



Adopted in House Comm. on Mar 17, 2010

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LRB096 20707 ASK 38484 a

1 AMENDMENT TO HOUSE BILL 6001

2 AMENDMENT NO. _____. Amend House Bill 6001 by replacing
3 everything after the enacting clause with the following:

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9 (Section scheduled to be repealed on January 1, 2016)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

1 requirements specified in this Act for a Geologist Intern.

2 "Geologist" means an individual who, by reason of his or
3 her knowledge of geology, mathematics, and the physical and
4 life sciences, acquired by education and practical experience
5 as defined by this Act, is capable of practicing the science of
6 geology.

7 "Geologist Intern" means an individual enrolled with the
8 Department who has knowledge of geology, mathematics, and the
9 physical and life sciences, as defined in this Act, and has
10 passed the examination on the fundamental theory and concepts
11 of geology administered by the Department with the advice and
12 consent of the Board.

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

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

24 "Practice of professional geology" means the performance
25 of, or the offer to perform, the services of a geologist,
26 including consultation, investigation, evaluation, planning,

1 mapping, inspection of geologic work, and other services that
2 require extensive knowledge of geologic laws, formulas,
3 principles, practice, and methods of data interpretation.

4 A person shall be construed to practice or offer to
5 practice professional geology, within the meaning and intent of
6 this Act, if that person (i) by verbal claim, sign,
7 advertisement, letterhead, card, or any other means,
8 represents himself or herself to be a Licensed Professional
9 Geologist ~~professional geologist~~ or through the use of some
10 title implies that he or she is a Licensed Professional
11 Geologist ~~professional geologist~~ or is licensed under this Act
12 or (ii) holds himself or herself out as able to perform or does
13 perform services or work defined in this Act as the practice of
14 professional geology.

15 Examples of the practice of professional geology include,
16 but are not limited to, the conduct of, or responsible charge
17 for, the following types of activities: (i) mapping, sampling,
18 and analysis of earth materials, interpretation of data, and
19 the preparation of oral or written testimony regarding the
20 probable geological causes of events; (ii) planning, review,
21 and supervision of data gathering activities, interpretation
22 of geological data gathered by direct and indirect means,
23 preparation and interpretation of geological maps,
24 cross-sections, interpretive maps and reports for the purpose
25 of determining ~~evaluating~~ regional or site specific geological
26 conditions; (iii) the planning, review, and supervision of data

1 gathering activities and interpretation of data on regional or
2 site specific geological characteristics affecting
3 groundwater; (iv) the interpretation of geological conditions
4 on the surface of the Earth and at depth in the Earth ~~at a~~
5 ~~specific site on the Earth's surface~~ for the purpose of
6 determining whether those conditions correspond to a geologic
7 map of the site or a legally specified geological requirement
8 for the site; and (v) the conducting of environmental property
9 audits.

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

13 "Responsible charge" means the independent control and
14 direction, by use of initiative, skill, and independent
15 judgment, of geological work or the supervision of that work.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation.

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

19 (225 ILCS 745/20)

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

21 Sec. 20. Exemptions. Nothing in this Act shall be construed
22 to restrict the use of the title "geologist" or similar words
23 by any person engaged in a practice of geology exempted under
24 this Act, provided the person does not hold himself or herself
25 out as being a Licensed Professional Geologist ~~licensed~~

1 ~~professional geologist~~ or does not practice professional
2 geology in a manner requiring licensure under this Act.
3 Performance of the following activities does not require
4 licensure as a licensed professional geologist under this Act:

5 (a) The practice of professional geology by an employee or
6 a subordinate of a licensee under this Act, provided the work
7 does not include responsible charge of geological work and is
8 performed under the direct supervision of a Licensed
9 Professional Geologist ~~licensed professional geologist~~ who is
10 responsible for the work.

11 (b) The practice of professional geology by officers and
12 employees of the United States government within the scope of
13 their employment.

14 (c) The practice of professional geology as geologic
15 research to advance basic knowledge for the purpose of offering
16 scientific papers, publications, or other presentations (i)
17 before meetings of scientific societies, (ii) internal to a
18 partnership, corporation, proprietorship, or government
19 agency, or (iii) for publication in scientific journals, or in
20 books.

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

23 (e) The practice of professional geology exclusively in the
24 exploration for or development of energy resources or base,
25 precious and nonprecious minerals, including sand, gravel, and
26 aggregate, that does not require, by law, rule, or ordinance,

1 the submission of reports, documents, or oral or written
2 testimony to public agencies. Public agencies may, by law or by
3 rule, allow required oral or written testimony, reports, permit
4 applications, or other documents based on the science of
5 geology to be submitted to them by persons not licensed under
6 this Act. Unless otherwise required by State or federal law,
7 public agencies may not require that the geology-based aspects
8 of testimony, reports, permits, or other documents so exempted
9 be reviewed by, approved, or otherwise certified by any person
10 who is not a Licensed Professional Geologist ~~licensed~~
11 ~~professional geologist~~. Licensure is not required for the
12 submission and review of reports or documents or the provision
13 of oral or written testimony made under the Well Abandonment
14 Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land
15 Conservation and Reclamation Act, or the Surface-Mined Land
16 Conservation and Reclamation Act.

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

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

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

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

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

1 (k) The practice of professional geology for a period not
2 to exceed 9 months by any person pursuing a course of study
3 leading to a degree in geology from an accredited college or
4 university, as set forth in this Act and as established by
5 rule, provided that (i) such practice constitutes a part of a
6 supervised course of study, (ii) the person is under the
7 supervision of a geologist licensed under this Act or a teacher
8 of geology at an accredited college or university, and (iii)
9 the person is designated by a title that clearly indicates his
10 or her status as a student or trainee.

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

12 (225 ILCS 745/25)

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

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

22 Individuals practicing geology in Illinois as of the
23 effective date of this amendatory Act of 1997 may continue to
24 practice as provided in this Act until the Department has
25 adopted rules implementing this Act. To continue practicing

1 geology after the adoption of rules, individuals shall apply
2 for licensure within 180 days after the effective date of the
3 rules. If an application is received during the 180-day period,
4 the individual may continue to practice until the Department
5 acts to grant or deny licensure. If an application is not filed
6 within the 180-day period, the individual must cease the
7 practice of geology at the conclusion of the 180-day period and
8 until the Department acts to grant a license to the individual.
9 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

10 (225 ILCS 745/30)

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

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

14 (a) Authorize examinations to ascertain the qualifications
15 and fitness of applicants for licensing as a Licensed
16 Professional Geologist ~~licensed professional geologists~~ or as
17 a Licensed Specialty Geologist ~~licensed specialty geologists~~,
18 or for enrollment as a Geologist Intern, as defined by the
19 Board, and pass upon the qualifications of applicants for
20 licensure by endorsement.

21 (b) Conduct hearings on proceedings to refuse to issue or
22 renew or to revoke licenses or enrollments or suspend, place on
23 probation, or reprimand persons licensed or enrolled under this
24 Act, and to refuse to issue or renew or to revoke licenses or
25 enrollments, or suspend, place on probation, or reprimand

1 persons licensed or enrolled under this Act.

2 (c) Formulate rules required for the administration of this
3 Act.

4 (d) Obtain written recommendations from the Board
5 regarding (i) definitions of curriculum content and approval of
6 geological curricula, standards of professional conduct, and
7 formal disciplinary actions and the formulation of rules
8 affecting these matters and (ii) when petitioned by the
9 applicant, opinions regarding the qualifications of applicants
10 for licensure or enrollment ~~licensing~~.

11 (e) Maintain rosters of the names and addresses of all
12 licensees and enrollees whose licenses or enrollments are
13 currently active, and all persons whose licenses or enrollments
14 have been suspended, revoked, or denied renewal for cause
15 within the previous calendar year. These rosters shall be
16 available upon written request and payment of the required fee.
17 (Source: P.A. 89-366, eff. 7-1-96.)

18 (225 ILCS 745/35)

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

20 Sec. 35. Board of Licensing for Professional Geologists;
21 members; qualifications; duties.

22 (a) The Director shall appoint a Board of Licensing for
23 Professional Geologists which shall serve in an advisory
24 capacity to the Director. The Board shall be composed of 8
25 persons, 7 of whom shall be voting members appointed by the

1 Director, who shall give due consideration to recommendations
2 by members of the profession of geology and of geology
3 organizations within the State. In addition, the State
4 Geologist or his or her designated representative, shall be an
5 advisory, non-voting member of the Board.

6 (b) Insofar as possible, the geologists appointed to serve
7 on the Board shall be generally representative of the
8 occupational and geographical distribution of geologists
9 within this State.

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

14 (d) Each of the first appointed geologist members of the
15 Board shall have at least 10 years of active geological
16 experience and shall possess the education and experience
17 required for licensure. Each subsequently appointed geologist
18 member of the Board shall be a Licensed Professional Geologist
19 ~~professional geologist~~ licensed under this Act.

20 (e) Of the initial appointments, the Director shall appoint
21 3 voting members for a term of 4 years, 2 voting members for a
22 term of 3 years, and 2 voting members for a term of 2 years.
23 Thereafter, voting members shall be appointed for 4-year terms.
24 Terms shall commence on the 3rd Monday in January.

25 (f) Members shall hold office until the expiration of their
26 terms or until their successors have been appointed and have

1 qualified.

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

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

6 (i) The Director may remove or suspend any appointed member
7 of the Board for cause at any time before the expiration of his
8 or her term.

9 (j) The Board shall annually elect one of its members as
10 chairperson.

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

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

16 (m) The Board may submit written recommendations to the
17 Director concerning formulation of rules and a Code of
18 Professional Conduct and Ethics. The Board may recommend or
19 endorse revisions and amendments to the Code and to the rules
20 from time to time.

21 (n) The Board may make recommendations on matters relating
22 to continuing education of Licensed Professional Geologists
23 ~~licensed professional geologists~~, including the number of
24 hours necessary for license renewal, waivers for those unable
25 to meet that requirement, and acceptable course content. These
26 recommendations shall not impose an undue burden on the

1 Department or an unreasonable restriction on those seeking a
2 license renewal.

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

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

6 (225 ILCS 745/40)

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

8 Sec. 40. Application for licensure; applications for
9 enrollment ~~original license.~~

10 (a) Applications for original licenses shall be made to the
11 Department on forms prescribed by the Department and
12 accompanied by the required fee. All applications shall contain
13 the information that, in the judgment of the Department, will
14 enable the Department to pass on the qualifications of the
15 applicant for a license to practice as a Licensed Professional
16 Geologist ~~licensed professional geologist.~~

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

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

1 (225 ILCS 745/45)

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

3 Sec. 45. Examination; failure or refusal to take the
4 examination.

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

21 (b) Applicants for licensure as a Professional Geologist
22 who are required to take both parts of the examination for
23 examinations shall pay, either to the Department or to the
24 designated testing service, a fee covering the cost of
25 providing the examination. Failure to appear for the required

1 examination on the scheduled date at the time and place
2 specified after the application for examination has been
3 received and acknowledged by the Department or the designated
4 testing service shall result in forfeiture of the examination
5 fee.

6 (c) If the applicant for licensure neglects, fails, or
7 refuses to take a required ~~an~~ examination or fails to pass a
8 required ~~an~~ examination for a license under this Act within 3
9 years after filing an application, the application shall be
10 denied. However, the applicant may thereafter submit a new
11 application accompanied by the required fee. The applicant
12 shall meet the requirements in force at the time of making the
13 new application.

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

16 (e) The Department shall have the authority to adopt or
17 recognize, in part or in whole, examinations prepared,
18 administered, or graded by other organizations that are
19 determined appropriate to measure the qualifications of an
20 applicant for licensure as a Licensed Professional Geologist or
21 enrollment as a Geologist Intern ~~professional geologist~~.

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

23 (225 ILCS 745/50)

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

25 Sec. 50. Qualifications for licensure.

1 (a) The Department may issue a license to practice as a
2 Licensed Professional Geologist ~~licensed professional~~
3 ~~geologist~~ to any applicant who meets the following
4 qualifications:

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

7 (2) The applicant is of good ethical character,
8 including compliance with the Code of Professional Conduct
9 and Ethics under this Act, and has not committed any act or
10 offense in any jurisdiction that would constitute the basis
11 for disciplining a Licensed Professional Geologist
12 ~~professional geologist licensed~~ under this Act.

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

22 (4) The applicant has a documented record of a minimum
23 of 4 years of professional experience, obtained after
24 completion of the education requirements specified in this
25 Section, in geologic or directly related work,
26 demonstrating that the applicant is qualified to assume

1 responsible charge of such work upon licensure as a
2 Licensed Professional Geologist ~~professional geologist~~ or
3 such specialty of professional geology that the Board may
4 recommend and the Department may recognize. The Department
5 may require evidence acceptable to it that up to 2 years of
6 professional experience have been gained under the
7 supervision of a person licensed under this Act or similar
8 Acts in any other state, or under the supervision of others
9 who, in the opinion of the Department, are qualified to
10 have responsible charge of geological work under this Act.

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

14 (6) The applicant has complied with all other
15 requirements of this Act and rules established for the
16 implementation of this Act.

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

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

23 (225 ILCS 745/51 new)

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

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

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

5 (2) The applicant has (i) earned a degree in geology
6 from an accredited college or university, with a minimum of
7 30 semester or 45 quarter hours of course credits in
8 geology, of which 24 semester or 36 quarter hours are in
9 upper level courses; or (ii) is in the final semester of a
10 program leading to a degree as set forth in item (i) of
11 this paragraph (2).

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

15 The Department may not issue an enrollment under this
16 Section unless and until the applicant provides proof
17 acceptable to the Department of having obtained the required
18 degree within 12 months after having passed the required
19 examination.

20 (b) A Geologist Intern in good standing may renew his or
21 her enrollment upon payment to the Department of the required
22 fee. However, the duration of the period of enrollment issued
23 under this Section may not extend past a total of 10 years and
24 shall automatically and permanently expire upon the end of the
25 10-year period if the enrollee fails to apply for and
26 successfully meet the requirements for licensure as a Licensed

1 Professional Geologist, including passing the part of the
2 licensing examination that fairly tests the practical
3 application and uses of the science of geology, as set forth in
4 Section 45 of this Act.

5 (c) Enrollment as a Geologist Intern shall not be denied
6 any applicant because of the applicant's race, religion, creed,
7 national origin, political beliefs or activities, age, sex,
8 sexual orientation, or physical impairment.

9 (225 ILCS 745/60)

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

11 Sec. 60. Seals.

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

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

25 (c) The Licensed Professional Geologist ~~licensed~~

1 ~~professional geologist~~ who has contract responsibility shall
2 seal a cover sheet of the professional work products and those
3 individual portions of the professional work products for which
4 the Licensed Professional Geologist ~~licensed professional~~
5 ~~geologist~~ is legally and professionally responsible. A
6 Licensed Professional Geologist ~~licensed professional~~
7 ~~geologist~~ practicing as the support professional shall seal
8 those individual portions of professional work products for
9 which that Licensed Professional Geologist ~~licensed~~
10 ~~professional geologist~~ is legally and professionally
11 responsible.

12 (d) The use of a licensed professional geologist's seal on
13 professional work products constitutes a representation that
14 the work prepared by or under the personal supervision of that
15 Licensed Professional Geologist ~~licensed professional~~
16 ~~geologist~~ has been prepared and administered in accordance with
17 the standards of reasonable professional skill and diligence.

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

1 authorized or approved by the Licensed Professional Geologist
2 ~~licensed professional geologist~~ who originally signed and
3 sealed the professional work products.

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

5 (225 ILCS 745/65)

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

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

1 or education the Licensed Professional Geologist or Geologist
2 Intern ~~professional geologist~~ furnishes the Department with
3 satisfactory evidence of service, training, or education and
4 that it has been terminated under honorable conditions.

5 Any professional geologist whose Licensed Professional
6 Geologist license has expired for more than 5 years may have it
7 restored by making application to the Department, paying the
8 required fee, and filing acceptable proof of fitness to have
9 the license restored. The proof may include sworn evidence
10 certifying active practice in another jurisdiction. If the
11 geologist has not practiced for 5 years or more, the Board
12 shall determine by an evaluation program established by rule,
13 whether that individual is fit to resume active status as a
14 Licensed Professional Geologist. The Board ~~and~~ may require the
15 ~~professional~~ geologist to complete a period of evaluated
16 professional experience and may require successful completion
17 of an examination.

18 The Department may refuse to issue or may suspend the
19 license or enrollment of any person who fails to file a tax
20 return, or to pay the tax, penalty, or interest shown in a
21 filed return, or to pay any final assessment of tax, penalty,
22 or interest, as required by any tax Act administered by the
23 Illinois Department of Revenue, until such time as the
24 requirements of any such tax Act are satisfied.

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

1 (225 ILCS 745/70)

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

3 Sec. 70. Fees.

4 (a) Except as provided in subsection (b), the fees for the
5 administration and enforcement of this Act, including but not
6 limited to original licensure or enrollment, renewal, and
7 restoration fees, shall be set by the Department by rule. The
8 fees shall not be refundable.

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

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

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

21 (225 ILCS 745/75)

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

23 Sec. 75. Returned checks; fines. Any person who delivers a
24 check or other payment to the Department that is returned to
25 the Department unpaid by the financial institution upon which

1 it is drawn shall pay to the Department, in addition to the
2 amount already owed to the Department, a fine of \$50. The fines
3 imposed by this Section are in addition to any other discipline
4 provided under this Act for unlicensed practice or practice on
5 a nonrenewed license. The Department shall notify the person
6 that payment of fees and fines shall be paid to the Department
7 by certified check or money order within 30 calendar days of
8 the notification. If, after the expiration of 30 calendar days
9 from the date of the notification, the person has failed to
10 submit the necessary remittance, the Department shall
11 automatically terminate the license or deny the application,
12 without hearing. If, after termination or denial, the person
13 seeks a license to practice as a Licensed Professional
14 Geologist, he or she shall apply to the Department for
15 restoration or issuance of the license and pay all fees and
16 fines due to the Department. The Department may establish a fee
17 for the processing of an application for restoration of a
18 license or Geologist Intern enrollment to pay all expenses of
19 processing this application. The Director may waive the fines
20 due under this Section in individual cases where the Director
21 finds that the fines would be unreasonable or unnecessarily
22 burdensome.

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

24 (225 ILCS 745/80)

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

1 Sec. 80. Disciplinary actions.

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

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

10 (2) Violations of this Act, or of the rules promulgated
11 under this Act.

12 (3) Conviction of any crime under the laws of the
13 United States or any state or territory of the United
14 States that is a felony or that is a misdemeanor, an
15 essential element of which is dishonesty, or of any crime
16 that is directly related to the practice of the profession.

17 (4) Making any misrepresentation for the purpose of
18 obtaining licensure or violating any provision of this Act
19 or the rules promulgated under this Act pertaining to
20 advertising.

21 (5) Professional incompetence.

22 (6) Gross malpractice.

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

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

1 (9) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (10) Habitual or excessive use or addiction to alcohol,
5 narcotics, stimulants, or any other chemical agent or drug
6 that results in the inability to practice with reasonable
7 judgment, skill, or safety.

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

13 (12) Directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate or other form of compensation
16 for professional services not actually or personally
17 rendered.

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

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

24 (15) Physical illness, including but not limited to,
25 deterioration through the aging process, or loss of motor
26 skill that results in the inability to practice the

1 profession with reasonable judgment, skill, or safety.

2 (16) Solicitation of professional services other than
3 permitted advertising.

4 (17) Conviction of or cash compromise of a charge or
5 violation of the Illinois Controlled Substances Act
6 regulating narcotics.

7 (18) Failure to (i) file a tax return, (ii) pay the
8 tax, penalty, or interest shown in a filed return, or (iii)
9 pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Illinois
11 Department of Revenue, until the requirements of that tax
12 Act are satisfied.

13 (19) Conviction by any court of competent
14 jurisdiction, either within or outside this State, of any
15 violation of any law governing the practice of professional
16 geology, if the Department determines, after
17 investigation, that the person has not been sufficiently
18 rehabilitated to warrant the public trust.

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

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

24 (22) Fraud or misrepresentation in applying for, or
25 procuring, a license to practice as a Licensed Professional
26 Geologist under this Act or in connection with applying for

1 renewal of a license under this Act.

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

4 (b) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code operates as an automatic suspension. The suspension will
8 end only upon a finding by a court that the licensee is no
9 longer subject to the involuntary admission or judicial
10 admission and issues an order so finding and discharging the
11 licensee; and upon the recommendation of the Board to the
12 Director that the licensee be allowed to resume his or her
13 practice.

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

15 (225 ILCS 745/85)

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

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

18 (a) If any person violates the provisions of this Act, the
19 Director, in the name of the People of the State of Illinois,
20 through the Attorney General or the State's Attorney of the
21 county in which the violation is alleged to have occurred, may
22 petition for an order enjoining the violation or for an order
23 enforcing compliance with this Act. Upon the filing of a
24 verified petition, the court with appropriate jurisdiction may
25 issue a temporary restraining order, without notice or bond,

1 and may preliminarily and permanently enjoin the violation. If
2 it is established that the person has violated or is violating
3 the injunction, the court may punish the offender for contempt
4 of court. Proceedings under this Section are in addition to,
5 and not in lieu of, all other remedies and penalties provided
6 by this Act.

7 (b) If a person practices as a Licensed Professional
8 Geologist ~~licensed professional geologist~~ or holds himself or
9 herself out as a Licensed Professional Geologist ~~licensed~~
10 ~~professional geologist~~ in Illinois, without being licensed to
11 do so under this Act, then any Licensed Professional Geologist
12 ~~licensed professional geologist~~, interested party, or any
13 person injured thereby may petition for relief as provided in
14 subsection (a) of this Section.

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

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

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

2 Sec. 90. Investigations; notice and hearing. The
3 Department may investigate the actions of any applicant or of
4 any person or persons rendering or offering to render
5 geological services or any person holding or claiming to hold a
6 license as a Licensed Professional Geologist ~~licensed~~
7 ~~professional geologist~~. The Department shall, before revoking,
8 suspending, placing on probation, reprimanding, or taking any
9 other disciplinary action under Section 80 of this Act, at
10 least 30 days before the date set for the hearing, (i) notify
11 the accused in writing of the charges made and the time and
12 place for the hearing on the charges, (ii) direct him or her to
13 file a written answer to the charges with the Board under oath
14 within 20 days after the service on him or her of the notice,
15 and (iii) inform the accused that, if he or she fails to
16 answer, default will be taken against him or her or that his or
17 her license may be suspended, revoked, placed on probationary
18 status, or other disciplinary action taken with regard to the
19 license, including limiting the scope, nature, or extent of his
20 or her practice, as the Department may consider proper. At the
21 time and place fixed in the notice, the Board shall proceed to
22 hear the charges and the parties or their counsel shall be
23 accorded ample opportunity to present any pertinent
24 statements, testimony, evidence, and arguments. The Board may
25 continue the hearing from time to time. In case the person,
26 after receiving the notice, fails to file an answer, his or her

1 license may, in the discretion of the Department, be suspended,
2 revoked, placed on probationary status, or the Department may
3 take whatever disciplinary action considered proper, including
4 limiting the scope, nature, or extent of the person's practice
5 or the imposition of a fine, without a hearing, if the act or
6 acts charged constitute sufficient grounds for that action
7 under this Act. The written notice may be served by personal
8 delivery or by certified mail to the address specified by the
9 accused in his or her last notification with the Department.

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

11 (225 ILCS 745/110)

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

13 Sec. 110. Findings and recommendations. At the conclusion
14 of the hearing, the Board shall present to the Director a
15 written report of its findings of fact, conclusions of law, and
16 recommendations. The report shall contain a finding whether or
17 not the accused person violated this Act or its rules or failed
18 to comply with the conditions required in this Act or its
19 rules. The Board shall specify the nature of any violations or
20 failure to comply and shall make its recommendations to the
21 Director. In making recommendations for any disciplinary
22 actions, the Board may take into consideration all facts and
23 circumstances bearing upon the reasonableness of the conduct of
24 the accused and the potential for future harm to the public,
25 including but not limited to previous discipline of the accused

1 by the Department, intent, degree of harm to the public and
2 likelihood of harm in the future, any restitution made by the
3 accused, and whether the incident or incidents contained in the
4 complaint appear to be isolated or represent a continuing
5 pattern of conduct. In making its recommendations for
6 discipline, the Board shall endeavor to ensure that the
7 severity of the discipline recommended is reasonably related to
8 the severity of the violation.

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

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

24 (225 ILCS 745/120)

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

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

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

8 (225 ILCS 745/125)

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

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

1 or of the hearing officer, the Director may issue an order in
2 contravention of the recommendation. The Director shall
3 promptly provide a written report to the Board on any
4 deviation, and shall specify the reasons for the action in the
5 final order.

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

7 (225 ILCS 745/135)

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

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

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

17 (225 ILCS 745/140)

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

19 Sec. 140. Surrender of license. Upon the revocation or
20 suspension of a person's license to practice as a Licensed
21 Professional Geologist, the licensee shall immediately
22 surrender his or her license to the Department and the
23 licensee's name and address shall be added to the list of
24 individuals whose licenses have been revoked, suspended, or

1 denied renewal for cause. If the licensee fails to surrender
2 his or her license ~~do so~~, the Department has the right to seize
3 the license.

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

5 (225 ILCS 745/145)

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

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

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

21 (225 ILCS 745/160)

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

23 Sec. 160. Violations.

24 (a) Using or attempting to use an expired license is a

1 Class A misdemeanor.

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

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

7 (2) The making of any wilfully false oath or
8 affirmation in any matter or proceeding where an oath or
9 affirmation is required by this Act.

10 (3) Using or attempting to use an inactive, suspended,
11 or revoked license or the license or seal of another, or
12 impersonating another licensee, or practicing geology as a
13 Licensed Professional Geologist ~~licensed professional~~
14 ~~geologist~~ in Illinois while one's license is inactive,
15 suspended, or revoked.

16 (4) The practice, attempt to practice, or offer to
17 practice professional geology in Illinois without a
18 license as a Licensed Professional Geologist ~~licensed~~
19 ~~professional geologist~~. Each day of practicing
20 professional geology or attempting to practice
21 professional geology, and each instance of offering to
22 practice professional geology, without a license as a
23 Licensed Professional Geologist ~~licensed professional~~
24 ~~geologist~~ constitutes a separate offense.

25 (5) Advertising or displaying any sign or card or other
26 device that might indicate to the public that the person or

1 entity is entitled to practice as a Licensed Professional
2 Geologist ~~licensed professional geologist~~, unless that
3 person holds an active license as a Licensed Professional
4 Geologist ~~licensed professional geologist~~ in the State of
5 Illinois.

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."