State law to any  
35 person for any disclosure of information to the Illinois  
36 Department of Public Aid under this paragraph (8) or for

1 any other action taken in good faith to comply with the  
2 requirements of this paragraph (8).

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

4 (b) The Department may, when a fee is payable to the  
5 Department for a wall certificate of registration provided by  
6 the Department of Central Management Services, require that  
7 portion of the payment for printing and distribution costs be  
8 made directly or through the Department to the Department of  
9 Central Management Services for deposit into the Paper and  
10 Printing Revolving Fund. The remainder shall be deposited into  
11 the General Revenue Fund.

12 (c) For the purpose of securing and preparing evidence, and  
13 for the purchase of controlled substances, professional  
14 services, and equipment necessary for enforcement activities,  
15 recoupment of investigative costs, and other activities  
16 directed at suppressing the misuse and abuse of controlled  
17 substances, including those activities set forth in Sections  
18 504 and 508 of the Illinois Controlled Substances Act, the  
19 Director and agents appointed and authorized by the Director  
20 may expend sums from the Professional Regulation Evidence Fund  
21 that the Director deems necessary from the amounts appropriated  
22 for that purpose. Those sums may be advanced to the agent when  
23 the Director deems that procedure to be in the public interest.  
24 Sums for the purchase of controlled substances, professional  
25 services, and equipment necessary for enforcement activities  
26 and other activities as set forth in this Section shall be  
27 advanced to the agent who is to make the purchase from the  
28 Professional Regulation Evidence Fund on vouchers signed by the  
29 Director. The Director and those agents are authorized to  
30 maintain one or more commercial checking accounts with any  
31 State banking corporation or corporations organized under or  
32 subject to the Illinois Banking Act for the deposit and  
33 withdrawal of moneys to be used for the purposes set forth in  
34 this Section; provided, that no check may be written nor any  
35 withdrawal made from any such account except upon the written  
36 signatures of 2 persons designated by the Director to write

1 those checks and make those withdrawals. Vouchers for those  
2 expenditures must be signed by the Director. All such  
3 expenditures shall be audited by the Director, and the audit  
4 shall be submitted to the Department of Central Management  
5 Services for approval.

6 (d) Whenever the Department is authorized or required by  
7 law to consider some aspect of criminal history record  
8 information for the purpose of carrying out its statutory  
9 powers and responsibilities, then, upon request and payment of  
10 fees in conformance with the requirements of Section 2605-400  
11 of the Department of State Police Law (20 ILCS 2605/2605-400),  
12 the Department of State Police is authorized to furnish,  
13 pursuant to positive identification, the information contained  
14 in State files that is necessary to fulfill the request.

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

18 (f) Beginning July 1, 1995, this Section does not apply to  
19 those professions, trades, and occupations licensed under the  
20 Real Estate License Act of 2000, nor does it apply to any  
21 permits, certificates, or other authorizations to do business  
22 provided for in the Land Sales Registration Act of 1989 or the  
23 Illinois Real Estate Time-Share Act.

24 (g) The Department may grant the title "Retired", to be  
25 used immediately adjacent to the title of a profession  
26 regulated by the Department, to eligible retirees. The use of  
27 the title "Retired" shall not constitute representation of  
28 current licensure, registration, or certification. Any person  
29 without an active license, registration, or certificate in a  
30 profession that requires licensure, registration, or  
31 certification shall not be permitted to practice that  
32 profession.

33 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;  
34 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

35 Section 10. The Professional Engineering Practice Act of

1 1989 is amended by changing Section 9 as follows:

2 (225 ILCS 325/9) (from Ch. 111, par. 5209)

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

4 Sec. 9. Licensure qualifications; Examinations; Failure or  
5 refusal to take examinations. Examinations provided for by this  
6 Act shall be conducted under rules prescribed by the  
7 Department. Examinations shall be held not less frequently than  
8 semi-annually, at times and places prescribed by the  
9 Department, of which applicants shall be notified by the  
10 Department in writing.

11 ~~Beginning on or before January 1, 2005, a principles of~~  
12 ~~practice examination in Software Engineering shall be offered~~  
13 ~~to applicants.~~

14 Examinations of the applicants who seek to practice  
15 professional engineering shall ascertain: (a) if the applicant  
16 has an adequate understanding of the basic and engineering  
17 sciences, which shall embrace subjects required of candidates  
18 for an approved baccalaureate degree in engineering, and (b) if  
19 the training and experience of the applicant have provided a  
20 background for the application of the basic and engineering  
21 sciences to the solution of engineering problems. The  
22 Department may by rule prescribe additional subjects for  
23 examination. If an applicant neglects, fails without an  
24 approved excuse, or refuses to take the next available  
25 examination offered for licensure under this Act within 3 years  
26 after filing the application, the fee paid by the applicant  
27 shall be forfeited and the application denied. If an applicant  
28 fails to pass an examination for licensure under this Act  
29 within 3 years after filing the application, the application  
30 shall be denied. However, such applicant may thereafter make a  
31 new application for examination, accompanied by the required  
32 fee.

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

34 Section 99. Effective date. This Act takes effect January

1 1, 2006.