

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 Illinois Roofing Industry Licensing Act is
5 amended by changing Section 5 as follows:

6 (225 ILCS 335/5) (from Ch. 111, par. 7505)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 5. Display of license number; advertising.

9 (a) Each State licensed roofing contractor shall affix the
10 roofing contractor license number and the licensee's name, as
11 it appears on the license, ~~the license number of his or her~~
12 ~~license~~ to all of his or her contracts and bids. In addition,
13 the official issuing building permits shall affix the roofing
14 contractor license number to each application for a building
15 permit and on each building permit issued and recorded.

16 (a-5) A person who knowingly, in the course of applying ~~if~~
17 ~~a general contractor applies~~ for a building permit with a unit
18 of local government, provides the ~~and knowingly submits a~~
19 roofing license number ~~that is not that~~ of a ~~the~~ roofing
20 contractor whom he or she does not intend to have perform the
21 work on the roofing portion of ~~who will be the subcontractor~~
22 ~~for~~ the project commits ~~for which the general contractor has~~
23 ~~requested the permit, the general contractor shall be guilty of~~

1 identity theft under paragraph (8) of subsection (a) of Section
2 16G-15 of the Criminal Code of 1961.

3 (b) In addition, every roofing contractor shall affix the
4 roofing contractor license number and the licensee's name, as
5 it appears on the license, on all commercial vehicles used as
6 part of his or her business as a roofing contractor.

7 (c) Every holder of a license shall display it in a
8 conspicuous place in his or her principal office, place of
9 business, or place of employment.

10 (d) No person licensed under this Act may advertise
11 services regulated by this Act unless that person includes in
12 the advertisement the roofing contractor license number and the
13 licensee's name, as it appears on the license ~~his or her~~
14 ~~license number~~. Nothing contained in this subsection requires
15 the publisher of advertising for roofing contractor services to
16 investigate or verify the accuracy of the license number
17 provided by the licensee.

18 (e) A person who advertises services regulated by this Act
19 who knowingly (i) fails to display the license number and the
20 licensee's name, as it appears on the license, in any manner
21 required by this Section, (ii) fails to provide a publisher
22 with the correct license number as required by subsection (d),
23 or (iii) provides a publisher with a false license number or a
24 license number of another person, or a person who knowingly
25 allows his or her license number to be displayed or used by
26 another person to circumvent any provisions of this Section, is

1 guilty of a Class A misdemeanor with a fine of \$1,000, and, in
2 addition, is subject to the administrative enforcement
3 provisions of this Act. Each day that an advertisement runs or
4 each day that a person knowingly allows his or her license to
5 be displayed or used in violation of this Section constitutes a
6 separate offense.

7 (Source: P.A. 96-624, eff. 1-1-10.)

8 Section 10. The Criminal Code of 1961 is amended by
9 changing Section 16G-15 as follows:

10 (720 ILCS 5/16G-15)

11 Sec. 16G-15. Identity theft.

12 (a) A person commits the offense of identity theft when he
13 or she knowingly:

14 (1) uses any personal identifying information or
15 personal identification document of another person to
16 fraudulently obtain credit, money, goods, services, or
17 other property, or

18 (2) uses any personal identification information or
19 personal identification document of another with intent to
20 commit any felony theft or other felony violation of State
21 law not set forth in paragraph (1) of this subsection (a),
22 or

23 (3) obtains, records, possesses, sells, transfers,
24 purchases, or manufactures any personal identification

1 information or personal identification document of another
2 with intent to commit or to aid or abet another in
3 committing any felony theft or other felony violation of
4 State law, or

5 (4) uses, obtains, records, possesses, sells,
6 transfers, purchases, or manufactures any personal
7 identification information or personal identification
8 document of another knowing that such personal
9 identification information or personal identification
10 documents were stolen or produced without lawful
11 authority, or

12 (5) uses, transfers, or possesses document-making
13 implements to produce false identification or false
14 documents with knowledge that they will be used by the
15 person or another to commit any felony theft or other
16 felony violation of State law, or

17 (6) uses any personal identification information or
18 personal identification document of another to portray
19 himself or herself as that person, or otherwise, for the
20 purpose of gaining access to any personal identification
21 information or personal identification document of that
22 person, without the prior express permission of that
23 person, or

24 (7) uses any personal identification information or
25 personal identification document of another for the
26 purpose of gaining access to any record of the actions

1 taken, communications made or received, or other
2 activities or transactions of that person, without the
3 prior express permission of that person, or -

4 (8) in the course of applying for a building permit
5 with a unit of a local government, provides the license
6 number of a roofing contractor whom he or she does not
7 intend to have perform the work on the roofing portion of
8 the project. It is an affirmative defense to prosecution
9 under this paragraph (8) that the building permit applicant
10 promptly informed the unit of local government that issued
11 the building permit of any change in the roofing
12 contractor.

13 (b) Knowledge shall be determined by an evaluation of all
14 circumstances surrounding the use of the other person's
15 identifying information or document.

16 (c) When a charge of identity theft of credit, money,
17 goods, services, or other property exceeding a specified value
18 is brought the value of the credit, money, goods, services, or
19 other property is an element of the offense to be resolved by
20 the trier of fact as either exceeding or not exceeding the
21 specified value.

22 (d) Sentence.

23 (1) A person convicted of identity theft in violation
24 of paragraph (1) of subsection (a) shall be sentenced as
25 follows:

26 (A) Identity theft of credit, money, goods,

1 services, or other property not exceeding \$300 in value
2 is a Class 4 felony. A person who has been previously
3 convicted of identity theft of less than \$300 who is
4 convicted of a second or subsequent offense of identity
5 theft of less than \$300 is guilty of a Class 3 felony.
6 A person who has been convicted of identity theft of
7 less than \$300 who has been previously convicted of any
8 type of theft, robbery, armed robbery, burglary,
9 residential burglary, possession of burglary tools,
10 home invasion, home repair fraud, aggravated home
11 repair fraud, or financial exploitation of an elderly
12 or disabled person is guilty of a Class 3 felony.
13 Identity theft of credit, money, goods, services, or
14 other property not exceeding \$300 in value when the
15 victim of the identity theft is an active duty member
16 of the Armed Services or Reserve Forces of the United
17 States or of the Illinois National Guard serving in a
18 foreign country is a Class 3 felony. A person who has
19 been previously convicted of identity theft of less
20 than \$300 who is convicted of a second or subsequent
21 offense of identity theft of less than \$300 when the
22 victim of the identity theft is an active duty member
23 of the Armed Services or Reserve Forces of the United
24 States or of the Illinois National Guard serving in a
25 foreign country is guilty of a Class 2 felony. A person
26 who has been convicted of identity theft of less than

1 \$300 when the victim of the identity theft is an active
2 duty member of the Armed Services or Reserve Forces of
3 the United States or of the Illinois National Guard
4 serving in a foreign country who has been previously
5 convicted of any type of theft, robbery, armed robbery,
6 burglary, residential burglary, possession of burglary
7 tools, home invasion, home repair fraud, aggravated
8 home repair fraud, or financial exploitation of an
9 elderly or disabled person is guilty of a Class 2
10 felony. When a person has any such prior conviction,
11 the information or indictment charging that person
12 shall state the prior conviction so as to give notice
13 of the State's intention to treat the charge as a Class
14 3 felony. The fact of the prior conviction is not an
15 element of the offense and may not be disclosed to the
16 jury during trial unless otherwise permitted by issues
17 properly raised during the trial.

18 (B) Identity theft of credit, money, goods,
19 services, or other property exceeding \$300 and not
20 exceeding \$2,000 in value is a Class 3 felony. Identity
21 theft of credit, money, goods, services, or other
22 property exceeding \$300 and not exceeding \$2,000 in
23 value when the victim of the identity theft is an
24 active duty member of the Armed Services or Reserve
25 Forces of the United States or of the Illinois National
26 Guard serving in a foreign country is a Class 2 felony.

1 (C) Identity theft of credit, money, goods,
2 services, or other property exceeding \$2,000 and not
3 exceeding \$10,000 in value is a Class 2 felony.
4 Identity theft of credit, money, goods, services, or
5 other property exceeding \$2,000 and not exceeding
6 \$10,000 in value when the victim of the identity theft
7 is an active duty member of the Armed Services or
8 Reserve Forces of the United States or of the Illinois
9 National Guard serving in a foreign country is a Class
10 1 felony.

11 (D) Identity theft of credit, money, goods,
12 services, or other property exceeding \$10,000 and not
13 exceeding \$100,000 in value is a Class 1 felony.
14 Identity theft of credit, money, goods, services, or
15 other property exceeding \$10,000 and not exceeding
16 \$100,000 in value when the victim of the identity theft
17 is an active duty member of the Armed Services or
18 Reserve Forces of the United States or of the Illinois
19 National Guard serving in a foreign country is a Class
20 X felony.

21 (E) Identity theft of credit, money, goods,
22 services, or other property exceeding \$100,000 in
23 value is a Class X felony.

24 (2) A person convicted of any offense enumerated in
25 paragraphs (2) through (7) of subsection (a) is guilty of a
26 Class 3 felony. A person convicted of any offense

1 enumerated in paragraphs (2) through (7) of subsection (a)
2 when the victim of the identity theft is an active duty
3 member of the Armed Services or Reserve Forces of the
4 United States or of the Illinois National Guard serving in
5 a foreign country is guilty of a Class 2 felony.

6 (3) A person convicted of any offense enumerated in
7 paragraphs (2) through (5) of subsection (a) a second or
8 subsequent time is guilty of a Class 2 felony. A person
9 convicted of any offense enumerated in paragraphs (2)
10 through (5) of subsection (a) a second or subsequent time
11 when the victim of the identity theft is an active duty
12 member of the Armed Services or Reserve Forces of the
13 United States or of the Illinois National Guard serving in
14 a foreign country is guilty of a Class 1 felony.

15 (4) A person who, within a 12 month period, is found in
16 violation of any offense enumerated in paragraphs (2)
17 through (7) of subsection (a) with respect to the
18 identifiers of, or other information relating to, 3 or more
19 separate individuals, at the same time or consecutively, is
20 guilty of a Class 2 felony. A person who, within a 12 month
21 period, is found in violation of any offense enumerated in
22 paragraphs (2) through (7) of subsection (a) with respect
23 to the identifiers of, or other information relating to, 3
24 or more separate individuals, at the same time or
25 consecutively, when the victim of the identity theft is an
26 active duty member of the Armed Services or Reserve Forces

1 of the United States or of the Illinois National Guard
2 serving in a foreign country is guilty of a Class 1 felony.

3 (5) A person convicted of identity theft in violation
4 of paragraph (2) of subsection (a) who uses any personal
5 identification information or personal identification
6 document of another to purchase methamphetamine
7 manufacturing material as defined in Section 10 of the
8 Methamphetamine Control and Community Protection Act with
9 the intent to unlawfully manufacture methamphetamine is
10 guilty of a Class 2 felony for a first offense and a Class
11 1 felony for a second or subsequent offense. A person
12 convicted of identity theft in violation of paragraph (2)
13 of subsection (a) who uses any personal identification
14 information or personal identification document of another
15 to purchase methamphetamine manufacturing material as
16 defined in Section 10 of the Methamphetamine Control and
17 Community Protection Act with the intent to unlawfully
18 manufacture methamphetamine when the victim of the
19 identity theft is an active duty member of the Armed
20 Services or Reserve Forces of the United States or of the
21 Illinois National Guard serving in a foreign country is
22 guilty of a Class 1 felony for a first offense and a Class
23 X felony for a second or subsequent offense.

24 (6) A person convicted of identity theft in violation
25 of paragraph (8) of subsection (a) of this Section shall be
26 guilty of a Class 4 felony.

1 (Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07;
2 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff.
3 8-21-07.)

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