



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0486

Introduced 2/4/2009, by Rep. David E. Miller

SYNOPSIS AS INTRODUCED:

See Index

In the Regulatory Sunset Act, changes the repeal date for the Illinois Architecture Practice Act of 1989 from January 1, 2010 to January 1, 2020. Amends the Illinois Architecture Practice Act of 1989. Removes the provision concerning the invalidity of a building permit issued with respect to technical submissions that do not conform to the requirements of the Act. Provides that it is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work (rather than prohibiting a person from deviating from the technical submissions without the prior approval of the licensed architect for a project). Makes changes to provisions concerning the powers and duties of the Department and the Board. Removes a provision creating a complaint committee. Provides that the Department is not required to issue any certificate, credential, or other official document indicating a person has been granted the title "Architect, Retired". Makes changes to provisions concerning disciplinary grounds and investigations. Makes other changes. Effective immediately.

LRB096 03000 ASK 14725 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Regulatory Sunset Act is amended by changing
5 Sections 4.20 and 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 ~~The Illinois Architecture Practice Act of 1989.~~

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

15 The Orthotics, Prosthetics, and Pedorthics Practice
16 Act.

17 The Perfusionist Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (b) The following Act is repealed on December 31, 2010:

22 The Medical Practice Act of 1987.

23 (Source: P.A. 95-1018, eff. 12-18-08.)

1 (5 ILCS 80/4.30 new)

2 Sec. 4.30. Act repealed on January 1, 2020. The following
3 Act is repealed on January 1, 2020:

4 The Illinois Architecture Practice Act of 1989.

5 Section 10. The Illinois Architecture Practice Act of 1989
6 is amended by changing Sections 3, 4, 5, 6, 8, 9, 10, 11, 12,
7 13, 21, 22, 23.5, 36, and 38 and by adding Sections 4.5, and
8 17.5 as follows:

9 (225 ILCS 305/3) (from Ch. 111, par. 1303)

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

11 Sec. 3. Application of Act. Nothing in this Act shall be
12 deemed or construed to prevent the practice of structural
13 engineering as defined in the Structural Engineering Practice
14 Act of 1989, the practice of professional engineering as
15 defined in the Professional Engineering Practice Act of 1989,
16 or the preparation of documents used to prescribe work to be
17 done inside buildings for non-loadbearing interior
18 construction, furnishings, fixtures and equipment, or the
19 offering or preparation of environmental analysis, feasibility
20 studies, programming or construction management services by
21 persons other than those licensed in accordance with this Act,
22 the Structural Engineering Practice Act of 1989 or the
23 Professional Engineering Practice Act of 1989.

1 Nothing contained in this Act shall prevent the draftsmen,
2 students, project representatives and other employees of those
3 lawfully practicing as licensed architects under the
4 provisions of this Act, from acting under the responsible
5 ~~direct supervision and~~ control of their employers, or to
6 prevent the employment of project representatives for
7 enlargement or alteration of buildings or any parts thereof, or
8 prevent such project representatives from acting under the
9 responsible ~~direct supervision and~~ control of the licensed
10 architect by whom the construction documents including
11 drawings and specifications of any such building, enlargement
12 or alteration were prepared.

13 Nothing in this Act or any other Act shall prevent a
14 licensed architect from practicing interior design services.
15 Nothing in this Act shall be construed as requiring the
16 services of an interior designer for the interior designing of
17 a single family residence.

18 No officer, board, commission, or other public entity
19 charged with the enforcement of codes and ordinances requiring
20 the involvement of an architect shall accept for filing or
21 approval any technical submissions that do not bear the seal
22 and signature of an architect licensed under this Act.

23 The involvement of a licensed architect is not required for
24 the following:

25 (A) The building, remodeling or repairing of any
26 building or other structure outside of the corporate limits

1 of any city or village, where such building or structure is
2 to be, or is used for farm purposes, or for the purposes of
3 outbuildings or auxiliary buildings in connection with
4 such farm premises.

5 (B) The construction, remodeling or repairing of a
6 detached single family residence on a single lot.

7 (C) The construction, remodeling or repairing of a
8 two-family residence of wood frame construction on a single
9 lot, not more than two stories and basement in height.

10 (D) Interior design services for buildings which do not
11 involve life safety or structural changes.

12 However, when an ordinance of a unit of local government
13 requires the involvement of a licensed architect for any
14 buildings included in the preceding paragraphs (A) through (D),
15 the requirements of this Act shall apply. All buildings not
16 included in the preceding paragraphs (A) through (D), including
17 multi-family buildings and buildings previously exempt from
18 the involvement of a licensed architect under those paragraphs
19 but subsequently non-exempt due to a change in occupancy or
20 use, are subject to the requirements of this Act. Interior
21 alterations which result in life safety or structural changes
22 of the building are subject to the requirements of this Act.

23 (Source: P.A. 92-16, eff. 6-28-01; 93-1009, eff. 1-1-05.)

24 (225 ILCS 305/4) (from Ch. 111, par. 1304)

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

1 Sec. 4. Definitions. In this Act:

2 "Architect, Retired" means a person who has been duly
3 licensed as an architect by the Department and has chosen to
4 relinquish or not renew his or her license pursuant to Section
5 17.5 of this Act.

6 "Architectural intern" means an unlicensed person who has
7 completed the education requirements, is actively
8 participating in the diversified professional training, and
9 maintains in good standing a training record as required for
10 licensure by this Act and may use the title "architectural
11 intern", but may not independently engage in the practice of
12 architecture.

13 "Board" means the Illinois Architecture Licensing Board
14 appointed by the Secretary.

15 ~~(a) "Department" means the Department of Financial and~~
16 ~~Professional Regulation.~~

17 "Design build" and "design build entity" means the project
18 delivery process defined in Title 68, Section 1150.85 of the
19 Illinois Administrative Code.

20 ~~(b) "Director" means the Director of Professional~~
21 ~~Regulation.~~

22 ~~(c) "Board" means the Illinois Architecture Licensing~~
23 ~~Board appointed by the Director.~~

24 ~~(d) "Public health" as related to the practice of~~
25 ~~architecture means the state of the well-being of the body or~~
26 ~~mind of the building user.~~

1 ~~(e)~~ "Public safety" as related to the practice of
2 architecture means the state of being reasonably free from risk
3 of danger, damage, or injury.

4 ~~(f)~~ "Public welfare" as related to the practice of
5 architecture means the well-being of the building user
6 resulting from the state of a physical environment that
7 accommodates human activity.

8 "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 (Source: P.A. 93-1009, eff. 1-1-05.)

11 (225 ILCS 305/4.5 new)

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

13 Sec. 4.5. References to Department or Director of
14 Professional Regulation. References in this Act (i) to the
15 Department of Professional Regulation are deemed, in
16 appropriate contexts, to be references to the Department of
17 Financial and Professional Regulation and (ii) to the Director
18 of Professional Regulation are deemed, in appropriate
19 contexts, to be references to the Secretary of Financial and
20 Professional Regulation.

21 (225 ILCS 305/5) (from Ch. 111, par. 1305)

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

23 Sec. 5. Architect defined; Acts constituting practice.

24 (a) An architect is a person who is qualified by education,

1 training, experience, and examination, and who is licensed
2 under the laws of this State, to practice architecture.

3 (b) The practice of architecture within the meaning and
4 intent of this Act includes the offering or furnishing of
5 professional services, such as consultation, environmental
6 analysis, feasibility studies, programming, planning,
7 aesthetic and structural design, technical submissions
8 consisting of drawings and specifications and other documents
9 required in the construction process, administration of
10 construction contracts, project representation, and
11 construction management, in connection with the construction
12 of any private or public building, building structure, building
13 project, or addition to or alteration or restoration thereof.

14 (c) Nothing contained in this Section imposes upon a person
15 licensed under this Act the responsibility for the performance
16 of any of the activities set forth in subsection (b), unless
17 such person specifically contracts to provide the function.

18 (Source: P.A. 92-360, eff. 1-1-02.)

19 (225 ILCS 305/6) (from Ch. 111, par. 1306)

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

21 Sec. 6. Technical submissions. All technical submissions
22 intended for use in construction in the State of Illinois shall
23 be prepared and administered in accordance with standards of
24 reasonable professional skill and diligence. Care shall be
25 taken to reflect the requirements of State statutes and, where

1 applicable, county and municipal building ordinances in such
2 submissions. In recognition that architects are licensed for
3 the protection of the public health, safety and welfare,
4 submissions shall be of such quality and scope, and be so
5 administered, as to conform to professional standards.

6 Technical submissions are the designs, drawings and
7 specifications which establish the scope of the architecture to
8 be constructed, the standard of quality for materials,
9 workmanship, equipment, and construction systems, and the
10 studies and other technical reports and calculations prepared
11 in the course of the practice of architecture.

12 It is unlawful to affix one's seal to technical
13 submissions, if it masks the true identity of the person who
14 actually exercised responsible control of the preparation of
15 such work. An architect who seals and signs technical
16 submissions is not responsible for damage caused by subsequent
17 changes to or uses of those technical submissions, where the
18 subsequent changes or uses, including changes or uses made by
19 State or local governmental agencies, are not authorized or
20 approved in writing by the architect who originally sealed and
21 signed the technical submissions.

22 (Source: P.A. 92-360, eff. 1-1-02.)

23 (225 ILCS 305/8) (from Ch. 111, par. 1308)

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

25 Sec. 8. Powers and duties of the Department.

1 (1) Subject to the provisions of this Act, the Department
2 shall exercise the following functions, powers, and duties:

3 (a) conduct examinations to ascertain the
4 qualifications and fitness of applicants for licensure as
5 licensed architects, and pass upon the qualifications and
6 fitness of applicants for licensure by endorsement;

7 (b) prescribe rules for a method of examination of
8 candidates;

9 (c) prescribe rules defining what constitutes a
10 school, college or university, or department of a
11 university, or other institution, reputable and in good
12 standing, to determine whether or not a school, college or
13 university, or department of a university, or other
14 institution is reputable and in good standing by reference
15 to compliance with such rules, and to terminate the
16 approval of such school, college or university or
17 department of a university or other institution that
18 refuses admittance to applicants solely on the basis of
19 race, color, creed, sex or national origin. The Department
20 may adopt, as its own rules relating to education
21 requirements, those guidelines published from time to time
22 by the National Architectural Accrediting Board;

23 (d) prescribe rules for diversified professional
24 training;

25 (e) conduct oral interviews, disciplinary conferences
26 and formal evidentiary hearings on proceedings to impose

1 fines or to suspend, revoke, place on probationary status,
2 reprimand, and refuse to issue or restore any license
3 issued under the provisions of this Act for the reasons set
4 forth in Section 22 of this Act;

5 (f) issue licenses to those who meet the requirements
6 of this Act;

7 (g) formulate and publish rules necessary or
8 appropriate to carrying out the provisions of this Act; and

9 (h) maintain membership in the National Council of
10 Architectural Registration Boards and participate in
11 activities of the Council by designation of individuals for
12 the various classifications of membership and the
13 appointment of delegates for attendance at regional and
14 national meetings of the Council. All costs associated with
15 membership and attendance of such delegates to any national
16 meetings may be funded from the Design Professionals
17 Administration and Investigation Fund.

18 (2) Prior to issuance of any final decision or order that
19 deviates from any report or recommendation of the Board
20 relating to the qualification of applicants, discipline of
21 licensees or registrants, or promulgation of rules, the
22 Director shall notify the Board in writing with an explanation
23 of the deviation and provide a reasonable time for the Board to
24 submit written comments to the Director regarding the proposed
25 action. In the event that the Board fails or declines to submit
26 written comments within 30 days of the notification, the

1 Director may issue a final decision or order consistent with
2 the Director's original decision. The Department may at any
3 time seek the expert advice and knowledge of the Board on any
4 matter relating to the enforcement of this Act.

5 (3) The Department may in its discretion, but shall not be
6 required to, retain the ability to employ or utilize the legal
7 services of outside counsel and the investigative services of
8 outside personnel to assist the Department. However, no
9 attorney employed or used by the Department shall prosecute a
10 matter or provide legal services to the Department or Board
11 with respect to the same matter.

12 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

13 (225 ILCS 305/9) (from Ch. 111, par. 1309)

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

15 Sec. 9. Creation of the Board. The Director shall appoint
16 an Architecture Licensing Board which will consist of 6
17 members. Five members shall be licensed architects, one of whom
18 shall be a tenured member of the architectural faculty of an
19 Illinois public university accredited by the National
20 Architectural Accrediting Board ~~the University of Illinois.~~
21 The other 4 shall be licensed architects, residing in this
22 State, who have been engaged in the practice of architecture at
23 least 10 years. In addition to the 5 licensed architects, there
24 shall be one public member. The public member shall be a voting
25 member and shall not hold a license as an architect,

1 professional engineer, structural engineer or land surveyor.

2 Board members shall serve 5 year terms and until their
3 successors are appointed and qualified. In making the
4 designation of persons to the Board, the Director shall give
5 due consideration to recommendations by members and
6 organizations of the profession.

7 The membership of the Board should reasonably reflect
8 representation from the geographic areas in this State.

9 No member shall be reappointed to the Board for a term
10 which would cause his or her continuous service on the Board to
11 be longer than 10 successive years. Service prior to the
12 effective date of this Act shall not be considered.

13 Appointments to fill vacancies shall be made in the same
14 manner as original appointments, for the unexpired portion of
15 the vacated term. Initial terms shall begin upon the effective
16 date of this Act and Board members in office on that date under
17 the predecessor Act may be appointed to specific terms as
18 indicated in this Section.

19 Persons holding office as members of the Board under the
20 Illinois Architecture Act immediately prior to the effective
21 date of this Act shall continue as members of the Board under
22 this Act until the expiration of the term for which they were
23 appointed and until their successors are appointed and
24 qualified.

25 A quorum of the Board shall consist of a majority of Board
26 members currently appointed. A majority vote of the quorum is

1 required for Board decisions.

2 The Director may remove any member of the Board for
3 misconduct, incompetence, neglect of duty, or for reasons
4 prescribed by law for removal of State officials.

5 The Director may remove a member of the Board who does not
6 attend 2 consecutive meetings.

7 Notice of proposed rulemaking shall be transmitted to the
8 Board and the Department shall review the response of the Board
9 and any recommendations made therein. The Department may, at
10 any time, seek the expert advice and knowledge of the Board on
11 any matter relating to the administration or enforcement of
12 this Act.

13 Members of the Board are immune from suit in any action
14 based upon any disciplinary proceedings or other activities
15 performed in good faith as members of the Board.

16 (Source: P.A. 91-133, eff. 1-1-00.)

17 (225 ILCS 305/10) (from Ch. 111, par. 1310)

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

19 Sec. 10. Powers and duties of the Board.

20 (a) The Board shall hold at least 3 regular meetings each
21 year.

22 (b) The Board shall annually elect a Chairperson and a Vice
23 Chairperson who shall be licensed architects.

24 (c) The Board, upon request by the Department, may make a
25 curriculum evaluation to determine if courses conform to the

1 requirements of approved architectural programs.

2 (d) The Board shall assist the Department in conducting
3 oral interviews, disciplinary conferences and formal
4 evidentiary hearings.

5 (e) The Department may, at any time, seek the expert advice
6 and knowledge of the Board on any matter relating to the
7 enforcement of this Act.

8 (f) The Board may appoint a subcommittee to serve as a
9 Complaint Committee to recommend the disposition of case files
10 according to procedures established by rule in Title 68,
11 Section 1150.95 of the Illinois Administrative Code.

12 (g) The Board shall review applicant qualifications to sit
13 for the examination or for licensure and shall make
14 recommendations to the Department. The Department shall review
15 the Board's recommendations on applicant qualifications. The
16 Director shall notify the Board in writing with an explanation
17 of any deviation from the Board's recommendation on applicant
18 qualifications. After review of the Director's written
19 explanation of his or her reasons for deviation, the Board
20 shall have the opportunity to comment upon the Director's
21 decision.

22 (h) The Board shall submit written comments to the Director
23 within 30 days from notification of any final decision or order
24 from the Director that deviates from any report or
25 recommendation of the Board relating to the qualifications of
26 applicants, discipline of licensees or registrants, unlicensed

1 practice, or promulgation of rules.

2 (i) The Board may recommend that the Department contract
3 with a corporation or other business entity to assist in the
4 providing of investigative, legal, prosecutorial, and other
5 services necessary to perform its duties pursuant to Section
6 8.3 of this Act.

7 (Source: P.A. 91-133, eff. 1-1-00.)

8 (225 ILCS 305/11) (from Ch. 111, par. 1311)

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

10 Sec. 11. Application for original license. Applications
11 for original licensure shall be made to the Department in
12 writing on forms prescribed by the Department and shall be
13 accompanied by the required fee, which is not refundable. Any
14 such application shall require information as in the judgment
15 of the Department will enable the Department to pass on the
16 qualifications of the applicant to practice architecture. The
17 Department may require an applicant, at the applicant's
18 expense, to have an evaluation of the applicant's education in
19 a foreign country by a nationally recognized educational body
20 approved by the Board in accordance with rules prescribed by
21 the Department.

22 An applicant who has graduated from an architectural
23 program outside the United States or its territories and whose
24 first language is not English shall submit certification of
25 passage of the Test of English as a Foreign Language (TOEFL)

1 and a test of spoken English ~~the Test of Spoken English (TSE)~~
2 ~~as defined by rule.~~

3 (Source: P.A. 91-133, eff. 1-1-00.)

4 (225 ILCS 305/12) (from Ch. 111, par. 1312)

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

6 Sec. 12. Examinations; subjects; failure or refusal to take
7 examination. The Department shall authorize examination of
8 applicants as architects at such times and places as it may
9 determine. The examination shall be in English and shall be
10 written or written and graphic. It shall include at a minimum
11 the following subjects:

12 (a) pre-design (environmental analysis, architectural
13 programming, and application of principles of project
14 management and coordination);

15 (b) site planning (site analysis, design and
16 development, parking, and application of zoning
17 requirements);

18 (c) building planning (conceptual planning of
19 functional and space relationships, building design,
20 interior space layout, barrier-free design, and the
21 application of the life safety code requirements and
22 principles of energy efficient design);

23 (d) building technology (application of structural
24 systems, building components, and mechanical and
25 electrical systems);

1 (e) general structures (identification, resolution,
2 and incorporation of structural systems and the long span
3 design on the technical aspects of the design of buildings
4 and the process and construction);

5 (f) lateral forces (identification and resolution of
6 the effects of lateral forces on the technical aspects of
7 the design of buildings and the process of construction);

8 (g) mechanical and electrical systems (as applied to
9 the design of buildings, including plumbing and acoustical
10 systems);

11 (h) materials and methods (as related to the design of
12 buildings and the technical aspects of construction); and

13 (i) construction documents and services (conduct of
14 architectural practice as it relates to construction
15 documents, bidding, and construction administration and
16 contractual documents from beginning to end of a building
17 project).

18 It shall be the responsibility of the applicant to be
19 familiar with this Act and its rules.

20 Examination subject matter headings and bases on which
21 examinations are graded shall be indicated in rules pertaining
22 to this Act. The Department may adopt the examinations and
23 grading procedures of the National Council of Architectural
24 Registration Boards. Content of any particular examination
25 shall not be considered public record under the Freedom of
26 Information Act.

1 If an applicant neglects without an approved excuse or
2 refuses to take the next available examination offered for
3 licensure under this Act, the fee paid by the applicant shall
4 be forfeited. If an applicant fails to pass an examination for
5 licensure under this Act within 3 years after filing an
6 application, the application shall be denied. The applicant
7 may, however, make a new application for examination
8 accompanied by the required fee and must furnish proof of
9 meeting the qualifications for examination in effect at the
10 time of the new application.

11 An applicant shall have 5 years from the notification of
12 passage of the first examination to successfully complete all
13 examinations required by rule of the Department.

14 The Department may by rule prescribe additional subjects
15 for examination.

16 An applicant has one year from the date of notification of
17 successful completion of all the examination requirements to
18 apply to the Department for a license. If an applicant fails to
19 apply within one year, the applicant shall be required to again
20 take and pass the examination, unless the Department, upon
21 recommendation of the Board, determines that there is
22 sufficient cause for the delay that is not due to the fault of
23 the applicant.

24 (Source: P.A. 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

25 (225 ILCS 305/13) (from Ch. 111, par. 1313)

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

2 Sec. 13. Qualifications of applicants. Any person who is of
3 good moral character may apply ~~take an examination~~ for
4 licensure if he or she is a graduate with a first professional
5 degree in architecture from a program accredited by the
6 National Architectural Accrediting Board, has completed the
7 examination requirements set forth under Section 12 of this
8 Act, and has completed such diversified professional training,
9 including academic training, as is required by rules of the
10 Department. Until January 1, 2014, in lieu of the requirement
11 of graduation with a first professional degree in architecture
12 from a program accredited by the National Architectural
13 Accrediting Board, the Department may admit an applicant who is
14 a graduate with a pre-professional 4 year baccalaureate degree
15 accepted for direct entry into a first professional master of
16 architecture degree program, and who has completed such
17 additional diversified professional training, including
18 academic training, as is required by rules of the Department.
19 The Department may adopt, as its own rules relating to
20 diversified professional training, those guidelines published
21 from time to time by the National Council of Architectural
22 Registration Boards.

23 Good moral character means such character as will enable a
24 person to discharge the fiduciary duties of an architect to
25 that person's client and to the public in a manner which
26 protects health, safety and welfare. Evidence of inability to

1 discharge such duties may include the commission of an offense
2 justifying discipline under Section 22 ~~19~~. In addition, the
3 Department may take into consideration whether the applicant
4 has engaged in conduct or actions that would constitute grounds
5 for discipline under this Act.

6 (Source: P.A. 93-1009, eff. 1-1-05; 94-543, eff. 8-10-05.)

7 (225 ILCS 305/17.5 new)

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

9 Sec. 17.5. Architect, Retired. Pursuant to Section 2105-15
10 of the Department of Professional Regulation Law of the Civil
11 Administrative Code of Illinois, the Department may grant the
12 title "Architect, Retired" to any person who has been duly
13 licensed as an architect by the Department and who chooses to
14 relinquish or not renew his or her license. The Department may,
15 by rule, exempt from continuing education requirements those
16 who are granted the title "Architect, Retired". Those persons
17 granted the title "Architect, Retired" may request restoration
18 to active status under the applicable provisions of this Act.

19 The use of the title "Architect, Retired" shall not
20 constitute representation of current licensure. Any person
21 without an active license shall not be permitted to practice
22 architecture as defined in this Act.

23 Nothing in this Section shall be construed to require the
24 Department to issue any certificate, credential, or other
25 official document indicating that a person has been granted the

1 title "Architect, Retired".

2 (225 ILCS 305/21) (from Ch. 111, par. 1321)

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

4 Sec. 21. Professional design firm registration;
5 conditions.

6 (a) Nothing in this Act shall prohibit the formation, under
7 the provisions of the Professional Service Corporation Act, of
8 a corporation to offer the practice of architecture.

9 Any business, including a Professional Service
10 Corporation, that includes the practice of architecture within
11 its stated purposes, practices architecture, or holds itself
12 out as available to practice architecture shall register with
13 the Department under this Section. Any professional service
14 corporation, sole proprietorship, or professional design firm
15 offering architectural services must have a resident architect
16 overseeing the architectural practices in each location in
17 which architectural services are provided.

18 Any sole proprietorship not owned and operated by an
19 Illinois licensed design professional licensed under this Act
20 shall be prohibited from offering architectural services to the
21 public. "Illinois licensed design professional" means a person
22 who holds an active license as an architect under this Act, as
23 a structural engineer under the Structural Engineering
24 Practice Act of 1989, or as a professional engineer under the
25 Professional Engineering Practice Act of 1989. Any sole

1 proprietorship owned and operated by an architect with an
2 active license issued under this Act and conducting or
3 transacting such business under an assumed name in accordance
4 with the provisions of the Assumed Business Name Act shall
5 comply with the registration requirements of a professional
6 design firm. Any sole proprietorship owned and operated by an
7 architect with an active license issued under this Act and
8 conducting or transacting such business under the real name of
9 the sole proprietor is exempt from the registration
10 requirements of a professional design firm.

11 (b) Any corporation, including a Professional Service
12 Corporation, partnership, limited liability company, or
13 professional design firm seeking to be registered under this
14 Section shall not be registered unless:

15 (1) two-thirds of the board of directors, in the case
16 of a corporation, or two-thirds of the general partners, in
17 the case of a partnership, or two-thirds of the members, in
18 the case of a limited liability company, are licensed under
19 the laws of any State to practice architecture,
20 professional engineering, land surveying, or structural
21 engineering; and

22 (2) the person having the architectural practice in
23 this State in his charge is (A) a director in the case of a
24 corporation, a general partner in the case of a
25 partnership, or a member in the case of a limited liability
26 company, and (B) holds a license under this Act.

1 Any corporation, limited liability company, professional
2 service corporation, or partnership qualifying under this
3 Section and practicing in this State shall file with the
4 Department any information concerning its officers, directors,
5 members, managers, partners or beneficial owners as the
6 Department may, by rule, require.

7 (c) No business shall offer the practice or hold itself out
8 as available to offer the practice of architecture until it is
9 registered with the Department. Every entity registered as a
10 professional design firm shall display its certificate of
11 registration or a facsimile thereof in a conspicuous place in
12 each office offering architectural services.

13 (d) Any business seeking to be registered under this
14 Section shall make application on a form provided by the
15 Department and shall provide any information requested by the
16 Department, which shall include but shall not be limited to all
17 of the following:

18 (1) The name and architect's license number of at least
19 one person designated as the managing agent in responsible
20 charge of the practice of architecture in Illinois. In the
21 case of a corporation, the corporation shall also submit a
22 certified copy of the resolution by the board of directors
23 designating at least one managing agent. If a limited
24 liability company, the company shall submit a certified
25 copy of either its articles of organization or operating
26 agreement designating the managing agent.

1 (2) The names and architect's, professional
2 engineer's, structural engineer's, or land surveyor's
3 license numbers of the directors, in the case of a
4 corporation, the members, in the case of a limited
5 liability company, or general partners, in the case of a
6 partnership.

7 (3) A list of all locations at which the professional
8 design firm provides architectural services.

9 (4) A list of all assumed names of the business.
10 Nothing in this Section shall be construed to exempt a
11 business from compliance with the requirements of the
12 Assumed Business Name Act.

13 It is the responsibility of the professional design firm to
14 provide the Department notice, in writing, of any changes in
15 the information requested on the application.

16 (e) In the event a managing agent is terminated or
17 terminates his or her status as managing agent of the
18 professional design firm, the managing agent and professional
19 design firm shall notify the Department of this fact in
20 writing, by certified mail, within 10 business days of
21 termination.

22 Thereafter, the professional design firm, if it has so
23 informed the Department, has 30 days in which to notify the
24 Department of the name and architect's license number of the
25 architect who is the newly designated managing agent. If a
26 corporation, the corporation shall also submit a certified copy

1 of a resolution by the board of directors designating the new
2 managing agent. If a limited liability company, the company
3 shall also submit a certified copy of either its articles of
4 organization or operating agreement designating the new
5 managing agent. The Department may, upon good cause shown,
6 extend the original 30 day period.

7 If the professional design firm has not notified the
8 Department in writing, by certified mail within the specified
9 time, the registration shall be terminated without prior
10 hearing. Notification of termination shall be sent by certified
11 mail to the last known address of the business. If the
12 professional design firm continues to operate and offer
13 architectural services after the termination, the Department
14 may seek prosecution under Sections 22, 36, and 36a of this Act
15 for the unlicensed practice of architecture.

16 (f) No professional design firm shall be relieved of
17 responsibility for the conduct or acts of its agents,
18 employees, or officers by reason of its compliance with this
19 Section, nor shall any individual practicing architecture be
20 relieved of the responsibility for professional services
21 performed by reason of the individual's employment or
22 relationship with a professional design firm registered under
23 this Section.

24 (g) Disciplinary action against a professional design firm
25 registered under this Section shall be administered in the same
26 manner and on the same grounds as disciplinary action against a

1 licensed architect. All disciplinary action taken or pending
2 against a corporation or partnership before the effective date
3 of this amendatory Act of 1993 shall be continued or remain in
4 effect without the Department filing separate actions.

5 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00.)

6 (225 ILCS 305/22) (from Ch. 111, par. 1322)

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

8 Sec. 22. Refusal, suspension and revocation of licenses;
9 Causes.

10 (a) The Department may, ~~singularly or in combination,~~
11 refuse to issue or to, renew, place on probation, or restore,
12 ~~or may suspend, or revoke,~~ or take other disciplinary or
13 non-disciplinary action as deemed appropriate, including the
14 imposition of fines any license or registration, or may place
15 on probation, reprimand, or fine, with a civil penalty not to
16 exceed \$10,000 for each violation, as the Department may deem
17 proper, with regard to a license any person, corporation, or
18 partnership, or professional design firm licensed or
19 registered under this Act for any one or combination of the
20 following causes ~~reasons~~:

21 (1) material misstatement in furnishing information to
22 the Department;

23 (2) negligence, incompetence or misconduct in the
24 practice of architecture;

25 (3) failure to comply with any of the provisions of

1 this Act or any of the rules;

2 (4) making any misrepresentation for the purpose of
3 obtaining licensure;

4 (5) purposefully making false statements or signing
5 false statements, certificates or affidavits to induce
6 payment;

7 (6) conviction or plea of guilty or nolo contendere of
8 any crime under the laws of the United States, or any state
9 or territory thereof that, ~~which~~ is a felony, ~~whether~~
10 ~~related to the practice of architecture or not,~~ or
11 ~~conviction of any crime, whether a felony, misdemeanor, or~~
12 ~~otherwise,~~ an essential element of which is dishonesty,
13 ~~wanton disregard for the rights of others,~~ or that ~~which~~ is
14 directly related to the practice of the profession
15 ~~architecture;~~

16 (7) aiding or assisting another person in violating any
17 provision of this Act or its rules;

18 (8) signing, affixing the ~~licensed~~ architect's seal or
19 permitting the architect's seal to be affixed to any
20 technical submission ~~construction documents~~ not prepared
21 by the architect or under that architect's responsible
22 ~~direct supervision and~~ control;

23 (9) engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public;

26 (10) habitual intoxication or addiction to the use of

1 drugs;

2 (11) making a statement of compliance pursuant to the
3 Environmental Barriers Act that technical submissions
4 ~~construction documents~~ prepared by the architect ~~Licensed~~
5 ~~Architect~~ or prepared under the ~~licensed~~ architect's
6 responsible ~~direct supervision~~ and control for
7 construction or alteration of an occupancy required to be
8 in compliance with the Environmental Barriers Act are in
9 compliance with the Environmental Barriers Act when such
10 technical submissions ~~construction documents~~ are not in
11 compliance;

12 (12) a finding by the Board that an applicant or
13 registrant has failed to pay a fine imposed by the
14 Department or a registrant, whose license has been placed
15 on probationary status, has violated the terms of
16 probation;

17 (13) discipline by another state, territory, foreign
18 country, the District of Columbia, the United States
19 government, or any other governmental agency, if at least
20 one of the grounds for discipline is the same or
21 substantially equivalent to those set forth herein;

22 (14) failure to provide information in response to a
23 written request made by the Department within 30 days after
24 the receipt of such written request;

25 (15) physical illness, mental illness, or other
26 impairment that ~~including, but not limited to,~~

1 ~~deterioration through the aging process or loss of motor~~
2 ~~skill which~~ results in the inability to practice the
3 profession with reasonable judgment, skill, and ~~or~~ safety,
4 including without limitation deterioration through the
5 aging process, mental illness, or disability.

6 (a-5) In enforcing this Section, the Board upon a showing
7 of a possible violation may request that the Department compel
8 a person licensed to practice under this Act, or who has
9 applied for licensure or certification pursuant to this Act, to
10 submit to a mental or physical examination, or both, as
11 required by and at the expense of the Department. The examining
12 physicians shall be those specifically designated by the
13 Department. The Department may order the examining physician to
14 present testimony concerning this mental or physical
15 examination of the licensee or applicant. No information shall
16 be excluded by reason of any common law or statutory privilege
17 relating to communications between the licensee or applicant
18 and the examining physician. The person to be examined may
19 have, at his or her own expense, another physician of his or
20 her choice present during all aspects of the examination.
21 Failure of any person to submit to a mental or physical
22 examination, when directed, shall be grounds for suspension of
23 a license until the person submits to the examination if the
24 Department finds, after notice and hearing, that the refusal to
25 submit to the examination was without reasonable cause.

26 If the Board finds a person unable to practice because of

1 the reasons set forth in this Section, the Board may recommend
2 that the Department require that person to submit to care,
3 counseling, or treatment by physicians approved or designated
4 by the Department as a condition, term, or restriction for
5 continued, reinstated, or renewed licensure to practice; or, in
6 lieu of care, counseling, or treatment, the Board may recommend
7 to the Department to file a complaint to immediately suspend,
8 revoke or otherwise discipline the license of the person. Any
9 person whose license was granted, continued, reinstated,
10 renewed, disciplined, or supervised subject to such terms,
11 conditions, or restrictions and who fails to comply with such
12 terms, conditions, or restrictions shall be referred to the
13 Director for a determination as to whether the person shall
14 have his or her license suspended immediately, pending a
15 hearing by the Board.

16 (b) The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. Such suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission,
22 the issuance of an order so finding and discharging the
23 patient, and the recommendation of the Board to the Director
24 that the licensee be allowed to resume practice.

25 The Department may refuse to issue or may suspend the
26 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any
2 final assessment of tax, penalty or interest, as required by
3 any tax Act administered by the Illinois Department of Revenue,
4 until such time as the requirements of any such tax Act are
5 satisfied.

6 Persons who assist the Department as consultants or expert
7 witnesses in the investigation or prosecution of alleged
8 violations of the Act, licensure matters, restoration
9 proceedings, or criminal prosecutions, shall not be liable for
10 damages in any civil action or proceeding as a result of such
11 assistance, except upon proof of actual malice. The attorney
12 general shall defend such persons in any such action or
13 proceeding.

14 (Source: P.A. 94-543, eff. 8-10-05.)

15 (225 ILCS 305/23.5)

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

17 Sec. 23.5. Unlicensed practice; violation; civil penalty.

18 (a) Any person who practices, offers to practice, attempts
19 to practice, or holds oneself out to practice as an architect
20 without being licensed under this Act shall, in addition to any
21 other penalty provided by law, pay a civil penalty to the
22 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
23 offense as determined by the Department. The civil penalty
24 shall be assessed by the Department after a hearing is held in
25 accordance with the provisions set forth in this Act regarding

1 the provision of a hearing for the discipline of a licensee.

2 (a-5) Any entity that advertises architecture services in a
3 telecommunications directory must include its architecture
4 firm registration number or, in the case of a sole proprietor,
5 his or her individual license number. Nothing in this
6 subsection (a-5) requires the publisher of a
7 telecommunications directory to investigate or verify the
8 accuracy of the registration or license number provided by the
9 advertiser of architecture services.

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

12 (c) The civil penalty shall be paid within 60 days after
13 the effective date of the order imposing the civil penalty. The
14 order shall constitute a judgment and may be filed and
15 execution had thereon in the same manner as any judgment from
16 any court of record.

17 (Source: P.A. 94-543, eff. 8-10-05.)

18 (225 ILCS 305/36) (from Ch. 111, par. 1336)

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

20 Sec. 36. Violations. Each of the following Acts constitutes
21 a Class A misdemeanor for the first offense and a Class 4
22 felony for a second or subsequent offense:

23 (a) the practice, attempt to practice or offer to
24 practice architecture, or the advertising or putting out of
25 any sign or card or other device which might indicate to

1 the public that the person is entitled to practice
2 architecture, without a license as a licensed architect, or
3 registration as a professional design firm issued by the
4 Department. Each day of practicing architecture or
5 attempting to practice architecture, and each instance of
6 offering to practice architecture, without a license as a
7 licensed architect or registration as a professional
8 design firm constitutes a separate offense;

9 (b) the making of any wilfully false oath or
10 affirmation in any matter or proceeding where an oath or
11 affirmation is required by this Act;

12 (c) the affixing of a licensed architect's seal to any
13 technical submissions ~~construction documents~~ which have
14 not been prepared by that architect or under the
15 architect's responsible ~~direct supervision and~~ control;

16 (d) the violation of any provision of this Act or its
17 rules;

18 (e) using or attempting to use an expired, inactive,
19 suspended, or revoked license, or the certificate or seal
20 of another, or impersonating another licensee;

21 (f) obtaining or attempting to obtain a license or
22 registration by fraud; or

23 (g) If any person, sole proprietorship, professional
24 service corporation, limited liability company,
25 corporation or partnership, or other entity practices
26 architecture or advertises or displays any sign or card or

1 other device that might indicate to the public that the
2 person or entity is entitled to practice as an architect or
3 use the title "architect" or any of its derivations unless
4 the person or other entity holds an active license as an
5 architect or registration as a professional design firm in
6 the State; then, in addition to any other penalty provided
7 by law any person or other entity who violates this
8 subsection (g) shall forfeit and pay to the Design
9 Professionals Administration and Investigation Fund a
10 civil penalty in an amount determined by the Department of
11 not more than \$10,000 ~~\$5,000~~ for each offense.

12 An unlicensed person who has completed the education
13 requirements, is actively participating in the diversified
14 professional training, and maintains in good standing a
15 training record as required for licensure by this Act may use
16 the title "architectural intern", but may not independently
17 engage in the practice of architecture.

18 (Source: P.A. 93-1009, eff. 1-1-05.)

19 (225 ILCS 305/38) (from Ch. 111, par. 1338)

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

21 Sec. 38. Fund; appropriations; investments; audits. Moneys
22 deposited in the Design Professionals Administration and
23 Investigation Fund shall be appropriated to the Department
24 exclusively for expenses of the Department and the Board in the
25 administration of this Act, the Illinois Professional Land

1 Surveyor Act of 1989, the Professional Engineering Practice Act
2 of 1989, and the Structural Engineering Practice Act of 1989.
3 The expenses of the Department under this Act shall be limited
4 to the ordinary and contingent expenses of the Design
5 Professionals Dedicated Employees within the Department as
6 established under Section 2105-75 of the Department of
7 Professional Regulation Law (20 ILCS 2105/2105-75) and other
8 expenses related to the administration and enforcement of this
9 Act.

10 Moneys from the Fund may also be used for direct and
11 allocable indirect costs related to the public purposes of the
12 Department of Financial and Professional Regulation. Moneys in
13 the Fund may be transferred to the Professions Indirect Cost
14 Fund as authorized by Section 2105-300 of the Department of
15 Professional Regulation Law (20 ILCS 2105/2105-300).

16 All fines and penalties under Sections 22 and 36 shall be
17 deposited in the Design Professionals Administration and
18 Investigation Fund.

19 Moneys in the Design Professionals Administration and
20 Investigation Fund may be invested and reinvested, with all
21 earnings received from the investments to be deposited in the
22 Design Professionals Administration and Investigation Fund and
23 used for the same purposes as fees deposited in the Fund.

24 Upon the completion of any audit of the Department as
25 prescribed by the Illinois State Auditing Act that includes an
26 audit of the Design Professionals Administration and

1 Investigation Fund, the Department shall make the audit open to
2 inspection by any interested person. The copy of the audit
3 report required to be submitted to the Department by this
4 Section is an addition to copies of audit reports required to
5 be submitted to other State officers and agencies by Section
6 3-14 of the Illinois State Auditing Act.

7 (Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 91-239,
8 eff. 1-1-00; 92-16, eff. 6-28-01.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.

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