

1 AN ACT concerning professional regulation.

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

4 Section 5. The Illinois Roofing Industry Licensing Act is
5 amended by changing Sections 2, 3.5, 4.5, and 5 as follows:

6 (225 ILCS 335/2) (from Ch. 111, par. 7502)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Licensure" means the act of obtaining or holding a
11 license issued by the Department as provided in this Act.

12 (b) "Department" means the Department of Professional
13 Regulation.

14 (c) "Director" means the Director of Professional
15 Regulation.

16 (d) "Person" means any individual, partnership,
17 corporation, business trust, limited liability company, or
18 other legal entity.

19 (e) "Roofing contractor" is one who has the experience,
20 knowledge and skill to construct, reconstruct, alter, maintain
21 and repair roofs and use materials and items used in the
22 construction, reconstruction, alteration, maintenance and
23 repair of all kinds of roofing and waterproofing as related to

1 roofing, all in such manner to comply with all plans,
2 specifications, codes, laws, and regulations applicable
3 thereto, but does not include such contractor's employees to
4 the extent the requirements of Section 3 of this Act apply and
5 extend to such employees.

6 (f) "Board" means the Roofing Advisory Board.

7 (g) "Qualifying party" means the individual filing as a
8 sole proprietor, partner of a partnership, officer of a
9 corporation, trustee of a business trust, or party of another
10 legal entity, who is legally qualified to act for the business
11 organization in all matters connected with its roofing
12 contracting business, has the authority to supervise roofing
13 installation operations, and is actively engaged in day to day
14 activities of the business organization.

15 "Qualifying party" does not apply to a seller of roofing
16 materials or services when the construction, reconstruction,
17 alteration, maintenance, or repair of roofing or waterproofing
18 is to be performed by a person other than the seller or the
19 seller's employees.

20 (h) "Limited roofing license" means a license made
21 available to contractors whose roofing business is limited to
22 residential roofing, including residential properties
23 consisting of 8 units or less.

24 (i) "Unlimited roofing license" means a license made
25 available to contractors whose roofing business is unlimited in
26 nature and includes roofing on residential, commercial, and

1 industrial properties.

2 (j) "Seller of services or materials" means a business
3 entity primarily engaged in the sale of tangible personal
4 property at retail.

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

6 (225 ILCS 335/3.5)

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

8 Sec. 3.5. Examination.

9 (a) The Department shall authorize examinations for
10 applicants for initial licenses at the time and place it may
11 designate. The examinations shall be of a character to fairly
12 test the competence and qualifications of applicants to act as
13 roofing contractors. Each applicant for limited licenses shall
14 designate a qualifying party who shall take an examination, the
15 technical portion of which shall cover residential roofing
16 practices. Each applicant for an unlimited license shall
17 designate a qualifying party who shall take an examination, the
18 technical portion of which shall cover residential,
19 commercial, and industrial roofing practices.

20 (b) An applicant for a limited license or an unlimited
21 license or a qualifying party designated by an applicant for a
22 limited license or unlimited license shall pay, either to the
23 Department or the designated testing service, a fee established
24 by the Department to cover the cost of providing the
25 examination. Failure of the individual scheduled to appear for

1 the examination on the scheduled date at the time and place
2 specified after his or her 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) A person who has a license as described in subsection~~
7 ~~(1.5) of Section 3 is exempt from the examination requirement~~
8 ~~of this Section, so long as (1) the license continues to be~~
9 ~~valid and is renewed before expiration and (2) the person is~~
10 ~~not newly designated as a qualifying party after July 1, 2003.~~

11 The qualifying party for an applicant for a new license must
12 have passed an examination authorized by the Department before
13 the Department may issue a license.

14 (d) The application for a license as a corporation,
15 business trust, or other legal entity submitted by a sole
16 proprietor who is currently licensed under this Act and exempt
17 from the examination requirement of this Section shall not be
18 considered an application for initial licensure for the
19 purposes of this subsection (d) if the sole proprietor is named
20 in the application as the qualifying party and is the sole
21 owner of the legal entity. Upon issuance of a license to the
22 new legal entity, the sole proprietorship license is
23 terminated.

24 The application for initial licensure as a partnership,
25 corporation, business trust, or other legal entity submitted by
26 a currently licensed partnership, corporation, business trust,

1 or other legal entity shall not be considered an application
2 for initial licensure for the purposes of this subsection (d)
3 if the entity's current qualifying party is exempt from the
4 examination requirement of this Section, that qualifying party
5 is named as the new legal entity's qualifying party, and the
6 majority of ownership in the new legal entity remains the same
7 as the currently licensed entity. Upon issuance of a license to
8 the new legal entity under this subsection (d), the former
9 license issued to the applicant is terminated.

10 (e) An applicant has 3 years after the date of his or her
11 application to complete the application process. If the process
12 has not been completed within 3 years, the application shall be
13 denied, the fee shall be forfeited, and the applicant must
14 reapply and meet the requirements in effect at the time of
15 reapplication.

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

17 (225 ILCS 335/4.5)

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

19 Sec. 4.5. Duties of qualifying party; replacement; grounds
20 for discipline.

21 (a) While engaged as or named as a qualifying party for a
22 licensee, no person may be the named qualifying party for any
23 other licensee. However, the person may act in the capacity of
24 the qualifying party for one additional licensee of the same
25 type of licensure if one of the following conditions exists:

1 (1) There is a common ownership of at least 25% of each
2 licensed entity for which the person acts as a qualifying
3 party.

4 (2) The same person acts as a qualifying party for one
5 licensed entity and its licensed subsidiary.

6 "Subsidiary" as used in this Section means a corporation of
7 which at least 25% is owned by another licensee.

8 (b) In the event that a qualifying party is terminated or
9 terminating his or her status as qualifying party of a
10 licensee, the qualifying party and the licensee shall notify
11 the Department of that fact in writing. Thereafter, the
12 licensee shall notify the Department of the name and address of
13 the newly designated qualifying party. The newly designated
14 qualifying party must take the examination prescribed in
15 Section 3.5 of this Act; however, a newly designated qualifying
16 party is exempt from the examination requirement until January
17 1, 2012 if he or she has acted in the capacity of a roofing
18 contractor for a period of at least 15 years for the licensee
19 for which he or she seeks to be the qualifying party. These
20 requirements shall be met in a timely manner as established by
21 rule of the Department.

22 (c) A qualifying party that is accepted by the Department
23 shall have the authority to act for the licensed entity in all
24 matters connected with its roofing contracting business and to
25 supervise roofing installation operations. This authority
26 shall not be deemed to be a license for purposes of this Act.

1 (d) Designation of a qualifying party by an applicant under
2 Section 3 is subject to acceptance by the Department. The
3 Department may refuse to accept a qualifying party (i) for
4 failure to qualify as required under this Act and the rules
5 adopted under this Act or (ii) after making a determination
6 that the designated party has a history of acting illegally,
7 fraudulently, incompetently, or with gross negligence in the
8 roofing or construction business.

9 (e) The Department may, at any time after giving
10 appropriate notice and the opportunity for a hearing, suspend
11 or revoke its acceptance of a qualifying party designated by a
12 licensee for any act or failure to act that gives rise to any
13 ground for disciplinary action against that licensee under
14 Section 9.1 or 9.6 of this Act. If the Department suspends or
15 revokes its acceptance of a qualifying party, the license of
16 the licensee shall be deemed to be suspended until a new
17 qualifying party has been designated by the licensee and
18 accepted by the Department.

19 If acceptance of a qualifying party is suspended or revoked
20 for action or inaction that constitutes a violation of this Act
21 or the rules adopted under this Act, the Department may in
22 addition take such other disciplinary or non-disciplinary
23 action as it may deem proper, including imposing a fine on the
24 qualifying party, not to exceed \$10,000 for each violation.

25 All administrative decisions of the Department under this
26 subsection (e) are subject to judicial review pursuant to

1 Section 9.7 of this Act. An order taking action against a
2 qualifying party shall be deemed a final administrative
3 decision of the Department for purposes of Section 9.7 of this
4 Act.

5 (Source: P.A. 91-950, eff. 2-9-01.)

6 (225 ILCS 335/5) (from Ch. 111, par. 7505)

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

8 Sec. 5. Display of license number; advertising.

9 (a) Each State licensed roofing contractor shall affix the
10 license number of his or her license to all of his or her
11 contracts and bids. In addition, the official issuing building
12 permits shall affix the roofing contractor license number to
13 each application for a building permit and on each building
14 permit issued and recorded.

15 (a-5) If a general contractor applies for a building permit
16 with a unit of local government and knowingly submits a roofing
17 license number that is not that of the roofing contractor who
18 will be the subcontractor for the project for which the general
19 contractor has requested the permit, the general contractor
20 shall be guilty of identity theft under subsection (a) of
21 Section 16G-15 of the Criminal Code of 1961.

22 (b) In addition, every roofing contractor shall affix the
23 roofing contractor license number and the licensee's name, as
24 it appears on the license, on all commercial vehicles used as
25 part of his or her business as a roofing contractor.

1 (c) Every holder of a license shall display it in a
2 conspicuous place in his or her principal office, place of
3 business, or place of employment.

4 (d) No person licensed under this Act may advertise
5 services regulated by this Act unless that person includes in
6 the advertisement his or her license number. Nothing contained
7 in this subsection requires the publisher of advertising for
8 roofing contractor services to investigate or verify the
9 accuracy of the license number provided by the licensee.

10 (e) A person who advertises services regulated by this Act
11 who knowingly (i) fails to display the license number in any
12 manner required by this Section, (ii) fails to provide a
13 publisher with the correct license number as required by
14 subsection (d), or (iii) provides a publisher with a false
15 license number or a license number of another person, or a
16 person who knowingly allows his or her license number to be
17 displayed or used by another person to circumvent any
18 provisions of this Section, is guilty of a Class A misdemeanor
19 with a fine of \$1,000, and, in addition, is subject to the
20 administrative enforcement provisions of this Act. Each day
21 that an advertisement runs or each day that a person knowingly
22 allows his or her license to be displayed or used in violation
23 of this Section constitutes a separate offense.

24 (Source: P.A. 94-254, eff. 7-19-05.)