

1 AN ACT concerning regulation.

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

4 Section 5. The Professional Geologist Licensing Act is
5 amended by changing Sections 15, 20, 25, 30, 35, 40, 45, 50,
6 60, 65, 70, 75, 80, 85, 90, 110, 120, 125, 135, 140, 145, and
7 160 and by adding Section 51 as follows:

8 (225 ILCS 745/15)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 15. Definitions. In this Act:

11 "Board" means the Board of Licensing for Professional
12 Geologists.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Enrollment" means the recording by the Department of the
16 names and addresses of individuals who have met the
17 requirements specified in this Act for a Geologist Intern.

18 "Geologist" means an individual who, by reason of his or
19 her knowledge of geology, mathematics, and the physical and
20 life sciences, acquired by education and practical experience
21 as defined by this Act, is capable of practicing the science of
22 geology.

23 "Geologist Intern" means an individual enrolled with the

1 Department who has knowledge of geology, mathematics, and the
2 physical and life sciences, as defined in this Act, and has
3 passed the examination on the fundamental theory and concepts
4 of geology administered by the Department with the advice and
5 consent of the Board.

6 "Geology" means the science that includes the treatment of
7 the earth and its origin and history including, but not limited
8 to, (i) the investigation of the earth's crust and interior and
9 the solids and fluids, including all surface and underground
10 waters, gases, and other materials that compose the earth as
11 they may relate to geologic processes; (ii) the study of the
12 natural agents, forces, and processes that cause changes in the
13 earth; and (iii) the utilization of this knowledge of the earth
14 and its solids, fluids, and gases, and their collective
15 properties and processes, for the benefit of humankind.

16 "Person" or "individual" means a natural person.

17 "Practice of professional geology" means the performance
18 of, or the offer to perform, the services of a geologist,
19 including consultation, investigation, evaluation, planning,
20 mapping, inspection of geologic work, and other services that
21 require extensive knowledge of geologic laws, formulas,
22 principles, practice, and methods of data interpretation.

23 A person shall be construed to practice or offer to
24 practice professional geology, within the meaning and intent of
25 this Act, if that person (i) by verbal claim, sign,
26 advertisement, letterhead, card, or any other means,

1 represents himself or herself to be a Licensed Professional
2 Geologist ~~professional geologist~~ or through the use of some
3 title implies that he or she is a Licensed Professional
4 Geologist ~~professional geologist~~ or is licensed under this Act
5 or (ii) holds himself or herself out as able to perform or does
6 perform services or work defined in this Act as the practice of
7 professional geology.

8 Examples of the practice of professional geology include,
9 but are not limited to, the conduct of, or responsible charge
10 for, the following types of activities: (i) mapping, sampling,
11 and analysis of earth materials, interpretation of data, and
12 the preparation of oral or written testimony regarding the
13 probable geological causes of events; (ii) planning, review,
14 and supervision of data gathering activities, interpretation
15 of geological data gathered by direct and indirect means,
16 preparation and interpretation of geological maps,
17 cross-sections, interpretive maps and reports for the purpose
18 of determining ~~evaluating~~ regional or site specific geological
19 conditions; (iii) the planning, review, and supervision of data
20 gathering activities and interpretation of data on regional or
21 site specific geological characteristics affecting
22 groundwater; (iv) the interpretation of geological conditions
23 on the surface of the Earth and at depth in the Earth ~~at a~~
24 ~~specific site on the Earth's surface~~ for the purpose of
25 determining whether those conditions correspond to a geologic
26 map of the site or a legally specified geological requirement

1 for the site; and (v) the conducting of environmental property
2 audits.

3 "Licensed Professional Geologist ~~professional geologist~~"
4 means an individual who is licensed under this Act to engage in
5 the practice of professional geology in Illinois.

6 "Responsible charge" means the independent control and
7 direction, by use of initiative, skill, and independent
8 judgment, of geological work or the supervision of that work.

9 "Secretary" means the Secretary of Financial and
10 Professional Regulation.

11 (Source: P.A. 96-666, eff. 8-25-09.)

12 (225 ILCS 745/20)

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

14 Sec. 20. Exemptions. Nothing in this Act shall be construed
15 to restrict the use of the title "geologist" or similar words
16 by any person engaged in a practice of geology exempted under
17 this Act, provided the person does not hold himself or herself
18 out as being a Licensed Professional Geologist ~~licensed~~
19 ~~professional geologist~~ or does not practice professional
20 geology in a manner requiring licensure under this Act.
21 Performance of the following activities does not require
22 licensure as a licensed professional geologist under this Act:

23 (a) The practice of professional geology by an employee or
24 a subordinate of a licensee under this Act, provided the work
25 does not include responsible charge of geological work and is

1 performed under the direct supervision of a Licensed
2 Professional Geologist ~~licensed professional geologist~~ who is
3 responsible for the work.

4 (b) The practice of professional geology by officers and
5 employees of the United States government within the scope of
6 their employment.

7 (c) The practice of professional geology as geologic
8 research to advance basic knowledge for the purpose of offering
9 scientific papers, publications, or other presentations (i)
10 before meetings of scientific societies, (ii) internal to a
11 partnership, corporation, proprietorship, or government
12 agency, or (iii) for publication in scientific journals, or in
13 books.

14 (d) The teaching of geology in schools, colleges, or
15 universities, as defined by rule.

16 (e) The practice of professional geology exclusively in the
17 exploration for or development of energy resources or base,
18 precious and nonprecious minerals, including sand, gravel, and
19 aggregate, that does not require, by law, rule, or ordinance,
20 the submission of reports, documents, or oral or written
21 testimony to public agencies. Public agencies may, by law or by
22 rule, allow required oral or written testimony, reports, permit
23 applications, or other documents based on the science of
24 geology to be submitted to them by persons not licensed under
25 this Act. Unless otherwise required by State or federal law,
26 public agencies may not require that the geology-based aspects

1 of testimony, reports, permits, or other documents so exempted
2 be reviewed by, approved, or otherwise certified by any person
3 who is not a Licensed Professional Geologist ~~licensed~~
4 ~~professional geologist~~. Licensure is not required for the
5 submission and review of reports or documents or the provision
6 of oral or written testimony made under the Well Abandonment
7 Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land
8 Conservation and Reclamation Act, or the Surface-Mined Land
9 Conservation and Reclamation Act.

10 (f) The practice of professional engineering as defined in
11 the Professional Engineering Practice Act of 1989.

12 (g) The practice of structural engineering as defined in
13 the Structural Engineering Practice Act of 1989.

14 (h) The practice of architecture as defined in the Illinois
15 Architecture Practice Act of 1989.

16 (i) The practice of land surveying as defined in the
17 Illinois Professional Land Surveyor Act of 1989.

18 (j) The practice of landscape architecture as defined in
19 the Illinois Landscape Architecture Act of 1989.

20 (k) The practice of professional geology for a period not
21 to exceed 9 months by any person pursuing a course of study
22 leading to a degree in geology from an accredited college or
23 university, as set forth in this Act and as established by
24 rule, provided that (i) such practice constitutes a part of a
25 supervised course of study, (ii) the person is under the
26 supervision of a geologist licensed under this Act or a teacher

1 of geology at an accredited college or university, and (iii)
2 the person is designated by a title that clearly indicates his
3 or her status as a student or trainee.

4 (Source: P.A. 96-666, eff. 8-25-09.)

5 (225 ILCS 745/25)

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

7 Sec. 25. Restrictions and limitations. No person shall,
8 without a valid license issued by the Department (i) in any
9 manner hold himself or herself out to the public as a Licensed
10 Professional Geologist ~~licensed professional geologist~~; (ii)
11 attach the title "Licensed Professional Geologist" to his or
12 her name; or (iii) render or offer to render to individuals,
13 corporations, or public agencies services constituting the
14 practice of professional geology.

15 Individuals practicing geology in Illinois as of the
16 effective date of this amendatory Act of 1997 may continue to
17 practice as provided in this Act until the Department has
18 adopted rules implementing this Act. To continue practicing
19 geology after the adoption of rules, individuals shall apply
20 for licensure within 180 days after the effective date of the
21 rules. If an application is received during the 180-day period,
22 the individual may continue to practice until the Department
23 acts to grant or deny licensure. If an application is not filed
24 within the 180-day period, the individual must cease the
25 practice of geology at the conclusion of the 180-day period and

1 until the Department acts to grant a license to the individual.

2 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

3 (225 ILCS 745/30)

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

5 Sec. 30. Powers and duties of the Department. Subject to
6 the provisions of this Act, the Department may:

7 (a) Authorize examinations to ascertain the qualifications
8 and fitness of applicants for licensing as a Licensed
9 Professional Geologist ~~licensed professional geologists~~ or as
10 a Licensed Specialty Geologist ~~licensed specialty geologists~~,
11 or for enrollment as a Geologist Intern, as defined by the
12 Board, and pass upon the qualifications of applicants for
13 licensure by endorsement.

14 (b) Conduct hearings on proceedings to refuse to issue or
15 renew or to revoke licenses or enrollments or suspend, place on
16 probation, or reprimand persons licensed or enrolled under this
17 Act, and to refuse to issue or renew or to revoke licenses or
18 enrollments, or suspend, place on probation, or reprimand
19 persons licensed or enrolled under this Act.

20 (c) Formulate rules required for the administration of this
21 Act.

22 (d) Obtain written recommendations from the Board
23 regarding (i) definitions of curriculum content and approval of
24 geological curricula, standards of professional conduct, and
25 formal disciplinary actions and the formulation of rules

1 affecting these matters and (ii) when petitioned by the
2 applicant, opinions regarding the qualifications of applicants
3 for licensure or enrollment ~~licensing~~.

4 (e) Maintain rosters of the names and addresses of all
5 licensees and enrollees whose licenses or enrollments are
6 currently active, and all persons whose licenses or enrollments
7 have been suspended, revoked, or denied renewal for cause
8 within the previous calendar year. These rosters shall be
9 available upon written request and payment of the required fee.

10 (Source: P.A. 89-366, eff. 7-1-96.)

11 (225 ILCS 745/35)

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

13 Sec. 35. Board of Licensing for Professional Geologists;
14 members; qualifications; duties.

15 (a) The Director shall appoint a Board of Licensing for
16 Professional Geologists which shall serve in an advisory
17 capacity to the Director. The Board shall be composed of 8
18 persons, 7 of whom shall be voting members appointed by the
19 Director, who shall give due consideration to recommendations
20 by members of the profession of geology and of geology
21 organizations within the State. In addition, the State
22 Geologist or his or her designated representative, shall be an
23 advisory, non-voting member of the Board.

24 (b) Insofar as possible, the geologists appointed to serve
25 on the Board shall be generally representative of the

1 occupational and geographical distribution of geologists
2 within this State.

3 (c) Of the 7 appointed voting members of the Board, 6 shall
4 be geologists and one shall be a member of the general public
5 with no family or business connection with the practice of
6 geology.

7 (d) Each of the first appointed geologist members of the
8 Board shall have at least 10 years of active geological
9 experience and shall possess the education and experience
10 required for licensure. Each subsequently appointed geologist
11 member of the Board shall be a Licensed Professional Geologist
12 ~~professional geologist~~ licensed under this Act.

13 (e) Of the initial appointments, the Director shall appoint
14 3 voting members for a term of 4 years, 2 voting members for a
15 term of 3 years, and 2 voting members for a term of 2 years.
16 Thereafter, voting members shall be appointed for 4-year terms.
17 Terms shall commence on the 3rd Monday in January.

18 (f) Members shall hold office until the expiration of their
19 terms or until their successors have been appointed and have
20 qualified.

21 (g) No voting member of the Board shall serve more than 2
22 consecutive full terms.

23 (h) Vacancies in the membership of the Board shall be
24 filled by appointment for the unexpired term.

25 (i) The Director may remove or suspend any appointed member
26 of the Board for cause at any time before the expiration of his

1 or her term.

2 (j) The Board shall annually elect one of its members as
3 chairperson.

4 (k) The members of the Board shall be reimbursed for all
5 legitimate and necessary expenses authorized by the Department
6 incurred in attending the meetings of the Board.

7 (l) The Board may make recommendations to the Director to
8 establish the examinations and their method of grading.

9 (m) The Board may submit written recommendations to the
10 Director concerning formulation of rules and a Code of
11 Professional Conduct and Ethics. The Board may recommend or
12 endorse revisions and amendments to the Code and to the rules
13 from time to time.

14 (n) The Board may make recommendations on matters relating
15 to continuing education of Licensed Professional Geologists
16 ~~licensed professional geologists~~, including the number of
17 hours necessary for license renewal, waivers for those unable
18 to meet that requirement, and acceptable course content. These
19 recommendations shall not impose an undue burden on the
20 Department or an unreasonable restriction on those seeking a
21 license renewal.

22 (o) Four voting Board members constitutes a quorum. A
23 quorum is required for all Board decisions.

24 (Source: P.A. 96-666, eff. 8-25-09.)

25 (225 ILCS 745/40)

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

2 Sec. 40. Application for licensure; applications for
3 enrollment ~~original license.~~

4 (a) Applications for original licenses shall be made to the
5 Department on forms prescribed by the Department and
6 accompanied by the required fee. All applications shall contain
7 the information that, in the judgment of the Department, will
8 enable the Department to pass on the qualifications of the
9 applicant for a license to practice as a Licensed Professional
10 Geologist ~~licensed professional geologist.~~

11 (b) Applications for enrollment as a Geologist Intern shall
12 be made to the Department on forms prescribed by the Department
13 and accompanied by the required fee. All applications shall
14 contain the information that, in the judgment of the
15 Department, will enable the Department to pass on the
16 qualifications of the applicant to take the examination on the
17 fundamental theory and concepts of the science of geology and
18 be enrolled as a Geologist Intern.

19 (Source: P.A. 89-366, eff. 7-1-96.)

20 (225 ILCS 745/45)

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

22 Sec. 45. Examination; failure or refusal to take the
23 examination.

24 (a) The Department shall authorize examinations of
25 applicants for original licensure as a Professional Geologist

1 and enrollment as a Geologist Intern at such times and places
2 as it may determine. The examination for licensure as a
3 Licensed Professional Geologist examinations shall be a 2-part
4 examination, with one part of a character to fairly testing
5 test an applicant's qualifications to practice professional
6 geology and knowledge of the fundamental theory and concepts
7 practice of the science of geology, including subjects that are
8 generally taught in geology curricula of accredited colleges
9 and universities, and the other part testing the applicant's
10 knowledge of the practical application and uses of the theory
11 and science of geology. Applicants for enrollment as Geologist
12 Interns must take only that part of the examination that fairly
13 tests the knowledge of the fundamental theory and concepts of
14 the science of geology.

15 (b) Applicants for licensure as a Professional Geologist
16 who are required to take both parts of the examination for
17 examinations shall pay, either to the Department or to the
18 designated testing service, a fee covering the cost of
19 providing the examination. Failure to appear for the required
20 examination on the scheduled date at the time and place
21 specified after the application for examination has been
22 received and acknowledged by the Department or the designated
23 testing service shall result in forfeiture of the examination
24 fee.

25 (c) If the applicant for licensure neglects, fails, or
26 refuses to take a required ~~an~~ examination or fails to pass a

1 required ~~an~~ examination for a license under this Act within 3
2 years after filing an application, the application shall be
3 denied. However, the applicant may thereafter submit a new
4 application accompanied by the required fee. The applicant
5 shall meet the requirements in force at the time of making the
6 new application.

7 (d) The Department may employ consultants for the purpose
8 of preparing and conducting examinations.

9 (e) The Department shall have the authority to adopt or
10 recognize, in part or in whole, examinations prepared,
11 administered, or graded by other organizations that are
12 determined appropriate to measure the qualifications of an
13 applicant for licensure as a Licensed Professional Geologist or
14 enrollment as a Geologist Intern ~~professional geologist~~.

15 (Source: P.A. 89-366, eff. 7-1-96.)

16 (225 ILCS 745/50)

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

18 Sec. 50. Qualifications for licensure.

19 (a) The Department may issue a license to practice as a
20 Licensed Professional Geologist ~~licensed professional~~
21 ~~geologist~~ to any applicant who meets the following
22 qualifications:

23 (1) The applicant has completed an application form and
24 paid the required fees.

25 (2) The applicant is of good ethical character,

1 including compliance with the Code of Professional Conduct
2 and Ethics under this Act, and has not committed any act or
3 offense in any jurisdiction that would constitute the basis
4 for disciplining a Licensed Professional Geologist
5 ~~professional geologist licensed~~ under this Act.

6 (3) The applicant has earned a degree in geology from
7 an accredited college or university, as established by
8 rule, with a minimum of 30 semester or 45 quarter hours of
9 course credits in geology, of which 24 semester or 36
10 quarter hours are in upper level courses. The Department
11 may, upon the recommendation of the Board, allow the
12 substitution of appropriate experience as a geologist for
13 prescribed educational requirements as established by
14 rule.

15 (4) The applicant has a documented record of a minimum
16 of 4 years of professional experience, obtained after
17 completion of the education requirements specified in this
18 Section, in geologic or directly related work,
19 demonstrating that the applicant is qualified to assume
20 responsible charge of such work upon licensure as a
21 Licensed Professional Geologist ~~professional geologist~~ or
22 such specialty of professional geology that the Board may
23 recommend and the Department may recognize. The Department
24 may require evidence acceptable to it that up to 2 years of
25 professional experience have been gained under the
26 supervision of a person licensed under this Act or similar

1 Acts in any other state, or under the supervision of others
2 who, in the opinion of the Department, are qualified to
3 have responsible charge of geological work under this Act.

4 (5) The applicant has passed an examination authorized
5 by the Department for ~~the~~ practice as a Licensed
6 Professional Geologist ~~of professional geology~~.

7 (6) The applicant has complied with all other
8 requirements of this Act and rules established for the
9 implementation of this Act.

10 (b) A license to practice as a Licensed Professional
11 Geologist ~~professional geology~~ shall not be denied any
12 applicant because of the applicant's race, religion, creed,
13 national origin, political beliefs or activities, age, sex,
14 sexual orientation, or physical impairment.

15 (Source: P.A. 96-666, eff. 8-25-09.)

16 (225 ILCS 745/51 new)

17 Sec. 51. Qualifications for Geologist Intern enrollment;
18 final expiration of enrollment; Department powers and duties.

19 (a) The Department may enroll as a Geologist Intern any
20 applicant who meets the following qualifications:

21 (1) The applicant has completed an application form and
22 paid the required fees.

23 (2) The applicant has (i) earned a degree in geology
24 from an accredited college or university, with a minimum of
25 30 semester or 45 quarter hours of course credits in

1 geology, of which 24 semester or 36 quarter hours are in
2 upper level courses; or (ii) is in the final semester of a
3 program leading to a degree as set forth in item (i) of
4 this paragraph (2).

5 (3) The applicant has passed the required examination
6 on the fundamental theory and concepts of the science of
7 geology, as required under Section 45 of this Act.

8 The Department may not issue an enrollment under this
9 Section unless and until the applicant provides proof
10 acceptable to the Department of having obtained the required
11 degree within 12 months after having passed the required
12 examination.

13 (b) A Geologist Intern in good standing may renew his or
14 her enrollment upon payment to the Department of the required
15 fee. However, the duration of the period of enrollment issued
16 under this Section may not extend past a total of 10 years and
17 shall automatically and permanently expire upon the end of the
18 10-year period if the enrollee fails to apply for and
19 successfully meet the requirements for licensure as a Licensed
20 Professional Geologist, including passing the part of the
21 licensing examination that fairly tests the practical
22 application and uses of the science of geology, as set forth in
23 Section 45 of this Act.

24 (c) Enrollment as a Geologist Intern shall not be denied
25 any applicant because of the applicant's race, religion, creed,
26 national origin, political beliefs or activities, age, sex,

1 sexual orientation, or physical impairment.

2 (225 ILCS 745/60)

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

4 Sec. 60. Seals.

5 (a) Upon licensure, each licensee shall obtain a seal of a
6 design as required by rule bearing the licensee's name, license
7 number, and the legend "Licensed Professional Geologist".

8 (b) All preliminary, draft, and final geologic reports,
9 documents, permits, affidavits, maps, boring logs, cross
10 sections, or other records offered to the public and prepared
11 or issued by or under the supervision of a Licensed
12 Professional Geologist ~~licensed professional geologist~~ shall
13 include the full name, signature, and license number of the
14 licensee, and the date of license expiration of the person who
15 prepared the document or under whose supervision it was
16 prepared, and an impression of the licensee's seal, in
17 accordance with rules issued by the Department.

18 (c) The Licensed Professional Geologist ~~licensed~~
19 ~~professional geologist~~ who has contract responsibility shall
20 seal a cover sheet of the professional work products and those
21 individual portions of the professional work products for which
22 the Licensed Professional Geologist ~~licensed professional~~
23 ~~geologist~~ is legally and professionally responsible. A
24 Licensed Professional Geologist ~~licensed professional~~
25 ~~geologist~~ practicing as the support professional shall seal

1 those individual portions of professional work products for
2 which that Licensed Professional Geologist ~~licensed~~
3 ~~professional geologist~~ is legally and professionally
4 responsible.

5 (d) The use of a licensed professional geologist's seal on
6 professional work products constitutes a representation that
7 the work prepared by or under the personal supervision of that
8 Licensed Professional Geologist ~~licensed professional~~
9 ~~geologist~~ has been prepared and administered in accordance with
10 the standards of reasonable professional skill and diligence.

11 (e) It is unlawful to affix one's seal to professional work
12 products if it masks the true identity of the person who
13 actually exercised direction, supervision, and responsible
14 charge of the preparation of that work. A Licensed Professional
15 Geologist ~~licensed professional geologist~~ who signs and seals
16 professional work products is not responsible for damage caused
17 by subsequent changes to or uses of those professional work
18 products, if the subsequent changes or uses, including changes
19 or uses made by State or local government agencies, are not
20 authorized or approved by the Licensed Professional Geologist
21 ~~licensed professional geologist~~ who originally signed and
22 sealed the professional work products.

23 (Source: P.A. 89-366, eff. 7-1-96.)

24 (225 ILCS 745/65)

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

1 Sec. 65. Expiration and renewal of license and Geologist
2 Intern enrollment. The expiration date and renewal period for
3 each license and Geologist Intern enrollment shall be set by
4 rule. A Licensed Professional Geologist ~~professional geologist~~
5 whose license has expired or a Geologist Intern whose
6 enrollment has expired may reinstate his or her license or
7 enrollment at any time within 5 years after the expiration
8 thereof, by making a renewal application and by paying the
9 required fee. However, any Licensed Professional Geologist
10 ~~professional geologist~~ whose license expired or any Geologist
11 Intern whose enrollment expired while he or she was (i) on
12 active duty with the Armed Forces of the United States or
13 called into service or training by the State militia or (ii) in
14 training or education under the supervision of the United
15 States preliminary to induction into the military service, may
16 have his or her Licensed Professional Geologist ~~professional~~
17 ~~geologist~~ license or Geologist Intern enrollment renewed,
18 reinstated, or restored without paying any lapsed renewal fees
19 if within 2 years after termination of the service, training,
20 or education the Licensed Professional Geologist or Geologist
21 Intern ~~professional geologist~~ furnishes the Department with
22 satisfactory evidence of service, training, or education and
23 that it has been terminated under honorable conditions.

24 Any professional geologist whose Licensed Professional
25 Geologist license has expired for more than 5 years may have it
26 restored by making application to the Department, paying the

1 required fee, and filing acceptable proof of fitness to have
2 the license restored. The proof may include sworn evidence
3 certifying active practice in another jurisdiction. If the
4 geologist has not practiced for 5 years or more, the Board
5 shall determine by an evaluation program established by rule,
6 whether that individual is fit to resume active status as a
7 Licensed Professional Geologist. The Board ~~and~~ may require the
8 ~~professional~~ geologist to complete a period of evaluated
9 professional experience and may require successful completion
10 of an examination.

11 The Department may refuse to issue or may suspend the
12 license or enrollment of any person who fails to file a tax
13 return, or to pay the tax, penalty, or interest shown in a
14 filed return, or to pay any final assessment of tax, penalty,
15 or interest, as required by any tax Act administered by the
16 Illinois Department of Revenue, until such time as the
17 requirements of any such tax Act are satisfied.

18 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

19 (225 ILCS 745/70)

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

21 Sec. 70. Fees.

22 (a) Except as provided in subsection (b), the fees for the
23 administration and enforcement of this Act, including but not
24 limited to original licensure or enrollment, renewal, and
25 restoration fees, shall be set by the Department by rule. The

1 fees shall not be refundable.

2 (b) Applicants for examination shall be required to pay,
3 either to the Department or the designated testing service, a
4 fee covering the cost of initial screening to determine the
5 applicant's eligibility and the cost of providing one or both
6 parts of the examination. Failure to appear for the examination
7 on the scheduled date at the time and place specified after the
8 applicant's application for examination has been received and
9 acknowledged by the Department or the designated testing
10 service shall result in the forfeiture of the examination fee.

11 (c) All fees and other monies collected under this Act
12 shall be deposited in the General Professions Dedicated Fund.

13 (Source: P.A. 89-366, eff. 7-1-96.)

14 (225 ILCS 745/75)

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

16 Sec. 75. Returned checks; fines. Any person who delivers a
17 check or other payment to the Department that is returned to
18 the Department unpaid by the financial institution upon which
19 it is drawn shall pay to the Department, in addition to the
20 amount already owed to the Department, a fine of \$50. The fines
21 imposed by this Section are in addition to any other discipline
22 provided under this Act for unlicensed practice or practice on
23 a nonrenewed license. The Department shall notify the person
24 that payment of fees and fines shall be paid to the Department
25 by certified check or money order within 30 calendar days of

1 the notification. If, after the expiration of 30 calendar days
2 from the date of the notification, the person has failed to
3 submit the necessary remittance, the Department shall
4 automatically terminate the license or deny the application,
5 without hearing. If, after termination or denial, the person
6 seeks a license to practice as a Licensed Professional
7 Geologist, he or she shall apply to the Department for
8 restoration or issuance of the license and pay all fees and
9 fines due to the Department. The Department may establish a fee
10 for the processing of an application for restoration of a
11 license or Geologist Intern enrollment to pay all expenses of
12 processing this application. The Director may waive the fines
13 due under this Section in individual cases where the Director
14 finds that the fines would be unreasonable or unnecessarily
15 burdensome.

16 (Source: P.A. 92-146, eff. 1-1-02.)

17 (225 ILCS 745/80)

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

19 Sec. 80. Disciplinary actions.

20 (a) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary action as the Department may deem appropriate,
23 including fines not to exceed \$5,000 for each violation, with
24 regard to any license for any one or combination of the
25 following:

1 (1) Material misstatement in furnishing information to
2 the Department.

3 (2) Violations of this Act, or of the rules promulgated
4 under this Act.

5 (3) Conviction of any crime under the laws of the
6 United States or any state or territory of the United
7 States that is a felony or that is a misdemeanor, an
8 essential element of which is dishonesty, or of any crime
9 that is directly related to the practice of the profession.

10 (4) Making any misrepresentation for the purpose of
11 obtaining licensure or violating any provision of this Act
12 or the rules promulgated under this Act pertaining to
13 advertising.

14 (5) Professional incompetence.

15 (6) Gross malpractice.

16 (7) Aiding or assisting another person in violating any
17 provision of this Act or rules promulgated under this Act.

18 (8) Failing, within 60 days, to provide information in
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (10) Habitual or excessive use or addiction to alcohol,
24 narcotics, stimulants, or any other chemical agent or drug
25 that results in the inability to practice with reasonable
26 judgment, skill, or safety.

1 (11) Discipline by another state, the District of
2 Columbia, a territory of the United States, or a foreign
3 nation, if at least one of the grounds for the discipline
4 is the same or substantially equivalent to those set forth
5 in this Section.

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

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

14 (14) Willfully making or filing false records or
15 reports in his or her practice, including but not limited
16 to, false records filed with State agencies or departments.

17 (15) Physical illness, including but not limited to,
18 deterioration through the aging process, or loss of motor
19 skill that results in the inability to practice the
20 profession with reasonable judgment, skill, or safety.

21 (16) Solicitation of professional services other than
22 permitted advertising.

23 (17) Conviction of or cash compromise of a charge or
24 violation of the Illinois Controlled Substances Act
25 regulating narcotics.

26 (18) Failure to (i) file a tax return, (ii) pay the

1 tax, penalty, or interest shown in a filed return, or (iii)
2 pay any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Illinois
4 Department of Revenue, until the requirements of that tax
5 Act are satisfied.

6 (19) Conviction by any court of competent
7 jurisdiction, either within or outside this State, of any
8 violation of any law governing the practice of professional
9 geology, if the Department determines, after
10 investigation, that the person has not been sufficiently
11 rehabilitated to warrant the public trust.

12 (20) Gross, willful, or continued overcharging for
13 professional services, including filing false statements
14 for collection of fees for which services are not rendered.

15 (21) Practicing under a false or, except as provided by
16 law, an assumed name.

17 (22) Fraud or misrepresentation in applying for, or
18 procuring, a license to practice as a Licensed Professional
19 Geologist under this Act or in connection with applying for
20 renewal of a license under this Act.

21 (23) Cheating on or attempting to subvert the licensing
22 examination administered under this Act.

23 (b) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the licensee is no
2 longer subject to the involuntary admission or judicial
3 admission and issues an order so finding and discharging the
4 licensee; and upon the recommendation of the Board to the
5 Director that the licensee be allowed to resume his or her
6 practice.

7 (Source: P.A. 89-366, eff. 7-1-96.)

8 (225 ILCS 745/85)

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

10 Sec. 85. Injunctive action; cease and desist order.

11 (a) If any person violates the provisions of this Act, the
12 Director, in the name of the People of the State of Illinois,
13 through the Attorney General or the State's Attorney of the
14 county in which the violation is alleged to have occurred, may
15 petition for an order enjoining the violation or for an order
16 enforcing compliance with this Act. Upon the filing of a
17 verified petition, the court with appropriate jurisdiction may
18 issue a temporary restraining order, without notice or bond,
19 and may preliminarily and permanently enjoin the violation. If
20 it is established that the person has violated or is violating
21 the injunction, the court may punish the offender for contempt
22 of court. Proceedings under this Section are in addition to,
23 and not in lieu of, all other remedies and penalties provided
24 by this Act.

25 (b) If a person practices as a Licensed Professional

1 ~~Geologist licensed professional geologist~~ or holds himself or
2 herself out as a Licensed Professional Geologist ~~licensed~~
3 ~~professional geologist~~ in Illinois, without being licensed to
4 do so under this Act, then any Licensed Professional Geologist
5 ~~licensed professional geologist~~, interested party, or any
6 person injured thereby may petition for relief as provided in
7 subsection (a) of this Section.

8 (c) Whenever, in the opinion of the Department, a person
9 violates any provision of this Act, the Department may issue a
10 rule to show cause why an order to cease and desist should not
11 be entered against that person. The rule shall clearly set
12 forth the grounds relied upon by the Department and shall allow
13 at least 7 days from the date of the rule to file an answer
14 satisfactory to the Department. Failure to answer to the
15 satisfaction of the Department shall cause an order to cease
16 and desist to be issued.

17 (Source: P.A. 89-366, eff. 7-1-96.)

18 (225 ILCS 745/90)

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

20 Sec. 90. Investigations; notice and hearing. The
21 Department may investigate the actions of any applicant or of
22 any person or persons rendering or offering to render
23 geological services or any person holding or claiming to hold a
24 license as a Licensed Professional Geologist ~~licensed~~
25 ~~professional geologist~~. The Department shall, before revoking,

1 suspending, placing on probation, reprimanding, or taking any
2 other disciplinary action under Section 80 of this Act, at
3 least 30 days before the date set for the hearing, (i) notify
4 the accused in writing of the charges made and the time and
5 place for the hearing on the charges, (ii) direct him or her to
6 file a written answer to the charges with the Board under oath
7 within 20 days after the service on him or her of the notice,
8 and (iii) inform the accused that, if he or she fails to
9 answer, default will be taken against him or her or that his or
10 her license may be suspended, revoked, placed on probationary
11 status, or other disciplinary action taken with regard to the
12 license, including limiting the scope, nature, or extent of his
13 or her practice, as the Department may consider proper. At the
14 time and place fixed in the notice, the Board shall proceed to
15 hear the charges and the parties or their counsel shall be
16 accorded ample opportunity to present any pertinent
17 statements, testimony, evidence, and arguments. The Board may
18 continue the hearing from time to time. In case the person,
19 after receiving the notice, fails to file an answer, his or her
20 license may, in the discretion of the Department, be suspended,
21 revoked, placed on probationary status, or the Department may
22 take whatever disciplinary action considered proper, including
23 limiting the scope, nature, or extent of the person's practice
24 or the imposition of a fine, without a hearing, if the act or
25 acts charged constitute sufficient grounds for that action
26 under this Act. The written notice may be served by personal

1 delivery or by certified mail to the address specified by the
2 accused in his or her last notification with the Department.

3 (Source: P.A. 89-366, eff. 7-1-96.)

4 (225 ILCS 745/110)

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

6 Sec. 110. Findings and recommendations. At the conclusion
7 of the hearing, the Board shall present to the Director a
8 written report of its findings of fact, conclusions of law, and
9 recommendations. The report shall contain a finding whether or
10 not the accused person violated this Act or its rules or failed
11 to comply with the conditions required in this Act or its
12 rules. The Board shall specify the nature of any violations or
13 failure to comply and shall make its recommendations to the
14 Director. In making recommendations for any disciplinary
15 actions, the Board may take into consideration all facts and
16 circumstances bearing upon the reasonableness of the conduct of
17 the accused and the potential for future harm to the public,
18 including but not limited to previous discipline of the accused
19 by the Department, intent, degree of harm to the public and
20 likelihood of harm in the future, any restitution made by the
21 accused, and whether the incident or incidents contained in the
22 complaint appear to be isolated or represent a continuing
23 pattern of conduct. In making its recommendations for
24 discipline, the Board shall endeavor to ensure that the
25 severity of the discipline recommended is reasonably related to

1 the severity of the violation.

2 The report of findings of fact, conclusions of law, and
3 recommendation of the Board shall be the basis for the
4 Department's order refusing to issue, restore, or renew a
5 person's license to practice as a Licensed Professional
6 Geologist, or otherwise disciplining a licensee. If the
7 Director disagrees with the recommendations of the Board, the
8 Director may issue an order in contravention of the Board
9 recommendations. The Director shall provide a written report to
10 the Board on any disagreement and shall specify the reasons for
11 the action in the final order. The finding is not admissible in
12 evidence against the person in a criminal prosecution brought
13 for a violation of this Act, but the hearing and finding are
14 not a bar to a criminal prosecution brought for a violation of
15 this Act.

16 (Source: P.A. 89-366, eff. 7-1-96.)

17 (225 ILCS 745/120)

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

19 Sec. 120. Director; rehearing. Whenever the Director
20 believes that justice has not been done in the revocation,
21 suspension, or refusal to issue, restore, or renew a person's
22 license to practice as a Licensed Professional Geologist, or
23 other discipline of an applicant or licensee, he or she may
24 order a rehearing by the same or other examiners.

25 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/125)

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

3 Sec. 125. Appointment of a hearing officer. The Director
4 has the authority to appoint any attorney licensed to practice
5 law in the State of Illinois to serve as the hearing officer in
6 any action for refusal to issue, restore, or renew a person's
7 license to practice as a Licensed Professional Geologist or to
8 discipline a licensee. The hearing officer has full authority
9 to conduct the hearing. At least one member of the Board shall
10 attend each hearing. The hearing officer shall report his or
11 her findings of fact, conclusions of law, and recommendations
12 to the Board and the Director. The Board shall have 60 calendar
13 days from receipt of the report to review the report of the
14 hearing officer and present its findings of fact, conclusions
15 of law, and recommendations to the Director. If the Board does
16 not present its report within the 60-day period, the Director
17 may issue an order based on the report of the hearing officer.
18 If the Director disagrees with the recommendation of the Board
19 or of the hearing officer, the Director may issue an order in
20 contravention of the recommendation. The Director shall
21 promptly provide a written report to the Board on any
22 deviation, and shall specify the reasons for the action in the
23 final order.

24 (Source: P.A. 89-366, eff. 7-1-96.)

1 (225 ILCS 745/135)

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

3 Sec. 135. Restoration of suspended or revoked license. At
4 any time after the suspension or revocation of a person's
5 license to practice as a Licensed Professional Geologist, the
6 Department may restore it to the licensee, upon the written
7 recommendation of the Board, unless after an investigation and
8 a hearing the Board determines that restoration is not in the
9 public interest.

10 (Source: P.A. 89-366, eff. 7-1-96.)

11 (225 ILCS 745/140)

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

13 Sec. 140. Surrender of license. Upon the revocation or
14 suspension of a person's license to practice as a Licensed
15 Professional Geologist, the licensee shall immediately
16 surrender his or her license to the Department and the
17 licensee's name and address shall be added to the list of
18 individuals whose licenses have been revoked, suspended, or
19 denied renewal for cause. If the licensee fails to surrender
20 his or her license ~~do so~~, the Department has the right to seize
21 the license.

22 (Source: P.A. 89-366, eff. 7-1-96.)

23 (225 ILCS 745/145)

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

1 Sec. 145. Summary suspension of a license. The Director may
2 summarily suspend the license of a Licensed Professional
3 Geologist ~~licensed professional geologist~~ without a hearing,
4 simultaneously with the institution of proceedings for a
5 hearing provided for in Section 90 of this Act, if the Director
6 finds that evidence in the Director's possession indicates that
7 the continuation of practice by a Licensed Professional
8 Geologist ~~licensed professional geologist~~ would constitute an
9 imminent danger to the public. In the event that the Director
10 summarily suspends the license of a Licensed Professional
11 Geologist ~~licensed professional geologist~~ without a hearing, a
12 hearing must be commenced within 30 days after the suspension
13 has occurred and concluded as expeditiously as practical.

14 (Source: P.A. 89-366, eff. 7-1-96.)

15 (225 ILCS 745/160)

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

17 Sec. 160. Violations.

18 (a) Using or attempting to use an expired license is a
19 Class A misdemeanor.

20 (b) Each of the following acts is a Class A misdemeanor for
21 the first offense and a Class 4 felony for a second or
22 subsequent offense:

23 (1) A violation of any provision of this Act or its
24 rules, except as noted in subsection (a) of this Section.

25 (2) The making of any wilfully false oath or

1 affirmation in any matter or proceeding where an oath or
2 affirmation is required by this Act.

3 (3) Using or attempting to use an inactive, suspended,
4 or revoked license or the license or seal of another, or
5 impersonating another licensee, or practicing geology as a
6 Licensed Professional Geologist ~~licensed professional~~
7 ~~geologist~~ in Illinois while one's license is inactive,
8 suspended, or revoked.

9 (4) The practice, attempt to practice, or offer to
10 practice professional geology in Illinois without a
11 license as a Licensed Professional Geologist ~~licensed~~
12 ~~professional geologist~~. Each day of practicing
13 professional geology or attempting to practice
14 professional geology, and each instance of offering to
15 practice professional geology, without a license as a
16 Licensed Professional Geologist ~~licensed professional~~
17 ~~geologist~~ constitutes a separate offense.

18 (5) Advertising or displaying any sign or card or other
19 device that might indicate to the public that the person or
20 entity is entitled to practice as a Licensed Professional
21 Geologist ~~licensed professional geologist~~, unless that
22 person holds an active license as a Licensed Professional
23 Geologist ~~licensed professional geologist~~ in the State of
24 Illinois.

25 (6) Obtaining or attempting to obtain a license by
26 fraud.

1 (Source: P.A. 89-366, eff. 7-1-96.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.