



Sen. Kimberly A. Lightford

Filed: 4/14/2010

09600HB5080sam001

LRB096 17954 ASK 39949 a

1 AMENDMENT TO HOUSE BILL 5080

2 AMENDMENT NO. _____. Amend House Bill 5080 by replacing
3 everything after the enacting clause with the following:

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12 (Section scheduled to be repealed on January 1, 2014)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

1 licensure maintenance unit.

2 "Advertisement" means any printed material that is
3 published in a phone book, newspaper, magazine, pamphlet,
4 newsletter, or other similar type of publication that is
5 intended to either attract business or merely provide contact
6 information to the public for an agency or licensee.
7 Advertisement shall include any material disseminated by
8 printed or electronic means or media, but shall not include a
9 licensee's or an agency's letterhead, business cards, or other
10 stationery used in routine business correspondence or
11 customary name, address, and number type listings in a
12 telephone directory.

13 "Alarm system" means any system, including an electronic
14 access control system, a surveillance video system, a security
15 video system, a burglar alarm system, a fire alarm system, or
16 any other electronic system, that activates an audible,
17 visible, remote, or recorded signal that is designed for the
18 protection or detection of intrusion, entry, theft, fire,
19 vandalism, escape, or trespass.

20 "Applicant" means a person applying for licensure under
21 this Act as a fingerprint vendor, fingerprint vendor agency,
22 locksmith, locksmith agency, private alarm contractor, private
23 alarm contractor agency, private detective, private detective
24 agency, private security contractor, or private security
25 contractor agency. Any applicant or person who holds himself or
26 herself out as an applicant is considered a licensee for

1 purposes of enforcement, investigation, hearings, and the
2 Illinois Administrative Procedure Act.

3 "Armed employee" means a licensee or registered person who
4 is employed by an agency licensed or an armed proprietary
5 security force registered under this Act who carries a weapon
6 while engaged in the performance of official duties within the
7 course and scope of his or her employment during the hours and
8 times the employee is scheduled to work or is commuting between
9 his or her home or place of employment, provided that commuting
10 is accomplished within one hour from departure from home or
11 place of employment.

12 "Armed proprietary security force" means a security force
13 made up of 5 or more armed individuals employed by a private,
14 commercial, or industrial operation or one or more armed
15 individuals employed by a financial institution as security
16 officers for the protection of persons or property.

17 "Board" means the Private Detective, Private Alarm,
18 Private Security, Fingerprint Vendor, and Locksmith Board.

19 "Branch office" means a business location removed from the
20 place of business for which an agency license has been issued,
21 including, but not limited to, locations where active employee
22 records that are required to be maintained under this Act are
23 kept, where prospective new employees are processed, or where
24 members of the public are invited in to transact business. A
25 branch office does not include an office or other facility
26 located on the property of an existing client that is utilized

1 solely for the benefit of that client and is not owned or
2 leased by the agency.

3 "Canine handler" means a person who uses or handles a
4 trained dog to protect persons or property or to conduct
5 investigations.

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

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

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

18 "Canine training facility" means a facility operated by a
19 licensed private detective agency or private security agency
20 wherein dogs are trained for the purposes of protecting persons
21 or property or to conduct investigations.

22 "Corporation" means an artificial person or legal entity
23 created by or under the authority of the laws of a state,
24 including without limitation a corporation, limited liability
25 company, or any other legal entity.

26 "Department" means the Department of Financial and

1 Professional Regulation.

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

6 "Fingerprint vendor" means a person that offers,
7 advertises, or provides services to fingerprint individuals,
8 through electronic or other means, for the purpose of providing
9 fingerprint images and associated demographic data to the
10 Department of State Police for processing fingerprint based
11 criminal history record information inquiries.

12 "Fingerprint vendor agency" means a person, firm,
13 corporation, or other legal entity that engages in the
14 fingerprint vendor business and employs, in addition to the
15 fingerprint vendor licensee-in-charge, at least one other
16 person in conducting that business.

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

26 "Fire alarm system" means any system that is activated by

1 an automatic or manual device in the detection of smoke, heat,
2 or fire that activates an audible, visible, or remote signal
3 requiring a response.

4 "Firearm control card" means a card issued by the
5 Department that authorizes the holder, who has complied with
6 the training and other requirements of this Act, to carry a
7 weapon during the performance of his or her duties as specified
8 in this Act.

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

11 "Licensee" means a person licensed under this Act as a
12 fingerprint vendor, fingerprint vendor agency, locksmith,
13 locksmith agency, private alarm contractor, private alarm
14 contractor agency, private detective, private detective
15 agency, private security contractor, or private security
16 contractor agency. Anyone who holds himself or herself out as a
17 licensee or who is accused of unlicensed practice is considered
18 a licensee for purposes of enforcement, investigation,
19 hearings, and the Illinois Administrative Procedure Act.

20 "Locksmith" means a person who engages in a business or
21 holds himself out to the public as providing a service that
22 includes, but is not limited to, the servicing, installing,
23 originating first keys, re-coding, repairing, maintaining,
24 manipulating, or bypassing of a mechanical or electronic
25 locking device, access control or video surveillance system at
26 premises, vehicles, safes, vaults, safe deposit boxes, or

1 automatic teller machines.

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

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

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

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

26 "Person" means a natural person.

1 "Private alarm contractor" means a person who engages in a
2 business that individually or through others undertakes,
3 offers to undertake, purports to have the capacity to
4 undertake, or submits a bid to sell, install, design, monitor,
5 maintain, alter, repair, replace, or service alarm and other
6 security-related systems or parts thereof, including fire
7 alarm systems, at protected premises or premises to be
8 protected or responds to alarm systems at a protected premises
9 on an emergency basis and not as a full-time security officer.

10 "Private alarm contractor" does not include a person, firm, or
11 corporation that manufactures or sells alarm systems only from
12 its place of business and does not sell, install, monitor,
13 maintain, alter, repair, replace, service, or respond to alarm
14 systems at protected premises or premises to be protected.

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

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

1 Department shall adopt rules mandating licensee-in-charge
2 participation in agency affairs.

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

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

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

18 (3) The location, disposition, or recovery of lost or
19 stolen property.

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

23 (5) The truth or falsity of any statement or
24 representation.

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

1 (7) The protection of individuals from bodily harm or
2 death (bodyguard functions).

3 (8) Service of process in criminal and civil
4 proceedings without court order.

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

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

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

26 (1) The prevention or detection of intrusion, entry,

1 theft, vandalism, abuse, fire, or trespass on private or
2 governmental property.

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

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

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

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

16 (6) The protection of individuals from bodily harm or
17 death (bodyguard functions).

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

23 "Private security contractor licensee-in-charge" means a
24 person who has been designated by an agency to be the
25 licensee-in-charge of an agency, who is a full-time management
26 employee or owner who assumes sole responsibility for

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

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

10 "Secretary" means the Secretary of the Department of
11 Financial and Professional Regulation.

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

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

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

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

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

20 "Advertisement" means any printed material that is
21 published in a phone book, newspaper, magazine, pamphlet,
22 newsletter, or other similar type of publication that is
23 intended to either attract business or merely provide contact
24 information to the public for an agency or licensee.
25 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, an
9 emergency communication system, mass notification system, or
10 any other electronic system that activates an audible, visible,
11 remote, or recorded signal that is designed for the protection
12 or detection of intrusion, entry, theft, fire, vandalism,
13 escape, or trespass, or other electronic systems designed for
14 the protection of life by indicating the existence of an
15 emergency situation.

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

25 "Armed employee" means a licensee or registered person who
26 is employed by an agency licensed or an armed proprietary

1 security force registered under this Act who carries a weapon
2 while engaged in the performance of official duties within the
3 course and scope of his or her employment during the hours and
4 times the employee is scheduled to work or is commuting between
5 his or her home or place of employment, provided that commuting
6 is accomplished within one hour from departure from home or
7 place of employment.

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

13 "Board" means the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Board.

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

25 "Canine handler" means a person who uses or handles a
26 trained dog to protect persons or property or to conduct

1 investigations.

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

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

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

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

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

22 "Department" means the Department of Financial and
23 Professional Regulation.

24 "Emergency communication system" means any system that
25 communicates information about emergencies, including but not
26 limited to fire, terrorist activities, shootings, other

1 dangerous situations, accidents, and natural disasters.

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

6 "Fingerprint vendor" means a person that offers,
7 advertises, or provides services to fingerprint individuals,
8 through electronic or other means, for the purpose of providing
9 fingerprint images and associated demographic data to the
10 Department of State Police for processing fingerprint based
11 criminal history record information inquiries.

12 "Fingerprint vendor agency" means a person, firm,
13 corporation, or other legal entity that engages in the
14 fingerprint vendor business and employs, in addition to the
15 fingerprint vendor licensee-in-charge, at least one other
16 person in conducting that business.

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

26 "Fire alarm system" means any system that is activated by

1 an automatic or manual device in the detection of smoke, heat,
2 or fire that activates an audible, visible, or remote signal
3 requiring a response.

4 "Firearm control card" means a card issued by the
5 Department that authorizes the holder, who has complied with
6 the training and other requirements of this Act, to carry a
7 weapon during the performance of his or her duties as specified
8 in this Act.

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

11 "Licensee" means a person licensed under this Act as a
12 fingerprint vendor, fingerprint vendor agency, locksmith,
13 locksmith agency, private alarm contractor, private alarm
14 contractor agency, private detective, private detective
15 agency, private security contractor, or private security
16 contractor agency. Anyone who holds himself or herself out as a
17 licensee or who is accused of unlicensed practice is considered
18 a licensee for purposes of enforcement, investigation,
19 hearings, and the Illinois Administrative Procedure Act.

20 "Locksmith" means a person who engages in a business or
21 holds himself out to the public as providing a service that
22 includes, but is not limited to, the servicing, installing,
23 originating first keys, re-coding, repairing, maintaining,
24 manipulating, or bypassing of a mechanical or electronic
25 locking device, access control or video surveillance system at
26 premises, vehicles, safes, vaults, safe deposit boxes, or

1 automatic teller machines.

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

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

14 "Mass notification system" means any system that is used to
15 provide information and instructions to people in a building or
16 other space using voice communications, including visible
17 signals, text, graphics, tactile, or other communication
18 methods.

19 "Peace officer" or "police officer" means a person who, by
20 virtue of office or public employment, is vested by law with a
21 duty to maintain public order or to make arrests for offenses,
22 whether that duty extends to all offenses or is limited to
23 specific offenses. Officers, agents, or employees of the
24 federal government commissioned by federal statute to make
25 arrests for violations of federal laws are considered peace
26 officers.

1 "Permanent employee registration card" means a card issued
2 by the Department to an individual who has applied to the
3 Department and meets the requirements for employment by a
4 licensed agency under this Act.

5 "Person" means a natural person.

6 "Private alarm contractor" means a person who engages in a
7 business that individually or through others undertakes,
8 offers to undertake, purports to have the capacity to
9 undertake, or submits a bid to sell, install, design, monitor,
10 maintain, alter, repair, replace, or service alarm and other
11 security-related systems or parts thereof, including fire
12 alarm systems, at protected premises or premises to be
13 protected or responds to alarm systems at a protected premises
14 on an emergency basis and not as a full-time security officer.

15 "Private alarm contractor" does not include a person, firm, or
16 corporation that manufactures or sells alarm systems only from
17 its place of business and does not sell, install, monitor,
18 maintain, alter, repair, replace, service, or respond to alarm
19 systems at protected premises or premises to be protected.

20 "Private alarm contractor agency" means a person,
21 corporation, or other entity that engages in the private alarm
22 contracting business and employs, in addition to the private
23 alarm contractor-in-charge, at least one other person in
24 conducting such business.

25 "Private alarm contractor licensee-in-charge" means a
26 person who has been designated by an agency to be the

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

8 "Private detective" means any person who by any means,
9 including, but not limited to, manual, canine odor detection,
10 or electronic methods, engages in the business of, accepts
11 employment to furnish, or agrees to make or makes
12 investigations for a fee or other consideration to obtain
13 information relating to:

14 (1) Crimes or wrongs done or threatened against the
15 United States, any state or territory of the United States,
16 or any local government of a state or territory.

17 (2) The identity, habits, conduct, business
18 occupation, honesty, integrity, credibility, knowledge,
19 trustworthiness, efficiency, loyalty, activity, movements,
20 whereabouts, affiliations, associations, transactions,
21 acts, reputation, or character of any person, firm, or
22 other entity by any means, manual or electronic.

23 (3) The location, disposition, or recovery of lost or
24 stolen property.

25 (4) The cause, origin, or responsibility for fires,
26 accidents, or injuries to individuals or real or personal

1 property.

2 (5) The truth or falsity of any statement or
3 representation.

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

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

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

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

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

24 "Private security contractor" means a person who engages in
25 the business of providing a private security officer, watchman,
26 patrol, guard dog, canine odor detection, or a similar service

1 by any other title or name on a contractual basis for another
2 person, firm, corporation, or other entity for a fee or other
3 consideration and performing one or more of the following
4 functions:

5 (1) The prevention or detection of intrusion, entry,
6 theft, vandalism, abuse, fire, or trespass on private or
7 governmental property.

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

10 (3) The protection of persons authorized to be on the
11 premises of the person, firm, or other entity for which the
12 security contractor contractually provides security
13 services.

14 (4) The prevention of the misappropriation or
15 concealment of goods, money, bonds, stocks, notes,
16 documents, or papers.

17 (5) The control, regulation, or direction of the
18 movement of the public for the time specifically required
19 for the protection of property owned or controlled by the
20 client.

21 (6) The protection of individuals from bodily harm or
22 death (bodyguard functions).

23 "Private security contractor agency" means a person, firm,
24 corporation, or other legal entity that engages in the private
25 security contractor business and that employs, in addition to
26 the licensee-in-charge, one or more persons in conducting such

1 business.

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

11 "Public member" means a person who is not a licensee or
12 related to a licensee, or who is not an employer or employee of
13 a licensee. The term "related to" shall be determined by the
14 rules of the Department.

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

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

18 (225 ILCS 447/10-37 new)

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

24 (225 ILCS 447/30-15)

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

2 Sec. 30-15. Qualifications for licensure as a locksmith
3 agency.

4 (a) Upon receipt of the required fee and proof that the
5 applicant is an Illinois licensed locksmith who shall assume
6 responsibility for the operation of the agency and the directed
7 actions of the agency's employees, which is a continuing
8 requirement for agency licensure, the Department shall issue a
9 license as a locksmith agency to any of the following:

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

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

14 (3) A corporation or limited liability company doing
15 business in Illinois that is authorized to engage in the
16 business of conducting a locksmith agency if at least one
17 officer or executive employee is a licensed locksmith under
18 this Act and all unlicensed officers and directors of the
19 corporation or limited liability company are determined by
20 the Department to be persons of good moral character.

21 (b) An individual licensed as a locksmith operating under a
22 business name other than the licensed locksmith's own name
23 shall not be required to obtain a locksmith agency license if
24 that licensed locksmith does not employ any persons to engage
25 in the practice of locksmithing and registers under the Assumed
26 Business Name Act.

1 (c) No locksmith may be the locksmith licensee in-charge
2 for more than one locksmith agency. Upon written request by a
3 representative of the agency, within 10 days after the loss of
4 a locksmith-in-charge of an agency because of the death of that
5 individual or because of the termination of the employment of
6 that individual, the Department shall issue a temporary
7 certificate of authority allowing the continuing operation of
8 the licensed agency. No temporary certificate of authority
9 shall be valid for more than 90 days. An extension of an
10 additional 90 days may be granted upon written request by the
11 representative of the agency. Not more than 2 extensions may be
12 granted to any agency. No temporary permit shall be issued for
13 loss of the licensee-in-charge because of disciplinary action
14 by the Department related to his or her conduct on behalf of
15 the agency.

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

19 (1) The name, full business address, and telephone
20 number of the locksmith agency. The business address for
21 the locksmith agency shall be a complete street address
22 from which business is actually conducted, shall be located
23 within the State, and may not be a P.O. Box. The applicant
24 shall submit proof that the business location is or will be
25 used to conduct the locksmith agency's business. The
26 Department may approve of an out-of-state business

1 location if it is not over 50 miles in distance from the
2 borders of this State.

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

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

6 (4) The name of the owner or operator of the locksmith
7 agency, including:

8 (A) if a person, then the name and address of
9 record of the person;

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

12 (C) if a corporation, then the name, address of
13 record, and title of each corporate officer and
14 director, the corporate names, and the name of the
15 state of incorporation; and

16 (D) if a sole proprietorship, then the full name
17 and address of record of the sole proprietor and the
18 name of the business entity.

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

21 (6) Any additional information required by the
22 Department by rule.

23 (e) A licensed locksmith agency may operate under a "doing
24 business as" or assumed name certification without having to
25 obtain a separate locksmith agency license if the "doing
26 business as" or assumed name is first registered with the

1 Department. A licensed locksmith agency may register no more
2 than one assumed name.

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

4 (225 ILCS 447/30-25)

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

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

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

22 (b) A locksmith who bypasses, manipulates, or originates a
23 first key for a motor vehicle, whether or not for compensation,
24 shall document the name, address, date of birth, telephone
25 number, vehicle identification number, and driver's license

1 number or other identification number of the person requesting
2 entry and obtain the signature of that person. A copy of the
3 work order form, invoice, or receipt shall be kept by the
4 licensed locksmith for a period of 2 years and shall include
5 the name and license number of the locksmith or the name and
6 identification number of the registered employee who performed
7 the services. Work order forms, invoices, or receipts required
8 to be kept under this Section shall be available for inspection
9 upon written request made 3 days in advance by a law
10 enforcement agency.

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

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

16 (225 ILCS 447/30-30 new)

17 Sec. 30-30. Consumer protection; required information for
18 consumers.

19 (a) A licensee providing any locksmith services shall
20 document on a work order, invoice, or receipt the name,
21 address, and telephone number of the person requesting the work
22 to be done.

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

1 (c) If the locksmith who performs the services is employed
2 by a locksmith agency, then the name, address, and license
3 number of the locksmith agency and the name and license or
4 registration number of the locksmith who performed the services
5 shall be included on the work order, invoice, or receipt.

6 (d) A copy of the work order, invoice, or receipt shall be
7 provided to the customer at the time of service and the
8 original copy of the work order, invoice, or receipt shall be
9 kept by the licensed locksmith or locksmith agency for a period
10 of 2 years.

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

14 (f) A locksmith may be disciplined by the Department
15 pursuant to this Act for gross, willful, and continued
16 overcharging for professional locksmith services, including
17 filing false statements for the collection of fees for services
18 not rendered.

19 (225 ILCS 447/30-35 new)

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

1 (225 ILCS 447/35-32 new)

2 Sec. 35-32. Employment requirement. The holder of a
3 permanent employee registration card is prohibited from
4 performing the activities of a fingerprint vendor, locksmith,
5 private alarm contractor, private detective, or private
6 security contractor without being employed by an agency
7 licensed under this Act.

8 (225 ILCS 447/40-10)

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

10 Sec. 40-10. Disciplinary sanctions.

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

19 (1) Fraud or deception in obtaining or renewing of a
20 license or registration.

21 (2) Professional incompetence as manifested by poor
22 standards of service.

23 (3) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

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

8 (5) Performing any services in a grossly negligent
9 manner or permitting any of a licensee's employees to
10 perform services in a grossly negligent manner, regardless
11 of whether actual damage to the public is established.

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

14 (A) Physical illness, mental illness, or other
15 impairment, including, but not limited to,
16 deterioration through the aging process or loss of
17 motor skills that results in the inability to serve the
18 public with reasonable judgment, skill, or safety.

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

22 (C) Addiction to or dependency on alcohol or drugs
23 that is likely to endanger the public. If the
24 Department has reasonable cause to believe that a
25 person is addicted to or dependent on alcohol or drugs
26 that may endanger the public, the Department may

1 require the person to undergo an examination to
2 determine the extent of the addiction or dependency.

3 (7) Receiving, directly or indirectly, compensation
4 for any services not rendered.

5 (8) Willfully deceiving or defrauding the public on a
6 material matter.

7 (9) Failing to account for or remit any moneys or
8 documents coming into the licensee's possession that
9 belong to another person or entity.

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

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

17 (12) Engaging in false or misleading advertising.

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

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

23 (15) Directly or indirectly offering or accepting any
24 benefit to or from any employee, agent, or fiduciary
25 without the consent of the latter's employer or principal
26 with intent to or the understanding that this action will

1 influence his or her conduct in relation to his or her
2 employer's or principal's affairs.

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

5 (17) Performing any act or practice that is a violation
6 of this Act, the rules for the administration of this Act,
7 or any federal or State laws, rules, or regulations
8 directly related to the practices of private detectives,
9 private alarm contractors, private security contractors,
10 fingerprint vendors, or locksmiths ~~Failing to comply with~~
11 ~~any provision of this Act or rule promulgated under it.~~

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

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

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

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

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

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

26 (24) Purporting to be a licensee-in-charge of an agency

1 without active participation in the agency.

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

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

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

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

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

17 (225 ILCS 447/40-25)

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

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

20 (a) The Department or Board upon a showing of a possible
21 violation may compel an individual licensed to practice under
22 this Act, or who has applied for licensure under this Act, to
23 submit to a mental or physical examination, or both, as
24 required by and at the expense of the Department. The
25 Department or Board may order the examining physician to

1 present testimony concerning the mental or physical
2 examination of the licensee or applicant. No information shall
3 be excluded by reason of any common law or statutory privilege
4 relating to communications between the licensee or applicant
5 and the examining physician. The examining physicians shall be
6 specifically designated by the Board or Department. The
7 individual to be examined may have, at his or her own expense,
8 another physician of his or her choice present during all
9 aspects of this examination. Failure of an individual to submit
10 to a mental or physical examination, when directed, shall be
11 grounds for the immediate suspension of his or her license
12 until the individual submits to the examination if the
13 Department finds that the refusal to submit to the examination
14 was without reasonable cause as defined by rule.

15 (b) In instances in which the Secretary immediately
16 suspends a person's license for his or her failure to submit to
17 a mental or physical examination when directed, a hearing on
18 that person's license must be convened by the Department within
19 15 days after the suspension and completed without appreciable
20 delay.

21 (c) In instances in which the Secretary otherwise suspends
22 a person's license pursuant to the results of a compelled
23 mental or physical examination, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department and Board shall have the authority to review the

1 subject individual's record of treatment and counseling
2 regarding the impairment to the extent permitted by applicable
3 federal statutes and regulations safeguarding the
4 confidentiality of medical records.

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

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

18 (225 ILCS 447/45-25)

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

20 Sec. 45-25. Disposition by consent order. Disposition may
21 be made of any charge by consent order between the Department
22 and the licensee. The Board shall be apprised of the consent
23 order at its next meeting. The consent order shall be final
24 upon signature of the Secretary.

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

1 (225 ILCS 447/45-30)

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

3 Sec. 45-30. Restoration of license after disciplinary
4 proceedings. At any time after the successful completion of a
5 term of suspension or revocation of a license, the Department
6 may restore it to the licensee upon the written recommendation
7 of the Board unless the Board determines after an investigation
8 and a hearing that restoration is not in the public interest.
9 ~~The Department shall reinstate any license to good standing~~
10 ~~under this Act upon recommendation to the Director, after a~~
11 ~~hearing before the Board or a hearing officer authorized by the~~
12 ~~Department. The Department shall be satisfied that the~~
13 ~~applicant's renewed practice is not contrary to the public~~
14 ~~interest.~~

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

16 (225 ILCS 447/45-40)

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

18 Sec. 45-40. Administrative review. All final
19 administrative decisions of the Department are subject to
20 judicial review under Article III of the Code of Civil
21 Procedure. The term "administrative decision" is defined as in
22 Section 3-101 of the Code of Civil Procedure. The proceedings
23 for judicial review shall be commenced in the circuit court of
24 the county in which the party applying for review resides; but

1 if the party is not a resident of Illinois, the venue shall be
2 in Sangamon County. The Department shall not be required to
3 certify any record to the court or file any answer in court or
4 otherwise appear in any court in a judicial review proceeding,
5 unless and until the Department has received from the plaintiff
6 payment of the costs of furnishing and certifying the record,
7 which costs shall be determined by the Department ~~there is~~
8 ~~filed in the court with the complaint a receipt from the~~
9 ~~Department acknowledging payment of the costs of furnishing and~~
10 ~~certifying the record. Costs shall be computed at the cost of~~
11 ~~preparing the record.~~ Exhibits shall be certified without cost.
12 Failure on the part of the applicant or licensee to file a
13 receipt in court is grounds for dismissal of the action. During
14 all judicial proceedings incident to a disciplinary action, the
15 sanctions imposed upon a licensee by the Department shall
16 remain in effect, unless the court determines justice requires
17 a stay of the order.

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

19 (225 ILCS 447/45-55)

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

21 Sec. 45-55. Subpoenas.

22 (a) The Department, with the approval of a member of the
23 Board, may subpoena and bring before it any person to take the
24 oral or written testimony or compel the production of any
25 books, papers, records, or any other documents that the

1 Secretary or his or her designee deems relevant or material to
2 any such investigation or hearing conducted by the Department
3 with the same fees and in the same manner as prescribed in
4 civil cases in the courts of this State.

5 (b) Any circuit court, upon the application of the
6 licensee, the Department, the designated hearing officer, or
7 the Board, may order the attendance and testimony of witnesses
8 and the production of relevant documents, files, records, books
9 and papers in connection with any hearing or investigation
10 ~~before the Board in any hearing under this Act.~~ The circuit
11 court may compel obedience to its order by proceedings for
12 contempt.

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

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

20 (225 ILCS 447/50-10)

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

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

24 (a) The Private Detective, Private Alarm, Private
25 Security, Fingerprint Vendor, and Locksmith Board shall

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

23 (b) Members shall serve 4 year terms and may serve until
24 their successors are appointed. No member shall serve for more
25 than 2 successive terms. Appointments to fill vacancies shall
26 be made in the same manner as the original appointments for the

1 unexpired portion of the vacated term. Members of the Board in
2 office on the effective date of this Act pursuant to the
3 Private Detective, Private Alarm, Private Security, and
4 Locksmith Act of 1993 shall serve for the duration of their
5 terms and may be appointed for one additional term.

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

12 (d) Members shall receive compensation as set by law. Each
13 member shall receive reimbursement as set by the Governor's
14 Travel Control Board for expenses incurred in carrying out the
15 duties as a Board member.

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

18 (f) The Board shall elect a chairperson and vice
19 chairperson.

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

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

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

1 (225 ILCS 447/50-15)

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

3 Sec. 50-15. Powers and duties of the Department. Subject to
4 the provisions of this Act, the Department may exercise the
5 following powers and duties: ~~(a) The Department shall exercise~~
6 ~~the powers and duties prescribed by the Civil Administrative~~
7 ~~Code of Illinois and shall exercise all other powers and duties~~
8 ~~set forth in this Act.~~

9 (1) Prescribe ~~(b) The Director shall prescribe~~ forms to
10 be issued for the administration and enforcement of this
11 Act.

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

18 (3) Examine the records of licensees or examine any
19 other aspect of fingerprint vending, locksmithing, private
20 alarm contracting, private detection, or private security
21 contracting that is relevant to the Department's
22 investigation or hearing.

23 (4) Investigate any and all fingerprint vendor,
24 locksmith, private alarm contractor, private detective, or
25 private security contractor activity.

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

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

7 (7) Prescribe forms to be issued for the administration
8 and enforcement of this Act.

9 (8) Maintain rosters of the names and addresses of all
10 licensees and all persons whose licenses have been
11 suspended, revoked, denied renewal, or otherwise
12 disciplined within the previous calendar year. These
13 rosters shall be available upon written request and payment
14 of the required fee as established by rule.

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

16 (225 ILCS 447/50-30)

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

18 Sec. 50-30. Fees; deposit of fees and fines. The Department
19 shall by rule provide for fees for the administration and
20 enforcement of this Act, and those fees are nonrefundable.
21 Applicants for examination shall be required to pay a fee to
22 either the Department or the designated testing service to
23 cover the cost of providing the examination. If an applicant
24 fails to appear for the examination on the scheduled date at
25 the time and place specified by the Department or designated

1 testing service, then the applicant's examination fee shall be
2 forfeited. All of the fees and fines collected under this Act
3 shall be deposited into the General Professions Dedicated Fund
4 and be appropriated to the Department for the ordinary and
5 contingent expenses of the Department in the administration and
6 enforcement of this Act.

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

8 (225 ILCS 447/50-45 new)

9 Sec. 50-45. Illinois Administrative Procedure Act;
10 application. The Illinois Administrative Procedure Act is
11 expressly adopted and incorporated in this Act as if all of the
12 provisions of that Act were included in this Act, except that
13 the provision of paragraph (d) of Section 10-65 of the Illinois
14 Administrative Procedure Act, which provides that at hearings
15 the registrant or licensee has the right to show compliance
16 with all lawful requirements for retention or continuation or
17 renewal of the license, is specifically excluded. For the
18 purpose of this Act, the notice required under Section 10-25 of
19 the Illinois Administrative Procedure Act is considered
20 sufficient when mailed to the last known address of a party.

21 Section 95. No acceleration or delay. Where this Act makes
22 changes in a statute that is represented in this Act by text
23 that is not yet or no longer in effect (for example, a Section
24 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".