

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 Regulatory Sunset Act is amended by changing
5 Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 ~~The Illinois Professional Land Surveyor Act of 1989.~~

14 The Land Sales Registration Act of 1999.

15 The Orthotics, Prosthetics, and Pedorthics Practice
16 Act.

17 The Perfusionist Practice Act.

18 ~~The Professional Engineering Practice Act of 1989.~~

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (b) The following Act is repealed on December 31, 2010:

22 The Medical Practice Act of 1987.

23 (Source: P.A. 95-1018, eff. 12-18-08.)

1 (5 ILCS 80/4.30 new)

2 Sec. 4.30. Act repealed on January 1, 2020. The following
3 Acts are repealed on January 1, 2020:

4 The Illinois Professional Land Surveyor Act of 1989.

5 The Professional Engineering Practice Act of 1989.

6 Section 10. The Professional Engineering Practice Act of
7 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10,
8 11, 14, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42 and
9 43 and by adding Section 27.5 as follows:

10 (225 ILCS 325/3) (from Ch. 111, par. 5203)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 3. Application of the Act; Exemptions.

13 (a) Nothing in this Act shall be construed to prevent the
14 practice of structural engineering as defined in the Structural
15 Engineering Practice Act of 1989 or the practice of
16 architecture as defined in the Illinois Architecture Practice
17 Act of 1989 or the regular and customary practice of
18 construction contracting and construction management as
19 performed by construction contractors.

20 (b) Nothing in this Act shall be construed to prevent the
21 regular and customary practice of a private alarm contractor
22 licensed pursuant to the Private Detective, Private Alarm,
23 Private Security, Fingerprint Vendor, and Locksmith Act of

1 2004.

2 (c) Nothing in this Act shall be construed to prevent a
3 fire sprinkler contractor licensed under the Fire Sprinkler
4 Contractor Licensing Act from providing fire protection system
5 layout documents. For the purpose of this subsection (c), "fire
6 protection system layout documents" means layout drawings,
7 catalog information on standard products, and other
8 construction data that provide detail on the location of
9 risers, cross mains, branch lines, sprinklers, piping per
10 applicable standard, and hanger locations. Fire protection
11 system layout documents serve as a guide for fabrication and
12 installation of a fire sprinkler system.

13 (d) A building permit for a building that requires a fire
14 suppression system shall not be issued without the submission
15 of a technical submission prepared and sealed by a licensed
16 design professional. Fire protection system layout documents
17 do not require an engineering seal if prepared by a technician
18 who holds a valid NICET level 3 or 4 certification in fire
19 protection technology, automatic sprinkler system layout. An
20 authority having jurisdiction may not accept fire protection
21 system layout documents in lieu of technical submissions. Fire
22 protection system layout documents may be submitted as
23 supporting documents to supplement technical submissions.
24 However, in the event the fire protection system layout
25 documents materially alter the technical submissions, the
26 authority having jurisdiction shall return both the fire

1 protection layout documents and technical submissions to the
2 licensed design professional for review.

3 (e) ~~(b)~~ Nothing in this Act shall prevent:

4 (1) Employees, including project representatives, of
5 professional engineers lawfully practicing as sole owners,
6 partnerships or corporations under this Act, from acting
7 under the direct supervision of their employers.

8 (2) The employment of owner's representatives by the
9 owner during the constructing, adding to, or altering of a
10 project, or any parts thereof, provided that such owner's
11 representative shall not have the authority to deviate from
12 the technical submissions without the prior approval of the
13 professional engineer for the project.

14 (3) The practice of officers and employees of the
15 Government of the United States while engaged within this
16 State in the practice of the profession of engineering for
17 the Government.

18 (4) Services performed by employees of a business
19 organization engaged in utility, telecommunications,
20 industrial, or manufacturing operations, or by employees
21 of laboratory research affiliates of such business
22 organization which are rendered in connection with the
23 fabrication or production, sale, and installation of
24 products, systems, or nonengineering services of the
25 business organization or its affiliates.

26 (5) Inspection, maintenance and service work done by

1 employees of the State of Illinois, any political
2 subdivision thereof or any municipality.

3 (6) The activities performed by those ordinarily
4 designated as chief engineer of plant operation, chief
5 operating engineer, locomotive, stationary, marine, power
6 plant or hoisting and portable engineers, electrical
7 maintenance or service engineers, personnel employed in
8 connection with construction, operation or maintenance of
9 street lighting, traffic control signals, police and fire
10 alarm systems, waterworks, steam, electric, and sewage
11 treatment and disposal plants, or the services ordinarily
12 performed by any worker regularly employed as a locomotive,
13 stationary, marine, power plant, or hoisting and portable
14 engineer or electrical maintenance or service engineer for
15 any corporation, contractor or employer.

16 (7) The activities performed by a person ordinarily
17 designated as a supervising engineer or supervising
18 electrical maintenance or service engineer who supervises
19 the operation of, or who operates, machinery or equipment,
20 or who supervises construction or the installation of
21 equipment within a plant which is under such person's
22 immediate supervision.

23 (8) The services, for private use, of contractors or
24 owners in the construction of engineering works or the
25 installation of equipment.

26 (f) ~~(e)~~ No officer, board, commission, or other public

1 entity charged with the enforcement of codes and ordinances
2 involving a professional engineering project shall accept for
3 filing or approval any technical submissions that do not bear
4 the seal and signature of a professional engineer licensed
5 under this Act.

6 ~~(d) Nothing contained in this Section imposes upon a person~~
7 ~~licensed under this Act the responsibility for the performance~~
8 ~~of any of the foregoing functions unless such person~~
9 ~~specifically contracts to provide it.~~

10 (Source: P.A. 91-91, eff. 1-1-00.)

11 (225 ILCS 325/4) (from Ch. 111, par. 5204)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 4. Definitions. As used in this Act:

14 (a) "Address of record" means the designated address
15 recorded by the Department in the applicant's or licensee's
16 application file or license file maintained by the Department's
17 licensure maintenance unit. It is the duty of the applicant or
18 licensee to inform the Department of any change of address, and
19 such changes must be made either through the Department's
20 website or by directly contacting the Department.

21 (a-5) ~~(a)~~ "Approved engineering curriculum" means an
22 engineering curriculum or program of 4 academic years or more
23 which meets the standards established by the rules of the
24 Department.

25 (b) "Board" means the State Board of Professional Engineers

1 of the Department ~~of Professional Regulation, previously known~~
2 ~~as the Examining Committee.~~

3 (c) "Department" means the Department of Financial and
4 Professional Regulation.

5 (d) "Design professional" means an architect, structural
6 engineer or professional engineer practicing in conformance
7 with the Illinois Architecture Practice Act of 1989, the
8 Structural Engineering Practice Act of 1989 or the Professional
9 Engineering Practice Act of 1989.

10 (e) (Blank). ~~"Director" means the Director of Professional~~
11 ~~Regulation.~~

12 (f) "Direct supervision/responsible charge" means work
13 prepared under the control of a licensed professional engineer
14 or that work as to which that professional engineer has
15 detailed professional knowledge. The Department may further
16 define this term by rule.

17 (g) "Engineering college" means a school, college,
18 university, department of a university or other educational
19 institution, reputable and in good standing in accordance with
20 rules prescribed by the Department, and which grants
21 baccalaureate degrees in engineering.

22 (h) "Engineering system or facility" means a system or
23 facility whose design is based upon the application of the
24 principles of science for the purpose of modification of
25 natural states of being.

26 (i) "Engineer intern" means a person who is a candidate for

1 licensure as a professional engineer and who has been enrolled
2 as an engineer intern.

3 (j) "Enrollment" means an action by the Department to
4 record those individuals who have met the Department's ~~Board's~~
5 requirements for an engineer intern.

6 (k) "License" means an official document issued by the
7 Department to an individual, a corporation, a partnership, a
8 professional service corporation, a limited liability company,
9 or a sole proprietorship, signifying authority to practice.

10 (l) "Negligence in the practice of professional
11 engineering" means the failure to exercise that degree of
12 reasonable professional skill, judgment and diligence normally
13 rendered by professional engineers in the practice of
14 professional engineering.

15 (m) "Professional engineer" means a person licensed under
16 the laws of the State of Illinois to practice professional
17 engineering.

18 (n) "Professional engineering" means the application of
19 science to the design of engineering systems and facilities
20 using the knowledge, skills, ability and professional judgment
21 developed through professional engineering education, training
22 and experience.

23 (o) "Professional engineering practice" means the
24 consultation on, conception, investigation, evaluation,
25 planning, and design of, and selection of materials to be used
26 in, administration of construction contracts for, or site

1 observation of, an engineering system or facility, where such
2 consultation, conception, investigation, evaluation, planning,
3 design, selection, administration, or observation requires
4 extensive knowledge of engineering laws, formulae, materials,
5 practice, and construction methods. A person shall be construed
6 to practice or offer to practice professional engineering,
7 within the meaning and intent of this Act, who practices, or
8 who, by verbal claim, sign, advertisement, letterhead, card, or
9 any other way, is represented to be a professional engineer, or
10 through the use of the initials "P.E." or the title "engineer"
11 or any of its derivations or some other title implies licensure
12 as a professional engineer, or holds himself out as able to
13 perform any service which is recognized as professional
14 engineering practice.

15 Examples of the practice of professional engineering
16 include, but need not be limited to, transportation facilities
17 and publicly owned utilities for a region or community,
18 railroads, railways, highways, subways, canals, harbors, river
19 improvements; land development; stormwater detention,
20 retention, and conveyance, excluding structures defined under
21 Section 5 of the Structural Engineering Practice Act of 1989
22 (225 ILCS 340/5); irrigation works; aircraft ~~and~~ airports;
23 traffic engineering; ~~and landing fields;~~ waterworks, piping
24 systems ~~and appurtenances,~~ sewers, sewage disposal works,
25 storm sewer, sanitary sewer and water system modeling; plants
26 for the generation of power; devices for the utilization of

1 power; boilers; refrigeration plants, air conditioning systems
2 and plants; heating systems and plants; plants for the
3 transmission or distribution of power; electrical plants which
4 produce, transmit, distribute, or utilize electrical energy;
5 works for the extraction of minerals from the earth; plants for
6 the refining, alloying or treating of metals; chemical works
7 and industrial plants involving the use of chemicals and
8 chemical processes; plants for the production, conversion, or
9 utilization of nuclear, chemical, or radiant energy; forensic
10 engineering, geotechnical engineering including, subsurface
11 investigations; soil and rock classification, geology and
12 geohydrology, incidental to the practice of professional
13 engineering; geohydrological investigations, migration pathway
14 analysis (including evaluation of building and site elements),
15 soil and groundwater management zone analysis and design;
16 energy analysis, environmental risk assessments, corrective
17 action plans, design, remediation, protection plans and
18 systems, hazardous waste mitigation and control, and
19 environmental control or remediation systems; recognition,
20 measurement, evaluation and control of environmental systems
21 and emissions; control systems, evaluation and design of
22 engineered barriers, excluding structures defined under
23 Section 5 of the Structural Engineering Practice Act of 1989
24 (225 ILCS 340/5); modeling of pollutants in water, soil, and
25 air; engineering surveys of sites, facilities, and topography
26 specific to a design project, not including land boundary

1 establishment; automated building management systems; control
2 or remediation systems; computer controlled or integrated
3 systems; automatic fire notification and suppression systems;
4 investigation and assessment of indoor air inhalation
5 exposures and design of abatement and remediation systems; or
6 the provision of professional engineering site observation of
7 the construction of works and engineering systems. In the
8 performance of any of the foregoing functions, a licensee shall
9 adhere to the standards of professional conduct enumerated in
10 68 Ill. Adm. Code 1380.300. Nothing contained in this Section
11 imposes upon a person licensed under this Act the
12 responsibility for the performance of any of the foregoing
13 functions unless such person specifically contracts to provide
14 it. Nothing in this Section shall preclude an employee from
15 acting under the direct supervision or responsible charge of a
16 licensed professional engineer.

17 (p) "Project representative" means the professional
18 engineer's representative at the project site who assists in
19 the administration of the construction contract.

20 (q) "Registered" means the same as "licensed" for purposes
21 of this Act.

22 (r) "Related science curriculum" means a 4 year program of
23 study, the satisfactory completion of which results in a
24 Bachelor of Science degree, and which contains courses from
25 such areas as life, earth, engineering and computer sciences,
26 including but not limited to, physics and chemistry. In the

1 study of these sciences, the objective is to acquire
2 fundamental knowledge about the nature of its phenomena,
3 including quantitative expression, appropriate to particular
4 fields of engineering.

5 (s) "Rules" means those rules promulgated pursuant to this
6 Act.

7 (t) "Seal" means the seal in compliance with Section 14 of
8 this Act.

9 (t-5) "Secretary" means the Secretary of the Department of
10 Financial and Professional Regulation.

11 (u) "Site observation" is visitation of the construction
12 site for the purpose of reviewing, as available, the quality
13 and conformance of the work to the technical submissions as
14 they relate to design.

15 (v) "Support design professional" means a professional
16 engineer practicing in conformance with the Professional
17 Engineering Practice Act of 1989, who provides services to the
18 design professional who has contract responsibility.

19 (w) "Technical submissions" are the ~~means~~ designs,
20 drawings, and specifications which establish the scope and
21 standard of quality for materials, workmanship, equipment, and
22 systems. "Technical submissions" also includes, but are not
23 limited to, studies, analyses, calculations, ~~the construction~~
24 ~~systems, studies,~~ and other technical reports prepared in the
25 course of the practice of professional engineering or under the
26 direct supervision and responsible charge of a licensed

1 professional engineer ~~a design professional's practice.~~

2 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,
3 eff. 6-28-01; 92-145, eff. 1-1-02.)

4 (225 ILCS 325/5) (from Ch. 111, par. 5205)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 5. Powers and duties of the Department. Subject to the
7 provisions of this Act, the Department shall exercise the
8 following functions, powers and duties:

9 (a) To pass upon the qualifications and conduct
10 examinations of applicants for licensure as professional
11 engineers or enrollment as engineer interns and pass upon
12 the qualifications of applicants by endorsement and issue a
13 license or enrollment to those who are found to be fit and
14 qualified.

15 (b) To prescribe rules for the method, conduct and
16 grading of the examination of applicants.

17 (c) To register ~~license~~ corporations, partnerships,
18 professional service corporations, limited liability
19 companies, and sole proprietorships for the practice of
20 professional engineering and issue a certificate of
21 registration ~~license~~ to those who qualify.

22 (d) To conduct investigations and hearings regarding
23 violations of this Act and take disciplinary or other
24 actions as provided in this Act as a result of the
25 proceedings.

1 (e) To prescribe rules as to what shall constitute an
2 engineering or related science curriculum and to determine
3 if a specific engineering curriculum is in compliance with
4 the rules, and to terminate the approval of a specific
5 engineering curriculum for non-compliance with such rules.

6 (f) To promulgate rules required for the
7 administration of this Act, including rules of
8 professional conduct.

9 (g) To maintain membership in the National Council of
10 Examiners for Engineering and Surveying and participate in
11 activities of the Council by designation of individuals for
12 the various classifications of membership, the appointment
13 of delegates for attendance at zone and national meetings
14 of the Council, and the funding of the delegates for
15 attendance at the meetings of the Council.

16 (h) To obtain written recommendations from the Board
17 regarding qualifications of individuals for licensure and
18 enrollment, definitions of curriculum content and approval
19 of engineering curricula, standards of professional
20 conduct and formal disciplinary actions, and the
21 promulgation of the rules affecting these matters.

22 Prior to issuance of any final decision or order that
23 deviates from any report or recommendations of the Board
24 relating to the qualification of applicants, discipline of
25 licensees or registrants, or promulgation of rules, the
26 Secretary ~~Director~~ shall notify the Board in writing with

1 an explanation of any such deviation ~~and provide a~~
2 ~~reasonable time for the Board to submit written comments to~~
3 ~~the Director regarding the proposed action. In the event~~
4 ~~that the Board fails or declines to submit such written~~
5 ~~comments within 30 days of said notification, the Director~~
6 ~~may issue a final decision or orders consistent with the~~
7 ~~Director's original decision.~~ The Department may at any
8 time seek the expert advice and knowledge of the Board on
9 any matter relating to the enforcement of this Act.

10 (i) To ~~publish and distribute or to~~ post on the
11 Department's website, ~~at least semi-annually,~~ a newsletter
12 describing ~~to all persons licensed and registered under~~
13 ~~this Act. The newsletter shall describe~~ the most recent
14 changes in this Act and the rules adopted under this Act
15 and containing ~~shall contain~~ information of any final
16 disciplinary action that has been ordered under this Act
17 since the date of the last newsletter.

18 (j) To review such applicant qualifications to sit for
19 the examination or for licensure as the Board designates
20 pursuant to Section 7 of this Act.

21 ~~None of the functions, powers or duties enumerated in this~~
22 ~~Section shall be exercised by the Department except upon the~~
23 ~~action and report in writing of the Board.~~

24 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

25 (225 ILCS 325/6) (from Ch. 111, par. 5206)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 6. Composition, qualifications and terms of the Board.

3 (a) The Board shall be appointed by the Secretary ~~Director~~
4 and shall consist of 10 members, one of whom shall be a public
5 member and 9 of whom shall be professional engineers licensed
6 under this Act. In addition each member who is a professional
7 engineer shall:

8 (1) be a citizen of the United States, and

9 (2) be a resident of this State.

10 (b) In addition, each member who is a professional engineer
11 shall:

12 (1) have not less than 12 years of experience in the
13 practice of professional engineering, and shall hold an
14 active license as a professional engineer in Illinois;

15 (2) have been in charge of professional engineering
16 work for at least 5 years. For the purposes of this
17 Section, any period in which a person has been in charge of
18 teaching engineering in an engineering college with the
19 rank of assistant professor or higher shall be considered
20 as time in which such person was in charge of professional
21 engineering work.

22 The terms for all members shall be for 5 years. On the
23 expiration of the term of any member or in the event of a
24 vacancy, the Secretary ~~Director~~ shall appoint a member who
25 shall hold office until the expiration of the term for which
26 the member is appointed and until a successor has been

1 appointed and qualified.

2 No member shall be reappointed to the Board for a term
3 which would cause that individual's lifetime ~~continuous~~
4 service on the Board to be longer than 15 ~~successive~~ years.

5 In implementing the 5 year terms, the Secretary ~~Director~~
6 shall vary the terms to enable the Board to have no more than 2
7 terms expire in any one year.

8 The public member shall be a voting member and shall not
9 hold a license as an architect, professional engineer,
10 structural engineer, or a land surveyor ~~not be an employee of~~
11 ~~the State of Illinois~~. The public member shall be an Illinois
12 resident and a citizen of the United States.

13 In making appointments to the Board, the Secretary ~~Director~~
14 shall give due consideration to recommendations by members of
15 the profession and by organizations therein.

16 The Secretary ~~Director~~ may remove any member of the Board
17 for misconduct, incompetence, neglect of duty or for reasons
18 prescribed by law for removal of State officials.

19 The Secretary ~~Director~~ may remove a member of the Board who
20 does not attend 2 consecutive meetings.

21 A quorum of the Board shall consist of 6 ~~a majority of~~
22 Board members ~~appointed~~. ~~A Majority vote of the~~ quorum is
23 required for Board decisions.

24 Each member of the Board may ~~shall~~ receive compensation as
25 determined by the Secretary ~~when attending Board meetings or~~
26 ~~meetings approved by the Director~~ and shall be reimbursed for

1 all actual traveling expenses.

2 Members of the Board shall be immune from suit in any
3 action based upon any disciplinary proceedings or other
4 activities performed in good faith as members of the Board.

5 Persons holding office as members of the Board immediately
6 prior to the effective date of this Act under the Act repealed
7 herein shall continue as members of the Board until the
8 expiration of the term for which they were appointed and until
9 their successors are appointed and qualified.

10 (Source: P.A. 91-92, eff. 1-1-00.)

11 (225 ILCS 325/7) (from Ch. 111, par. 5207)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 7. Powers and duties of the Board.

14 Subject to the provisions of this Act, the Board shall
15 exercise the following functions, powers, and duties:

16 (a) Review applicant qualifications to sit for the
17 examination or for licensure and shall make
18 recommendations to the Department except for those
19 applicant qualifications that the Board designates as
20 routinely acceptable ~~Review education and experience~~
21 ~~qualifications of applicants, including conducting oral~~
22 ~~interviews as deemed necessary by the Board, to determine~~
23 ~~eligibility as an engineer intern or professional engineer~~
24 ~~and submit to the Director written recommendations on~~
25 ~~applicant qualifications for enrollment and licensure;~~

1 (b) The Board may appoint a subcommittee to serve as a
2 Complaint Committee to recommend the disposition of case
3 files according to procedures established by rule in 68
4 Ill. Adm. Code 1380.305, and any changes and amendments
5 thereto;

6 (c) Conduct hearings regarding disciplinary actions
7 and submit a written report and recommendations to the
8 Secretary ~~Director~~ as required by this Act and to provide a
9 Board member at informal conferences;

10 (d) Make visits to universities or colleges to evaluate
11 engineering curricula or to otherwise evaluate engineering
12 curricula and submit to the Secretary ~~Director~~ a written
13 recommendation of acceptability of a curriculum;

14 (e) Submit a written recommendation to the Secretary
15 ~~Director~~ concerning promulgation of rules as required in
16 Section 5 and to recommend to the Secretary ~~Director~~ any
17 rules or amendments thereto for the administration of this
18 Act;

19 (f) Hold at least 3 regular meetings each year;

20 (g) Elect annually a chairperson and a
21 vice-chairperson who shall be professional engineers; and

22 (h) Submit written comments to the Secretary ~~Director~~
23 within 30 days from notification of any final decision or
24 order from the Secretary ~~Director~~ that deviates from any
25 report or recommendation of the Board relating to the
26 qualification of applicants, discipline of licensees or

1 registrants, or promulgation of rules.

2 (Source: P.A. 91-92, eff. 1-1-00.)

3 (225 ILCS 325/8) (from Ch. 111, par. 5208)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 8. Applications for licensure.

6 (a) Applications for licensure shall (1) be on forms
7 prescribed and furnished by the Department, (2) contain
8 statements made under oath showing the applicant's education
9 and a detailed summary of the applicant's technical work, and
10 (3) contain references as required by the Department.

11 (b) Applicants shall have obtained the education and
12 experience as required in Section 10 or Section 11 prior to
13 submittal of application for examination, except as provided in
14 subsection (b) of Section 11. Allowable experience shall
15 commence at the date of the baccalaureate degree, except:

16 (1) Credit for one year of experience shall be given
17 for a graduate of a baccalaureate curriculum providing a
18 cooperative program, which is supervised industrial or
19 field experience of at least one academic year which
20 alternates with periods of full-time academic training,
21 when such program is certified by the university, or

22 (2) Partial credit may be given for professional
23 engineering experience as defined by rule for employment
24 prior to receipt of a baccalaureate degree if the
25 employment is full-time while the applicant is a part-time

1 student taking fewer than 12 hours per semester or 8 hours
2 per quarter to earn the degree concurrent with the
3 full-time engineering experience.

4 (3) If an applicant files an application and supporting
5 documents containing a material misstatement of
6 information or a misrepresentation for the purpose of
7 obtaining licensure or enrollment or if an applicant
8 performs any fraud or deceit in taking any examination to
9 qualify for licensure or enrollment under this Act, the
10 Department may issue a rule of intent to deny licensure or
11 enrollment and may conduct a hearing in accordance with
12 Sections 26 through 33 and Sections 37 and 38 of this Act.

13 The Board may conduct oral interviews of any applicant
14 under Sections 10, 11, or 19 to assist in the evaluation of the
15 qualifications of the applicant.

16 It is the responsibility of the applicant to supplement the
17 application, when requested by the Board, by provision of
18 additional documentation of education, including transcripts,
19 course content and credentials of the engineering college or
20 college granting related science degrees, or of work experience
21 to permit the Board to determine the qualifications of the
22 applicant. The Department may require an applicant, at the
23 applicant's expense, to have an evaluation of the applicant's
24 education in a foreign country by a nationally recognized
25 evaluating service ~~educational body~~ approved by ~~the Board in~~
26 ~~accordance with rules prescribed by~~ the Department.

1 An applicant who graduated from an engineering program
2 outside the United States or its territories and whose first
3 language is not English shall submit certification of passage
4 of the Test of English as a Foreign Language (TOEFL) and a test
5 of spoken English ~~the Test of Spoken English (TSE)~~ as defined
6 by rule.

7 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

8 (225 ILCS 325/9) (from Ch. 111, par. 5209)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 9. Licensure qualifications; Examinations; Failure or
11 refusal to take examinations. Examinations provided for by this
12 Act shall be conducted under rules prescribed by the
13 Department. Examinations shall be held not less frequently than
14 semi-annually, at times and places prescribed by the
15 Department, of which applicants shall be notified by the
16 Department in writing.

17 Examinations of the applicants who seek to practice
18 professional engineering shall ascertain: (a) if the applicant
19 has an adequate understanding of the basic and engineering
20 sciences, which shall embrace subjects required of candidates
21 for an approved baccalaureate degree in engineering, and (b) if
22 the training and experience of the applicant have provided a
23 background for the application of the basic and engineering
24 sciences to the solution of engineering problems. The
25 Department may by rule prescribe additional subjects for

1 examination. If an applicant neglects, fails to take ~~without an~~
2 ~~approved excuse~~, or refuses to take the next available
3 examination offered for licensure under this Act within 3 years
4 after filing the application, the fee paid by the applicant
5 shall be forfeited and the application denied. If an applicant
6 fails to pass an examination for licensure under this Act
7 within 3 years after filing the application, the application
8 shall be denied. However, such applicant may thereafter make a
9 new application for examination, accompanied by the required
10 fee.

11 (Source: P.A. 94-452, eff. 1-1-06.)

12 (225 ILCS 325/10) (from Ch. 111, par. 5210)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 10. Minimum standards for examination for licensure as
15 professional engineer. To qualify for licensure as a
16 professional engineer each applicant shall be:

17 (a) A graduate of an approved engineering curriculum of at
18 least 4 years who submits acceptable evidence to the Board of
19 an additional 4 years or more of experience in engineering work
20 of a grade and character which indicate that the individual may
21 be competent to practice professional engineering, and who then
22 passes a nominal 8-hour written examination in the fundamentals
23 of engineering, and a nominal 8-hour written examination in the
24 principles and practice of engineering. Upon passing both
25 examinations, the applicant, if otherwise qualified, shall be

1 granted a license to practice professional engineering in this
2 State; or

3 (b) A graduate of a non-approved engineering curriculum or
4 a related science curriculum of at least 4 years and meeting
5 the requirements as set forth by rule, who submits acceptable
6 evidence to the Board of an additional 8 years or more of
7 experience in engineering work of a grade and character which
8 indicate that the individual may be competent to practice
9 professional engineering, and who then passes a nominal 8-hour
10 written examination in the fundamentals of engineering and a
11 nominal 8-hour written examination in the principles and
12 practice of engineering. Upon passing both examinations, the
13 applicant, if otherwise qualified, shall be granted a license
14 to practice professional engineering in this State; or

15 (c) An engineer intern ~~who meets the education and~~
16 ~~experience qualifications of subsection (a) or (b) of this~~
17 ~~Section and has passed the nominal 8 hour written examination~~
18 ~~in the fundamentals of engineering,~~ by application and payment
19 of the required fee, may then take the nominal 8-hour written
20 examination in the principles and practice of engineering. If
21 the applicant passes ~~Upon passing~~ that examination and submits
22 evidence to the Board that meets the experience qualification
23 of subsection (a) or (b) of this Section, the applicant, if
24 otherwise qualified, shall be granted a license to practice
25 professional engineering in this State.

26 (d) When considering an applicant's qualifications for

1 licensure under this Act, the Department may take into
2 consideration whether an applicant has engaged in conduct or
3 actions that would constitute a violation of the Standards of
4 Professional Conduct for this Act as provided for by
5 administrative rules.

6 (Source: P.A. 91-92, eff. 1-1-00.)

7 (225 ILCS 325/11) (from Ch. 111, par. 5211)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 11. Minimum standards for examination for enrollment
10 as engineer intern. Each of the following is considered a
11 minimum standard that an applicant must satisfy to qualify for
12 enrollment as an engineer intern.

13 (a) A graduate of an approved engineering curriculum of at
14 least 4 years, who has passed a nominal 8-hour written
15 examination in the fundamentals of engineering, shall be
16 enrolled as an engineer intern, if the applicant is otherwise
17 qualified; or

18 (b) An applicant in the last year of an approved
19 engineering curriculum who passes a nominal 8-hour written
20 examination in the fundamentals of engineering and furnishes
21 proof that the applicant graduated ~~of graduation~~ within a 12
22 month period following the examination shall be enrolled as an
23 engineer intern, if the applicant is otherwise qualified; or

24 (c) A graduate of a non-approved engineering curriculum or
25 a related science curriculum, of at least 4 years meeting the

1 requirements as set forth by rule, who submits acceptable
2 evidence to the Board of an additional 4 years or more of
3 progressive experience in engineering work, and who then passes
4 a nominal 8-hour written examination in the fundamentals of
5 engineering shall be enrolled as an engineer intern, if the
6 applicant is otherwise qualified.

7 ~~The examination of applicants under subsection (b) of this~~
8 ~~Section who fail to furnish proof of graduation within the~~
9 ~~specified 12 month period after the examination shall be voided~~
10 ~~by the Department.~~

11 (Source: P.A. 89-61, eff. 6-30-95.)

12 (225 ILCS 325/14) (from Ch. 111, par. 5214)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 14. Seal. Every professional engineer shall have a
15 seal or stamp, the print of which shall be reproducible and
16 contain the name of the professional engineer, the professional
17 engineer's license number, and the words "Licensed
18 Professional Engineer of Illinois". Any reproducible stamp
19 heretofore authorized under the laws of this state for use by a
20 professional engineer, including those with the words
21 "Registered Professional Engineer of Illinois", shall serve
22 the same purpose as the seal provided for by this Act. The
23 engineer shall be responsible for his seal and signature as
24 defined by rule. When technical submissions are prepared
25 utilizing a computer or other electronic means, the seal may be

1 generated by the computer. Signatures generated by computer
2 shall not be permitted.

3 The use of a professional engineer's seal on technical
4 submissions constitutes a representation by the professional
5 engineer that the work has been prepared by or under the
6 personal supervision of the professional engineer or developed
7 in conjunction with the use of accepted engineering standards.
8 The use of the seal further represents that the work has been
9 prepared and administered in accordance with the standards of
10 reasonable professional skill and diligence.

11 It is unlawful to affix one's seal to technical submissions
12 if it masks the true identity of the person who actually
13 exercised direction, control and supervision of the
14 preparation of such work. A professional engineer who seals and
15 signs technical submissions is not responsible for damage
16 caused by subsequent changes to or uses of those technical
17 submissions, where the subsequent changes or uses, including
18 changes or uses made by State or local governmental agencies,
19 are not authorized or approved by the professional engineer who
20 originally sealed and signed the technical submissions.

21 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

22 (225 ILCS 325/16) (from Ch. 111, par. 5216)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 16. Issuance of license. Whenever the provisions of
25 this Act have been complied with the Department may ~~shall~~ issue

1 a license as a professional engineer and enroll the engineer
2 intern.

3 Every holder of a license as a professional engineer shall
4 display the license in a conspicuous place in the professional
5 engineer's principal office.

6 It is the professional engineer's and engineer intern's
7 responsibility to inform the Department of any change of
8 address.

9 (Source: P.A. 86-667.)

10 (225 ILCS 325/17) (from Ch. 111, par. 5217)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 17. Licensure; Renewal; Restoration; Person in
13 military service; Retired. The expiration date and renewal
14 period for each professional engineer license issued under this
15 Act shall be set by the Department by rule. The enrollment of
16 an engineer intern shall not expire.

17 Any person whose license has expired or whose license is on
18 inactive status may have such license restored by making
19 application to the Department and filing proof acceptable to
20 the Department of that person's fitness to have such license
21 restored, which may include sworn evidence certifying to active
22 practice in another jurisdiction satisfactory to the
23 Department and by paying the required restoration fee. If the
24 person has not maintained an active practice in another
25 jurisdiction satisfactory to the Department, the Board shall

1 determine, by an evaluation program established by rule, the
2 person's fitness to resume active status and may require the
3 person to complete a period of evaluated experience and may
4 require successful completion of the principles and practice
5 examination.

6 However, any person whose license expired while that person
7 was (1) in Federal Service on active duty with the Armed Forces
8 of the United States, or the State Militia called into service
9 or training, or (2) in training or education under the
10 supervision of the United States preliminary to induction into
11 the military service, may have such license renewed or restored
12 without paying any lapsed renewal fees if, within 2 years after
13 honorable termination of such service, training, or education,
14 except under conditions other than honorable, the Department is
15 furnished with satisfactory evidence that the person has been
16 so engaged and has maintained professional competence and that
17 such service, training or education has been so terminated.

18 Each application for renewal shall contain the original
19 seal and signature of the professional engineer. Applicants for
20 renewal or restoration shall certify that all conditions of
21 their license meet the requirements of the Illinois
22 Professional Engineering Practice Act of 1989.

23 Any person who has been duly licensed as a professional
24 engineer by the Department and who chooses to deactivate or not
25 renew his or her license may use the title "Professional
26 Engineer, Retired". Those persons using the title

1 "Professional Engineer, Retired" may request restoration to
2 active status under the applicable provisions of Sections 17,
3 17.5, and 18 of this Act.

4 The use of the title "Professional Engineer, Retired" shall
5 not constitute representation of current licensure. Any person
6 without an active license shall not be permitted to practice
7 engineering as defined in this Act.

8 Nothing in this Section shall be construed to require the
9 Department to issue any certificate, credential, or other
10 document indicating that a person has been granted the title,
11 "Professional Engineer, Retired".

12 (Source: P.A. 89-61, eff. 6-30-95.)

13 (225 ILCS 325/19) (from Ch. 111, par. 5219)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 19. Endorsement. The Department may, upon the
16 recommendation of the Board, license as a professional
17 engineer, on payment of the required fee, an applicant who is a
18 professional engineer registered or licensed under the laws of
19 another state or territory of the United States or the District
20 of Columbia or parties to the North American Free Trade
21 Agreement if the applicant qualifies under Section 8 and
22 Section 10 of this Act, or if the qualifications of the
23 applicant were at the time of registration or licensure in
24 another jurisdiction substantially equal to the requirements
25 in force in this State on that date.

1 The Department may refuse to endorse ~~by comity~~ the
2 applicants from any state, District of Columbia or territory if
3 the requirements for registration or licensure in such
4 jurisdiction are not substantially equal to the requirements of
5 this Act.

6 Applicants have 3 years from the date of application to
7 complete the application process. If the process has not been
8 completed during the 3 year time frame, the application shall
9 be denied, the fee forfeited and the applicant must reapply and
10 meet the requirements in effect at the time of reapplication.
11 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

12 (225 ILCS 325/21) (from Ch. 111, par. 5221)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 21. Rosters. The Department shall maintain a roster of
15 the names and addresses of all professional engineers and
16 professional design firms, partnerships, and corporations
17 licensed or registered under this Act. This roster shall be
18 available upon ~~written~~ request and payment of the required fee.

19 (Source: P.A. 88-428.)

20 (225 ILCS 325/24) (from Ch. 111, par. 5224)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 24. Rules of professional conduct; disciplinary or
23 administrative action.

24 (a) The Department shall adopt rules setting standards of

1 professional conduct and establish appropriate penalty for the
2 breach of such rules.

3 (a-1) The Department may, singularly or in combination,
4 refuse to issue, renew, or restore,~~or renew~~ a license or may
5 ~~registration,~~ revoke, or suspend, ~~a license or registration,~~ or
6 place on probation, reprimand, or take other disciplinary or
7 non-disciplinary action with regard to a person licensed under
8 this Act, including but not limited to, the imposition of a
9 fine ~~impose a civil penalty~~ not to exceed \$10,000 per violation
10 upon any person, corporation, partnership, or professional
11 design firm licensed or registered under this Act, for any one
12 or combination of the following causes:

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

15 (2) Violations ~~Failure to comply with any provisions of~~
16 this Act or any of its rules.

17 (3) Conviction of or entry of a plea of guilty or nolo
18 contendere to any crime that is a felony under the laws of
19 the United States, ~~or any state or territory thereof,~~ or
20 that is a ~~, which is a felony, whether related to practice~~
21 ~~or not, or conviction of any crime, whether a felony,~~
22 misdemeanor, ~~or otherwise,~~ an essential element of which is
23 dishonesty, or any crime that is ~~which is~~ directly related
24 to the practice of engineering.

25 (4) Making any misrepresentation for the purpose of
26 obtaining, renewing, or restoring a license ~~licensure,~~ or

1 violating any provision of this Act or the rules
2 promulgated under this Act pertaining to advertising ~~in~~
3 ~~applying for restoration or renewal; or practice of any~~
4 ~~fraud or deceit in taking any examination to qualify for~~
5 ~~licensure under this Act.~~

6 (5) Willfully Purposefully making or signing a false
7 statement, certificate, or affidavit ~~statements or signing~~
8 ~~false statements, certificates, or affidavits~~ to induce
9 payment.

10 (6) Negligence, incompetence or misconduct in the
11 practice of professional engineering as a licensed
12 professional engineer or in working as an engineer intern.

13 (7) Aiding or assisting another person in violating any
14 provision of this Act or its rules.

15 (8) Failing to provide information in response to a
16 written request made by the Department within 30 days after
17 receipt of such written request.

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

21 (10) Inability to practice the profession with
22 reasonable judgment, skill, or safety as a result of a
23 physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skill, or mental illness or disability ~~Habitual~~
26 ~~intoxication or addiction to the use of drugs.~~

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

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

11 (13) A finding by the Department ~~Board~~ that an
12 applicant or registrant has failed to pay a fine imposed by
13 the Department, a registrant whose license has been placed
14 on probationary status has violated the terms of probation,
15 or a registrant has practiced on an expired, inactive,
16 suspended, or revoked license.

17 (14) Signing, affixing the professional engineer's
18 seal or permitting the professional engineer's seal to be
19 affixed to any technical submissions not prepared as
20 required by Section 14 or completely reviewed by the
21 professional engineer or under the professional engineer's
22 direct supervision.

23 (15) Inability ~~Physical illness, including but not~~
24 ~~limited to deterioration through the aging process or loss~~
25 ~~of motor skill, which results in the inability~~ to practice
26 the profession with reasonable judgment, skill or safety as

1 a result of habitual or excessive use or addiction to
2 alcohol, narcotics, stimulants, or any other chemical
3 agent or drug.

4 (16) The making of a statement pursuant to the
5 Environmental Barriers Act that a plan for construction or
6 alteration of a public facility or for construction of a
7 multi-story housing unit is in compliance with the
8 Environmental Barriers Act when such plan is not in
9 compliance.

10 (17) ~~(Blank). Failing to file a return, or to pay the~~
11 ~~tax, penalty or interest shown in a filed return, or to pay~~
12 ~~any final assessment of tax, penalty or interest as~~
13 ~~required by a tax Act administered by the Illinois~~
14 ~~Department of Revenue, until such time as the requirements~~
15 ~~of any such tax Act are satisfied.~~

16 (a-2) The Department shall deny a license or renewal
17 authorized by this Act to a person who has failed to file a
18 return, to pay the tax, penalty, or interest shown in a filed
19 return, or to pay any final assessment of tax, penalty, or
20 interest as required by any tax Act administered by the
21 Department of Revenue, until such time as the requirements of
22 the tax Act are satisfied in accordance with subsection (g) of
23 Section 15 of the Department of Professional Regulation Law of
24 the Civil Administrative Code of Illinois (20 ILCS
25 2105/2105-15).

26 (a-3) The Department shall deny a license or renewal

1 authorized by this Act to a person who has defaulted on an
2 educational loan or scholarship provided or guaranteed by the
3 Illinois Student Assistance Commission or any governmental
4 agency of this State in accordance with subdivision (a) (5) of
5 Section 15 of the Department of Professional Regulation Law of
6 the Civil Administrative Code of Illinois (20 ILCS
7 2105/2105-15).

8 (a-4) In cases where the Department of Healthcare and
9 Family Services (formerly the Department of Public Aid) has
10 previously determined that a licensee or a potential licensee
11 is more than 30 days delinquent in the payment of child support
12 and has subsequently certified the delinquency to the
13 Department, the Department shall refuse to issue or renew or
14 shall revoke or suspend that person's license or shall take
15 other disciplinary action against that person based solely upon
16 the certification of delinquency made by the Department of
17 Healthcare and Family Services in accordance with subdivision
18 (a) (5) of Section 15 of the Department of Professional
19 Regulation Law of the Civil Administrative Code of Illinois (20
20 ILCS 2105/2105-15).

21 (a-5) In enforcing this Section, the Department or Board,
22 upon a showing of a possible violation, may order a licensee or
23 applicant to submit to a mental or physical examination, or
24 both, at the expense of the Department. The Department or Board
25 may order the examining physician to present testimony
26 concerning his or her examination of the licensee or applicant.

1 No information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The licensee or applicant may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of a
8 licensee or applicant to submit to any such examination when
9 directed, without reasonable cause as defined by rule, shall be
10 grounds for either the immediate suspension of his or her
11 license or immediate denial of his or her application.

12 If the Secretary immediately suspends the license of a
13 licensee for his or her failure to submit to a mental or
14 physical examination when directed, a hearing must be convened
15 by the Department within 15 days after the suspension and
16 completed without appreciable delay.

17 If the Secretary otherwise suspends a license pursuant to
18 the results of the licensee's mental or physical examination, a
19 hearing must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department and Board shall have the authority to review the
22 licensee's record of treatment and counseling regarding the
23 relevant impairment or impairments to the extent permitted by
24 applicable federal statutes and regulations safeguarding the
25 confidentiality of medical records.

26 Any licensee suspended under this subsection (a-5) shall be

1 afforded an opportunity to demonstrate to the Department or
2 Board that he or she can resume practice in compliance with the
3 acceptable and prevailing standards under the provisions of his
4 or her license.

5 ~~In enforcing this Section, the Board upon a showing of a~~
6 ~~possible violation may compel a person licensed to practice~~
7 ~~under this Act, or who has applied for licensure or~~
8 ~~certification pursuant to this Act, to submit to a mental or~~
9 ~~physical examination, or both, as required by and at the~~
10 ~~expense of the Department. The examining physicians shall be~~
11 ~~those specifically designated by the Board. The Board or the~~
12 ~~Department may order the examining physician to present~~
13 ~~testimony concerning this mental or physical examination of the~~
14 ~~licensee or applicant. No information shall be excluded by~~
15 ~~reason of any common law or statutory privilege relating to~~
16 ~~communications between the licensee or applicant and the~~
17 ~~examining physician. The person to be examined may have, at his~~
18 ~~or her own expense, another physician of his or her choice~~
19 ~~present during all aspects of the examination. Failure of any~~
20 ~~person to submit to a mental or physical examination, when~~
21 ~~directed, shall be grounds for suspension of a license until~~
22 ~~the person submits to the examination if the Board finds, after~~
23 ~~notice and hearing, that the refusal to submit to the~~
24 ~~examination was without reasonable cause.~~

25 ~~If the Board finds a person unable to practice because of~~
26 ~~the reasons set forth in this Section, the Board may require~~

1 ~~that person to submit to care, counseling, or treatment by~~
2 ~~physicians approved or designated by the Board as a condition,~~
3 ~~term, or restriction for continued, reinstated, or renewed~~
4 ~~licensure to practice; or, in lieu of care, counseling, or~~
5 ~~treatment, the Board may recommend to the Department to file a~~
6 ~~complaint to immediately suspend, revoke, or otherwise~~
7 ~~discipline the license of the person. Any person whose license~~
8 ~~was granted, continued, reinstated, renewed, disciplined, or~~
9 ~~supervised subject to such terms, conditions, or restrictions~~
10 ~~and who fails to comply with such terms, conditions, or~~
11 ~~restrictions shall be referred to the Director for a~~
12 ~~determination as to whether the person shall have his or her~~
13 ~~license suspended immediately, pending a hearing by the Board.~~

14 (b) The determination by a circuit court that a registrant
15 is subject to involuntary admission or judicial admission as
16 provided in the Mental Health and Developmental Disabilities
17 Code, as now or hereafter amended, operates as an automatic
18 suspension. Such suspension will end only upon a finding by a
19 court that the patient is no longer subject to involuntary
20 admission or judicial admission, the issuance of an order so
21 finding and discharging the patient, and the recommendation of
22 the Board to the Director that the registrant be allowed to
23 resume practice.

24 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

25 (225 ILCS 325/26) (from Ch. 111, par. 5226)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 26. Investigations; notice and hearing. The
3 Department may investigate the actions of any applicant or of
4 any person or entity holding or claiming to hold a license or
5 registration or offering professional engineering services.
6 Before the initiation of an investigation, the matter shall be
7 reviewed by a subcommittee of the Board according to procedure
8 established by rule for the Complaint Committee. The Department
9 shall, before refusing to issue, restore or renew a license or
10 registration or otherwise discipline a licensee or registrant,
11 at least 30 days prior to the date set for the hearing, notify
12 in writing the applicant for, or holder of, a license or
13 registration of the nature of the charges, that a hearing will
14 be held on the date designated, and direct the applicant or
15 entity or licensee or registrant to file a written answer to
16 the Department Board under oath within 20 days after the
17 service of the notice and inform the applicant or entity or
18 licensee or registrant that failure to file an answer will
19 result in default being taken against the applicant or entity
20 or licensee or registrant and that the license or certificate
21 may be suspended, revoked, placed on probationary status, or
22 other disciplinary action may be taken, including limiting the
23 scope, nature or extent of practice, as the Secretary Director
24 may deem proper. Written notice may be served by personal
25 delivery or certified or registered mail to the respondent at
26 the address of record ~~currently on file with the Department~~. In

1 case the person or entity fails to file an answer after
2 receiving notice as provided in this Section, his or her
3 license or certificate may, in the discretion of the
4 Department, be suspended, revoked, or placed on probationary
5 status, or the Department may take whatever disciplinary action
6 deemed proper, including limiting the scope, nature, or extent
7 of the person's practice or the imposition of a fine, without a
8 hearing, if the act or acts charged constitute sufficient
9 grounds for such action under this Act. At the time and place
10 fixed in the notice, the Board shall proceed to hear the
11 charges and the parties or their counsel shall be accorded
12 ample opportunity to present such statements, testimony,
13 evidence and argument as may be pertinent to the charges or to
14 their defense. The Board may continue the hearing from time to
15 time.

16 (Source: P.A. 87-1031; 88-428.)

17 (225 ILCS 325/27.5 new)

18 Sec. 27.5. Subpoenas; depositions; oaths. The Department
19 has the power to subpoena documents, books, records, or other
20 materials, to bring before it any person, and to take testimony
21 either orally or by deposition, or take written
22 interrogatories, or any combination thereof, with the same fees
23 and mileage and in the same manner prescribed in civil cases in
24 courts of this State.

25 The Secretary, the designated hearing officer, and every

1 member of the Board has the power to administer oaths to
2 witnesses at any hearing that the Department is authorized to
3 conduct and any other oaths authorized in any Act administered
4 by the Department.

5 (225 ILCS 325/29) (from Ch. 111, par. 5229)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 29. Notice of hearing; Findings and recommendations.

8 At the conclusion of the hearing, the Board shall present to
9 the Secretary ~~Director~~ a written report of its finding and
10 recommendations. The report shall contain a finding whether or
11 not the accused person violated this Act or its rules or failed
12 to comply with the conditions required in this Act or its
13 rules. The Board shall specify the nature of the violation or
14 failure to comply, and shall make its recommendations to the
15 Secretary ~~Director~~. The Board may take into consideration in
16 making its recommendations for discipline all facts and
17 circumstances bearing upon the reasonableness of the conduct of
18 the respondent and the potential for future harm to the public,
19 including but not limited to previous discipline by the
20 Department, intent, degree of harm to the public and likelihood
21 of harm in the future, any restitution made, and whether the
22 incident or incidents complained of appear to be isolated or a
23 pattern of conduct. In making its recommendations for
24 discipline, the Board shall endeavor to ensure that the
25 severity of the discipline recommended bears some reasonable

1 relationship to the severity of the violation. The report of
2 findings of fact, conclusions of law and recommendation of the
3 Board shall be the basis for the Department's order refusing to
4 issue, restore or renew a license, or otherwise discipline a
5 registrant. If the Secretary ~~Director~~ disagrees in any regard
6 with the report of the Board, the Secretary ~~Director~~ may issue
7 an order in contravention thereof, following the procedures set
8 forth in Section 7. The Secretary ~~Director~~ shall provide a
9 written report to the Board on any deviation, and shall specify
10 with particularity the reasons for said action. The finding is
11 not admissible in evidence against the person in a criminal
12 prosecution brought for the violation of this Act, but the
13 hearing and finding are not a bar to a criminal prosecution
14 brought for the violation of this Act.

15 (Source: P.A. 86-667.)

16 (225 ILCS 325/31) (from Ch. 111, par. 5231)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 31. Secretary ~~Director~~; Rehearing. Whenever the
19 Secretary ~~Director~~ is not satisfied that substantial justice
20 has been done in the refusal to issue, restore or renew a
21 license, or otherwise discipline a registrant, the Secretary
22 ~~Director~~ may order a rehearing by the same or other examiners.

23 (Source: P.A. 86-667.)

24 (225 ILCS 325/32) (from Ch. 111, par. 5232)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 32. Appointment of a hearing officer. Notwithstanding
3 the provisions of Section 26, the Secretary ~~Director~~ has the
4 authority to appoint any attorney duly registered 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 license or
7 to discipline a registrant. The hearing officer has full
8 authority to conduct the hearing. The hearing officer shall
9 report the findings and recommendations to the Board and the
10 Secretary ~~Director~~. The Board has 60 days from receipt of the
11 report to review the report of the hearing officer and present
12 its findings of fact, conclusions of law and recommendations to
13 the Secretary ~~Director~~. If the Board fails to present its
14 report within the 60 day period, the Secretary ~~Director~~ shall
15 issue an order based on the report of the hearing officer
16 except as herein noted. However, if the Secretary ~~Director~~
17 disagrees in any regard with the report of the Board or hearing
18 officer, the Secretary ~~Director~~ may issue an order in
19 contravention thereof, following the procedures set forth in
20 Section 7. The Secretary ~~Director~~ shall provide a written
21 report to the Board on any deviation, and shall specify with
22 particularity the reasons for said action.

23 (Source: P.A. 86-667.)

24 (225 ILCS 325/33) (from Ch. 111, par. 5233)

25 (Section scheduled to be repealed on January 1, 2010)

1 Sec. 33. Order or certified copy; Prima facie proof. An
2 order or a certified copy thereof, over the seal of the
3 Department and purporting to be signed by the Secretary
4 ~~Director~~, shall be prima facie proof:

5 (a) That such signature is the genuine signature of the
6 Secretary ~~Director~~;

7 (b) That such Secretary ~~Director~~ is duly appointed and
8 qualified; and

9 (c) That the Board and the members thereof are qualified to
10 act.

11 (Source: P.A. 86-667.)

12 (225 ILCS 325/34) (from Ch. 111, par. 5234)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 34. Restoration of suspended or revoked license. At
15 any time after the successful completion of a term of
16 suspension, ~~or~~ revocation, or probation of any license, the
17 Department may restore it to the accused person, after review
18 and upon the ~~written~~ recommendation of the Board, unless after
19 an investigation and a hearing, the Department ~~Board~~ determines
20 that restoration is not in the public interest.

21 (Source: P.A. 86-667.)

22 (225 ILCS 325/36) (from Ch. 111, par. 5236)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 36. Temporary suspension of a license. The Secretary

1 ~~Director~~ may temporarily suspend the license of a professional
2 engineer without a hearing, simultaneously with the
3 institution of proceedings for a hearing provided for in
4 Section 26 of this Act, if the Secretary ~~Director~~ finds that
5 evidence in the Secretary's ~~Director's~~ possession indicates
6 that a professional engineer's continuation in practice would
7 constitute an imminent danger to the public. In the event that
8 the Secretary ~~Director~~ temporarily suspends the license of a
9 professional engineer without a hearing, a hearing by the Board
10 must be held within 30 days after such suspension has occurred.
11 (Source: P.A. 86-667.)

12 (225 ILCS 325/42) (from Ch. 111, par. 5242)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 42. Civil penalties.

15 (1) In addition to any other penalty provided by law, any
16 person, sole proprietorship, professional service corporation,
17 limited liability company, partnership, or other entity who
18 violates Section 40 of this Act shall forfeit and pay to the
19 Design Professionals Administration and Investigation Fund a
20 civil penalty in an amount determined by the Department of not
21 more than \$10,000 ~~\$5,000~~ for each offense. The penalty shall be
22 assessed in proceedings as provided in Sections 26 through 33
23 and Section 37 of this Act.

24 (2) Unless the amount of the penalty is paid within 60 days
25 after the order becomes final, the order shall constitute a

1 judgment and shall be filed and execution issued thereon in the
2 same manner as the judgment of a court of record.

3 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

4 (225 ILCS 325/43) (from Ch. 111, par. 5243)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 43. Consent order. At any point in the proceedings as
7 provided in Sections 25 through 33 and Section 37, both parties
8 may agree to a negotiated consent order. The consent order
9 shall be final upon signature of the Secretary ~~Director~~.

10 (Source: P.A. 86-667.)

11 Section 15. The Illinois Professional Land Surveyor Act of
12 1989 is amended by changing Sections 4, 5, 6, 7, 8, 9, 10, 12,
13 13, 16.5, 18, 19, 23, 25, 27, 28, 29, 30, 31, 33, 34, 35, 36,
14 36.1, 37, 40, and 43 as follows:

15 (225 ILCS 330/4) (from Ch. 111, par. 3254)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 4. Definitions. As used in this Act:

18 (a) "Department" means the Department of Financial and
19 Professional Regulation.

20 (b) "Secretary" "~~Director~~" means the Secretary ~~Director~~ of
21 the Department of Financial and Professional Regulation.

22 (c) "Board" means the Land Surveyors Licensing Board.

23 (d) "Direct supervision and control" means the personal

1 review by a Licensed Professional Land Surveyor of each survey,
2 including, but not limited to, procurement, research, field
3 work, calculations, preparation of legal descriptions and
4 plats. The personal review shall be of such a nature as to
5 assure the client that the Professional Land Surveyor or the
6 firm for which the Professional Land Surveyor is employed is
7 the provider of the surveying services.

8 (e) "Responsible charge" means an individual responsible
9 for the various components of the land survey operations
10 subject to the overall supervision and control of the
11 Professional Land Surveyor.

12 (f) "Design professional" means a land surveyor,
13 architect, structural engineer, or professional engineer
14 licensed in conformance with this Act, the Illinois
15 Architecture Practice Act of 1989, the Structural Engineering
16 Practice Act of 1989, or the Professional Engineering Practice
17 Act of 1989.

18 (g) "Professional Land Surveyor" means any person licensed
19 under the laws of the State of Illinois to practice land
20 surveying, as defined by this Act or its rules.

21 (h) "Land Surveyor-in-Training" means any person licensed
22 under the laws of the State of Illinois who has qualified for,
23 taken, and passed an examination in the fundamental land
24 surveyor-in-training subjects as provided by this Act or its
25 rules.

26 (i) "Land surveying experience" means those activities

1 enumerated in Section 5 of this Act, which, when exercised in
2 combination, to the satisfaction of the Board, is proof of an
3 applicant's broad range of training in and exposure to the
4 prevailing practice of land surveying.

5 (j) "Address of record" means the designated address
6 recorded by the Department in the applicant's or licensee's
7 application file or license file maintained by the Department's
8 licensure maintenance unit. It is the duty of the applicant or
9 licensee to inform the Department of any change of address, and
10 such changes must be made either through the Department's
11 website or by contacting the Department's licensure
12 maintenance unit.

13 (Source: P.A. 92-16, eff. 6-28-01; 93-467, eff. 1-1-04.)

14 (225 ILCS 330/5) (from Ch. 111, par. 3255)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 5. Practice of land surveying defined. Any person who
17 practices in Illinois as a professional land surveyor who
18 renders, offers to render, or holds himself or herself out as
19 able to render, or perform any service, the adequate
20 performance of which involves the special knowledge of the art
21 and application of the principles of the accurate and precise
22 measurement of length, angle, elevation or volume,
23 mathematics, the related physical and applied sciences, and the
24 relevant requirements of law, all of which are acquired by
25 education, training, experience, and examination. Any one or

1 combination of the following practices constitutes the
2 practice of land surveying:

3 (a) Establishing or reestablishing, locating, defining,
4 and making or monumenting land boundaries or title or real
5 property lines and the platting of lands and subdivisions;

6 (b) Establishing the area or volume of any portion of the
7 earth's surface, subsurface, or airspace with respect to
8 boundary lines, determining the configuration or contours of
9 any portion of the earth's surface, subsurface, or airspace or
10 the location of fixed objects thereon, except as performed by
11 photogrammetric methods or except when the level of accuracy
12 required is less than the level of accuracy required by the
13 National Society of Professional Surveyors Model Standards and
14 Practice ~~the American Congress on Surveying and~~
15 ~~Mapping designated Classes of Surveying;~~

16 (c) Preparing descriptions for the determination of title
17 or real property rights to any portion or volume of the earth's
18 surface, subsurface, or airspace involving the lengths and
19 direction of boundary lines, areas, parts of platted parcels or
20 the contours of the earth's surface, subsurface, or airspace;

21 (d) Labeling, designating, naming, or otherwise
22 identifying legal lines or land title lines of the United
23 States Rectangular System or any subdivision thereof on any
24 plat, map, exhibit, photograph, photographic composite, or
25 mosaic or photogrammetric map of any portion of the earth's
26 surface for the purpose of recording the same in the Office of

1 Recorder in any county;

2 (e) Any act or combination of acts that would be viewed as
3 offering professional land surveying services including:

4 (1) setting monuments which have the appearance of or
5 for the express purpose of marking land boundaries, either
6 directly or as an accessory; ~~or~~

7 (2) providing any sketch, map, plat, report, monument
8 record, or other document which indicates land boundaries
9 and monuments, or accessory monuments thereto, except that
10 if the sketch, map, plat, report, monument record, or other
11 document is a copy of an original prepared by a
12 Professional Land Surveyor, and if proper reference to that
13 fact be made on that document;

14 (3) performing topographic surveys, with the exception
15 of a licensed professional engineer knowledgeable in
16 topographical surveys that performs a topographical survey
17 specific to his or her design project. A licensed
18 professional engineer may not, however, offer topographic
19 surveying services that are independent of his or her
20 specific design project; or

21 (4) locating, relocating, establishing,
22 re-establishing, retracing, laying out, or staking of the
23 location, alignment, or elevation of any proposed
24 improvements whose location is dependant upon property
25 lines;

26 (f) Determining the horizontal or vertical position or

1 state plane coordinates for any monument or reference point
2 that marks a title or real property line, boundary, or corner,
3 or to set, reset, or replace any monument or reference point on
4 any title or real property;

5 (g) Creating, preparing, or modifying electronic or
6 computerized data or maps, including land information systems
7 and geographic information systems, relative to the
8 performance of activities in items (a), ~~(b), (d), (e),~~ through
9 (f), and (h) of this Section, except where electronic means or
10 computerized data is otherwise utilized to integrate, display,
11 represent, or assess the created, prepared, or modified data;

12 (h) Establishing or adjusting any control network or any
13 geodetic control network or ~~adjusting of~~ cadastral data as it
14 pertains to items (a) through (g) of this Section together with
15 the assignment of measured values to any United States
16 Rectangular System corners, title or real property corner
17 monuments or geodetic monuments;

18 (i) Preparing and attesting to the accuracy of a map or
19 plat showing the land boundaries or lines and marks and
20 monuments of the boundaries or of a map or plat showing the
21 boundaries of surface, subsurface, or air rights;

22 (j) Executing and issuing certificates, endorsements,
23 reports, or plats that portray the horizontal or vertical
24 relationship between existing physical objects or structures
25 and one or more corners, datums, or boundaries of any portion
26 of the earth's surface, subsurface, or airspace;

1 (k) Acting in direct supervision and control of land
2 surveying activities or acting as a manager in any place of
3 business that solicits, performs, or practices land surveying;

4 (l) Offering or soliciting to perform any of the services
5 set forth in this Section; -

6 (m) In the performance of any of the foregoing functions, a
7 licensee shall adhere to the standards of professional conduct
8 enumerated in 68 Ill. Adm. Code 1270.57. Nothing contained in
9 this Section imposes upon a person licensed under this Act the
10 responsibility for the performance of any of the foregoing
11 functions unless such person specifically contracts to perform
12 such functions.

13 (Source: P.A. 93-467, eff. 1-1-04.)

14 (225 ILCS 330/6) (from Ch. 111, par. 3256)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 6. Powers and duties of the Department.

17 (a) The Department shall exercise the powers and duties
18 prescribed by The Illinois Administrative Procedure Act for the
19 administration of licensing Acts. The Department shall also
20 exercise, subject to the provisions of this Act, the following
21 powers and duties:

22 (1) Conduct or authorize examinations to ascertain the
23 fitness and qualifications of applicants for licensure and
24 issue licenses to those who are found to be fit and
25 qualified.

- 1 (2) Prescribe rules for a method of examination.
- 2 (3) Conduct hearings on proceedings to revoke,
3 suspend, or refuse to issue, renew, or restore a license,
4 or other disciplinary actions.
- 5 (4) Promulgate rules and regulations required for the
6 administration of this Act.
- 7 (5) License corporations, ~~and~~ partnerships, and all
8 other business entities for the practice of professional
9 surveying and issue a license to those who qualify.
- 10 (6) Prescribe, adopt, and amend rules as to what shall
11 constitute a surveying or related science curriculum,
12 determine if a specific surveying curriculum is in
13 compliance with the rules, and terminate the approval of a
14 specific surveying curriculum for non-compliance with such
15 rules.
- 16 (7) Maintain membership in the National Council of
17 Engineering Examiners or a similar organization and
18 participate in activities of the Council or organization by
19 designating individuals for the various classifications of
20 membership and appoint delegates for attendance at zone and
21 national meetings of the Council or organization.
- 22 (8) Obtain written recommendations from the Board
23 regarding qualification of individuals for licensing,
24 definition of curriculum content and approval of surveying
25 curriculums, standards of professional conduct and
26 disciplinary actions, promulgate and amend the rules

1 affecting these matters, and consult with the Board on
2 other matters affecting administration of the Act.

3 (a-5) The Department may promulgate rules for a Code of
4 Ethics and Standards of Practice to be followed by persons
5 licensed under this Act. The Department shall consider the
6 recommendations of the Board in establishing the Code of Ethics
7 and Standards of Practice.

8 (b) The Department shall consult with the Board in
9 promulgating rules. Notice of proposed rulemaking shall be
10 transmitted to the Board and the Department shall review the
11 Board's response and recommendations.

12 (c) The Department shall review the Board's recommendation
13 of the applicants' qualifications. The Secretary ~~Director~~
14 shall notify the Board in writing with an explanation of any
15 deviation from the Board's recommendation. After review of the
16 Secretary's ~~Director's~~ written explanation of his or her
17 reasons for deviation, the Board shall have the opportunity to
18 comment upon the Secretary's ~~Director's~~ decision.

19 Whenever the Secretary ~~Director~~ is not satisfied that
20 substantial justice has been done in the revocation or
21 suspension of a license⁷ or other disciplinary action, the
22 Secretary ~~Director~~ may order re-hearing by the same or other
23 boards.

24 ~~None of the functions, powers or duties enumerated in this~~
25 ~~Section shall be exercised by the Department except upon the~~
26 ~~action and report in writing of the Board.~~

1 (Source: P.A. 93-467, eff. 1-1-04.)

2 (225 ILCS 330/7) (from Ch. 111, par. 3257)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 7. Creation of the Board; Composition and
5 qualifications and terms of the Board. The Board shall be
6 appointed by the Secretary ~~Director~~ and shall consist of 7
7 members, one of whom shall be a public member and 6 of whom
8 shall be Professional Land Surveyors. The members shall be
9 residents of Illinois. Each Professional Land Surveyor member
10 shall (a) currently hold a valid Professional Land Surveyor
11 license in Illinois and shall have held the license under this
12 Act or its predecessor for the previous 10 year period, and (b)
13 have not been disciplined within the last 10 year period under
14 this Act or its predecessor. The public member ~~shall not be an~~
15 ~~employee of the State of Illinois or of the federal government,~~
16 ~~and~~ shall not be licensed under this Act or any other design
17 profession licensing Act that the Department administers.

18 Members shall be appointed who reasonably represent the
19 different geographic areas of Illinois and shall serve for 5
20 year terms, and until their successors are qualified and
21 appointed. A member shall not be eligible for appointment to
22 more than 10 years in a lifetime ~~more than 2 consecutive 5 year~~
23 ~~terms~~. Appointments to fill vacancies shall be made for the
24 unexpired portion of the term. ~~Initial terms shall begin on the~~
25 ~~effective date of this Act.~~ Board members currently appointed

1 under this Act and in office on the effective date of this Act
2 shall continue to hold office until their terms expire and they
3 are replaced. All appointments shall be made on the basis of
4 individual professional qualifications with the exception of
5 the public member and shall not be based upon race, sex, or
6 religious or political affiliations.

7 Each member of the Board may ~~shall~~ receive compensation
8 when attending to the work of the Board or any of its
9 committees and for time spent in necessary travel. In addition,
10 members shall be reimbursed for actual traveling, incidentals,
11 and expenses necessarily incurred in carrying out their duties
12 as members of the Board.

13 The Secretary ~~Director shall~~ consider the advice and
14 recommendations of the Board on issues involving standards of
15 professional conduct, discipline, and qualifications of the
16 candidates and licensees under this Act.

17 The Secretary shall give due consideration to ~~The Director~~
18 ~~shall make the Board appointments within 90 days of any~~
19 ~~vacancy. The Professional Land Surveyor members shall be~~
20 ~~selected from~~ a current list of candidates ~~updated by June 1 of~~
21 ~~each year~~, as submitted by members of the land surveying
22 profession and by affiliated organizations.

23 Members of the Board shall be immune from suit in any
24 action based upon any disciplinary proceedings or other
25 activities performed in good faith as members of the Board.

26 The Secretary ~~Director~~ may remove any member of the Board

1 for misconduct, incompetence, neglect of duty, or for any
2 reason prescribed by law for removal of State Officials or for
3 not attending 2 consecutive Board meetings.

4 (Source: P.A. 91-132, eff. 1-1-00.)

5 (225 ILCS 330/8) (from Ch. 111, par. 3258)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 8. Powers and duties of the Board; quorum. Subject to
8 the provisions of this Act, the Board shall exercise the
9 following functions, powers, and duties:

10 (a) Review applicant qualifications to sit for the
11 examination or for licensure and shall make
12 recommendations to the Department except for those
13 applicant qualifications that the Board designates as
14 routinely acceptable ~~Review education and experience~~
15 ~~qualifications of applicants to determine eligibility as a~~
16 ~~Professional Land Surveyor or Land Surveyor in Training~~
17 ~~and submit to the Director written recommendations on~~
18 ~~applicant qualifications for licensing;~~

19 (b) Conduct hearings regarding disciplinary actions
20 and submit a written report to the Secretary ~~Director~~ as
21 required by this Act and provide a Board member at informal
22 conferences;

23 (c) Visit universities or colleges to evaluate
24 surveying curricula and submit to the Secretary ~~Director~~ a
25 written recommendation of acceptability of the curriculum;

1 (d) Submit a written recommendation to the Secretary
2 ~~Director~~ concerning promulgation or amendment of rules for
3 the administration of this Act;

4 (e) The Department may at any time seek the expert
5 advice and knowledge of the Board on any matter relating to
6 the enforcement of this Act;

7 (f) The Board may appoint a subcommittee to serve as a
8 Complaint Committee to recommend the disposition of case
9 files according to procedures established by rule;

10 (g) Hold at least 3 ~~4~~ regular meetings each year; and

11 (h) The Board shall annually elect a Chairperson and a
12 Vice Chairperson who shall be licensed Illinois
13 Professional Land Surveyors.

14 A quorum of the Board shall consist of 4 ~~a majority of~~
15 ~~Board~~ members ~~appointed~~. A quorum is required for all Board
16 decisions.

17 Subject to the provisions of this Act, the Board may
18 exercise the following duties as deemed necessary by the
19 Department: (i) review education and experience qualifications
20 of applicants, including conducting oral interviews; (ii)
21 determine eligibility as a Professional Land Surveyor or Land
22 Surveyor-in-Training; and (iii) submit to the Secretary
23 recommendations on applicant qualifications for enrollment and
24 licensure.

25 (Source: P.A. 93-467, eff. 1-1-04.)

1 (225 ILCS 330/9) (from Ch. 111, par. 3259)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 9. Deviation from Board recommendations. On matters
4 concerning qualification of individuals for licensing,
5 definition of curriculum content and approval of surveying
6 curriculums, standards of professional conduct and
7 disciplinary actions, and the promulgation and amendment of the
8 rules affecting these matters, the Secretary ~~Director~~ shall
9 notify the Board ~~in writing~~ with an explanation of any
10 deviation from the Board's written recommendation or response.
11 The Board shall have the opportunity to comment upon the
12 Secretary's ~~Director's~~ decision after review of the
13 Secretary's ~~Director's written~~ explanation of his reasons for
14 deviation.

15 (Source: P.A. 86-987.)

16 (225 ILCS 330/10) (from Ch. 111, par. 3260)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 10. Application for original license. Every person who
19 desires to obtain a license shall apply to the Department in
20 writing, upon forms prepared and furnished by the Department.
21 Each application shall contain statements made under oath,
22 showing the applicant's education, a detailed summary of his or
23 her land surveying experience, and verification of the
24 applicant's land surveying experience by the applicant's
25 supervisor who shall be a ~~licensed~~ land surveyor licensed in

1 this State or any other state or territory of the U.S. where
2 experience is similar and who shall certify the applicant's
3 experience, and the application shall be accompanied with the
4 required fee. The Department may require an applicant, at the
5 applicant's expense, to have an evaluation of the applicant's
6 education in a foreign country by an evaluating service ~~a~~
7 ~~nationally recognized educational body~~ approved by the
8 Department Board in accordance with rules prescribed by the
9 Department.

10 An applicant who graduated from a land surveying program
11 outside the United States or its territories and whose first
12 language is not English shall submit certification of passage
13 of the Test of English as a Foreign Language (TOEFL) and a test
14 of spoken English ~~the Test of Spoken English (TSE)~~ as defined
15 by rule.

16 (Source: P.A. 91-132, eff. 1-1-00.)

17 (225 ILCS 330/12) (from Ch. 111, par. 3262)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 12. Qualifications for licensing.

20 (a) A person is qualified to receive a license as a
21 Professional Land Surveyor and the Department shall issue a
22 license to a person:

23 (1) who has applied in writing in the required form ~~and~~
24 ~~substance~~ to the Department;

25 (2) (blank);

1 (2.5) who has not violated any provision of this Act or
2 its rules;

3 (3) who is of good ethical character, including
4 compliance with the Code of Ethics and Standards of
5 Practice promulgated by rule pursuant to this Act, and has
6 not committed an act or offense in any jurisdiction that
7 would constitute grounds for discipline of a land surveyor
8 licensed under this Act; ~~who is of good moral character;~~

9 (4) who has been issued a license as a Land
10 Surveyor-in-Training;

11 (5) who, subsequent to passing the ~~an~~ examination
12 authorized by the Department for licensure as a
13 Surveyor-In-Training, has at least 4 years of responsible
14 charge experience verified by a professional land surveyor
15 in direct supervision and control of his or her activities;
16 ~~and~~

17 (6) who has passed an examination authorized by the
18 Department to determine his or her fitness to receive a
19 license as a Professional Land Surveyor; and ~~—~~

20 (7) who has a baccalaureate degree in a related science
21 if he or she does not have a baccalaureate degree in land
22 surveying from an accredited college or university.

23 (b) A person is qualified to receive a license as a Land
24 Surveyor-in-Training and the Department shall issue a license
25 to a person:

26 (1) who has applied in writing in the required form

1 provided by ~~and substance to~~ the Department;

2 (2) (blank);

3 (3) who is of good moral character;

4 (4) who has the required education as set forth in this
5 Act; and

6 (5) who has passed an examination authorized by the
7 Department to determine his or her fitness to receive a
8 license as a Land Surveyor-in-Training in accordance with
9 this Act.

10 In determining moral character under this Section, the
11 Department may take into consideration whether the applicant
12 has engaged in conduct or actions that would constitute grounds
13 for discipline under this Act.

14 (Source: P.A. 93-467, eff. 1-1-04.)

15 (225 ILCS 330/13) (from Ch. 111, par. 3263)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 13. Qualifications for examination for Licensed Land
18 Surveyor-in-Training. Applicants for the examination for Land
19 Surveyor-in-Training shall have:

20 (1) a baccalaureate degree in Land Surveying as defined by
21 rule from an accredited program ~~college or university; or~~

22 (2) a baccalaureate degree in a related science including
23 at least 24 semester hours of land surveying courses from a
24 Department Board approved curriculum of an accredited
25 institution; ~~or~~

1 (3) an Associate of Science degree in surveying or a
2 related science, at least 24 semester hours of land surveying
3 courses from a Board approved curriculum of an accredited
4 institution, and at least 2 years of land surveying experience
5 verified by a professional land surveyor that was in direct
6 supervision and control of his or her activities; or

7 (4) a high school diploma or equivalent, at least 24
8 semester hours of land surveying courses from a Board approved
9 curriculum of an accredited institution, and at least 4 years
10 of land surveying experience verified by a professional land
11 surveyor that was in direct supervision and control of his or
12 her activities.

13 (Source: P.A. 91-132, eff. 1-1-00.)

14 (225 ILCS 330/16.5)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 16.5. Unlicensed practice; violation; civil penalty.

17 (a) Any person who practices, offers to practice, attempts
18 to practice, or holds oneself out to practice as a professional
19 land surveyor or as a land surveyor-in-training without being
20 licensed under this Act shall, in addition to any other penalty
21 provided by law, pay a civil penalty to the Department in an
22 amount not to exceed \$10,000 ~~\$5,000~~ for each offense as
23 determined by the Department. The civil penalty shall be
24 assessed by the Department after a hearing is held in
25 accordance with the provisions set forth in this Act regarding

1 the provision of a hearing for the discipline of a licensee.

2 (b) The Department has the authority and power to
3 investigate any and all unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty. The
6 order shall constitute a judgment and may be filed and
7 execution had thereon in the same manner as any judgment from
8 any court of record.

9 (Source: P.A. 89-474, eff. 6-18-96.)

10 (225 ILCS 330/18) (from Ch. 111, par. 3268)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 18. Renewal, reinstatement or restoration of license;
13 Persons in military service.

14 (a) The expiration date and renewal period for each license
15 as a Professional Land Surveyor issued under this Act shall be
16 set by rule. The holder of a license may renew such license
17 during the month preceding the expiration date by paying the
18 required fee.

19 (b) Any Professional Land Surveyor whose license has been
20 inactive for less than 5 years is required to pay the current
21 renewal fee and shall have his or her license restored.

22 ~~If the Professional Land Surveyor has not maintained an~~
23 ~~active practice in another jurisdiction satisfactory to the~~
24 ~~Department, the Department shall determine, by an evaluation~~
25 ~~program established by rule, the person's fitness to resume~~

1 ~~active status and may require that person to successfully~~
2 ~~complete an examination.~~

3 (c) A Professional Land Surveyor whose license has been
4 expired for more than 5 years may have the license restored by
5 making application to the Department and filing proof
6 acceptable to the Department Board of fitness to have the
7 license restored, including, but not limited to, sworn evidence
8 certifying to active practice in another jurisdiction and
9 payment of the required renewal, reinstatement or restoration
10 fee.

11 However, any Professional Land Surveyor whose license
12 expired while engaged (a) in federal service on active duty
13 with the armed forces of the United States, or the State
14 Militia called into active service or training, or (b) in
15 training or education under the supervision of the United
16 States preliminary to induction into the military service, may
17 have a license renewed without paying any lapsed reinstatement
18 or restoration fees upon passing an oral examination by the
19 Board, or without taking any examination, if approved by the
20 Board, if, within 2 years after the termination other than by
21 dishonorable discharge of such service, training, or
22 education, the licensee furnishes the Department with an
23 affidavit to the effect the licensee was so engaged and that
24 the service, training, or education has so terminated.

25 (d) A license for a Land Surveyor-in-Training is valid for
26 10 years and may not be renewed.

1 (Source: P.A. 91-132, eff. 1-1-00.)

2 (225 ILCS 330/19) (from Ch. 111, par. 3269)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 19. Inactive status; Restoration. Any person
5 ~~Professional Land Surveyor~~ who notifies the Department, l in
6 writing on forms prescribed by the Department, l may ~~elect to~~
7 place his or her license on an inactive status and shall ~~7~~
8 ~~subject to rules of the Department,~~ be excused from the payment
9 of renewal fees until he or she notifies the Department in
10 writing of the intention ~~desire~~ to resume active status.

11 Any Professional Land Surveyor requesting restoration from
12 inactive status is required to pay the current renewal fee and
13 shall have his or her license restored. A Professional Land
14 Surveyor whose license has been on inactive status for more
15 than 5 years may have the license restored by making
16 application to the Department and filing proof acceptable to
17 the Board of fitness to have the license restored, including,
18 but not limited to, sworn evidence certifying to active
19 practice in another jurisdiction and payment of the required
20 renewal, reinstatement or restoration fee.

21 Any Professional Land Surveyor whose license is in an
22 inactive status shall not practice land surveying in the State
23 of Illinois.

24 (Source: P.A. 86-987.)

1 (225 ILCS 330/23) (from Ch. 111, par. 3273)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 23. Address of Record ~~Change of address~~; Names of
4 licensed surveyors to be published. It is the responsibility
5 of a Professional Land Surveyor or Land Surveyor-in-Training to
6 inform the Department of any change of address or name. The
7 Department shall maintain a roster of names and addresses of
8 all professional land surveyors and professional design firms,
9 partnerships, and corporations licensed or registered under
10 this Act. This roster shall be available upon request and
11 payment of the required fee. ~~The Department shall, at least~~
12 ~~annually, publish a list of the names of all Professional Land~~
13 ~~Surveyors who are in good standing as of the date the list is~~
14 ~~prepared for publication and of all persons whose licenses have~~
15 ~~been suspended or revoked within the previous year, together~~
16 ~~with such other information relative to the enforcement of the~~
17 ~~provisions of this Act as it may deem of interest to the~~
18 ~~public. Upon request, such lists shall be mailed to the County~~
19 ~~Clerk as a public record. Such lists shall also be mailed by~~
20 ~~the Department to any person in the State upon request, and~~
21 ~~payment of the required fee.~~

22 (Source: P.A. 86-987.)

23 (225 ILCS 330/25) (from Ch. 111, par. 3275)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 25. Professional design firm registration.

1 (a) Nothing in this Act shall prohibit the formation, under
2 the provisions of the Professional Service Corporation Act, of
3 a corporation to offer the practice of professional land
4 surveying.

5 Any business, including a Professional Service
6 Corporation, that includes within its stated purposes or
7 practices, or holds itself out as available to practice,
8 professional land surveying shall be registered with the
9 Department pursuant to the provisions set forth in this
10 Section.

11 Any sole proprietorship not owned and operated by an
12 Illinois licensed design professional licensed under this Act
13 shall be prohibited from offering professional land surveyor
14 services to the public. Any sole proprietorship owned and
15 operated by a professional land surveyor with an active license
16 issued under this Act and conducting or transacting such
17 business under an assumed name in accordance with the
18 provisions of the Assumed Business Name Act shall comply with
19 the registration requirements of a professional design firm.
20 Any sole proprietorship owned and operated by a Professional
21 Land Surveyor with an active license issued under this Act and
22 conducting or transacting such business under the real name of
23 the sole proprietor is exempt from the registration
24 requirements of a professional design firm. "Illinois licensed
25 design professional" means a person who holds an active license
26 as a professional engineer under the Professional Engineering

1 Practice Act of 1989, as an architect under the Illinois
2 Architecture Practice Act of 1989, as a structural engineer
3 under the Structural Engineering Practice Act of 1989, or as a
4 Professional Land Surveyor under this Act.

5 (b) Any professional design firm seeking to be registered
6 pursuant to the provisions of this Section shall not be
7 registered unless one or more managing agents in charge of land
8 surveyor activities in this State are designated by the
9 professional design firm. Each managing agent must at all times
10 maintain a valid, active license to practice professional land
11 surveying in Illinois.

12 No individual whose license to practice professional land
13 surveying in this State is currently in a suspended or revoked
14 state shall act as a managing agent for a professional design
15 firm.

16 (c) Any business seeking to be registered under this
17 Section shall make application on a form provided by the
18 Department and shall provide such information as requested by
19 the Department, which shall include, but not be limited to:

20 (1) the name and license number of the person
21 designated as the managing agent in responsible charge of
22 the practice of professional land surveying in Illinois. In
23 the case of a corporation, the corporation shall also
24 submit a certified copy of the resolution by the board of
25 directors designating the managing agent. In the case of a
26 limited liability company, the company shall submit a

1 certified copy of either its articles of organization or
2 operating agreement designating the managing agent;

3 (2) the names and license numbers of the directors, in
4 the case of a corporation, the members, in the case of a
5 limited liability company, or general partners, in the case
6 of a partnership;

7 (3) a list of all office locations at which the
8 professional design firm provides professional land
9 surveying services to the public; and

10 (4) a list of all assumed names of the business.
11 Nothing in this Section shall be construed to exempt a
12 professional design firm, sole proprietorship, or
13 professional service corporation from compliance with the
14 requirements of the Assumed Business Name Act.

15 It is the responsibility of the professional design firm to
16 provide the Department notice, in writing, of any changes in
17 the information requested on the application.

18 (d) The Department shall issue to each business a
19 certificate of registration to practice professional land
20 surveying or offer the services of its licensees in this State
21 upon submittal of a proper application for registration and
22 payment of fees. The expiration date and renewal period for
23 each registration and renewal procedures shall be established
24 by rule.

25 (e) In the event a managing agent is terminated or
26 terminates his or her status as managing agent of the

1 professional design firm, the managing agent and a professional
2 design firm shall notify the Department of this fact in
3 writing, by certified mail, within 10 business days of such
4 termination. Thereafter, the professional design firm, if it
5 has so informed the Department, shall have 30 days in which to
6 notify the Department of the name and licensure number of a
7 newly designated managing agent. If a corporation, the
8 corporation shall also submit a certified copy of a resolution
9 by the board of directors designating the new managing agent.
10 If a limited liability company, the company shall also submit a
11 certified copy of either its articles of organization or
12 operating agreement designating the new managing agent. The
13 Department may, upon good cause shown, extend the original 30
14 day period.

15 If the professional design firm has not notified the
16 Department in writing, by certified mail within the specified
17 time, the registration shall be terminated without prior
18 hearing. Notification of termination shall be sent by certified
19 mail to the address of record ~~last known address~~ of the
20 business. If the professional design firm continues to operate
21 and offer professional land surveyor services after the
22 termination, the Department may seek prosecution under
23 Sections 27, 43, and 16.5 ~~46~~ of this Act for the unlicensed
24 practice of professional land surveying.

25 No professional design firm shall be relieved of
26 responsibility for the conduct or acts of its agent, employees,

1 members, managers, or officers by reason of its compliance with
2 this Section, nor shall any individual practicing professional
3 land surveying be relieved of the responsibility for
4 professional services performed by reason of the individual's
5 employment or relationship with a professional design firm
6 registered under this Section.

7 (g) Disciplinary action against a professional design firm
8 registered under this Section shall be administered in the same
9 manner and on the same grounds as disciplinary action against a
10 licensed professional land surveyor. All disciplinary action
11 taken or pending against a corporation or partnership before
12 the effective date of this amendatory Act of 1999 shall be
13 continued or remain in effect without the Department filing
14 separate actions.

15 (h) Any professional services corporation, sole
16 proprietorship, or professional design firm offering land
17 surveying services must have a resident professional land
18 surveyor whose license is not suspended or revoked overseeing
19 the land surveying practices in each location in which land
20 surveying services are provided.

21 (Source: P.A. 91-132, eff. 1-1-00.)

22 (225 ILCS 330/27) (from Ch. 111, par. 3277)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 27. Grounds for disciplinary action.

25 (a) The Department may, ~~singularly or in combination,~~

1 refuse to issue, ~~restore,~~ or renew a license, ~~or may revoke or~~
2 ~~suspend a license or registration,~~ or may place on probation or
3 administrative supervision, suspend, or revoke any license, or
4 may, ~~censure,~~ reprimand or take any disciplinary or
5 non-disciplinary action as the Department may deem proper,
6 including the imposition of fines ~~impose a civil penalty~~ not to
7 exceed \$10,000 per violation, upon any person, corporation,
8 partnership, or professional land surveying firm licensed or
9 registered under this Act for any ~~one or combination~~ of the
10 following reasons:

11 (1) material misstatement in furnishing information to
12 the Department;

13 (2) violation, including, but not limited to, neglect
14 or intentional disregard, of this Act, or its rules;

15 (3) conviction of, or entry of a plea of guilty or nolo
16 contendere to, any crime that is a felony under the laws of
17 the United States or any state or territory thereof or that
18 is a misdemeanor of which an essential element is
19 dishonesty, or any crime that is directly related to the
20 practice of the profession; ~~conviction of any crime under~~
21 ~~the laws of the United States, or any state or territory~~
22 ~~thereof, which is a felony, whether related to practice or~~
23 ~~not, or conviction of any crime, whether a felony,~~
24 ~~misdemeanor, or otherwise, an essential element of which is~~
25 ~~dishonesty or which is directly related to the practice of~~
26 ~~land surveying;~~

1 (4) making any misrepresentation for the purpose of
2 obtaining a license, or in applying for restoration or
3 renewal, or the practice of any fraud or deceit in taking
4 any examination to qualify for licensure under this Act;

5 (5) purposefully making false statements or signing
6 false statements, certificates, or affidavits to induce
7 payment;

8 (6) proof of carelessness, incompetence, negligence,
9 or misconduct in practicing land surveying;

10 (7) aiding or assisting another person in violating any
11 provision of this Act or its rules;

12 (8) failing to provide information in response to a
13 written request made by the Department within 30 days after
14 receipt of such written request;

15 (9) engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public;

18 (10) inability to practice with reasonable judgment,
19 skill, or safety as a result of habitual or excessive use
20 of, or addiction to, alcohol, narcotics, stimulants or any
21 other chemical agent or drug; ~~habitual intoxication or~~
22 ~~addiction to the use of drugs;~~

23 (11) discipline by the United States government,
24 another state, District of Columbia, territory, foreign
25 nation or government agency if at least one of the grounds
26 for the discipline is the same or substantially equivalent

1 to those set forth in this Act;

2 (12) directly or indirectly giving to or receiving from
3 any person, firm, corporation, partnership, or association
4 any fee, commission, rebate, or other form of compensation
5 for any professional services not actually or personally
6 rendered;

7 (12.5) issuing a map or plat of survey where the fee
8 for professional services is contingent on a real estate
9 transaction closing;

10 (13) a finding by the Department ~~Board~~ that an
11 applicant or licensee has failed to pay a fine imposed by
12 the Department or a licensee whose license has been placed
13 on probationary status has violated the terms of probation;

14 (14) practicing on an expired, inactive, suspended, or
15 revoked license;

16 (15) signing, affixing the Professional Land
17 Surveyor's seal or permitting the Professional Land
18 Surveyor's seal to be affixed to any map or plat of survey
19 not prepared by the Professional Land Surveyor or under the
20 Professional Land Surveyor's direct supervision and
21 control;

22 (16) ~~physical illness, including but not limited to~~
23 ~~deterioration through the aging process or loss of motor~~
24 ~~skill, which results in the~~ inability to practice the
25 profession with reasonable judgment, skill, or safety as a
26 result of physical illness, including, but not limited to,

1 deterioration through the aging process or loss of motor
2 skill or a mental illness or disability;

3 (17) (blank); or ~~issuing a check or other guarantee to~~
4 ~~the order of the Department which is not honored on 2~~
5 ~~occasions by the financial institution upon which it is~~
6 ~~drawn because of insufficient funds;~~

7 (18) failure to adequately supervise or control land
8 surveying operations being performed by subordinates.

9 (a-5) In enforcing this Section, the Department or Board,
10 upon a showing of a possible violation, may compel a person
11 licensed to practice under this Act, or who has applied for
12 licensure or certification pursuant to this Act, to submit to a
13 mental or physical examination, or both, as required by and at
14 the expense of the Department. The Department or Board may
15 order the examining physician to present testimony concerning
16 the mental or physical examination of the licensee or
17 applicant. No information shall be excluded by reason of any
18 common law or statutory privilege relating to communications
19 between the licensee or applicant and the examining physician.
20 The examining physicians shall be specifically designated by
21 the Board or Department. The individual to be examined may
22 have, at his or her own expense, another physician of his or
23 her choice present during all aspects of the examination.
24 Failure of an individual to submit to a mental or physical
25 examination when directed shall be grounds for the immediate
26 suspension of his or her license until the individual submits

1 to the examination if the Department finds that the refusal to
2 submit to the examination was without reasonable cause as
3 defined by rule.

4 If the Secretary immediately suspends the license of a
5 licensee for his or her failure to submit to a mental or
6 physical examination when directed, a hearing must be convened
7 by the Department within 15 days after the suspension and
8 completed without appreciable delay.

9 If the Secretary otherwise suspends a person's license
10 pursuant to the results of a compelled mental or physical
11 examination, a hearing on that person's license must be
12 convened by the Department within 15 days after the suspension
13 and completed without appreciable delay. The Department and
14 Board shall have the authority to review the subject
15 individual's record of treatment and counseling regarding
16 impairment to the extent permitted by applicable federal
17 statutes and regulations safeguarding the confidentiality of
18 medical records.

19 Any licensee suspended under this subsection (a-5) shall be
20 afforded an opportunity to demonstrate to the Department or
21 Board that he or she can resume practice in compliance with the
22 acceptable and prevailing standards under the provisions of his
23 or her license. ~~In enforcing this Section, the Board upon a~~
24 ~~showing of a possible violation may compel a person licensed to~~
25 ~~practice under this Act, or who has applied for licensure or~~
26 ~~certification pursuant to this Act, to submit to a mental or~~

1 ~~physical examination, or both, as required by and at the~~
2 ~~expense of the Department. The examining physicians shall be~~
3 ~~those specifically designated by the Board. The Board or the~~
4 ~~Department may order the examining physician to present~~
5 ~~testimony concerning this mental or physical examination of the~~
6 ~~licensee or applicant. No information shall be excluded by~~
7 ~~reason of any common law or statutory privilege relating to~~
8 ~~communications between the licensee or applicant and the~~
9 ~~examination physician. The person to be examined may have, at~~
10 ~~his or her own expense, another physician of his or her choice~~
11 ~~present during all aspects of the examination. Failure of any~~
12 ~~person to submit to a mental or physical examination, when~~
13 ~~directed, shall be grounds for suspension of a licensee until~~
14 ~~the person submits to the examination if the Board finds, after~~
15 ~~notice and hearing, that the refusal to submit to the~~
16 ~~examination was without reasonable cause.~~

17 ~~If the Board finds a person unable to practice because of~~
18 ~~the reasons set forth in this Section, the Board may require~~
19 ~~that person to submit to care, counseling, or treatment by~~
20 ~~physicians approved or designated by the Board as a condition,~~
21 ~~term, or restriction for continued, reinstated, or renewed~~
22 ~~licensure to practice; or, in lieu of care, counseling, or~~
23 ~~treatment, the Board may recommend to the Department to file a~~
24 ~~complaint to immediately suspend, revoke, or otherwise~~
25 ~~discipline the license of the person. Any person whose license~~
26 ~~was granted, continued, reinstated, renewed, disciplined, or~~

1 ~~supervised subject to such terms, conditions, or restrictions~~
2 ~~and who fails to comply with such terms, conditions, or~~
3 ~~restrictions shall be referred to the Director for a~~
4 ~~determination as to whether the person shall have his or her~~
5 ~~license suspended immediately, pending a hearing by the Board.~~

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

16 (c) The Department shall deny a license or renewal
17 authorized by this Act to a person who has defaulted on an
18 educational loan or scholarship provided or guaranteed by the
19 Illinois Student Assistance Commission or any governmental
20 agency of this State in accordance with subdivision (a) (5) of
21 Section 15 of the Department of Professional Regulation Law of
22 the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15).

24 (d) In cases where the Department of Healthcare and Family
25 Services (formerly the Department of Public Aid) has previously
26 determined that a licensee or a potential licensee is more than

1 30 days delinquent in the payment of child support and has
2 subsequently certified the delinquency to the Department, the
3 Department shall refuse to issue or renew or shall revoke or
4 suspend that person's license or shall take other disciplinary
5 action against that person based solely upon the certification
6 of delinquency made by the Department of Healthcare and Family
7 Services in accordance with subdivision (a) (5) of Section 15 of
8 the Department of Professional Regulation Law of the Civil
9 Administrative Code of Illinois (20 ILCS 2105/2105-15).

10 (e) The Department shall refuse to issue or renew or shall
11 revoke or suspend a person's license or shall take other
12 disciplinary action against that person for his or her failure
13 to file a return, to pay the tax, penalty, or interest shown in
14 a filed return, or to pay any final assessment of tax, penalty,
15 or interest as required by any tax Act administered by the
16 Department of Revenue, until such time as the requirements of
17 the tax Act are satisfied in accordance with subsection (g) of
18 Section 15 of the Department of Professional Regulation Law of
19 the Civil Administrative Code of Illinois (20 ILCS
20 2105/2105-15).

21 (Source: P.A. 91-132, eff. 1-1-00.)

22 (225 ILCS 330/28) (from Ch. 111, par. 3278)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 28. ~~Violation;~~ Injunction; Cease and desist order.
25 ~~Each of the following acts is declared to be inimical to the~~

1 ~~public welfare and to constitute a public nuisance:~~

2 (a) If any person violates the provisions of this Act, the
3 Secretary, in the name of the people of the State of Illinois,
4 through the Attorney General or the State's Attorney of the
5 county in which the violation is alleged to have occurred may
6 petition for an order enjoining the violation or for an order
7 enforcing compliance with this Act. Upon the filing of a
8 verified petition, the court with appropriate jurisdiction may
9 issue a temporary restraining order, without notice or bond,
10 and may preliminarily and permanently enjoin the violation. If
11 it is established that the person has violated or is violating
12 the injunction, the court may punish the offender for contempt
13 of court. Proceedings under this Section are in addition to and
14 not in lieu of any other remedies and penalties provided by
15 this Act. ~~The practice or attempt to practice land surveying~~
16 ~~without a license or authority to practice as a Professional~~
17 ~~Land Surveyor.~~

18 (a-5) Whenever, in the opinion of the Department, a person
19 violates any provision of this Act, the Department may issue a
20 rule to show cause why an order to cease and desist should not
21 be entered against that person. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall allow
23 at least 7 days from the date of the rule to file an answer
24 satisfactory to the Department. Failure to answer to the
25 satisfaction of the Department shall cause an order to cease
26 and desist to be issued.

1 (b) (Blank). ~~The use of the title "Illinois Professional~~
2 ~~Land Surveyor" or the abbreviation "P.L.S." or "L.S." or any~~
3 ~~words or letters indicating that a person is a Professional~~
4 ~~Land Surveyor or Land Surveyor by any person who has not~~
5 ~~received a license or authority to practice as an Illinois~~
6 ~~Professional Land Surveyor.~~

7 ~~The Director may, in the name of the People of the State of~~
8 ~~Illinois, through the Attorney General of the State of~~
9 ~~Illinois, or the State's Attorney of any county in the State of~~
10 ~~Illinois, apply to the circuit court for an injunction to~~
11 ~~enjoin any person from engaging in any of the practices named~~
12 ~~and paragraphs (a) and (b). Upon the filing of a verified~~
13 ~~petition in such court, the court, if satisfied by affidavit or~~
14 ~~otherwise that such person is or has been engaged in any of the~~
15 ~~practices named in paragraphs (a) and (b), may issue a~~
16 ~~temporary restraining order or preliminary injunction, without~~
17 ~~notice or bond, enjoining the defendant from further engaging~~
18 ~~in such practices. A copy of the verified petition shall be~~
19 ~~served upon the defendant and the proceedings shall thereafter~~
20 ~~be conducted as in other civil cases. If it is established that~~
21 ~~the defendant has been, or is engaged in any of the practices~~
22 ~~named in paragraphs (a) and (b), the court may enter a decree~~
23 ~~perpetually enjoining such defendant from further engaging in~~
24 ~~those practices. In case of violation of any injunction issued~~
25 ~~under the provisions of this Section, the court may summarily~~
26 ~~try and punish the offender for contempt of court. An~~

1 ~~injunction proceeding is in addition to and not in lieu of all~~
2 ~~penalties and other remedies provided in this Act.~~

3 ~~Whenever, in the opinion of the Department, any person~~
4 ~~violates any provision of this Act, the Department may issue a~~
5 ~~rule to show cause why an order to cease and desist should not~~
6 ~~be entered against that person. The rule shall clearly set~~
7 ~~forth the grounds relied upon by the Department and shall~~
8 ~~provide a period of 7 days from the date of the rule to file an~~
9 ~~answer to the satisfaction of the Department. Failure to answer~~
10 ~~to the satisfaction of the Department shall cause an order to~~
11 ~~cease and desist to be issued immediately.~~

12 (Source: P.A. 86-987.)

13 (225 ILCS 330/29) (from Ch. 111, par. 3279)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 29. Investigations; notice and hearing. ~~A license or~~
16 ~~registration issued under the provisions of this Act may be~~
17 ~~revoked, suspended, not renewed or restored, or otherwise~~
18 ~~disciplined, or applications for license or registration may be~~
19 ~~refused, in the manner set forth in this Act. The Department~~
20 ~~may, upon its own action, and shall, upon the verified~~
21 ~~complaint in writing of any person setting forth facts which,~~
22 ~~if proven, would constitute grounds for discipline,~~
23 investigate the actions of any person or other entity holding,
24 applying for or claiming to hold a license, or practicing or
25 offering to practice land surveying. Before the initiation of

1 an investigation, the matter shall be reviewed by a
2 subcommittee of the Board according to procedures established
3 by rule for the Complaint Committee. The Department shall,
4 before refusing to issue, renew or restore, suspending or
5 revoking any license or registration, or imposing any other
6 disciplinary action, at least 30 days prior to the date set for
7 the hearing, notify the person accused in writing of any
8 charges made and shall direct the person or entity to file a
9 written answer to the Board under oath within 20 days after the
10 service of the notice and inform the person or entity that if
11 the person or entity fails to file an answer default will be
12 taken and that the license or certificate may be suspended,
13 revoked, placed on probationary status, or other disciplinary
14 action may be taken, including limiting the scope, nature or
15 extent of practice, as the Secretary ~~Director~~ may deem proper.
16 ~~The Department shall afford the accused person or entity an~~
17 ~~opportunity to be heard in person or by counsel in reference to~~
18 ~~the charges.~~ This written notice may be served by personal
19 delivery to the accused person or entity or certified mail to
20 the last address specified by the accused person or entity in
21 the last notification to the Department. In case the person or
22 entity fails to file an answer after receiving notice, his or
23 her license or certificate may, in the discretion of the
24 Department, be suspended, revoked, or placed on probationary
25 status, or the Department may take whatever disciplinary action
26 deemed proper, including limiting the scope, nature, or extent

1 of the person's practice or the imposition of a fine, without a
2 hearing, if the act or acts charged constitute sufficient
3 grounds for such action under this Act. At the time and place
4 fixed in the notice, the Board shall hear the charges and the
5 accused person or entity shall be accorded ample opportunity to
6 present any statements, testimony, evidence and argument as may
7 be relevant to the charges or their defense. The Board may
8 continue the hearing from time to time.

9 The Department Board may from time to time ~~and in~~
10 ~~co-operation with the Department's legal advisors~~ employ
11 individual land surveyors possessing the same minimum
12 qualifications as required for Board candidates to assist with
13 its investigative duties.

14 Persons who assist the Department as consultants or expert
15 witnesses in the investigation or prosecution of alleged
16 violations of the Act, licensure matters, restoration
17 proceedings, or criminal prosecutions, are not liable for
18 damages in any civil action or proceeding as a result of their
19 assistance, except upon proof of actual malice. The Attorney
20 General shall defend these persons in any such action or
21 proceeding.

22 (Source: P.A. 93-467, eff. 1-1-04.)

23 (225 ILCS 330/30) (from Ch. 111, par. 3280)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 30. Stenographer; transcript. The Department, at its

1 expense, shall provide a stenographer to take down the
2 testimony and preserve a record of all proceedings at the
3 hearing of any case where a license is revoked, suspended, or
4 other disciplinary action is taken. The notice of hearing,
5 complaint and all other documents in the nature of pleadings
6 and written motions filed in the proceedings, the transcript of
7 testimony, the report of the Board and the orders of the
8 Department shall be the record of the proceedings. ~~The~~
9 ~~Department shall furnish a transcript of the record to any~~
10 ~~person interested in the hearing upon payment of the fee~~
11 ~~required under Section 2105-115 of the Department of~~
12 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (225 ILCS 330/31) (from Ch. 111, par. 3281)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 31. Subpoenas, depositions, oaths. Testimony; Oath.
17 The Department has the power to subpoena documents, books,
18 records, or other materials and to bring before it any person
19 and to take testimony either orally or by deposition, or both,
20 with the same fees and mileage and in the same manner as is
21 prescribed in civil cases in the courts of this State.

22 The Secretary, the designated hearing officer, and every
23 member of the Board has the power to administer oaths to
24 witnesses at any hearing that the Department is authorized to
25 conduct and any other oaths authorized in any Act administered

1 ~~by the Department. the Department has power to subpoena and~~
2 ~~bring before it any person in this State and to take testimony~~
3 ~~either orally or by deposition, or both, with the same fees and~~
4 ~~mileage and in the same manner as prescribed by law in judicial~~
5 ~~proceedings in civil cases in circuit courts of this State.~~

6 ~~The Director, and any member of the Board, each has power~~
7 ~~to administer oaths to witnesses at any hearing which the~~
8 ~~Department is authorized by law to conduct, and any other oaths~~
9 ~~required or authorized in any Act administered by the~~
10 ~~Department.~~

11 (Source: P.A. 86-987.)

12 (225 ILCS 330/33) (from Ch. 111, par. 3283)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 33. Notice of hearing; Findings and recommendations.
15 At the conclusion of the hearing the Board shall present to the
16 Secretary ~~Director~~ a written report of its findings and
17 recommendations. The report shall contain a finding whether or
18 not the accused person violated this Act or failed to comply
19 with the conditions required in this Act. The Board shall
20 specify the nature of the violation or failure to comply, and
21 shall make its recommendations to the Secretary ~~Director~~.

22 The report of findings and recommendations of the Board
23 shall be the basis for the Department's order unless the
24 Secretary disagrees with the Board ~~Director determines that the~~
25 ~~Board report is contrary to the manifest weight of the evidence~~

1 ~~er law~~, in which case the Secretary ~~Director~~ may issue an order
2 in contravention of the Board report stating the reasons for
3 the order. The report, findings, and recommendations are not
4 admissible in evidence against the person in a criminal
5 prosecution brought for the violation of this Act, but the
6 hearing and findings are not a bar to a criminal prosecution
7 brought for the violation of this Act.

8 (Source: P.A. 86-987.)

9 (225 ILCS 330/34) (from Ch. 111, par. 3284)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 34. Board; Rehearing. A ~~In any case involving the~~
12 ~~refusal to issue, restore or renew a license or the~~
13 ~~disciplining of a licensee,~~ a copy of the Board's report shall
14 be served upon the respondent by the Department, either
15 personally or as provided in this Act for the service of the
16 notice of hearing. Within 20 days after such service, the
17 respondent may present to the Department a motion in writing
18 for a rehearing which shall specify the particular grounds for
19 rehearing. If no motion for rehearing is filed, then upon the
20 expiration of the time specified for filing the motion, or if a
21 motion for rehearing is denied, then upon such denial, the
22 Secretary ~~Director~~ may enter an order in accordance with
23 recommendations of the Board except as provided in Section 33
24 of this Act. If the respondent orders from the reporting
25 service and pays for a transcript of the record within the time

1 for filing a motion for rehearing, the 20 day period within
2 which the motion may be filed shall commence upon the delivery
3 of the transcript to the respondent.

4 (Source: P.A. 86-987.)

5 (225 ILCS 330/35) (from Ch. 111, par. 3285)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 35. Secretary; rehearing. ~~Director; Rehearing.~~
8 Whenever the Secretary believes that substantial justice has
9 not been done in the revocation, suspension, or refusal to
10 issue, restore, or renew a license, or other discipline of an
11 applicant or licensee, he or she may order a rehearing by the
12 same or another examiner. ~~Whenever the Director is not~~
13 ~~satisfied that substantial justice has been done in the~~
14 ~~revocation, suspension, or refusal to issue or renew a license~~
15 ~~or other disciplinary proceeding, the Director may order a~~
16 ~~rehearing by the same or another board appointed to rehear the~~
17 ~~matter.~~

18 (Source: P.A. 86-987.)

19 (225 ILCS 330/36) (from Ch. 111, par. 3286)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 36. Appointment of a hearing officer. Notwithstanding
22 the provisions of Section 33 of this Act, the Secretary
23 ~~Director~~ has the authority to appoint any attorney duly
24 licensed to practice law in the State of Illinois to serve as

1 the hearing officer in any action ~~for discipline of a licensee.~~
2 ~~The Director shall notify the Board of any such appointment.~~
3 The hearing officer has full authority to conduct the hearing.
4 The Board has the right to have at least one member present at
5 any hearing conducted by such hearing officer. The hearing
6 officer shall report his findings of fact, conclusions of law
7 and recommendations to the Board and the Secretary ~~Director~~.
8 The Board shall have 60 days from receipt of the report to
9 review the report of the hearing officer and present their
10 findings of fact, conclusions of law and recommendations to the
11 Secretary ~~Director~~. If the Board fails to present its report
12 within the 60 day period, the Secretary ~~Director~~ shall issue an
13 order based on the report of the hearing officer. If the
14 Secretary ~~Director~~ disagrees in any regard with the report of
15 the Board or hearing officer, he may issue an order in
16 contravention thereof. The Secretary ~~Director~~ shall provide a
17 written explanation to the Board on any such deviation, ~~and~~
18 ~~shall specify with particularity the reasons for such action in~~
19 ~~the final order.~~

20 (Source: P.A. 86-987.)

21 (225 ILCS 330/36.1) (from Ch. 111, par. 3286.1)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 36.1. Returned checks; fines. Any person who delivers
24 a 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 days from the
9 date of the notification, the person has failed to submit the
10 necessary remittance, the Department shall automatically
11 terminate the license or certificate or deny the application,
12 without hearing. If, after termination or denial, the person
13 seeks a license or certificate, he or she shall apply to the
14 Department for restoration or issuance of the license or
15 certificate and pay all fees and fines due to the Department.
16 The Department may establish a fee for the processing of an
17 application for restoration of a license or certificate to pay
18 all expenses of processing this application. The Secretary
19 ~~Director~~ may waive the fines due under this Section in
20 individual cases where the Secretary ~~Director~~ finds that the
21 fines would be unreasonable or unnecessarily burdensome.

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

23 (225 ILCS 330/37) (from Ch. 111, par. 3287)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 37. Order or certified copy; prima facie proof. An

1 order or certified copy thereof, over the seal of the
2 Department and purporting to be signed by the Secretary
3 ~~Director~~, shall be prima facie proof that:

4 (a) the signature is the genuine signature of the
5 Secretary ~~Director~~;

6 (b) the Secretary ~~Director~~ is duly appointed and
7 qualified; and

8 (c) the Board and the members thereof are qualified to
9 act.

10 (Source: P.A. 91-357, eff. 7-29-99.)

11 (225 ILCS 330/40) (from Ch. 111, par. 3290)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 40. Temporary suspension of a license. The Secretary
14 ~~Director~~ may temporarily suspend the license of a Professional
15 Land Surveyor or Land Surveyor-in-Training without a hearing,
16 simultaneously with the institution of proceedings for a
17 hearing under Section 29 of this Act, if the Secretary ~~Director~~
18 finds that evidence in his possession indicates that a
19 Professional Land Surveyor's or Land Surveyor-in-Training's
20 continuation in practice would constitute an imminent danger to
21 the public. In the event that the Secretary ~~Director~~
22 temporarily suspends the license of a Professional Land
23 Surveyor or Land Surveyor-in-Training without a hearing, a
24 hearing by the Board must be commenced within 30 days after
25 such suspension has occurred.

1 (Source: P.A. 86-987.)

2 (225 ILCS 330/43) (from Ch. 111, par. 3293)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 43. Violations. A person is guilty of a Class A
5 misdemeanor for a first offense, and guilty of a Class 4 felony
6 for a second or subsequent offense, when he or she commits any
7 of the following acts: ~~Each of the following acts constitutes a~~
8 ~~Class A misdemeanor for the first offense and a Class 4 felony~~
9 ~~for a second or subsequent offense.~~

10 (a) The violation of any provision of this Act or its
11 rules.

12 (b) The making of any willfully false oath or affirmation
13 in any matter or proceeding where an oath or affirmation is
14 required by this Act.

15 (c) Obtaining or attempting to obtain a license or
16 registration by fraud.

17 (d) Using, or attempting to use, an expired, suspended, or
18 revoked license or certificate of registration or the license,
19 certificate of registration, or seal of another, or
20 impersonating another licensee or practicing land surveying
21 while one's license is expired, suspended, or revoked.

22 (e) Use of the title "Professional Land Surveyor", or "Land
23 Surveyor", or the abbreviation "P.L.S." or "L.S.", or any words
24 or letters indicating that a person is a Professional Land
25 Surveyor, by any person who has not received a license to

1 practice as an Illinois Professional Land Surveyor.

2 (f) If any person, sole proprietorship, professional
3 service corporation, limited liability company, corporation or
4 partnership, or other entity practices as a professional land
5 surveyor or advertises or displays any sign or card or other
6 device that might indicate to the public that the person or
7 entity is entitled to practice as a professional land surveyor,
8 or use the title "professional land surveyor", or any of its
9 derivations unless the person or entity holds an active license
10 as a professional land surveyor or registration as a
11 Professional Land Surveying Firm in the State; then, in
12 addition to any other penalty provided by law, any person who
13 violates this subsection (f) shall forfeit and pay to the
14 Design Professionals Administration and Investigation Fund a
15 civil penalty in an amount determined by the Department of not
16 more than \$10,000 ~~\$5,000~~ for each offense.

17 (g) The practice, attempt to practice, or offer to practice
18 land surveying, without a license as a Professional Land
19 Surveyor or registration as a Professional Land Surveying Firm.
20 Each day of practicing land surveying, or attempting to
21 practice land surveying, and each instance of offering to
22 practice land surveying without a license as a Professional
23 Land Surveyor or registration as a Professional Land Surveying
24 Firm constitutes a separate offense.

25 Criminal fines and penalties shall be deposited in the
26 treasury of the county in which the violation occurred and

1 administrative fines shall be deposited in the Design
2 Professionals Administration and Investigation Fund.

3 All fines ~~and penalties~~ under Section 27 shall be deposited
4 in the Design Professions Administration and Investigation
5 Fund.

6 (Source: P.A. 88-428.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.