

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 Sections 5 and 9.1 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7 (Section scheduled to be repealed on January 1, 2016)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 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 9.1. Grounds for disciplinary action. The Department
11 may refuse to issue or to renew, or may revoke, suspend, place
12 on probation, reprimand or take other disciplinary or
13 non-disciplinary action as the Department may deem proper,
14 including fines not to exceed \$10,000 for each violation, with
15 regard to any license for any one or combination of the
16 following causes:

17 (a) violation of this Act or its rules;

18 (b) conviction or plea of guilty or nolo contendere of
19 any crime under the laws of the United States or any state
20 or territory thereof that is (i) a felony or (ii) a
21 misdemeanor, an essential element of which is dishonesty or
22 that is directly related to the practice of the profession;

23 (c) making any misrepresentation for the purpose of
24 obtaining a license;

25 (d) professional incompetence or gross negligence in

1 the practice of roofing contracting, prima facie evidence
2 of which may be a conviction or judgment in any court of
3 competent jurisdiction against an applicant or licensee
4 relating to the practice of roofing contracting or the
5 construction of a roof or repair thereof that results in
6 leakage within 90 days after the completion of such work;

7 (e) (blank);

8 (f) aiding or assisting another person in violating any
9 provision of this Act or rules;

10 (g) failing, within 60 days, to provide information in
11 response to a written request made by the Department which
12 has been sent by certified or registered mail to the
13 licensee's last known address;

14 (h) engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public;

17 (i) habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants or any other chemical agent or drug
19 which results in the inability to practice with reasonable
20 judgment, skill, or safety;

21 (j) discipline by another U.S. jurisdiction or foreign
22 nation, if at least one of the grounds for the discipline
23 is the same or substantially equivalent to those set forth
24 in this Section;

25 (k) directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate, or other form of compensation
2 for any professional services not actually or personally
3 rendered;

4 (l) a finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status has violated the terms of probation;

7 (m) a finding by any court of competent jurisdiction,
8 either within or without this State, of any violation of
9 any law governing the practice of roofing contracting, if
10 the Department determines, after investigation, that such
11 person has not been sufficiently rehabilitated to warrant
12 the public trust;

13 (n) a finding that licensure has been applied for or
14 obtained by fraudulent means;

15 (o) practicing, attempting to practice, or advertising
16 under a name other than the full name as shown on the
17 license or any other legally authorized name;

18 (p) gross and willful overcharging for professional
19 services including filing false statements for collection
20 of fees or monies for which services are not rendered;

21 (q) failure to file a return, or to pay the tax,
22 penalty or interest shown in a filed return, or to pay any
23 final assessment of tax, penalty or interest, as required
24 by any tax Act administered by the Illinois Department of
25 Revenue, until such time as the requirements of any such
26 tax Act are satisfied;

1 (r) the Department shall deny any license or renewal
2 under this Act to any person who has defaulted on an
3 educational loan guaranteed by the Illinois State
4 Scholarship Commission; however, the Department may issue
5 a license or renewal if the person in default has
6 established a satisfactory repayment record as determined
7 by the Illinois State Scholarship Commission;

8 (s) failure to continue to meet the requirements of
9 this Act shall be deemed a violation;

10 (t) physical or mental disability, including
11 deterioration through the aging process or loss of
12 abilities and skills that result in an inability to
13 practice the profession with reasonable judgment, skill,
14 or safety;

15 (u) material misstatement in furnishing information to
16 the Department or to any other State agency;

17 (v) the determination by a court that a licensee is
18 subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental
20 Disabilities Code will result in an automatic suspension of
21 his or her license. The suspension will end upon a finding
22 by a court that the licensee is no longer subject to
23 involuntary admission or judicial admission, the issuance
24 of an order so finding and discharging the patient, and the
25 recommendation of the Board to the Director that the
26 licensee be allowed to resume professional practice;

1 (w) advertising in any manner that is false,
2 misleading, or deceptive;

3 (x) taking undue advantage of a customer, which results
4 in the perpetration of a fraud;

5 (y) performing any act or practice that is a violation
6 of the Consumer Fraud and Deceptive Business Practices Act;

7 (z) engaging in the practice of roofing contracting, as
8 defined in this Act, with a suspended, revoked, or
9 cancelled license;

10 (aa) treating any person differently to the person's
11 detriment because of race, color, creed, gender, age,
12 religion, or national origin;

13 (bb) knowingly making any false statement, oral,
14 written, or otherwise, of a character likely to influence,
15 persuade, or induce others in the course of obtaining or
16 performing roofing contracting services; ~~or~~

17 (cc) violation of any final administrative action of
18 the Secretary; ~~or~~

19 (dd) allowing the use of his or her roofing license by
20 an unlicensed roofing contractor for the purposes of
21 providing roofing or waterproofing services; or

22 (ee) aiding or assisting another person in violating
23 any provision of this Act or its rules, including, but not
24 limited to, Section 9 of this Act.

25 The changes to this Act made by this amendatory Act of 1997
26 apply only to disciplinary actions relating to events occurring

1 after the effective date of this amendatory Act of 1997.

2 (Source: P.A. 95-303, eff. 1-1-08.)

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

5 (720 ILCS 5/16G-15)

6 Sec. 16G-15. Identity theft.

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

9 (1) uses any personal identifying information or
10 personal identification document of another person to
11 fraudulently obtain credit, money, goods, services, or
12 other property, or

13 (2) uses any personal identification information or
14 personal identification document of another with intent to
15 commit any felony theft or other felony violation of State
16 law not set forth in paragraph (1) of this subsection (a),
17 or

18 (3) obtains, records, possesses, sells, transfers,
19 purchases, or manufactures any personal identification
20 information or personal identification document of another
21 with intent to commit or to aid or abet another in
22 committing any felony theft or other felony violation of
23 State law, or

24 (4) uses, obtains, records, possesses, sells,

1 transfers, purchases, or manufactures any personal
2 identification information or personal identification
3 document of another knowing that such personal
4 identification information or personal identification
5 documents were stolen or produced without lawful
6 authority, or

7 (5) uses, transfers, or possesses document-making
8 implements to produce false identification or false
9 documents with knowledge that they will be used by the
10 person or another to commit any felony theft or other
11 felony violation of State law, or

12 (6) uses any personal identification information or
13 personal identification document of another to portray
14 himself or herself as that person, or otherwise, for the
15 purpose of gaining access to any personal identification
16 information or personal identification document of that
17 person, without the prior express permission of that
18 person, or

19 (7) uses any personal identification information or
20 personal identification document of another for the
21 purpose of gaining access to any record of the actions
22 taken, communications made or received, or other
23 activities or transactions of that person, without the
24 prior express permission of that person, or -

25 (8) in the course of applying for a building permit
26 with a unit of a local government, provides the license

1 number of a roofing contractor whom he or she does not
2 intend to have perform the work on the roofing portion of
3 the project. It is an affirmative defense to prosecution
4 under this paragraph (8) that the building permit applicant
5 promptly informed the unit of local government that issued
6 the building permit of any change in the roofing
7 contractor.

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

11 (c) When a charge of identity theft of credit, money,
12 goods, services, or other property exceeding a specified value
13 is brought the value of the credit, money, goods, services, or
14 other property is an element of the offense to be resolved by
15 the trier of fact as either exceeding or not exceeding the
16 specified value.

17 (d) Sentence.

18 (1) A person convicted of identity theft in violation
19 of paragraph (1) of subsection (a) shall be sentenced as
20 follows:

21 (A) Identity theft of credit, money, goods,
22 services, or other property not exceeding \$300 in value
23 is a Class 4 felony. A person who has been previously
24 convicted of identity theft of less than \$300 who is
25 convicted of a second or subsequent offense of identity
26 theft of less than \$300 is guilty of a Class 3 felony.

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

1 burglary, residential burglary, possession of burglary
2 tools, home invasion, home repair fraud, aggravated
3 home repair fraud, or financial exploitation of an
4 elderly or disabled person is guilty of a Class 2
5 felony. When a person has any such prior conviction,
6 the information or indictment charging that person
7 shall state the prior conviction so as to give notice
8 of the State's intention to treat the charge as a Class
9 3 felony. The fact of the prior conviction is not an
10 element of the offense and may not be disclosed to the
11 jury during trial unless otherwise permitted by issues
12 properly raised during the trial.

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

22 (C) Identity theft of credit, money, goods,
23 services, or other property exceeding \$2,000 and not
24 exceeding \$10,000 in value is a Class 2 felony.
25 Identity theft of credit, money, goods, services, or
26 other property exceeding \$2,000 and not exceeding

1 \$10,000 in value when the victim of the identity theft
2 is an active duty member of the Armed Services or
3 Reserve Forces of the United States or of the Illinois
4 National Guard serving in a foreign country is a Class
5 1 felony.

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

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

19 (2) A person convicted of any offense enumerated in
20 paragraphs (2) through (7) of subsection (a) is guilty of a
21 Class 3 felony. A person convicted of any offense
22 enumerated in paragraphs (2) through (7) of subsection (a)
23 when the victim of the identity theft is an active duty
24 member of the Armed Services or Reserve Forces of the
25 United States or of the Illinois National Guard serving in
26 a foreign country is guilty of a Class 2 felony.

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

10 (4) A person who, within a 12 month period, is found in
11 violation of any offense enumerated in paragraphs (2)
12 through (7) of subsection (a) with respect to the
13 identifiers of, or other information relating to, 3 or more
14 separate individuals, at the same time or consecutively, is
15 guilty of a Class 2 felony. A person who, within a 12 month
16 period, is found in violation of any offense enumerated in
17 paragraphs (2) through (7) of subsection (a) with respect
18 to the identifiers of, or other information relating to, 3
19 or more separate individuals, at the same time or
20 consecutively, when the victim of the identity theft is an
21 active duty member of the Armed Services or Reserve Forces
22 of the United States or of the Illinois National Guard
23 serving in a foreign country is guilty of a Class 1 felony.

24 (5) A person convicted of identity theft in violation
25 of paragraph (2) of subsection (a) who uses any personal
26 identification information or personal identification

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

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

22 (Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07;
23 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff.
24 8-21-07.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.