

1 AN ACT concerning professional regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private  
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
6 amended by changing Sections 5-10, 30-15, 30-25, 40-10, 40-25,  
7 45-25, 45-30, 45-40, 45-55, 50-10, 50-15, and 50-30 and by  
8 adding Sections 10-37, 30-30, 30-35, 35-32, and 50-45 as  
9 follows:

10 (225 ILCS 447/5-10)

11 (Text of Section before amendment by P.A. 96-847)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 5-10. Definitions. As used in this Act:

14 "Address of record" means the designated address recorded  
15 by the Department in the applicant's application file or the  
16 licensee's license file, as maintained by the Department's  
17 licensure maintenance unit.

18 "Advertisement" means any printed material that is  
19 published in a phone book, newspaper, magazine, pamphlet,  
20 newsletter, or other similar type of publication that is  
21 intended to either attract business or merely provide contact  
22 information to the public for an agency or licensee.  
23 Advertisement shall include any material disseminated by

1 printed or electronic means or media, but shall not include a  
2 licensee's or an agency's letterhead, business cards, or other  
3 stationery used in routine business correspondence or  
4 customary name, address, and number type listings in a  
5 telephone directory.

6 "Alarm system" means any system, including an electronic  
7 access control system, a surveillance video system, a security  
8 video system, a burglar alarm system, a fire alarm system, or  
9 any other electronic system, that activates an audible,  
10 visible, remote, or recorded signal that is designed for the  
11 protection or detection of intrusion, entry, theft, fire,  
12 vandalism, escape, or trespass.

13 "Applicant" means a person applying for licensure under  
14 this Act as a fingerprint vendor, fingerprint vendor agency,  
15 locksmith, locksmith agency, private alarm contractor, private  
16 alarm contractor agency, private detective, private detective  
17 agency, private security contractor, or private security  
18 contractor agency. Any applicant or person who holds himself or  
19 herself out as an applicant is considered a licensee for  
20 purposes of enforcement, investigation, hearings, and the  
21 Illinois Administrative Procedure Act.

22 "Armed employee" means a licensee or registered person who  
23 is employed by an agency licensed or an armed proprietary  
24 security force registered under this Act who carries a weapon  
25 while engaged in the performance of official duties within the  
26 course and scope of his or her employment during the hours and

1 times the employee is scheduled to work or is commuting between  
2 his or her home or place of employment, provided that commuting  
3 is accomplished within one hour from departure from home or  
4 place of employment.

5 "Armed proprietary security force" means a security force  
6 made up of 5 or more armed individuals employed by a private,  
7 commercial, or industrial operation or one or more armed  
8 individuals employed by a financial institution as security  
9 officers for the protection of persons or property.

10 "Board" means the Private Detective, Private Alarm,  
11 Private Security, Fingerprint Vendor, and Locksmith Board.

12 "Branch office" means a business location removed from the  
13 place of business for which an agency license has been issued,  
14 including, but not limited to, locations where active employee  
15 records that are required to be maintained under this Act are  
16 kept, where prospective new employees are processed, or where  
17 members of the public are invited in to transact business. A  
18 branch office does not include an office or other facility  
19 located on the property of an existing client that is utilized  
20 solely for the benefit of that client and is not owned or  
21 leased by the agency.

22 "Canine handler" means a person who uses or handles a  
23 trained dog to protect persons or property or to conduct  
24 investigations.

25 "Canine handler authorization card" means a card issued by  
26 the Department that authorizes the holder to use or handle a

1 trained dog to protect persons or property or to conduct  
2 investigations during the performance of his or her duties as  
3 specified in this Act.

4 "Canine trainer" means a person who acts as a dog trainer  
5 for the purpose of training dogs to protect persons or property  
6 or to conduct investigations.

7 "Canine trainer authorization card" means a card issued by  
8 the Department that authorizes the holder to train a dog to  
9 protect persons or property or to conduct investigations during  
10 the performance of his or her duties as specified in this Act.

11 "Canine training facility" means a facility operated by a  
12 licensed private detective agency or private security agency  
13 wherein dogs are trained for the purposes of protecting persons  
14 or property or to conduct investigations.

15 "Corporation" means an artificial person or legal entity  
16 created by or under the authority of the laws of a state,  
17 including without limitation a corporation, limited liability  
18 company, or any other legal entity.

19 "Department" means the Department of Financial and  
20 Professional Regulation.

21 "Employee" means a person who works for a person or agency  
22 that has the right to control the details of the work performed  
23 and is not dependent upon whether or not federal or state  
24 payroll taxes are withheld.

25 "Fingerprint vendor" means a person that offers,  
26 advertises, or provides services to fingerprint individuals,

1 through electronic or other means, for the purpose of providing  
2 fingerprint images and associated demographic data to the  
3 Department of State Police for processing fingerprint based  
4 criminal history record information inquiries.

5 "Fingerprint vendor agency" means a person, firm,  
6 corporation, or other legal entity that engages in the  
7 fingerprint vendor business and employs, in addition to the  
8 fingerprint vendor licensee-in-charge, at least one other  
9 person in conducting that business.

10 "Fingerprint vendor licensee-in-charge" means a person who  
11 has been designated by a fingerprint vendor agency to be the  
12 licensee-in-charge of an agency who is a full-time management  
13 employee or owner who assumes sole responsibility for  
14 maintaining all records required by this Act and who assumes  
15 sole responsibility for assuring the licensed agency's  
16 compliance with its responsibilities as stated in this Act. The  
17 Department shall adopt rules mandating licensee-in-charge  
18 participation in agency affairs.

19 "Fire alarm system" means any system that is activated by  
20 an automatic or manual device in the detection of smoke, heat,  
21 or fire that activates an audible, visible, or remote signal  
22 requiring a response.

23 "Firearm control card" means a card issued by the  
24 Department that authorizes the holder, who has complied with  
25 the training and other requirements of this Act, to carry a  
26 weapon during the performance of his or her duties as specified

1 in this Act.

2 "Firm" means an unincorporated business entity, including  
3 but not limited to proprietorships and partnerships.

4 "Licensee" means a person licensed under this Act as a  
5 fingerprint vendor, fingerprint vendor agency, locksmith,  
6 locksmith agency, private alarm contractor, private alarm  
7 contractor agency, private detective, private detective  
8 agency, private security contractor, or private security  
9 contractor agency. Anyone who holds himself or herself out as a  
10 licensee or who is accused of unlicensed practice is considered  
11 a licensee for purposes of enforcement, investigation,  
12 hearings, and the Illinois Administrative Procedure Act.

13 "Locksmith" means a person who engages in a business or  
14 holds himself out to the public as providing a service that  
15 includes, but is not limited to, the servicing, installing,  
16 originating first keys, re-coding, repairing, maintaining,  
17 manipulating, or bypassing of a mechanical or electronic  
18 locking device, access control or video surveillance system at  
19 premises, vehicles, safes, vaults, safe deposit boxes, or  
20 automatic teller machines.

21 "Locksmith agency" means a person, firm, corporation, or  
22 other legal entity that engages in the locksmith business and  
23 employs, in addition to the locksmith licensee-in-charge, at  
24 least one other person in conducting such business.

25 "Locksmith licensee-in-charge" means a person who has been  
26 designated by agency to be the licensee-in-charge of an agency,

1 who is a full-time management employee or owner who assumes  
2 sole responsibility for maintaining all records required by  
3 this Act, and who assumes sole responsibility for assuring the  
4 licensed agency's compliance with its responsibilities as  
5 stated in this Act. The Department shall adopt rules mandating  
6 licensee-in-charge participation in agency affairs.

7 "Peace officer" or "police officer" means a person who, by  
8 virtue of office or public employment, is vested by law with a  
9 duty to maintain public order or to make arrests for offenses,  
10 whether that duty extends to all offenses or is limited to  
11 specific offenses. Officers, agents, or employees of the  
12 federal government commissioned by federal statute to make  
13 arrests for violations of federal laws are considered peace  
14 officers.

15 "Permanent employee registration card" means a card issued  
16 by the Department to an individual who has applied to the  
17 Department and meets the requirements for employment by a  
18 licensed agency under this Act.

19 "Person" means a natural person.

20 "Private alarm contractor" means a person who engages in a  
21 business that individually or through others undertakes,  
22 offers to undertake, purports to have the capacity to  
23 undertake, or submits a bid to sell, install, design, monitor,  
24 maintain, alter, repair, replace, or service alarm and other  
25 security-related systems or parts thereof, including fire  
26 alarm systems, at protected premises or premises to be

1 protected or responds to alarm systems at a protected premises  
2 on an emergency basis and not as a full-time security officer.  
3 "Private alarm contractor" does not include a person, firm, or  
4 corporation that manufactures or sells alarm systems only from  
5 its place of business and does not sell, install, monitor,  
6 maintain, alter, repair, replace, service, or respond to alarm  
7 systems at protected premises or premises to be protected.

8 "Private alarm contractor agency" means a person,  
9 corporation, or other entity that engages in the private alarm  
10 contracting business and employs, in addition to the private  
11 alarm contractor-in-charge, at least one other person in  
12 conducting such business.

13 "Private alarm contractor licensee-in-charge" means a  
14 person who has been designated by an agency to be the  
15 licensee-in-charge of an agency, who is a full-time management  
16 employee or owner who assumes sole responsibility for  
17 maintaining all records required by this Act, and who assumes  
18 sole responsibility for assuring the licensed agency's  
19 compliance with its responsibilities as stated in this Act. The  
20 Department shall adopt rules mandating licensee-in-charge  
21 participation in agency affairs.

22 "Private detective" means any person who by any means,  
23 including, but not limited to, manual, canine odor detection,  
24 or electronic methods, engages in the business of, accepts  
25 employment to furnish, or agrees to make or makes  
26 investigations for a fee or other consideration to obtain

1 information relating to:

2 (1) Crimes or wrongs done or threatened against the  
3 United States, any state or territory of the United States,  
4 or any local government of a state or territory.

5 (2) The identity, habits, conduct, business  
6 occupation, honesty, integrity, credibility, knowledge,  
7 trustworthiness, efficiency, loyalty, activity, movements,  
8 whereabouts, affiliations, associations, transactions,  
9 acts, reputation, or character of any person, firm, or  
10 other entity by any means, manual or electronic.

11 (3) The location, disposition, or recovery of lost or  
12 stolen property.

13 (4) The cause, origin, or responsibility for fires,  
14 accidents, or injuries to individuals or real or personal  
15 property.

16 (5) The truth or falsity of any statement or  
17 representation.

18 (6) Securing evidence to be used before any court,  
19 board, or investigating body.

20 (7) The protection of individuals from bodily harm or  
21 death (bodyguard functions).

22 (8) Service of process in criminal and civil  
23 proceedings without court order.

24 "Private detective agency" means a person, firm,  
25 corporation, or other legal entity that engages in the private  
26 detective business and employs, in addition to the

1 licensee-in-charge, one or more persons in conducting such  
2 business.

3 "Private detective licensee-in-charge" means a person who  
4 has been designated by an agency to be the licensee-in-charge  
5 of an agency, who is a full-time management employee or owner  
6 who assumes sole responsibility for maintaining all records  
7 required by this Act, and who assumes sole responsibility for  
8 assuring the licensed agency's compliance with its  
9 responsibilities as stated in this Act. The Department shall  
10 adopt rules mandating licensee-in-charge participation in  
11 agency affairs.

12 "Private security contractor" means a person who engages in  
13 the business of providing a private security officer, watchman,  
14 patrol, guard dog, canine odor detection, or a similar service  
15 by any other title or name on a contractual basis for another  
16 person, firm, corporation, or other entity for a fee or other  
17 consideration and performing one or more of the following  
18 functions:

19 (1) The prevention or detection of intrusion, entry,  
20 theft, vandalism, abuse, fire, or trespass on private or  
21 governmental property.

22 (2) The prevention, observation, or detection of any  
23 unauthorized activity on private or governmental property.

24 (3) The protection of persons authorized to be on the  
25 premises of the person, firm, or other entity for which the  
26 security contractor contractually provides security

1 services.

2 (4) The prevention of the misappropriation or  
3 concealment of goods, money, bonds, stocks, notes,  
4 documents, or papers.

5 (5) The control, regulation, or direction of the  
6 movement of the public for the time specifically required  
7 for the protection of property owned or controlled by the  
8 client.

9 (6) The protection of individuals from bodily harm or  
10 death (bodyguard functions).

11 "Private security contractor agency" means a person, firm,  
12 corporation, or other legal entity that engages in the private  
13 security contractor business and that employs, in addition to  
14 the licensee-in-charge, one or more persons in conducting such  
15 business.

16 "Private security contractor licensee-in-charge" means a  
17 person who has been designated by an agency to be the  
18 licensee-in-charge of an agency, who is a full-time management  
19 employee or owner who assumes sole responsibility for  
20 maintaining all records required by this Act, and who assumes  
21 sole responsibility for assuring the licensed agency's  
22 compliance with its responsibilities as stated in this Act. The  
23 Department shall adopt rules mandating licensee-in-charge  
24 participation in agency affairs.

25 "Public member" means a person who is not a licensee or  
26 related to a licensee, or who is not an employer or employee of

1 a licensee. The term "related to" shall be determined by the  
2 rules of the Department.

3 "Secretary" means the Secretary of the Department of  
4 Financial and Professional Regulation.

5 (Source: P.A. 95-613, eff. 9-11-07.)

6 (Text of Section after amendment by P.A. 96-847)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 5-10. Definitions. As used in this Act:

9 "Address of record" means the designated address recorded  
10 by the Department in the applicant's application file or the  
11 licensee's license file, as maintained by the Department's  
12 licensure maintenance unit.

13 "Advertisement" means any printed material that is  
14 published in a phone book, newspaper, magazine, pamphlet,  
15 newsletter, or other similar type of publication that is  
16 intended to either attract business or merely provide contact  
17 information to the public for an agency or licensee.  
18 Advertisement shall include any material disseminated by  
19 printed or electronic means or media, but shall not include a  
20 licensee's or an agency's letterhead, business cards, or other  
21 stationery used in routine business correspondence or  
22 customary name, address, and number type listings in a  
23 telephone directory.

24 "Alarm system" means any system, including an electronic  
25 access control system, a surveillance video system, a security

1 video system, a burglar alarm system, a fire alarm system, an  
2 emergency communication system, mass notification system, or  
3 any other electronic system that activates an audible, visible,  
4 remote, or recorded signal that is designed for the protection  
5 or detection of intrusion, entry, theft, fire, vandalism,  
6 escape, or trespass, or other electronic systems designed for  
7 the protection of life by indicating the existence of an  
8 emergency situation.

9 "Applicant" means a person applying for licensure under  
10 this Act as a fingerprint vendor, fingerprint vendor agency,  
11 locksmith, locksmith agency, private alarm contractor, private  
12 alarm contractor agency, private detective, private detective  
13 agency, private security contractor, or private security  
14 contractor agency. Any applicant or person who holds himself or  
15 herself out as an applicant is considered a licensee for  
16 purposes of enforcement, investigation, hearings, and the  
17 Illinois Administrative Procedure Act.

18 "Armed employee" means a licensee or registered person who  
19 is employed by an agency licensed or an armed proprietary  
20 security force registered under this Act who carries a weapon  
21 while engaged in the performance of official duties within the  
22 course and scope of his or her employment during the hours and  
23 times the employee is scheduled to work or is commuting between  
24 his or her home or place of employment, provided that commuting  
25 is accomplished within one hour from departure from home or  
26 place of employment.

1 "Armed proprietary security force" means a security force  
2 made up of 5 or more armed individuals employed by a private,  
3 commercial, or industrial operation or one or more armed  
4 individuals employed by a financial institution as security  
5 officers for the protection of persons or property.

6 "Board" means the Private Detective, Private Alarm,  
7 Private Security, Fingerprint Vendor, and Locksmith Board.

8 "Branch office" means a business location removed from the  
9 place of business for which an agency license has been issued,  
10 including, but not limited to, locations where active employee  
11 records that are required to be maintained under this Act are  
12 kept, where prospective new employees are processed, or where  
13 members of the public are invited in to transact business. A  
14 branch office does not include an office or other facility  
15 located on the property of an existing client that is utilized  
16 solely for the benefit of that client and is not owned or  
17 leased by the agency.

18 "Canine handler" means a person who uses or handles a  
19 trained dog to protect persons or property or to conduct  
20 investigations.

21 "Canine handler authorization card" means a card issued by  
22 the Department that authorizes the holder to use or handle a  
23 trained dog to protect persons or property or to conduct  
24 investigations during the performance of his or her duties as  
25 specified in this Act.

26 "Canine trainer" means a person who acts as a dog trainer

1 for the purpose of training dogs to protect persons or property  
2 or to conduct investigations.

3 "Canine trainer authorization card" means a card issued by  
4 the Department that authorizes the holder to train a dog to  
5 protect persons or property or to conduct investigations during  
6 the performance of his or her duties as specified in this Act.

7 "Canine training facility" means a facility operated by a  
8 licensed private detective agency or private security agency  
9 wherein dogs are trained for the purposes of protecting persons  
10 or property or to conduct investigations.

11 "Corporation" means an artificial person or legal entity  
12 created by or under the authority of the laws of a state,  
13 including without limitation a corporation, limited liability  
14 company, or any other legal entity.

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

17 "Emergency communication system" means any system that  
18 communicates information about emergencies, including but not  
19 limited to fire, terrorist activities, shootings, other  
20 dangerous situations, accidents, and natural disasters.

21 "Employee" means a person who works for a person or agency  
22 that has the right to control the details of the work performed  
23 and is not dependent upon whether or not federal or state  
24 payroll taxes are withheld.

25 "Fingerprint vendor" means a person that offers,  
26 advertises, or provides services to fingerprint individuals,

1 through electronic or other means, for the purpose of providing  
2 fingerprint images and associated demographic data to the  
3 Department of State Police for processing fingerprint based  
4 criminal history record information inquiries.

5 "Fingerprint vendor agency" means a person, firm,  
6 corporation, or other legal entity that engages in the  
7 fingerprint vendor business and employs, in addition to the  
8 fingerprint vendor licensee-in-charge, at least one other  
9 person in conducting that business.

10 "Fingerprint vendor licensee-in-charge" means a person who  
11 has been designated by a fingerprint vendor agency to be the  
12 licensee-in-charge of an agency who is a full-time management  
13 employee or owner who assumes sole responsibility for  
14 maintaining all records required by this Act and who assumes  
15 sole responsibility for assuring the licensed agency's  
16 compliance with its responsibilities as stated in this Act. The  
17 Department shall adopt rules mandating licensee-in-charge  
18 participation in agency affairs.

19 "Fire alarm system" means any system that is activated by  
20 an automatic or manual device in the detection of smoke, heat,  
21 or fire that activates an audible, visible, or remote signal  
22 requiring a response.

23 "Firearm control card" means a card issued by the  
24 Department that authorizes the holder, who has complied with  
25 the training and other requirements of this Act, to carry a  
26 weapon during the performance of his or her duties as specified

1 in this Act.

2 "Firm" means an unincorporated business entity, including  
3 but not limited to proprietorships and partnerships.

4 "Licensee" means a person licensed under this Act as a  
5 fingerprint vendor, fingerprint vendor agency, locksmith,  
6 locksmith agency, private alarm contractor, private alarm  
7 contractor agency, private detective, private detective  
8 agency, private security contractor, or private security  
9 contractor agency. Anyone who holds himself or herself out as a  
10 licensee or who is accused of unlicensed practice is considered  
11 a licensee for purposes of enforcement, investigation,  
12 hearings, and the Illinois Administrative Procedure Act.

13 "Locksmith" means a person who engages in a business or  
14 holds himself out to the public as providing a service that  
15 includes, but is not limited to, the servicing, installing,  
16 originating first keys, re-coding, repairing, maintaining,  
17 manipulating, or bypassing of a mechanical or electronic  
18 locking device, access control or video surveillance system at  
19 premises, vehicles, safes, vaults, safe deposit boxes, or  
20 automatic teller machines.

21 "Locksmith agency" means a person, firm, corporation, or  
22 other legal entity that engages in the locksmith business and  
23 employs, in addition to the locksmith licensee-in-charge, at  
24 least one other person in conducting such business.

25 "Locksmith licensee-in-charge" means a person who has been  
26 designated by agency to be the licensee-in-charge of an agency,

1 who is a full-time management employee or owner who assumes  
2 sole responsibility for maintaining all records required by  
3 this Act, and who assumes sole responsibility for assuring the  
4 licensed agency's compliance with its responsibilities as  
5 stated in this Act. The Department shall adopt rules mandating  
6 licensee-in-charge participation in agency affairs.

7 "Mass notification system" means any system that is used to  
8 provide information and instructions to people in a building or  
9 other space using voice communications, including visible  
10 signals, text, graphics, tactile, or other communication  
11 methods.

12 "Peace officer" or "police officer" means a person who, by  
13 virtue of office or public employment, is vested by law with a  
14 duty to maintain public order or to make arrests for offenses,  
15 whether that duty extends to all offenses or is limited to  
16 specific offenses. Officers, agents, or employees of the  
17 federal government commissioned by federal statute to make  
18 arrests for violations of federal laws are considered peace  
19 officers.

20 "Permanent employee registration card" means a card issued  
21 by the Department to an individual who has applied to the  
22 Department and meets the requirements for employment by a  
23 licensed agency under this Act.

24 "Person" means a natural person.

25 "Private alarm contractor" means a person who engages in a  
26 business that individually or through others undertakes,

1 offers to undertake, purports to have the capacity to  
2 undertake, or submits a bid to sell, install, design, monitor,  
3 maintain, alter, repair, replace, or service alarm and other  
4 security-related systems or parts thereof, including fire  
5 alarm systems, at protected premises or premises to be  
6 protected or responds to alarm systems at a protected premises  
7 on an emergency basis and not as a full-time security officer.  
8 "Private alarm contractor" does not include a person, firm, or  
9 corporation that manufactures or sells alarm systems only from  
10 its place of business and does not sell, install, monitor,  
11 maintain, alter, repair, replace, service, or respond to alarm  
12 systems at protected premises or premises to be protected.

13 "Private alarm contractor agency" means a person,  
14 corporation, or other entity that engages in the private alarm  
15 contracting business and employs, in addition to the private  
16 alarm contractor-in-charge, at least one other person in  
17 conducting such business.

18 "Private alarm contractor licensee-in-charge" means a  
19 person who has been designated by an agency to be the  
20 licensee-in-charge of an agency, who is a full-time management  
21 employee or owner who assumes sole responsibility for  
22 maintaining all records required by this Act, and who assumes  
23 sole responsibility for assuring the licensed agency's  
24 compliance with its responsibilities as stated in this Act. The  
25 Department shall adopt rules mandating licensee-in-charge  
26 participation in agency affairs.

1 "Private detective" means any person who by any means,  
2 including, but not limited to, manual, canine odor detection,  
3 or electronic methods, engages in the business of, accepts  
4 employment to furnish, or agrees to make or makes  
5 investigations for a fee or other consideration to obtain  
6 information relating to:

7 (1) Crimes or wrongs done or threatened against the  
8 United States, any state or territory of the United States,  
9 or any local government of a state or territory.

10 (2) The identity, habits, conduct, business  
11 occupation, honesty, integrity, credibility, knowledge,  
12 trustworthiness, efficiency, loyalty, activity, movements,  
13 whereabouts, affiliations, associations, transactions,  
14 acts, reputation, or character of any person, firm, or  
15 other entity by any means, manual or electronic.

16 (3) The location, disposition, or recovery of lost or  
17 stolen property.

18 (4) The cause, origin, or responsibility for fires,  
19 accidents, or injuries to individuals or real or personal  
20 property.

21 (5) The truth or falsity of any statement or  
22 representation.

23 (6) Securing evidence to be used before any court,  
24 board, or investigating body.

25 (7) The protection of individuals from bodily harm or  
26 death (bodyguard functions).

1           (8) Service of process in criminal and civil  
2           proceedings without court order.

3           "Private detective agency" means a person, firm,  
4           corporation, or other legal entity that engages in the private  
5           detective business and employs, in addition to the  
6           licensee-in-charge, one or more persons in conducting such  
7           business.

8           "Private detective licensee-in-charge" means a person who  
9           has been designated by an agency to be the licensee-in-charge  
10          of an agency, who is a full-time management employee or owner  
11          who assumes sole responsibility for maintaining all records  
12          required by this Act, and who assumes sole responsibility for  
13          assuring the licensed agency's compliance with its  
14          responsibilities as stated in this Act. The Department shall  
15          adopt rules mandating licensee-in-charge participation in  
16          agency affairs.

17          "Private security contractor" means a person who engages in  
18          the business of providing a private security officer, watchman,  
19          patrol, guard dog, canine odor detection, or a similar service  
20          by any other title or name on a contractual basis for another  
21          person, firm, corporation, or other entity for a fee or other  
22          consideration and performing one or more of the following  
23          functions:

24                 (1) The prevention or detection of intrusion, entry,  
25                 theft, vandalism, abuse, fire, or trespass on private or  
26                 governmental property.

1           (2) The prevention, observation, or detection of any  
2           unauthorized activity on private or governmental property.

3           (3) The protection of persons authorized to be on the  
4           premises of the person, firm, or other entity for which the  
5           security contractor contractually provides security  
6           services.

7           (4) The prevention of the misappropriation or  
8           concealment of goods, money, bonds, stocks, notes,  
9           documents, or papers.

10          (5) The control, regulation, or direction of the  
11          movement of the public for the time specifically required  
12          for the protection of property owned or controlled by the  
13          client.

14          (6) The protection of individuals from bodily harm or  
15          death (bodyguard functions).

16          "Private security contractor agency" means a person, firm,  
17          corporation, or other legal entity that engages in the private  
18          security contractor business and that employs, in addition to  
19          the licensee-in-charge, one or more persons in conducting such  
20          business.

21          "Private security contractor licensee-in-charge" means a  
22          person who has been designated by an agency to be the  
23          licensee-in-charge of an agency, who is a full-time management  
24          employee or owner who assumes sole responsibility for  
25          maintaining all records required by this Act, and who assumes  
26          sole responsibility for assuring the licensed agency's

1 compliance with its responsibilities as stated in this Act. The  
2 Department shall adopt rules mandating licensee-in-charge  
3 participation in agency affairs.

4 "Public member" means a person who is not a licensee or  
5 related to a licensee, or who is not an employer or employee of  
6 a licensee. The term "related to" shall be determined by the  
7 rules of the Department.

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

10 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

11 (225 ILCS 447/10-37 new)

12 Sec. 10-37. Address of record. It is the duty of the  
13 applicant or licensee to inform the Department of any change of  
14 address within 14 days after such change either through the  
15 Department's website or by contacting the Department's  
16 licensure maintenance unit.

17 (225 ILCS 447/30-15)

18 (Section scheduled to be repealed on January 1, 2014)

19 Sec. 30-15. Qualifications for licensure as a locksmith  
20 agency.

21 (a) Upon receipt of the required fee and proof that the  
22 applicant is an Illinois licensed locksmith who shall assume  
23 responsibility for the operation of the agency and the directed  
24 actions of the agency's employees, which is a continuing

1 requirement for agency licensure, the Department shall issue a  
2 license as a locksmith agency to any of the following:

3 (1) An individual who submits an application and is a  
4 licensed locksmith under this Act.

5 (2) A firm that submits an application and all of the  
6 members of the firm are licensed locksmiths under this Act.

7 (3) A corporation or limited liability company doing  
8 business in Illinois that is authorized to engage in the  
9 business of conducting a locksmith agency if at least one  
10 officer or executive employee is a licensed locksmith under  
11 this Act and all unlicensed officers and directors of the  
12 corporation or limited liability company are determined by  
13 the Department to be persons of good moral character.

14 (b) An individual licensed as a locksmith operating under a  
15 business name other than the licensed locksmith's own name  
16 shall not be required to obtain a locksmith agency license if  
17 that licensed locksmith does not employ any persons to engage  
18 in the practice of locksmithing and registers under the Assumed  
19 Business Name Act.

20 (c) No locksmith may be the locksmith licensee in-charge  
21 for more than one locksmith agency. Upon written request by a  
22 representative of the agency, within 10 days after the loss of  
23 a locksmith-in-charge of an agency because of the death of that  
24 individual or because of the termination of the employment of  
25 that individual, the Department shall issue a temporary  
26 certificate of authority allowing the continuing operation of

1 the licensed agency. No temporary certificate of authority  
2 shall be valid for more than 90 days. An extension of an  
3 additional 90 days may be granted upon written request by the  
4 representative of the agency. Not more than 2 extensions may be  
5 granted to any agency. No temporary permit shall be issued for  
6 loss of the licensee-in-charge because of disciplinary action  
7 by the Department related to his or her conduct on behalf of  
8 the agency.

9 (d) The Department shall require without limitation all of  
10 the following information from each applicant for licensure as  
11 a locksmith agency under this Act:

12 (1) The name, full business address, and telephone  
13 number of the locksmith agency. The business address for  
14 the locksmith agency shall be a complete street address  
15 from which business is actually conducted, shall be located  
16 within the State, and may not be a P.O. Box. The applicant  
17 shall submit proof that the business location is or will be  
18 used to conduct the locksmith agency's business. The  
19 Department may approve of an out-of-state business  
20 location if it is not over 50 miles in distance from the  
21 borders of this State.

22 (2) All trade or business names used by the licensee.

23 (3) The type of ownership or operation, such as a  
24 partnership, corporation, or sole proprietorship.

25 (4) The name of the owner or operator of the locksmith  
26 agency, including:

1           (A) if a person, then the name and address of  
2           record of the person;

3           (B) if a partnership, then the name and address of  
4           record of each partner and the name of the partnership;

5           (C) if a corporation, then the name, address of  
6           record, and title of each corporate officer and  
7           director, the corporate names, and the name of the  
8           state of incorporation; and

9           (D) if a sole proprietorship, then the full name  
10           and address of record of the sole proprietor and the  
11           name of the business entity.

12           (5) The name and license number of the  
13           licensee-in-charge for the locksmith agency.

14           (6) Any additional information required by the  
15           Department by rule.

16           (e) A licensed locksmith agency may operate under a "doing  
17           business as" or assumed name certification without having to  
18           obtain a separate locksmith agency license if the "doing  
19           business as" or assumed name is first registered with the  
20           Department. A licensed locksmith agency may register no more  
21           than one assumed name.

22           (Source: P.A. 95-613, eff. 9-11-07.)

23           (225 ILCS 447/30-25)

24           (Section scheduled to be repealed on January 1, 2014)

25           Sec. 30-25. Customer identification; record keeping.

1 (a) A locksmith who bypasses, manipulates, or originates a  
2 first key by code for a device safeguarding an area where  
3 access is meant to be limited, whether or not for compensation,  
4 shall document where the work was performed and the name,  
5 address, date of birth, telephone number, and driver's license  
6 number or other identification number of the person requesting  
7 the work to be done and shall obtain the signature of that  
8 person. A copy of the work order form, invoice, or receipt  
9 shall be kept by the licensed locksmith for a period of 2 years  
10 and shall include the name and license number of the locksmith  
11 or the name and identification number of the registered  
12 employee who performed the services. Work order forms, in-  
13 voices, or receipts required to be kept under this Section  
14 shall be available for inspection upon written request made 3  
15 days in advance by a law enforcement agency.

16 (b) A locksmith who bypasses, manipulates, or originates a  
17 first key for a motor vehicle, whether or not for compensation,  
18 shall document the name, address, date of birth, telephone  
19 number, vehicle identification number, and driver's license  
20 number or other identification number of the person requesting  
21 entry and obtain the signature of that person. A copy of the  
22 work order form, invoice, or receipt shall be kept by the  
23 licensed locksmith for a period of 2 years and shall include  
24 the name and license number of the locksmith or the name and  
25 identification number of the registered employee who performed  
26 the services. Work order forms, invoices, or receipts required

1 to be kept under this Section shall be available for inspection  
2 upon written request made 3 days in advance by a law  
3 enforcement agency.

4 (c) A locksmith or locksmith agency shall maintain all  
5 records required by this Act at the business address provided  
6 to the Department pursuant to paragraph (1) of subsection (d)  
7 of Section 30-15.

8 (Source: P.A. 93-438, eff. 8-5-03.)

9 (225 ILCS 447/30-30 new)

10 Sec. 30-30. Consumer protection; required information for  
11 consumers.

12 (a) A licensee providing any locksmith services shall  
13 document on a work order, invoice, or receipt the name,  
14 address, and telephone number of the person requesting the work  
15 to be done.

16 (b) The locksmith who performs the services shall include  
17 on the work order, invoice, or receipt his or her name and  
18 license number.

19 (c) If the locksmith who performs the services is employed  
20 by a locksmith agency, then the name, address, and license  
21 number of the locksmith agency and the name and license or  
22 registration number of the locksmith who performed the services  
23 shall be included on the work order, invoice, or receipt.

24 (d) A copy of the work order, invoice, or receipt shall be  
25 provided to the customer at the time of service and the

1 original copy of the work order, invoice, or receipt shall be  
2 kept by the licensed locksmith or locksmith agency for a period  
3 of 2 years.

4 (e) The name, address, and license number of the locksmith  
5 or locksmith agency, if applicable, shall be pre-printed on the  
6 work order, invoice, or receipt required under this Section.

7 (f) A locksmith may be disciplined by the Department  
8 pursuant to this Act for gross, willful, and continued  
9 overcharging for professional locksmith services, including  
10 filing false statements for the collection of fees for services  
11 not rendered.

12 (225 ILCS 447/30-35 new)

13 Sec. 30-35. Advertising. In addition to any requirements  
14 under Section 35-15, a licensed locksmith or locksmith agency  
15 shall include the licensee's name, the city and state of the  
16 address provided to the Department pursuant to paragraph (1) of  
17 subsection (d) of Section 30-15, and the licensee's license  
18 number on any advertisement.

19 (225 ILCS 447/35-32 new)

20 Sec. 35-32. Employment requirement. The holder of a  
21 permanent employee registration card is prohibited from  
22 performing the activities of a fingerprint vendor, locksmith,  
23 private alarm contractor, private detective, or private  
24 security contractor without being employed by an agency

1 licensed under this Act.

2 (225 ILCS 447/40-10)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 40-10. Disciplinary sanctions.

5 (a) The Department may deny issuance, refuse to renew, or  
6 restore or may reprimand, place on probation, suspend, revoke,  
7 or take other disciplinary or non-disciplinary action against  
8 any license, registration, permanent employee registration  
9 card, canine handler authorization card, canine trainer  
10 authorization card, or firearm control card, and may impose a  
11 fine not to exceed \$10,000 for each violation for any of the  
12 following:

13 (1) Fraud or deception in obtaining or renewing of a  
14 license or registration.

15 (2) Professional incompetence as manifested by poor  
16 standards of service.

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

20 (4) Conviction of or entry of a plea of guilty or nolo  
21 contendere or an admission of guilt in Illinois, ~~or~~ another  
22 state, or other jurisdiction of any crime that is a felony  
23 under the laws of Illinois; a felony in a federal court; a  
24 misdemeanor, an essential element of which is dishonesty;  
25 or directly related to professional practice.

1           (5) Performing any services in a grossly negligent  
2 manner or permitting any of a licensee's employees to  
3 perform services in a grossly negligent manner, regardless  
4 of whether actual damage to the public is established.

5           (6) Continued practice, although the person has become  
6 unfit to practice due to any of the following:

7           (A) Physical illness, mental illness, or other  
8 impairment, including, but not limited to,  
9 deterioration through the aging process or loss of  
10 motor skills that results in the inability to serve the  
11 public with reasonable judgment, skill, or safety.

12           (B) Mental disability demonstrated by the entry of  
13 an order or judgment by a court that a person is in  
14 need of mental treatment or is incompetent.

15           (C) Addiction to or dependency on alcohol or drugs  
16 that is likely to endanger the public. If the  
17 Department has reasonable cause to believe that a  
18 person is addicted to or dependent on alcohol or drugs  
19 that may endanger the public, the Department may  
20 require the person to undergo an examination to  
21 determine the extent of the addiction or dependency.

22           (7) Receiving, directly or indirectly, compensation  
23 for any services not rendered.

24           (8) Willfully deceiving or defrauding the public on a  
25 material matter.

26           (9) Failing to account for or remit any moneys or

1 documents coming into the licensee's possession that  
2 belong to another person or entity.

3 (10) Discipline by another United States jurisdiction  
4 or foreign nation, if at least one of the grounds for the  
5 discipline is the same or substantially equivalent to those  
6 set forth in this Act.

7 (11) Giving differential treatment to a person that is  
8 to that person's detriment because of race, color, creed,  
9 sex, religion, or national origin.

10 (12) Engaging in false or misleading advertising.

11 (13) Aiding, assisting, or willingly permitting  
12 another person to violate this Act or rules promulgated  
13 under it.

14 (14) Performing and charging for services without  
15 authorization to do so from the person or entity serviced.

16 (15) Directly or indirectly offering or accepting any  
17 benefit to or from any employee, agent, or fiduciary  
18 without the consent of the latter's employer or principal  
19 with intent to or the understanding that this action will  
20 influence his or her conduct in relation to his or her  
21 employer's or principal's affairs.

22 (16) Violation of any disciplinary order imposed on a  
23 licensee by the Department.

24 (17) Performing any act or practice that is a violation  
25 of this Act or the rules for the administration of this  
26 Act, or having a conviction or administrative finding of

1 guilty as a result of violating any federal or State laws,  
2 rules, or regulations that apply exclusively to the  
3 practices of private detectives, private alarm  
4 contractors, private security contractors, fingerprint  
5 vendors, or locksmiths ~~Failing to comply with any provision~~  
6 ~~of this Act or rule promulgated under it.~~

7 (18) Conducting an agency without a valid license.

8 (19) Revealing confidential information, except as  
9 required by law, including but not limited to information  
10 available under Section 2-123 of the Illinois Vehicle Code.

11 (20) Failing to make available to the Department, upon  
12 request, any books, records, or forms required by this Act.

13 (21) Failing, within 30 days, to respond to a written  
14 request for information from the Department.

15 (22) Failing to provide employment information or  
16 experience information required by the Department  
17 regarding an applicant for licensure.

18 (23) Failing to make available to the Department at the  
19 time of the request any indicia of licensure or  
20 registration issued under this Act.

21 (24) Purporting to be a licensee-in-charge of an agency  
22 without active participation in the agency.

23 (25) A finding by the Department that the licensee,  
24 after having his or her license placed on probationary  
25 status, has violated the terms of probation.

26 (26) Violating subsection (f) of Section 30-30.

1 (b) The Department shall seek to be consistent in the  
2 application of disciplinary sanctions.

3 (c) The Department shall adopt rules that set forth  
4 standards of service for the following: (i) acceptable error  
5 rate in the transmission of fingerprint images and other data  
6 to the Department of State Police; (ii) acceptable error rate  
7 in the collection and documentation of information used to  
8 generate fingerprint work orders; and (iii) any other standard  
9 of service that affects fingerprinting services as determined  
10 by the Department.

11 (Source: P.A. 95-613, eff. 9-11-07.)

12 (225 ILCS 447/40-25)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 40-25. Submission to physical or mental examination.

15 (a) The Department or Board upon a showing of a possible  
16 violation may compel an individual licensed to practice under  
17 this Act, or who has applied for licensure under this Act, to  
18 submit to a mental or physical examination, or both, as  
19 required by and at the expense of the Department. The  
20 Department or Board may order the examining physician to  
21 present testimony concerning the mental or physical  
22 examination of the licensee or applicant. No information shall  
23 be excluded by reason of any common law or statutory privilege  
24 relating to communications between the licensee or applicant  
25 and the examining physician. The examining physicians shall be

1 specifically designated by the Board or Department. The  
2 individual to be examined may have, at his or her own expense,  
3 another physician of his or her choice present during all  
4 aspects of this examination. Failure of an individual to submit  
5 to a mental or physical examination, when directed, shall be  
6 grounds for the immediate suspension of his or her license  
7 until the individual submits to the examination if the  
8 Department finds that the refusal to submit to the examination  
9 was without reasonable cause as defined by rule.

10 (b) In instances in which the Secretary immediately  
11 suspends a person's license for his or her failure to submit to  
12 a mental or physical examination when directed, a hearing on  
13 that person's license must be convened by the Department within  
14 15 days after the suspension and completed without appreciable  
15 delay.

16 (c) In instances in which the Secretary otherwise suspends  
17 a person's license pursuant to the results of a compelled  
18 mental or physical examination, a hearing on that person's  
19 license must be convened by the Department within 15 days after  
20 the suspension and completed without appreciable delay. The  
21 Department and Board shall have the authority to review the  
22 subject individual's record of treatment and counseling  
23 regarding the impairment to the extent permitted by applicable  
24 federal statutes and regulations safeguarding the  
25 confidentiality of medical records.

26 (d) An individual licensed under this Act and affected

1 under this Section shall be afforded an opportunity to  
2 demonstrate to the Department or Board that he or she can  
3 resume practice in compliance with acceptable and prevailing  
4 standards under the provisions of his or her license. The  
5 ~~Department may order a licensee or a registrant to submit to a~~  
6 ~~reasonable physical or mental examination if the licensee or~~  
7 ~~registrant's mental or physical capacity to work safely is an~~  
8 ~~issue in a disciplinary proceeding. The failure to submit to a~~  
9 ~~Director's order to submit to a reasonable mental or physical~~  
10 ~~exam shall constitute a violation of this Act subject to the~~  
11 ~~disciplinary provisions in Section 40-10.~~

12 (Source: P.A. 93-438, eff. 8-5-03.)

13 (225 ILCS 447/45-25)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 45-25. Disposition by consent order. Disposition may  
16 be made of any charge by consent order between the Department  
17 and the licensee. The Board shall be apprised of the consent  
18 order at its next meeting. The consent order shall be final  
19 upon signature of the Secretary.

20 (Source: P.A. 93-438, eff. 8-5-03.)

21 (225 ILCS 447/45-30)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 45-30. Restoration of license after disciplinary  
24 proceedings. At any time after the successful completion of a

1 term of suspension or revocation of a license, the Department  
2 may restore it to the licensee upon the written recommendation  
3 of the Board unless the Board determines after an investigation  
4 and a hearing that restoration is not in the public interest.

5 ~~The Department shall reinstate any license to good standing~~  
6 ~~under this Act upon recommendation to the Director, after a~~  
7 ~~hearing before the Board or a hearing officer authorized by the~~  
8 ~~Department. The Department shall be satisfied that the~~  
9 ~~applicant's renewed practice is not contrary to the public~~  
10 ~~interest.~~

11 (Source: P.A. 93-438, eff. 8-5-03.)

12 (225 ILCS 447/45-40)

13 (Section scheduled to be repealed on January 1, 2014)

14 Sec. 45-40. Administrative review. All final  
15 administrative decisions of the Department are subject to  
16 judicial review under Article III of the Code of Civil  
17 Procedure. The term "administrative decision" is defined as in  
18 Section 3-101 of the Code of Civil Procedure. The proceedings  
19 for judicial review shall be commenced in the circuit court of  
20 the county in which the party applying for review resides; but  
21 if the party is not a resident of Illinois, the venue shall be  
22 in Sangamon County. The Department shall not be required to  
23 certify any record to the court or file any answer in court or  
24 otherwise appear in any court in a judicial review proceeding,  
25 unless and until the Department has received from the plaintiff

1 payment of the costs of furnishing and certifying the record,  
2 which costs shall be determined by the Department ~~there is~~  
3 ~~filed in the court with the complaint a receipt from the~~  
4 ~~Department acknowledging payment of the costs of furnishing and~~  
5 ~~certifying the record. Costs shall be computed at the cost of~~  
6 ~~preparing the record.~~ Exhibits shall be certified without cost.  
7 Failure on the part of the applicant or licensee to file a  
8 receipt in court is grounds for dismissal of the action. During  
9 all judicial proceedings incident to a disciplinary action, the  
10 sanctions imposed upon a licensee by the Department shall  
11 remain in effect, unless the court determines justice requires  
12 a stay of the order.

13 (Source: P.A. 93-438, eff. 8-5-03.)

14 (225 ILCS 447/45-55)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 45-55. Subpoenas.

17 (a) The Department, with the approval of a member of the  
18 Board, may subpoena and bring before it any person to take the  
19 oral or written testimony or compel the production of any  
20 books, papers, records, or any other documents that the  
21 Secretary or his or her designee deems relevant or material to  
22 any such investigation or hearing conducted by the Department  
23 with the same fees and in the same manner as prescribed in  
24 civil cases in the courts of this State.

25 (b) Any circuit court, upon the application of the

1 licensee, the Department, the designated hearing officer, or  
2 the Board, may order the attendance and testimony of witnesses  
3 and the production of relevant documents, files, records, books  
4 and papers in connection with any hearing or investigation  
5 ~~before the Board in any hearing under this Act.~~ The circuit  
6 court may compel obedience to its order by proceedings for  
7 contempt.

8 (c) The Secretary ~~Director,~~ the hearing officer, any member  
9 of the Board, or a certified shorthand court reporter may  
10 administer oaths at any hearing the Department conducts.  
11 Notwithstanding any other statute or Department rule to the  
12 contrary, all requests for testimony, production of documents  
13 or records shall be in accordance with this Act.

14 (Source: P.A. 95-613, eff. 9-11-07.)

15 (225 ILCS 447/50-10)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 50-10. The Private Detective, Private Alarm, Private  
18 Security, Fingerprint Vendor, and Locksmith Board.

19 (a) The Private Detective, Private Alarm, Private  
20 Security, Fingerprint Vendor, and Locksmith Board shall  
21 consist of 13 members appointed by the Director and comprised  
22 of 2 licensed private detectives, 3 licensed private security  
23 contractors, one licensed private detective or licensed  
24 private security contractor who provides canine odor detection  
25 services, 2 licensed private alarm contractors, one licensed

1 fingerprint vendor except for the initial appointment who shall  
2 be required to have experience in the fingerprint vendor  
3 industry that is acceptable to the Department, 2 licensed  
4 locksmiths, one public member who is not licensed or registered  
5 under this Act and who has no connection with a business  
6 licensed under this Act, and one member representing the  
7 employees registered under this Act. Each member shall be a  
8 resident of Illinois. Except for the initial appointment of a  
9 licensed fingerprint vendor after the effective date of this  
10 amendatory Act of the 95th General Assembly, each licensed  
11 member shall have at least 5 years experience as a licensee in  
12 the professional area in which the person is licensed and be in  
13 good standing and actively engaged in that profession. In  
14 making appointments, the Director shall consider the  
15 recommendations of the professionals and the professional  
16 organizations representing the licensees. The membership shall  
17 reasonably reflect the different geographic areas in Illinois.

18 (b) Members shall serve 4 year terms and may serve until  
19 their successors are appointed. No member shall serve for more  
20 than 2 successive terms. Appointments to fill vacancies shall  
21 be made in the same manner as the original appointments for the  
22 unexpired portion of the vacated term. Members of the Board in  
23 office on the effective date of this Act pursuant to the  
24 Private Detective, Private Alarm, Private Security, and  
25 Locksmith Act of 1993 shall serve for the duration of their  
26 terms and may be appointed for one additional term.

1 (c) A member of the Board may be removed for cause. A  
2 member subject to formal disciplinary proceedings shall  
3 disqualify himself or herself from all Board business until the  
4 charge is resolved. A member also shall disqualify himself or  
5 herself from any matter on which the member cannot act  
6 objectively.

7 (d) Members shall receive compensation as set by law. Each  
8 member shall receive reimbursement as set by the Governor's  
9 Travel Control Board for expenses incurred in carrying out the  
10 duties as a Board member.

11 (e) A majority of Board members constitutes a quorum. A  
12 majority vote of the quorum is required for a decision.

13 (f) The Board shall elect a chairperson and vice  
14 chairperson.

15 (g) Board members are not liable for their acts, omissions,  
16 decisions, or other conduct in connection with their duties on  
17 the Board, except those determined to be willful, wanton, or  
18 intentional misconduct.

19 (h) The Board may recommend policies, procedures, and rules  
20 relevant to the administration and enforcement of this Act.

21 (Source: P.A. 95-613, eff. 9-11-07.)

22 (225 ILCS 447/50-15)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 50-15. Powers and duties of the Department. Subject to  
25 the provisions of this Act, the Department may exercise the

1 following powers and duties: ~~(a) The Department shall exercise~~  
2 ~~the powers and duties prescribed by the Civil Administrative~~  
3 ~~Code of Illinois and shall exercise all other powers and duties~~  
4 ~~set forth in this Act.~~

5 (1) Prescribe ~~(b) The Director shall prescribe~~ forms to  
6 be issued for the administration and enforcement of this  
7 Act.

8 (2) Authorize examinations to ascertain the  
9 qualifications and fitness of applicants for licensing as a  
10 licensed fingerprint vendor, locksmith, private alarm  
11 contractor, private detective, or private security  
12 contractor and pass upon the qualifications of applicants  
13 for licensure.

14 (3) Examine the records of licensees or investigate any  
15 other aspect of fingerprint vending, locksmithing, private  
16 alarm contracting, private security contracting, or  
17 practicing as a private detective that is relevant to the  
18 Department's investigation or hearing.

19 (4) Conduct hearings on proceedings to refuse to issue  
20 or renew licenses or to revoke, suspend, place on  
21 probation, reprimand, or otherwise discipline a license  
22 under this Act or take other non-disciplinary action.

23 (5) Adopt rules required for the administration of this  
24 Act.

25 (6) Maintain rosters of the names and addresses of all  
26 licensees and all persons whose licenses have been

1       suspended, revoked, denied renewal, or otherwise  
2       disciplined within the previous calendar year. These  
3       rosters shall be available upon written request and payment  
4       of the required fee as established by rule.

5       (Source: P.A. 93-438, eff. 8-5-03.)

6             (225 ILCS 447/50-30)

7             (Section scheduled to be repealed on January 1, 2014)

8       Sec. 50-30. Fees; deposit of fees and fines. The Department  
9       shall by rule provide for fees for the administration and  
10       enforcement of this Act, and those fees are nonrefundable.  
11       Applicants for examination shall be required to pay a fee to  
12       either the Department or the designated testing service to  
13       cover the cost of providing the examination. If an applicant  
14       fails to appear for the examination on the scheduled date at  
15       the time and place specified by the Department or designated  
16       testing service, then the applicant's examination fee shall be  
17       forfeited. All of the fees and fines collected under this Act  
18       shall be deposited into the General Professions Dedicated Fund  
19       and be appropriated to the Department for the ordinary and  
20       contingent expenses of the Department in the administration and  
21       enforcement of this Act.

22       (Source: P.A. 93-438, eff. 8-5-03.)

23             (225 ILCS 447/50-45 new)

24       Sec. 50-45. Illinois Administrative Procedure Act;

1 application. The Illinois Administrative Procedure Act is  
2 expressly adopted and incorporated in this Act as if all of the  
3 provisions of that Act were included in this Act, except that  
4 the provision of paragraph (d) of Section 10-65 of the Illinois  
5 Administrative Procedure Act, which provides that at hearings  
6 the registrant or licensee has the right to show compliance  
7 with all lawful requirements for retention or continuation or  
8 renewal of the license, is specifically excluded. For the  
9 purpose of this Act, the notice required under Section 10-25 of  
10 the Illinois Administrative Procedure Act is considered  
11 sufficient when mailed to the last known address of a party.

12 Section 95. No acceleration or delay. Where this Act makes  
13 changes in a statute that is represented in this Act by text  
14 that is not yet or no longer in effect (for example, a Section  
15 represented by multiple versions), the use of that text does  
16 not accelerate or delay the taking effect of (i) the changes  
17 made by this Act or (ii) provisions derived from any other  
18 Public Act.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.