



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 2442

2 AMENDMENT NO. _____. Amend Senate Bill 2442 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Construction Contractor Licensing Act.

6 Section 5. Definitions. In this Act:

7 "Board" means the Construction Contractor Licensing Board.

8 "Construction" means building, altering, repairing,
9 improving, or demolishing any structure or building or making
10 improvements of any kind to real property.

11 "Construction contractor" means a person who manages the
12 daily activities of a construction business, including field
13 supervision.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Foreman" means a person who has the knowledge and skill of
17 a journeyman and directly supervises an aspect of the
18 construction process.

19 "General construction contractor" means a construction
20 contractor whose business operations require the use of more
21 than 2 unrelated building trades or crafts that the
22 construction contractor supervises or performs, in whole or
23 part, whenever the sum of all contracts on any single property,
24 including materials and labor, exceeds an amount established by

1 rule by the Board. "General construction contractor" does not
2 include specialty contractors or limited contractors.

3 "Journeyman" means a person who has completed an
4 apprenticeship program approved by the Department or is an
5 experienced worker, not a trainee, and is fully qualified and
6 able to perform an aspect of the construction process without
7 supervision.

8 "Licensed developer" means a construction contractor who
9 owns property or an interest in property and arranges for
10 construction work, if the construction contractor:

11 (1) engages in the business of arranging for
12 construction work and performing other activities
13 associated with the improvement of real property, with the
14 intent to sell the property;

15 (2) acts in association with one or more licensed
16 general construction contractors and the general
17 construction contractor or general construction
18 contractors have the sole responsibility of overseeing all
19 phases of construction activity on the property; and

20 (3) does not perform any construction work on the
21 property.

22 "Person" means an individual, partnership, or corporation.
23 "Person" does not include a limited liability company.

24 "Residential structure" means a residence, including a
25 site-built home, modular home constructed off-site, floating
26 home, condominium unit, manufactured dwelling or duplex, or a
27 multi-unit residential building consisting of four units or
28 less that is not part of a multi-structure complex of
29 buildings.

30 "Secretary" means the Secretary of Financial and
31 Professional Regulation.

32 Section 10. Licensure requirement.

33 (a) Beginning July 1, 2006, a person may not act as a

1 construction contractor on a project in which the total
2 aggregate cost of labor and materials for one or more of the
3 construction contractor's contracts is \$500 or more, unless the
4 construction contractor is licensed under this Act.

5 (b) Beginning July 1, 2006, a construction contractor may
6 not submit any construction contract bid, unless the
7 construction contractor is licensed under this Act.

8 Section 15. Construction Contractor Licensing Board.

9 (a) There is created the Construction Contractor Licensing
10 Board, which shall consist of 7 persons appointed by the
11 Secretary, 6 of whom shall be licensees under this Act, except
12 that in the case of initial appointments, these licensed Board
13 members shall meet the requirements for licensure under this
14 Act and shall have obtained licensure by July 1, 2006, and one
15 of whom shall be a knowledgeable public member who is not
16 licensed under this Act or any Act administered by the
17 Department. One construction contractor member shall represent
18 a statewide association representing contractors. Board
19 membership shall reasonably represent the different geographic
20 areas of the State.

21 (b) The persons appointed shall hold office for 4 years and
22 until a successor is appointed and has qualified. Of the
23 members of the Board first appointed, 2 shall be appointed to
24 serve for 2 years, 2 shall be appointed to serve for 3 years,
25 and 3 shall be appointed to serve for 4 years. No member shall
26 serve more than 2 complete 4-year terms.

27 (c) Members of the Board shall be immune from suit in any
28 action based upon any disciplinary proceedings or other acts
29 performed in good faith as members of the Board, unless the
30 conduct that gave rise to the suit was willful and wanton
31 misconduct.

32 (d) Within 90 days of a vacancy occurring, the Secretary
33 shall fill the vacancy for the unexpired portion of the term

1 with an appointee who meets the same qualifications as the
2 person whose position has become vacant. The Board shall meet
3 annually to elect one member as chairman and one member as
4 vice-chairman. No officer shall be elected more than twice in
5 succession to the same office.

6 (e) The members of the Board shall receive reimbursement
7 for actual, necessary, and authorized expenses incurred in
8 attending the meetings of the Board.

9 Section 20. Exemptions from licensure; rules.

10 (a) The Board may adopt rules to make licensure optional
11 for persons who offer, bid, or undertake to perform work
12 peripheral to construction, as defined by the Board by rule.

13 (b) The following persons are exempt from licensure under
14 this Act:

15 (1) A person who is constructing, altering, improving,
16 or repairing personal property.

17 (2) A person who is constructing, altering, improving,
18 or repairing a structure located within the boundaries of
19 any site or reservation under the jurisdiction of the
20 federal government.

21 (3) A person who furnishes materials, supplies,
22 equipment, or finished product and does not fabricate them
23 into, or consume them in the performance of, the work of a
24 contractor.

25 (4) A person working on one structure or project, under
26 one or more contracts, when the aggregate price of all of
27 that person's contracts for labor, materials, and all other
28 items is less than \$500 and such work is of a casual,
29 minor, or inconsequential nature.

30 (c) This Section does not apply to a person who advertises
31 or puts out any sign or card or other device that might
32 indicate to the public that the person is a contractor.

1 Section 25. Powers and duties of the Department. The
2 Department may exercise each of the following powers and duties
3 subject to the provisions of this Act:

4 (1) Prescribe forms of application for licensure.

5 (2) Pass upon the qualifications of applicants for
6 licensure and issue licenses to those found to be fit and
7 qualified.

8 (3) Conduct hearings on proceedings to revoke,
9 suspend, or otherwise discipline or to refuse to issue or
10 renew licenses.

11 (4) Adopt rules necessary for the administration and
12 enforcement of this Act.

13 Section 30. Application for license.

14 (a) To obtain a license, an applicant must indicate whether
15 the license is sought for an individual, partnership, or
16 corporation. If the license is sought for an individual, the
17 license shall be issued to the individual, who shall also be
18 designated as the qualifying party. If the license is sought
19 for a partnership or corporation, the license shall be issued
20 in the company name. A company must designate one individual
21 who will serve as the qualifying party. The qualifying party
22 must have had, within the 10 years immediately before the
23 filing of the application, at least 4 full years of experience
24 as a journeyman, foreman, or contractor in the construction
25 industry. The applicant shall submit an application in writing
26 to the Department on a form prescribed by the Department and
27 accompanied by a \$250 non-refundable application processing
28 fee. The application shall include, but need not be limited to,
29 all of the following information:

30 (1) The name, principal place of business, address, and
31 telephone number of the person designated as the qualifying
32 party.

33 (2) If a corporation, the name, address, telephone

1 number, and position of each officer.

2 (3) A description of the construction contracting
3 business for which licensure is sought, including the
4 principal products and services provided.

5 (4) Satisfactory evidence of any experience within the
6 construction contracting field, such as a certificate of
7 completion of apprenticeship or a college transcript.

8 (5) Satisfactory evidence that the construction
9 contractor has obtained Workers' Compensation insurance
10 covering his or her employees or is approved as a
11 self-insurer of Workers' Compensation, in accordance with
12 Illinois law.

13 (6) Satisfactory evidence that the construction
14 contractor has submitted a bond to the Department in an
15 amount to be determined by the Department by rule.

16 (b) The Department may credit years of experience based on
17 training, apprenticeship, and education as follows:

18 (1) A maximum of one and a one-half years, upon the
19 submission of evidence of a degree from a school accredited
20 by the Bureau of Apprenticeship and Training.

21 (2) A maximum of 2 years, upon the submission of proof
22 of any of the following:

23 (A) A 4-year degree from an accredited college or
24 university in the fields of accounting, business,
25 economics, mathematics, physics, or areas related to
26 the construction trades.

27 (B) A professional degree in law.

28 (C) Substantial college or university course work
29 in accounting, architecture, business, construction
30 technology, drafting, economics, engineering,
31 mathematics, or physics.

32 (3) A maximum of 3 years, upon the submission of either
33 (i) a certificate of completion of apprenticeship from an
34 accredited apprenticeship program or (ii) proof of the

1 successful completion of a 4-year degree from an accredited
2 college or university in architecture, construction
3 technology, or any field of engineering that is directly
4 related to construction.

5 (c) The licensee must provide notice to the Department, in
6 writing, of any changes in the information required to be
7 provided on the application.

8 (d) Applicants have 3 years from the date of application to
9 complete the application process. If the application has not
10 been completed within the 3-year time period, then the
11 application shall be denied, the fee shall be forfeited, and
12 the applicant must reapply and meet the requirements in effect
13 at the time of reapplication.

14 Section 35. Duties of a qualifying party.

15 (a) While engaged as or named as a qualifying party for a
16 licensee, no person may be the named qualifying party for any
17 other licensee; however, the person may act in the capacity of
18 the qualifying party for one additional licensee of the same
19 type of licensure, if either of the following conditions
20 exists:

21 (1) there is a common ownership of at least 25% of each
22 licensed entity for which the person acts as a qualifying
23 party; or

24 (2) the same person acts as a qualifying party for one
25 licensed entity and its licensed subsidiary.

26 (b) In the event that a qualifying party is terminated or
27 elects to terminate his or her status as the qualifying party
28 of a licensee, the qualifying party and the licensee shall
29 notify the Department of that fact in writing. Thereafter, the
30 licensee shall notify the Department of the name and address of
31 the newly designated qualifying party. The requirements of this
32 subsection (b) must be met in a timely manner, as established
33 by the Department by rule.

1 (c) In this Section, "subsidiary" means a corporation which
2 is at least 25% owned by another licensee.

3 Section 40. Bond. Before issuing or renewing a license,
4 the Department shall require each applicant or licensee to file
5 and maintain in force a surety bond, issued by an insurance
6 company authorized to transact fidelity and surety business in
7 Illinois. The bond shall be continuous in form, unless
8 terminated by the insurance company. An insurance company may
9 terminate a bond and avoid further liability by filing a 60-day
10 notice of termination with the Department and, at the same
11 time, sending the notice to the construction contractor. A
12 license shall be cancelled without hearing on the termination
13 date of the construction contractor's bond, unless a new bond
14 is filed with the Department to become effective at the
15 termination date of the prior bond. If a license has been
16 cancelled without hearing under this Section, the license shall
17 be reinstated upon showing proof of compliance with this
18 Section.

19 Section 45. Expiration of license.

20 (a) A license issued under this Act shall expire 2 years
21 from the last day of the month in which it was issued.

22 (b) Failure to renew a license before its date of
23 expiration shall cause the license to be non-renewed and it
24 shall be unlawful thereafter for the holder of the expired
25 license to engage or offer to engage in a construction
26 contracting business under the license unless and until the
27 license is restored or reissued, as defined by rule.

28 Section 50. Licensure by endorsement. The Board may grant
29 a license to an applicant holding a license or certificate in
30 good standing in another state whose requirements for licensure
31 or certification are equal to or greater than those required by

1 this Act, if the Board has authorized an exam waiver agreement
2 with that state. An applicant may be exempt from the technical
3 examination required for licensure if the applicant can verify
4 the successful completion of an examination in another state
5 that is essentially the same as the examination required by the
6 Department, regardless of the absence of a reciprocal agreement
7 with that state. An applicant for licensure under this Section
8 may be required to pass an examination on Illinois construction
9 codes and laws and must comply with all other licensing
10 requirements of this Act.

11 Section 55. Public records.

12 (a) Except for financial information, the information
13 required by the Department of any applicant for licensure shall
14 be a public record.

15 (b) If a licensee changes the name, address, or employment
16 from that which appears on the current license, the licensee
17 shall notify the Department of the change within 30 days after
18 it occurs.

19 (c) All public records of the Department, when duly
20 certified by the Secretary, shall be received as prima facie
21 evidence in any State administrative or judicial proceeding.

22 Section 60. Building permit; reporting violations.

23 (a) A building official or other authority charged with
24 issuing building or other similar permits of a county,
25 municipality, or subdivision of a county or municipality shall
26 refuse to issue a permit for an undertaking that would result
27 in the applicant acting as a construction contractor under this
28 Act unless the applicant has furnished evidence that the
29 applicant is either licensed as required by this Act or exempt
30 from the requirements of this Act. A building official or other
31 authority charged with issuing building or other similar
32 permits shall report to the Department the name and address of

1 an entity believed to have violated this Act by bidding or
2 contracting for work that is regulated under this Act.

3 (b) The Board shall distribute posters to each building
4 permit office in the State, requesting that the posters be
5 placed in a conspicuous location to be read by applicants.
6 These posters shall state the following: "The Construction
7 Contractor Licensing Act requires construction to be performed
8 by licensed construction contractors. Both the owner and the
9 construction contractor are subject to penalties for
10 violations of the law."

11 (c) Construction contracting work must be performed by
12 properly licensed construction contractors. All persons
13 directly employed by the owner to perform work on a project are
14 subject to all applicable State and federal laws concerning
15 occupational safety, family and medical leave, workers'
16 compensation, social security, income tax withholding, and
17 minimum wage requirements. Work performed must comply with all
18 applicable laws, ordinances, building codes, and zoning
19 regulations.

20 Section 65. Bankruptcy notification. A licensee who,
21 voluntarily or involuntarily, is subjected to any provision of
22 the laws of bankruptcy shall notify the Board within 15 days
23 after subjection and provide any and all information pertinent
24 to the bankruptcy proceedings that the Board may require.

25 Section 70. Grounds for disciplinary action.

26 (a) The Department may refuse to issue or to renew or may
27 revoke, suspend, place on probation, reprimand, or take other
28 disciplinary action as the Department may deem proper including
29 fines not to exceed \$1,000 for each violation, with regard to
30 any license or licensee for one or any combination of the
31 following causes:

32 (1) Violation of this Act or its rules.

1 (2) Conviction of any crime under the laws of any U.S.
2 jurisdiction that is a felony, or a misdemeanor an
3 essential element of which is dishonesty, or a crime that
4 directly relates to the practice of the profession.

5 (3) Making any misrepresentation for the purpose of
6 obtaining a license.

7 (4) Professional incompetence or gross negligence in
8 the practice of construction contracting.

9 (5) Gross malpractice, prima facie evidence of which
10 may be a conviction or judgment of malpractice in any court
11 of competent jurisdiction.

12 (6) Aiding or assisting another person in violating any
13 provision of this Act or rules adopted under this Act.

14 (7) Failing, within 60 days, to provide information in
15 response to a written request made by the Department that
16 has been sent by certified or registered mail to the
17 licensee's last known address.

18 (8) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (9) Habitual or excessive use of, or addiction to,
22 alcohol, narcotics, stimulants, or any other chemical
23 agent or drug that results in the inability to practice
24 with reasonable judgment, skill, or safety.

25 (10) Discipline by another U.S. jurisdiction or
26 foreign nation, if at least one of the grounds for the
27 discipline is the same or substantially equivalent to those
28 set forth in this Section.

29 (11) Directly or indirectly giving to or receiving from
30 any person, firm, corporation, partnership, or association
31 any fee, commission, rebate, or other form of compensation
32 for any professional services not actually or personally
33 rendered.

34 (12) A finding by the Department that a licensee, after

1 having his or her license placed on probationary status,
2 has violated the terms of probation.

3 (13) Conviction by any court of competent
4 jurisdiction, either within or without this State, of any
5 violation of any law governing the practice of construction
6 contracting, if the Department determines, after
7 investigation, that such person has not been sufficiently
8 rehabilitated to warrant the public trust.

9 (14) A finding that licensure has been applied for or
10 obtained by fraudulent means.

11 (15) Practicing, attempting to practice, or
12 advertising under a name other than the full name as shown
13 on the license or any other legally authorized name.

14 (16) Gross and willful overcharging for professional
15 services including filing false statements for collection
16 of fees or moneys for which services are not rendered.

17 (17) Failure to file a return, or to pay any final
18 assessment of tax, penalty or interest, as required by any
19 tax Act administered by the Illinois Department of Revenue,
20 until such time as the requirements of any such tax Act are
21 satisfied.

22 (18) Failure to continue to meet the requirements of
23 this Act.

24 (19) Physical or mental disability, including
25 deterioration through the aging process or loss of
26 abilities and skills that result in an inability to
27 practice the profession with reasonable judgment, skill,
28 or safety.

29 (20) Material misstatement in furnishing information
30 to the Department or to any other State agency.

31 (21) Advertising in any manner that is false.
32 misleading, or deceptive.

33 (22) The determination by a court that a licensee is
34 subject to involuntary admission or judicial admissions as

1 provided in the Mental Health and Developmental
2 Disabilities Code. Such determination shall result in an
3 automatic suspension of a licensee's license. The
4 suspension shall end upon a finding by a court that the
5 licensee is no longer subject to involuntary admission or
6 judicial admission, the issuance of an order so finding and
7 discharging the patient, and the recommendation of the
8 Board to the Secretary that the licensee be allowed to
9 resume professional practice.

10 (b) The Department shall deny any license or renewal under
11 this Act to any person who has defaulted on an educational loan
12 guaranteed by the Illinois State Scholarship Commission;
13 however, the Department may issue a license or renewal if the
14 person in default has established a satisfactory repayment
15 record as determined by the Illinois State Scholarship
16 Commission.

17 Section 75. Stenographer; record of proceedings. The
18 Department, at its expense, shall provide a stenographer to
19 take down the testimony and preserve a record of all
20 proceedings initiated pursuant to this Act, the rules for the
21 administration of this Act, or any other Act or rules relating
22 to this Act and proceedings for restoration of any license
23 issued under this Act. The notice of hearing, complaint,
24 answer, and all other documents in the nature of pleadings and
25 written motions and responses filed in the proceedings, the
26 transcript of the testimony, all exhibits admitted into
27 evidence, the report of the hearing officer, the Board's
28 findings of fact, conclusions of law, and recommendations to
29 the Secretary, and the order shall be the record of the
30 proceedings. The Department shall furnish a transcript of the
31 record to any person interested in the hearing upon payment of
32 the fee required under Section 2105-115 of the Department of
33 Professional Regulation Law (20 ILCS 2105/2105-115).

1 Section 80. Attendance of witnesses; production of
2 documents; contempt. Any circuit court may, upon application
3 of the Department or its designee or of the applicant or
4 licensee against whom proceedings are pending, enter an order
5 requiring the attendance of witnesses and their testimony, and
6 the production of documents, papers, files, books and records
7 in connection with any hearing or investigation. The court may
8 compel obedience to its order by proceedings for contempt.

9 Section 85. Subpoenas; oaths. The Department has the power
10 to subpoena and bring before it any person in this State to
11 take testimony either orally or by deposition or both, or to
12 subpoena documents, exhibits, or other materials with the same
13 fees and mileage and in the same manner as prescribed by law in
14 judicial proceedings in civil cases in circuit courts of this
15 State.

16 The Secretary and any member of the Board have the power to
17 administer oaths to witnesses at any hearing that the
18 Department or Board is authorized by law to conduct. Further,
19 the Secretary has power to administer any other oaths required
20 or authorized to be administered by the Department under this
21 Act.

22 Section 95. Findings of facts, conclusions of law, and
23 recommendations; order. Within 60 days after the Department's
24 receipt of the transcript of any hearing that is conducted
25 pursuant to this Act or the rules for its enforcement or any
26 other statute or rule requiring a hearing under this Act or the
27 rules for its enforcement, or for any hearing related to
28 restoration of any license issued pursuant to this Act, the
29 hearing officer shall submit his or her written findings and
30 recommendations to the Board. The Board shall review the report
31 of the hearing officer and shall present its findings of fact,

1 conclusions of law, and recommendations to the Secretary by the
2 date of the Board's second meeting following the Board's
3 receipt of the hearing officer's report.

4 A copy of the findings of fact, conclusions of law, and
5 recommendations to the Secretary shall be served upon the
6 accused person, either personally or by registered or certified
7 mail. Within 20 days after service, the accused person may
8 present to the Department a written motion for a rehearing,
9 which shall state the particular grounds therefor. If the
10 accused person orders and pays for a transcript pursuant to
11 Section 75, then the time elapsing thereafter and before the
12 transcript is ready for delivery to him or her shall not be
13 counted as part of the 20 days.

14 The Secretary shall issue an order based on the findings of
15 fact, conclusions of law, and recommendations to the Secretary.

16 If the Secretary disagrees in any regard with the findings
17 of fact, conclusions of law, and recommendations to the
18 Secretary, he or she may issue an order in contravention of the
19 findings of fact, conclusions of law, and recommendations to
20 the Secretary. If the Secretary issues an order in
21 contravention of the findings of fact, conclusions of law, and
22 recommendations to the Secretary, the Secretary shall notify
23 the Board in writing with an explanation for any deviation from
24 the Board's findings of fact, conclusions of law, and
25 recommendations to the Secretary within 30 days of the
26 Secretary's entry of the order.

27 Section 100. Temporary suspension. The Secretary may
28 temporarily suspend the license of a construction contractor
29 without a hearing, simultaneously with the institution of
30 proceedings for a hearing provided for in this Act, if the
31 Secretary finds that evidence in his or her possession
32 indicates that continuation in practice would constitute an
33 imminent danger to the public. In the event that the Secretary

1 temporarily suspends a license without a hearing, a hearing by
2 the Department shall be held within 30 days after such
3 suspension has occurred.

4 Section 105. Review under Administrative Review Law. All
5 final administrative decisions of the Department are subject to
6 judicial review pursuant to the Administrative Review Law and
7 its rules. The term "administrative decision" is defined as in
8 Section 3-101 of the Code of Civil Procedure.

9 Section 110. Violations. Any person who is found to have
10 knowingly violated any provision of this Act is guilty of a
11 Class A misdemeanor. On conviction of a second or subsequent
12 offense the violator is guilty of a Class 4 felony.

13 Section 115. Administrative Procedure Act. The Illinois
14 Administrative Procedure Act is hereby expressly adopted and
15 incorporated herein as if all of the provisions of that Act
16 were included in this Act, except that the provision of
17 subsection (d) of Section 10-65 of the Illinois Administrative
18 Procedure Act that provides that, at hearings, the licensee has
19 the right to show compliance with all lawful requirements for
20 retention, continuation, or renewal of the license is
21 specifically excluded. For the purpose of this Act the notice
22 required under Section 10-25 of the Administrative Procedure
23 Act is deemed sufficient when mailed to the last known address
24 of a party.

25 Section 120. Certification of record; costs. The
26 Department shall not be required to certify any record to the
27 court, to file an answer in court, or to otherwise appear in
28 any court in a judicial review proceeding, unless there is
29 filed in the court, with the complaint, a receipt from the
30 Department acknowledging payment of the costs of furnishing and

1 certifying the record. Failure on the part of the plaintiff to
2 file the receipt in court is grounds for dismissal of the
3 action.

4 Section 125. Returned checks; fines. Any person who
5 delivers a check or other payment to the Department pursuant to
6 this Act that is returned to the Department unpaid by the
7 financial institution upon which it is drawn shall pay to the
8 Department, in addition to the amount already owed to the
9 Department, a fine of \$50. The fines imposed by this Section
10 are in addition to any other discipline provided for under this
11 Act for unlicensed practice or practice on a nonrenewed
12 license. The Department shall notify the person that payment of
13 fees and fines shall be paid to the Department by certified
14 check or money order within 30 calendar days of the
15 notification. If, after the expiration of 30 days from the date
16 of the notification, the person has failed to submit the
17 necessary remittance, the Department shall automatically
18 terminate the license or deny the application, without hearing.
19 If, after termination or denial, the person seeks a license, he
20 or she shall apply to the Department for restoration or
21 issuance of the license and pay all the application fees as set
22 by rule. The Department may establish a fee for the processing
23 of an application for restoration of a license to pay all
24 expenses of processing this application. The Secretary may
25 waive the fines due under this Section in individual cases
26 where the Secretary finds that the fines would be unreasonable
27 or unnecessarily burdensome.

28 Section 130. Hearing officers. The Secretary has the
29 authority to appoint any attorney duly licensed to practice law
30 in the State of Illinois to serve as the hearing officer for
31 any action for refusal to issue or renew a license, for
32 discipline of a licensee for sanctions for unlicensed practice,

1 for restoration of a license, or for any other action for which
2 findings of fact, conclusions of law, and recommendations are
3 required pursuant to Section 70 of this Act. The hearing
4 officer shall have full authority to conduct the hearing and
5 shall issue his or her findings of fact and recommendations to
6 the Board pursuant to Section 70 of this Act.

7 Section 135. Investigation; notice; default. The
8 Department may investigate the actions of any applicant or any
9 person or persons holding or claiming to hold a license. The
10 Department shall, before suspending, revoking, placing on
11 probationary status, or taking any other disciplinary action
12 that the Department may deem proper with regard to any license,
13 at least 30 days prior to the date set for the hearing, notify
14 the accused, in writing, of any charges made and the time and
15 place for a hearing on the charges before the hearing officer,
16 direct the accused to file a written answer with the hearing
17 officer, under oath, within 30 days after the service to the
18 accused, and inform the accused that the accused's license may
19 be suspended, revoked, placed on probationary status, or other
20 disciplinary action, including limiting the scope, nature or
21 extent of the accused person's practice, as the Department may
22 deem proper, taken. This written notice may be served by
23 personal delivery or certified or registered mail to the
24 accused. In case the person fails to file an answer after
25 receiving notice, that person's license may, in the discretion
26 of the Department, be suspended, revoked, or placed on
27 probationary status, or the Department may take whatever
28 disciplinary action deemed proper, including limiting the
29 scope, nature, or extent of the person's practice or the
30 imposition of a fine, without a hearing, if the act or acts
31 charged constitute sufficient grounds for such action under
32 this Act. At the time and place fixed in the notice, the
33 Department shall proceed to hear the charges and the parties or

1 their counsel shall be accorded ample opportunity to present
2 such statements, testimony, evidence, and argument as may be
3 pertinent to the charges or to their defense. The Department
4 may continue such hearing from time to time. At the discretion
5 of the Secretary after having first received the recommendation
6 of the hearing officer, the accused person's license may be
7 suspended, revoked, placed on probationary status, or other
8 disciplinary action may be taken as the Secretary may deem
9 proper, including limiting the scope, nature, or extent of the
10 person's practice without a hearing, if the act or acts charged
11 constitute sufficient grounds for such action under this Act.

12 Section 140. Enforcement; petition to court.

13 (a) If any person violates the provisions of this Act, the
14 Secretary through the Attorney General of Illinois, or the
15 State's Attorney of any county in which a violation is alleged
16 to exist, may in the name of the People of the State of
17 Illinois petition for an order enjoining such violation or for
18 an order enforcing compliance with this Act. Upon the filing of
19 a verified petition in such court, the court may issue a
20 temporary restraining order, without notice or bond, and may
21 preliminarily and permanently enjoin such violation, and if it
22 is established that such person has violated or is violating
23 the injunction, the Court may punish the offender for contempt
24 of court.

25 (b) If any person shall practice as a licensee or hold
26 himself or herself out as a licensee without being licensed
27 under the provisions of this Act, then any person licensed
28 under this Act, any interested party or any person injured
29 thereby may, in addition to those officers identified in
30 subsection (a) of this Section, petition for relief as provided
31 therein.

32 (c) Whenever the Department has reason to believe that any
33 person has violated the licensing requirements of this Act by

1 practicing, offering to practice, attempting to practice, or
2 holding himself or herself out as a construction contractor
3 without being licensed under this Act, the Department may issue
4 a rule to show cause why an order to cease and desist should
5 not be entered against that person. The rule shall clearly set
6 forth the grounds relied upon by the Department and shall
7 provide a period of 7 days from the date of the rule to file an
8 answer to the satisfaction of the Department. Failure to answer
9 to the satisfaction of the Department shall cause an order to
10 cease and desist to be issued immediately.

11 (d) Proceedings under this Section shall be in addition to,
12 and not in lieu of, all other remedies and penalties which may
13 be provided by law.

14 Section 145. Unlicensed practice; violation; civil
15 penalty.

16 (a) Any person who practices, attempts to practice, or
17 holds himself or herself out as a construction contractor
18 without being licensed under this Act shall, in addition to any
19 other penalty provided by law, pay a civil penalty to the
20 Department in an amount not to exceed \$5,000 for each offense
21 as determined by the Department. The civil penalty shall be
22 assessed by the Department after a hearing is held in
23 accordance with the provisions set forth in this Act regarding
24 the provision of a hearing for the discipline of a licensee.
25 Each day of violation constitutes a separate offense.

26 (b) The Department has the authority and power to
27 investigate any and all unlicensed activity.

28 (c) The civil penalty shall be paid within 60 days after
29 the effective date of the order imposing the civil penalty. The
30 order shall constitute a judgment and may be filed and executed
31 in the same manner as any judgment from any court of record.

32 Section 150. Deposit of fees. All fees and fines collected

1 under this Act shall be deposited into the General Professions
2 Dedicated Fund and shall be appropriated to the Department for
3 the purpose of administering and enforcing this Act.

4 Section 155. Misrepresentation. If any person suffers
5 costs or damages as a result of an individual providing a false
6 or invalid license number or otherwise misleading a person with
7 respect to licensure by the Board, the injured person may bring
8 suit in a court of competent jurisdiction to recover damages.
9 The court may award reasonable attorney's fees to the
10 prevailing party in an action.

11 Section 997. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 998. The Regulatory Sunset Act is amended by adding
14 Section 4.27 as follows:

15 (5 ILCS 80/4.27 new)

16 Sec. 4.27. Act repealed on January 1, 2017. The following
17 Act is repealed on January 1, 2017:

18 The Construction Contractor Licensing Act.

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.".