



Sen. Iris Y. Martinez

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09600HB5514sam001

LRB096 17607 ASK 39950 a

1 AMENDMENT TO HOUSE BILL 5514

2 AMENDMENT NO. _____. Amend House Bill 5514 on page 1, by
3 replacing line 5 with "amended by changing Sections 5 and 9.1
4 as follows:"; and

5 on page 3, immediately below line 7, by inserting the
6 following:

7 "(225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

8 (Section scheduled to be repealed on January 1, 2016)

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

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

1 (b) conviction or plea of guilty or nolo contendere of
2 any crime under the laws of the United States or any state
3 or territory thereof that is (i) a felony or (ii) a
4 misdemeanor, an essential element of which is dishonesty or
5 that is directly related to the practice of the profession;

6 (c) making any misrepresentation for the purpose of
7 obtaining a license;

8 (d) professional incompetence or gross negligence in
9 the practice of roofing contracting, prima facie evidence
10 of which may be a conviction or judgment in any court of
11 competent jurisdiction against an applicant or licensee
12 relating to the practice of roofing contracting or the
13 construction of a roof or repair thereof that results in
14 leakage within 90 days after the completion of such work;

15 (e) (blank);

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

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

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

25 (i) habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants or any other chemical agent or drug

1 which results in the inability to practice with reasonable
2 judgment, skill, or safety;

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

7 (k) directly or indirectly giving to or receiving from
8 any person, firm, corporation, partnership, or association
9 any fee, commission, rebate, or other form of compensation
10 for any professional services not actually or personally
11 rendered;

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

15 (m) a finding by any court of competent jurisdiction,
16 either within or without this State, of any violation of
17 any law governing the practice of roofing contracting, if
18 the Department determines, after investigation, that such
19 person has not been sufficiently rehabilitated to warrant
20 the public trust;

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

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

26 (p) gross and willful overcharging for professional

1 services including filing false statements for collection
2 of fees or monies for which services are not rendered;

3 (q) failure to file a return, or to pay the tax,
4 penalty or interest shown in a filed return, or to pay any
5 final assessment of tax, penalty or interest, as required
6 by any tax Act administered by the Illinois Department of
7 Revenue, until such time as the requirements of any such
8 tax Act are satisfied;

9 (r) the Department shall deny any license or renewal
10 under this Act to any person who has defaulted on an
11 educational loan guaranteed by the Illinois State
12 Scholarship Commission; however, the Department may issue
13 a license or renewal if the person in default has
14 established a satisfactory repayment record as determined
15 by the Illinois State Scholarship Commission;

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

18 (t) physical or mental disability, including
19 deterioration through the aging process or loss of
20 abilities and skills that result in an inability to
21 practice the profession with reasonable judgment, skill,
22 or safety;

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

25 (v) the determination by a court that a licensee is
26 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental
2 Disabilities Code will result in an automatic suspension of
3 his or her license. The suspension will end upon a finding
4 by a court that the licensee is no longer subject to
5 involuntary admission or judicial admission, the issuance
6 of an order so finding and discharging the patient, and the
7 recommendation of the Board to the Director that the
8 licensee be allowed to resume professional practice;

9 (w) advertising in any manner that is false,
10 misleading, or deceptive;

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

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

15 (z) engaging in the practice of roofing contracting, as
16 defined in this Act, with a suspended, revoked, or
17 cancelled license;

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

21 (bb) knowingly making any false statement, oral,
22 written, or otherwise, of a character likely to influence,
23 persuade, or induce others in the course of obtaining or
24 performing roofing contracting services; or

25 (cc) violation of any final administrative action of
26 the Secretary.

1 (dd) Allowing the use of his or her roofing license by
2 an unlicensed roofing contractor for the purposes of
3 providing roofing or waterproofing services.

4 (ee) Aiding or assisting another person in violating
5 any provision of this Act or its rules, including, but not
6 limited to, Section 9 of this Act.

7 The changes to this Act made by this amendatory Act of 1997
8 apply only to disciplinary actions relating to events occurring
9 after the effective date of this amendatory Act of 1997.

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