

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 54, 60, 65, 70, 75, 80, 85, 90, 110, 120, 125, 135, 140, 145,  
7 and 160 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9 (Section scheduled to be repealed on January 1, 2016)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 "Geologist" means an individual who, by reason of his or  
16 her knowledge of geology, mathematics, and the physical and  
17 life sciences, acquired by education and practical experience  
18 as defined by this Act, is capable of practicing the science of  
19 geology.

20 "Geology" means the science that includes the treatment of  
21 the earth and its origin and history including, but not limited  
22 to, (i) the investigation of the earth's crust and interior and  
23 the solids and fluids, including all surface and underground

1 waters, gases, and other materials that compose the earth as  
2 they may relate to geologic processes; (ii) the study of the  
3 natural agents, forces, and processes that cause changes in the  
4 earth; and (iii) the utilization of this knowledge of the earth  
5 and its solids, fluids, and gases, and their collective  
6 properties and processes, for the benefit of humankind.

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

8 "Practice of professional geology" means the performance  
9 of, or the offer to perform, the services of a geologist,  
10 including consultation, investigation, evaluation, planning,  
11 mapping, inspection of geologic work, and other services that  
12 require extensive knowledge of geologic laws, formulas,  
13 principles, practice, and methods of data interpretation.

14 A person shall be construed to practice or offer to  
15 practice professional geology, within the meaning and intent of  
16 this Act, if that person (i) by verbal claim, sign,  
17 advertisement, letterhead, card, or any other means,  
18 represents himself or herself to be a Licensed Professional  
19 Geologist ~~professional geologist~~ or through the use of some  
20 title implies that he or she is a Licensed Professional  
21 Geologist ~~professional geologist~~ or is licensed under this Act  
22 or (ii) holds himself or herself out as able to perform or does  
23 perform services or work defined in this Act as the practice of  
24 professional geology.

25 Examples of the practice of professional geology include,  
26 but are not limited to, the conduct of, or responsible charge

1 for, the following types of activities: (i) mapping, sampling,  
2 and analysis of earth materials, interpretation of data, and  
3 the preparation of oral or written testimony regarding the  
4 probable geological causes of events; (ii) planning, review,  
5 and supervision of data gathering activities, interpretation  
6 of geological data gathered by direct and indirect means,  
7 preparation and interpretation of geological maps,  
8 cross-sections, interpretive maps and reports for the purpose  
9 of determining ~~evaluating~~ regional or site specific geological  
10 conditions; (iii) the planning, review, and supervision of data  
11 gathering activities and interpretation of data on regional or  
12 site specific geological characteristics affecting  
13 groundwater; (iv) the interpretation of geological conditions  
14 on the surface of the Earth and at depth in the Earth ~~at a~~  
15 ~~specific site on the Earth's surface~~ for the purpose of  
16 determining whether those conditions correspond to a geologic  
17 map of the site or a legally specified geological requirement  
18 for the site; and (v) the conducting of environmental property  
19 audits.

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

23 "Responsible charge" means the independent control and  
24 direction, by use of initiative, skill, and independent  
25 judgment, of geological work or the supervision of that work.

26 "Secretary" means the Secretary of Financial and

1 Professional Regulation.

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

3 (225 ILCS 745/20)

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

5 Sec. 20. Exemptions. Nothing in this Act shall be construed  
6 to restrict the use of the title "geologist" or similar words  
7 by any person engaged in a practice of geology exempted under  
8 this Act, provided the person does not hold himself or herself  
9 out as being a Licensed Professional Geologist ~~licensed~~  
10 ~~professional geologist~~ or does not practice professional  
11 geology in a manner requiring licensure under this Act.  
12 Performance of the following activities does not require  
13 licensure as a licensed professional geologist under this Act:

14 (a) The practice of professional geology by an employee or  
15 a subordinate of a licensee under this Act, provided the work  
16 does not include responsible charge of geological work and is  
17 performed under the direct supervision of a Licensed  
18 Professional Geologist ~~licensed professional geologist~~ who is  
19 responsible for the work.

20 (b) The practice of professional geology by officers and  
21 employees of the United States government within the scope of  
22 their employment.

23 (c) The practice of professional geology as geologic  
24 research to advance basic knowledge for the purpose of offering  
25 scientific papers, publications, or other presentations (i)

1 before meetings of scientific societies, (ii) internal to a  
2 partnership, corporation, proprietorship, or government  
3 agency, or (iii) for publication in scientific journals, or in  
4 books.

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

7 (e) The practice of professional geology exclusively in the  
8 exploration for or development of energy resources or base,  
9 precious and nonprecious minerals, including sand, gravel, and  
10 aggregate, that does not require, by law, rule, or ordinance,  
11 the submission of reports, documents, or oral or written  
12 testimony to public agencies. Public agencies may, by law or by  
13 rule, allow required oral or written testimony, reports, permit  
14 applications, or other documents based on the science of  
15 geology to be submitted to them by persons not licensed under  
16 this Act. Unless otherwise required by State or federal law,  
17 public agencies may not require that the geology-based aspects  
18 of testimony, reports, permits, or other documents so exempted  
19 be reviewed by, approved, or otherwise certified by any person  
20 who is not a Licensed Professional Geologist ~~licensed~~  
21 ~~professional geologist~~. Licensure is not required for the  
22 submission and review of reports or documents or the provision  
23 of oral or written testimony made under the Well Abandonment  
24 Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land  
25 Conservation and Reclamation Act, or the Surface-Mined Land  
26 Conservation and Reclamation Act.

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

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

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

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

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

11 (k) The practice of professional geology for a period not  
12 to exceed 9 months by any person pursuing a course of study  
13 leading to a degree in geology from an accredited college or  
14 university, as set forth in this Act and as established by  
15 rule, provided that (i) such practice constitutes a part of a  
16 supervised course of study, (ii) the person is under the  
17 supervision of a geologist licensed under this Act or a teacher  
18 of geology at an accredited college or university, and (iii)  
19 the person is designated by a title that clearly indicates his  
20 or her status as a student or trainee.

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

22 (225 ILCS 745/25)

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

24 Sec. 25. Restrictions and limitations. No person shall,  
25 without a valid license issued by the Department (i) in any

1 manner hold himself or herself out to the public as a Licensed  
2 Professional Geologist ~~licensed professional geologist~~; (ii)  
3 attach the title "Licensed Professional Geologist" to his or  
4 her name; or (iii) render or offer to render to individuals,  
5 corporations, or public agencies services constituting the  
6 practice of professional geology.

7 Individuals practicing geology in Illinois as of the  
8 effective date of this amendatory Act of 1997 may continue to  
9 practice as provided in this Act until the Department has  
10 adopted rules implementing this Act. To continue practicing  
11 geology after the adoption of rules, individuals shall apply  
12 for licensure within 180 days after the effective date of the  
13 rules. If an application is received during the 180-day period,  
14 the individual may continue to practice until the Department  
15 acts to grant or deny licensure. If an application is not filed  
16 within the 180-day period, the individual must cease the  
17 practice of geology at the conclusion of the 180-day period and  
18 until the Department acts to grant a license to the individual.  
19 (Source: P.A. 89-366, eff. 7-1-96; 90-61, eff. 12-30-97.)

20 (225 ILCS 745/30)

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

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

24 (a) Authorize examinations to ascertain the qualifications  
25 and fitness of applicants for licensing as a Licensed

1 Professional Geologist ~~licensed professional geologists~~ or as  
2 a Licensed Specialty Geologist ~~licensed specialty geologists~~,  
3 as defined by the Board, and pass upon the qualifications of  
4 applicants for licensure by endorsement.

5 (b) Conduct hearings on proceedings to refuse to issue or  
6 renew or to revoke licenses or suspend, place on probation, or  
7 reprimand persons licensed under this Act, and to refuse to  
8 issue or renew or to revoke licenses, or suspend, place on  
9 probation, or reprimand persons licensed under this Act.

10 (c) Formulate rules required for the administration of this  
11 Act.

12 (d) Obtain written recommendations from the Board  
13 regarding (i) definitions of curriculum content and approval of  
14 geological curricula, standards of professional conduct, and  
15 formal disciplinary actions and the formulation of rules  
16 affecting these matters and (ii) when petitioned by the  
17 applicant, opinions regarding the qualifications of applicants  
18 for licensing.

19 (e) Maintain rosters of the names and addresses of all  
20 licensees, and all persons whose licenses have been suspended,  
21 revoked, or denied renewal for cause within the previous  
22 calendar year. These rosters shall be available upon written  
23 request and payment of the required fee.

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



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

2 Sec. 35. Board of Licensing for Professional Geologists;  
3 members; qualifications; duties.

4 (a) The Director shall appoint a Board of Licensing for  
5 Professional Geologists which shall serve in an advisory  
6 capacity to the Director. The Board shall be composed of 8  
7 persons, 7 of whom shall be voting members appointed by the  
8 Director, who shall give due consideration to recommendations  
9 by members of the profession of geology and of geology  
10 organizations within the State. In addition, the State  
11 Geologist or his or her designated representative, shall be an  
12 advisory, non-voting member of the Board.

13 (b) Insofar as possible, the geologists appointed to serve  
14 on the Board shall be generally representative of the  
15 occupational and geographical distribution of geologists  
16 within this State.

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

21 (d) Each of the first appointed geologist members of the  
22 Board shall have at least 10 years of active geological  
23 experience and shall possess the education and experience  
24 required for licensure. Each subsequently appointed geologist  
25 member of the Board shall be a Licensed Professional Geologist  
26 ~~professional geologist~~ licensed under this Act.

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

6           (f) Members shall hold office until the expiration of their  
7           terms or until their successors have been appointed and have  
8           qualified.

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

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

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

16          (j) The Board shall annually elect one of its members as  
17          chairperson.

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

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

23          (m) The Board may submit written recommendations to the  
24          Director concerning formulation of rules and a Code of  
25          Professional Conduct and Ethics. The Board may recommend or  
26          endorse revisions and amendments to the Code and to the rules

1 from time to time.

2 (n) The Board may make recommendations on matters relating  
3 to continuing education of Licensed Professional Geologists  
4 ~~licensed professional geologists~~, including the number of  
5 hours necessary for license renewal, waivers for those unable  
6 to meet that requirement, and acceptable course content. These  
7 recommendations shall not impose an undue burden on the  
8 Department or an unreasonable restriction on those seeking a  
9 license renewal.

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

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

13 (225 ILCS 745/40)

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

15 Sec. 40. Application for original license. Applications  
16 for original licenses shall be made to the Department on forms  
17 prescribed by the Department and accompanied by the required  
18 fee. All applications shall contain the information that, in  
19 the judgment of the Department, will enable the Department to  
20 pass on the qualifications of the applicant for a license to  
21 practice as a Licensed Professional Geologist ~~licensed~~  
22 ~~professional geologist~~.

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

24 (225 ILCS 745/45)

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

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

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

17 (b) Applicants for examinations shall pay, either to the  
18 Department or to the designated testing service, a fee covering  
19 the cost of providing the examination. Failure to appear for  
20 the 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 neglects, fails, or refuses to take an  
26 examination or fails to pass an examination for a license under

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

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

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

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

15 (225 ILCS 745/50)

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

17 Sec. 50. Qualifications for licensure.

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

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

24 (2) The applicant is of good ethical character,  
25 including compliance with the Code of Professional Conduct

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

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

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

1 who, in the opinion of the Department, are qualified to  
2 have responsible charge of geological work under this Act.

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

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

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

14 (c) The Department may establish by rule an intern process  
15 to, in part, allow (1) a graduate who has earned a degree in  
16 geology from an accredited college or university in accordance  
17 with this Act or (2) a student in a degree program at an  
18 accredited college or university who has completed the  
19 necessary course requirements established in this Section to  
20 request to take one or both parts of the examination required  
21 by the Department. The Department may set by rule the criteria  
22 for the process, including, but not limited to, the educational  
23 requirements, exam requirements, experience requirements,  
24 remediation requirements, and any fees or applications  
25 required for the process. The Department may also set by rule  
26 provisions concerning disciplinary guidelines and the use of

1 the title "intern" or "trainee" by a graduate or student who  
2 has passed the required examination.

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

4 (225 ILCS 745/54)

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

6 Sec. 54. Previous qualification in other jurisdiction. The  
7 Department may, upon the recommendation of the Board, issue a  
8 license by endorsement to any applicant who, upon applying to  
9 the Department and remitting the required application fee,  
10 meets all of the following qualifications:

11 (1) The applicant holds an active, valid license to  
12 practice professional geology in at least one jurisdiction  
13 in the United States in which the current requirements for  
14 licensure are substantially equivalent to or more  
15 stringent than those required by this Act.

16 (2) The applicant is of good ethical character as  
17 established by the Department in the Code of Professional  
18 Conduct and Ethics under this Act and has not committed any  
19 act or offense in any jurisdiction that would constitute  
20 the basis for discipline under this Act.

21 (3) The applicant has met any other qualifications  
22 recommended to the Department by the Board.

23 An applicant has 3 years from the date of application to  
24 complete the application process. If the process has not been  
25 completed within this 3 year period, then the application shall



1 be denied, the fee shall be forfeited, and the applicant must  
2 re-apply and meet the requirements in effect at the time of  
3 re-application.

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

5 (225 ILCS 745/60)

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

7 Sec. 60. Seals.

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

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

21 (c) The Licensed Professional Geologist ~~licensed~~  
22 ~~professional geologist~~ who has contract responsibility shall  
23 seal a cover sheet of the professional work products and those  
24 individual portions of the professional work products for which  
25 the Licensed Professional Geologist ~~licensed professional~~

1 ~~geologist~~ is legally and professionally responsible. A  
2 Licensed Professional Geologist ~~licensed professional~~  
3 ~~geologist~~ practicing as the support professional shall seal  
4 those individual portions of professional work products for  
5 which that Licensed Professional Geologist ~~licensed~~  
6 ~~professional geologist~~ is legally and professionally  
7 responsible.

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

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

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

1 (225 ILCS 745/65)

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

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

23 Any professional geologist whose Licensed Professional  
24 Geologist license has expired for more than 5 years may have it  
25 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 of any person who fails to file a tax return, or to pay  
13 the tax, penalty, or interest shown in a filed return, or to  
14 pay any final assessment of tax, penalty, or interest, as  
15 required by any tax Act administered by the Illinois Department  
16 of Revenue, until such time as the requirements of any such tax  
17 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, renewal, and restoration fees,  
25 shall be set by the Department by rule. The fees shall not be

1 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 to pay all expenses of processing this application. The  
12 Director may waive the fines due under this Section in  
13 individual cases where the Director finds that the fines would  
14 be unreasonable or unnecessarily burdensome.

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

16 (225 ILCS 745/80)

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

18 Sec. 80. Disciplinary actions.

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

25 (1) Material misstatement in furnishing information to

1 the Department.

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

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

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

13 (5) Professional incompetence.

14 (6) Gross malpractice.

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

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

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

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

26 (11) Discipline by another state, the District of

1 Columbia, a territory of the United States, or a foreign  
2 nation, if at least one of the grounds for the discipline  
3 is the same or substantially equivalent to those set forth  
4 in this Section.

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

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

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

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

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

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

25 (18) Failure to (i) file a tax return, (ii) pay the  
26 tax, penalty, or interest shown in a filed return, or (iii)



1 pay any final assessment of tax, penalty, or interest, as  
2 required by any tax Act administered by the Illinois  
3 Department of Revenue, until the requirements of that tax  
4 Act are satisfied.

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

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

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

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

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

22 (b) The determination by a circuit court that a licensee is  
23 subject to involuntary admission or judicial admission as  
24 provided in the Mental Health and Developmental Disabilities  
25 Code operates as an automatic suspension. The suspension will  
26 end only upon a finding by a court that the licensee is no

1 longer subject to the involuntary admission or judicial  
2 admission and issues an order so finding and discharging the  
3 licensee; and upon the recommendation of the Board to the  
4 Director that the licensee be allowed to resume his or her  
5 practice.

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

7 (225 ILCS 745/85)

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

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

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

24 (b) If a person practices as a Licensed Professional  
25 Geologist ~~licensed professional geologist~~ or holds himself or

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

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

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

17 (225 ILCS 745/90)

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

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

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

1 accused in his or her last notification with the Department.

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

3 (225 ILCS 745/110)

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

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

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

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

16           (225 ILCS 745/120)

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

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

24       (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.)

25 (225 ILCS 745/135)

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

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

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

10 (225 ILCS 745/140)

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

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

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

22 (225 ILCS 745/145)

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

24 Sec. 145. Summary suspension of a license. The Director may



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

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

14 (225 ILCS 745/160)

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

16 Sec. 160. Violations.

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

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

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

24 (2) The making of any wilfully false oath or  
25 affirmation in any matter or proceeding where an oath or

1 affirmation is required by this Act.

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

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

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

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

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

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