

1 AN ACT concerning State government.

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 Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

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

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for
24 the respective professions, trades, and occupations, what
25 shall constitute a school, college, or university, or
26 department of a university, or other institution,
27 reputable and in good standing, and to determine the
28 reputability and good standing of a school, college, or
29 university, or department of a university, or other
30 institution, reputable and in good standing, by reference
31 to a compliance with those rules and regulations; provided,
32 that no school, college, or university, or department of a

1 university, or other institution that refuses admittance
2 to applicants solely on account of race, color, creed, sex,
3 or national origin shall be considered reputable and in
4 good standing.

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

1 warrant relating to a paternity or child support
2 proceeding. However, the Department may issue a license or
3 renewal upon compliance with the subpoena or warrant.

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

24 (6) To transfer jurisdiction of any realty under the
25 control of the Department to any other department of the
26 State Government or to acquire or accept federal lands when
27 the transfer, acquisition, or acceptance is advantageous
28 to the State and is approved in writing by the Governor.

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

31 (8) To exchange with the Illinois Department of Public
32 Aid information that may be necessary for the enforcement
33 of child support orders entered pursuant to the Illinois
34 Public Aid Code, the Illinois Marriage and Dissolution of
35 Marriage Act, the Non-Support of Spouse and Children Act,
36 the Non-Support Punishment Act, the Revised Uniform

1 Reciprocal Enforcement of Support Act, the Uniform
2 Interstate Family Support Act, or the Illinois Parentage
3 Act of 1984. Notwithstanding any provisions in this Code to
4 the contrary, the Department of Professional Regulation
5 shall not be liable under any federal or State law to any
6 person for any disclosure of information to the Illinois
7 Department of Public Aid under this paragraph (8) or for
8 any other action taken in good faith to comply with the
9 requirements of this paragraph (8).

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

11 (b) The Department may, when a fee is payable to the
12 Department for a wall certificate of registration provided by
13 the Department of Central Management Services, require that
14 portion of the payment for printing and distribution costs be
15 made directly or through the Department to the Department of
16 Central Management Services for deposit into the Paper and
17 Printing Revolving Fund. The remainder shall be deposited into
18 the General Revenue Fund.

19 (c) For the purpose of securing and preparing evidence, and
20 for the purchase of controlled substances, professional
21 services, and equipment necessary for enforcement activities,
22 recoupment of investigative costs, and other activities
23 directed at suppressing the misuse and abuse of controlled
24 substances, including those activities set forth in Sections
25 504 and 508 of the Illinois Controlled Substances Act, the
26 Director and agents appointed and authorized by the Director
27 may expend sums from the Professional Regulation Evidence Fund
28 that the Director deems necessary from the amounts appropriated
29 for that purpose. Those sums may be advanced to the agent when
30 the Director deems that procedure to be in the public interest.
31 Sums for the purchase of controlled substances, professional
32 services, and equipment necessary for enforcement activities
33 and other activities as set forth in this Section shall be
34 advanced to the agent who is to make the purchase from the
35 Professional Regulation Evidence Fund on vouchers signed by the
36 Director. The Director and those agents are authorized to

1 maintain one or more commercial checking accounts with any
2 State banking corporation or corporations organized under or
3 subject to the Illinois Banking Act for the deposit and
4 withdrawal of moneys to be used for the purposes set forth in
5 this Section; provided, that no check may be written nor any
6 withdrawal made from any such account except upon the written
7 signatures of 2 persons designated by the Director to write
8 those checks and make those withdrawals. Vouchers for those
9 expenditures must be signed by the Director. All such
10 expenditures shall be audited by the Director, and the audit
11 shall be submitted to the Department of Central Management
12 Services for approval.

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

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

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

31 (g) Notwithstanding anything that may appear in any
32 individual licensing statute or administrative rule, the
33 Department shall deny any license application or renewal
34 authorized under any licensing Act administered by the
35 Department to any person who has failed to file a return, or to
36 pay the tax, penalty, or interest shown in a filed return, or

1 to pay any final assessment of tax, penalty, or interest, as
2 required by any tax Act administered by the Illinois Department
3 of Revenue, until such time as the requirement of any such tax
4 Act are satisfied; however, the Department may issue a license
5 or renewal if the person has established a satisfactory
6 repayment record as determined by the Illinois Department of
7 Revenue. For the purpose of this Section, "satisfactory
8 repayment record" shall be defined by rule.

9 In addition, a complaint filed with the Department by the
10 Illinois Department of Revenue that includes a certification,
11 signed by its Director or designee, attesting to the amount of
12 the unpaid tax liability or the years for which a return was
13 not filed, or both, is prima facia evidence of the licensee's
14 failure to comply with the tax laws administered by the
15 Illinois Department of Revenue. Upon receipt of that
16 certification, the Department shall, without a hearing,
17 immediately suspend all licenses held by the licensee.
18 Enforcement of the Department's order shall be stayed for 60
19 days. The Department shall provide notice of the suspension to
20 the licensee by mailing a copy of the Department's order by
21 certified and regular mail to the licensee's last known address
22 as registered with the Department. The notice shall advise the
23 licensee that the suspension shall be effective 60 days after
24 the issuance of the Department's order unless the Department
25 receives, from the licensee, a request for a hearing before the
26 Department to dispute the matters contained in the order.

27 Any suspension imposed under this subsection (g) shall be
28 terminated by the Department upon notification from the
29 Illinois Department of Revenue that the licensee is in
30 compliance with all tax laws administered by the Illinois
31 Department of Revenue.

32 The Department shall promulgate rules for the
33 administration of this subsection (g).

34 (Source: P.A. 91-239, eff. 1-1-00; 91-245, eff. 12-31-99;
35 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

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