

1 AN ACT concerning professional regulation.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 5-10, 30-15, 30-25, 40-10, 40-25,
7 45-25, 45-30, 45-40, 45-55, 50-10, 50-15, 50-30, and 50-35 and
8 by adding Sections 10-37, 30-30, 30-35, 35-32, 45-65, and 50-45
9 as follows:

10 (225 ILCS 447/5-10)

11 (Text of Section before amendment by P.A. 96-847)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 5-10. Definitions. As used in this Act:

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's application file or the
16 licensee's license file.

17 "Advertisement" means any printed material that is
18 published in a phone book, newspaper, magazine, pamphlet,
19 newsletter, or other similar type of publication that is
20 intended to either attract business or merely provide contact
21 information to the public for an agency or licensee.
22 Advertisement shall include any material disseminated by
23 printed or electronic means or media, but shall not include a

1 licensee's or an agency's letterhead, business cards, or other
2 stationery used in routine business correspondence or
3 customary name, address, and number type listings in a
4 telephone directory.

5 "Alarm system" means any system, including an electronic
6 access control system, a surveillance video system, a security
7 video system, a burglar alarm system, a fire alarm system, or
8 any other electronic system, that activates an audible,
9 visible, remote, or recorded signal that is designed for the
10 protection or detection of intrusion, entry, theft, fire,
11 vandalism, escape, or trespass.

12 "Applicant" means a person applying for licensure under
13 this Act as a fingerprint vendor, fingerprint vendor agency,
14 locksmith, locksmith agency, private alarm contractor, private
15 alarm contractor agency, private detective, private detective
16 agency, private security contractor, or private security
17 contractor agency. Any applicant or person who holds himself or
18 herself out as an applicant is considered a licensee for
19 purposes of enforcement, investigation, hearings, and the
20 Illinois Administrative Procedure Act.

21 "Armed employee" means a licensee or registered person who
22 is employed by an agency licensed or an armed proprietary
23 security force registered under this Act who carries a weapon
24 while engaged in the performance of official duties within the
25 course and scope of his or her employment during the hours and
26 times the employee is scheduled to work or is commuting between

1 his or her home or place of employment, provided that commuting
2 is accomplished within one hour from departure from home or
3 place of employment.

4 "Armed proprietary security force" means a security force
5 made up of 5 or more armed individuals employed by a private,
6 commercial, or industrial operation or one or more armed
7 individuals employed by a financial institution as security
8 officers for the protection of persons or property.

9 "Board" means the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Board.

11 "Branch office" means a business location removed from the
12 place of business for which an agency license has been issued,
13 including, but not limited to, locations where active employee
14 records that are required to be maintained under this Act are
15 kept, where prospective new employees are processed, or where
16 members of the public are invited in to transact business. A
17 branch office does not include an office or other facility
18 located on the property of an existing client that is utilized
19 solely for the benefit of that client and is not owned or
20 leased by the agency.

21 "Canine handler" means a person who uses or handles a
22 trained dog to protect persons or property or to conduct
23 investigations.

24 "Canine handler authorization card" means a card issued by
25 the Department that authorizes the holder to use or handle a
26 trained dog to protect persons or property or to conduct

1 investigations during the performance of his or her duties as
2 specified in this Act.

3 "Canine trainer" means a person who acts as a dog trainer
4 for the purpose of training dogs to protect persons or property
5 or to conduct investigations.

6 "Canine trainer authorization card" means a card issued by
7 the Department that authorizes the holder to train a dog to
8 protect persons or property or to conduct investigations during
9 the performance of his or her duties as specified in this Act.

10 "Canine training facility" means a facility operated by a
11 licensed private detective agency or private security agency
12 wherein dogs are trained for the purposes of protecting persons
13 or property or to conduct investigations.

14 "Corporation" means an artificial person or legal entity
15 created by or under the authority of the laws of a state,
16 including without limitation a corporation, limited liability
17 company, or any other legal entity.

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

20 "Employee" means a person who works for a person or agency
21 that has the right to control the details of the work performed
22 and is not dependent upon whether or not federal or state
23 payroll taxes are withheld.

24 "Fingerprint vendor" means a person that offers,
25 advertises, or provides services to fingerprint individuals,
26 through electronic or other means, for the purpose of providing

1 fingerprint images and associated demographic data to the
2 Department of State Police for processing fingerprint based
3 criminal history record information inquiries.

4 "Fingerprint vendor agency" means a person, firm,
5 corporation, or other legal entity that engages in the
6 fingerprint vendor business and employs, in addition to the
7 fingerprint vendor licensee-in-charge, at least one other
8 person in conducting that business.

9 "Fingerprint vendor licensee-in-charge" means a person who
10 has been designated by a fingerprint vendor agency to be the
11 licensee-in-charge of an agency who is a full-time management
12 employee or owner who assumes sole responsibility for
13 maintaining all records required by this Act and who assumes
14 sole responsibility for assuring the licensed agency's
15 compliance with its responsibilities as stated in this Act. The
16 Department shall adopt rules mandating licensee-in-charge
17 participation in agency affairs.

18 "Fire alarm system" means any system that is activated by
19 an automatic or manual device in the detection of smoke, heat,
20 or fire that activates an audible, visible, or remote signal
21 requiring a response.

22 "Firearm control card" means a card issued by the
23 Department that authorizes the holder, who has complied with
24 the training and other requirements of this Act, to carry a
25 weapon during the performance of his or her duties as specified
26 in this Act.

1 "Firm" means an unincorporated business entity, including
2 but not limited to proprietorships and partnerships.

3 "Licensee" means a person licensed under this Act as a
4 fingerprint vendor, fingerprint vendor agency, locksmith,
5 locksmith agency, private alarm contractor, private alarm
6 contractor agency, private detective, private detective
7 agency, private security contractor, or private security
8 contractor agency. Anyone who holds himself or herself out as a
9 licensee or who is accused of unlicensed practice is considered
10 a licensee for purposes of enforcement, investigation,
11 hearings, and the Illinois Administrative Procedure Act.

12 "Locksmith" means a person who engages in a business or
13 holds himself out to the public as providing a service that
14 includes, but is not limited to, the servicing, installing,
15 originating first keys, re-coding, repairing, maintaining,
16 manipulating, or bypassing of a mechanical or electronic
17 locking device, access control or video surveillance system at
18 premises, vehicles, safes, vaults, safe deposit boxes, or
19 automatic teller machines.

20 "Locksmith agency" means a person, firm, corporation, or
21 other legal entity that engages in the locksmith business and
22 employs, in addition to the locksmith licensee-in-charge, at
23 least one other person in conducting such business.

24 "Locksmith licensee-in-charge" means a person who has been
25 designated by agency to be the licensee-in-charge of an agency,
26 who is a full-time management employee or owner who assumes

1 sole responsibility for maintaining all records required by
2 this Act, and who assumes sole responsibility for assuring the
3 licensed agency's compliance with its responsibilities as
4 stated in this Act. The Department shall adopt rules mandating
5 licensee-in-charge participation in agency affairs.

6 "Peace officer" or "police officer" means a person who, by
7 virtue of office or public employment, is vested by law with a
8 duty to maintain public order or to make arrests for offenses,
9 whether that duty extends to all offenses or is limited to
10 specific offenses. Officers, agents, or employees of the
11 federal government commissioned by federal statute to make
12 arrests for violations of federal laws are considered peace
13 officers.

14 "Permanent employee registration card" means a card issued
15 by the Department to an individual who has applied to the
16 Department and meets the requirements for employment by a
17 licensed agency under this Act.

18 "Person" means a natural person.

19 "Private alarm contractor" means a person who engages in a
20 business that individually or through others undertakes,
21 offers to undertake, purports to have the capacity to
22 undertake, or submits a bid to sell, install, design, monitor,
23 maintain, alter, repair, replace, or service alarm and other
24 security-related systems or parts thereof, including fire
25 alarm systems, at protected premises or premises to be
26 protected or responds to alarm systems at a protected premises

1 on an emergency basis and not as a full-time security officer.
2 "Private alarm contractor" does not include a person, firm, or
3 corporation that manufactures or sells alarm systems only from
4 its place of business and does not sell, install, monitor,
5 maintain, alter, repair, replace, service, or respond to alarm
6 systems at protected premises or premises to be protected.

7 "Private alarm contractor agency" means a person,
8 corporation, or other entity that engages in the private alarm
9 contracting business and employs, in addition to the private
10 alarm contractor-in-charge, at least one other person in
11 conducting such business.

12 "Private alarm contractor licensee-in-charge" means a
13 person who has been designated by an agency to be the
14 licensee-in-charge of an agency, who is a full-time management
15 employee or owner who assumes sole responsibility for
16 maintaining all records required by this Act, and who assumes
17 sole responsibility for assuring the licensed agency's
18 compliance with its responsibilities as stated in this Act. The
19 Department shall adopt rules mandating licensee-in-charge
20 participation in agency affairs.

21 "Private detective" means any person who by any means,
22 including, but not limited to, manual, canine odor detection,
23 or electronic methods, engages in the business of, accepts
24 employment to furnish, or agrees to make or makes
25 investigations for a fee or other consideration to obtain
26 information relating to:

1 (1) Crimes or wrongs done or threatened against the
2 United States, any state or territory of the United States,
3 or any local government of a state or territory.

4 (2) The identity, habits, conduct, business
5 occupation, honesty, integrity, credibility, knowledge,
6 trustworthiness, efficiency, loyalty, activity, movements,
7 whereabouts, affiliations, associations, transactions,
8 acts, reputation, or character of any person, firm, or
9 other entity by any means, manual or electronic.

10 (3) The location, disposition, or recovery of lost or
11 stolen property.

12 (4) The cause, origin, or responsibility for fires,
13 accidents, or injuries to individuals or real or personal
14 property.

15 (5) The truth or falsity of any statement or
16 representation.

17 (6) Securing evidence to be used before any court,
18 board, or investigating body.

19 (7) The protection of individuals from bodily harm or
20 death (bodyguard functions).

21 (8) Service of process in criminal and civil
22 proceedings without court order.

23 "Private detective agency" means a person, firm,
24 corporation, or other legal entity that engages in the private
25 detective business and employs, in addition to the
26 licensee-in-charge, one or more persons in conducting such

1 business.

2 "Private detective licensee-in-charge" means a person who
3 has been designated by an agency to be the licensee-in-charge
4 of an agency, who is a full-time management employee or owner
5 who assumes sole responsibility for maintaining all records
6 required by this Act, and who assumes sole responsibility for
7 assuring the licensed agency's compliance with its
8 responsibilities as stated in this Act. The Department shall
9 adopt rules mandating licensee-in-charge participation in
10 agency affairs.

11 "Private security contractor" means a person who engages in
12 the business of providing a private security officer, watchman,
13 patrol, guard dog, canine odor detection, or a similar service
14 by any other title or name on a contractual basis for another
15 person, firm, corporation, or other entity for a fee or other
16 consideration and performing one or more of the following
17 functions:

18 (1) The prevention or detection of intrusion, entry,
19 theft, vandalism, abuse, fire, or trespass on private or
20 governmental property.

21 (2) The prevention, observation, or detection of any
22 unauthorized activity on private or governmental property.

23 (3) The protection of persons authorized to be on the
24 premises of the person, firm, or other entity for which the
25 security contractor contractually provides security
26 services.

1 (4) The prevention of the misappropriation or
2 concealment of goods, money, bonds, stocks, notes,
3 documents, or papers.

4 (5) The control, regulation, or direction of the
5 movement of the public for the time specifically required
6 for the protection of property owned or controlled by the
7 client.

8 (6) The protection of individuals from bodily harm or
9 death (bodyguard functions).

10 "Private security contractor agency" means a person, firm,
11 corporation, or other legal entity that engages in the private
12 security contractor business and that employs, in addition to
13 the licensee-in-charge, one or more persons in conducting such
14 business.

15 "Private security contractor licensee-in-charge" means a
16 person who has been designated by an agency to be the
17 licensee-in-charge of an agency, who is a full-time management
18 employee or owner who assumes sole responsibility for
19 maintaining all records required by this Act, and who assumes
20 sole responsibility for assuring the licensed agency's
21 compliance with its responsibilities as stated in this Act. The
22 Department shall adopt rules mandating licensee-in-charge
23 participation in agency affairs.

24 "Public member" means a person who is not a licensee or
25 related to a licensee, or who is not an employer or employee of
26 a licensee. The term "related to" shall be determined by the

1 rules of the Department.

2 "Secretary" means the Secretary of the Department of
3 Financial and Professional Regulation.

4 (Source: P.A. 95-613, eff. 9-11-07.)

5 (Text of Section after amendment by P.A. 96-847)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 5-10. Definitions. As used in this Act:

8 "Address of record" means the designated address recorded
9 by the Department in the applicant's application file or the
10 licensee's license file.

11 "Advertisement" means any printed material that is
12 published in a phone book, newspaper, magazine, pamphlet,
13 newsletter, or other similar type of publication that is
14 intended to either attract business or merely provide contact
15 information to the public for an agency or licensee.
16 Advertisement shall include any material disseminated by
17 printed or electronic means or media, but shall not include a
18 licensee's or an agency's letterhead, business cards, or other
19 stationery used in routine business correspondence or
20 customary name, address, and number type listings in a
21 telephone directory.

22 "Alarm system" means any system, including an electronic
23 access control system, a surveillance video system, a security
24 video system, a burglar alarm system, a fire alarm system, an
25 emergency communication system, mass notification system, or

1 any other electronic system that activates an audible, visible,
2 remote, or recorded signal that is designed for the protection
3 or detection of intrusion, entry, theft, fire, vandalism,
4 escape, or trespass, or other electronic systems designed for
5 the protection of life by indicating the existence of an
6 emergency situation.

7 "Applicant" means a person applying for licensure under
8 this Act as a fingerprint vendor, fingerprint vendor agency,
9 locksmith, locksmith agency, private alarm contractor, private
10 alarm contractor agency, private detective, private detective
11 agency, private security contractor, or private security
12 contractor agency. Any applicant or person who holds himself or
13 herself out as an applicant is considered a licensee for
14 purposes of enforcement, investigation, hearings, and the
15 Illinois Administrative Procedure Act.

16 "Armed employee" means a licensee or registered person who
17 is employed by an agency licensed or an armed proprietary
18 security force registered under this Act who carries a weapon
19 while engaged in the performance of official duties within the
20 course and scope of his or her employment during the hours and
21 times the employee is scheduled to work or is commuting between
22 his or her home or place of employment, provided that commuting
23 is accomplished within one hour from departure from home or
24 place of employment.

25 "Armed proprietary security force" means a security force
26 made up of 5 or more armed individuals employed by a private,

1 commercial, or industrial operation or one or more armed
2 individuals employed by a financial institution as security
3 officers for the protection of persons or property.

4 "Board" means the Private Detective, Private Alarm,
5 Private Security, Fingerprint Vendor, and Locksmith Board.

6 "Branch office" means a business location removed from the
7 place of business for which an agency license has been issued,
8 including, but not limited to, locations where active employee
9 records that are required to be maintained under this Act are
10 kept, where prospective new employees are processed, or where
11 members of the public are invited in to transact business. A
12 branch office does not include an office or other facility
13 located on the property of an existing client that is utilized
14 solely for the benefit of that client and is not owned or
15 leased by the agency.

16 "Canine handler" means a person who uses or handles a
17 trained dog to protect persons or property or to conduct
18 investigations.

19 "Canine handler authorization card" means a card issued by
20 the Department that authorizes the holder to use or handle a
21 trained dog to protect persons or property or to conduct
22 investigations during the performance of his or her duties as
23 specified in this Act.

24 "Canine trainer" means a person who acts as a dog trainer
25 for the purpose of training dogs to protect persons or property
26 or to conduct investigations.

1 "Canine trainer authorization card" means a card issued by
2 the Department that authorizes the holder to train a dog to
3 protect persons or property or to conduct investigations during
4 the performance of his or her duties as specified in this Act.

5 "Canine training facility" means a facility operated by a
6 licensed private detective agency or private security agency
7 wherein dogs are trained for the purposes of protecting persons
8 or property or to conduct investigations.

9 "Corporation" means an artificial person or legal entity
10 created by or under the authority of the laws of a state,
11 including without limitation a corporation, limited liability
12 company, or any other legal entity.

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

15 "Emergency communication system" means any system that
16 communicates information about emergencies, including but not
17 limited to fire, terrorist activities, shootings, other
18 dangerous situations, accidents, and natural disasters.

19 "Employee" means a person who works for a person or agency
20 that has the right to control the details of the work performed
21 and is not dependent upon whether or not federal or state
22 payroll taxes are withheld.

23 "Fingerprint vendor" means a person that offers,
24 advertises, or provides services to fingerprint individuals,
25 through electronic or other means, for the purpose of providing
26 fingerprint images and associated demographic data to the

1 Department of State Police for processing fingerprint based
2 criminal history record information inquiries.

3 "Fingerprint vendor agency" means a person, firm,
4 corporation, or other legal entity that engages in the
5 fingerprint vendor business and employs, in addition to the
6 fingerprint vendor licensee-in-charge, at least one other
7 person in conducting that business.

8 "Fingerprint vendor licensee-in-charge" means a person who
9 has been designated by a fingerprint vendor agency to be the
10 licensee-in-charge of an agency who is a full-time management
11 employee or owner who assumes sole responsibility for
12 maintaining all records required by this Act and who assumes
13 sole responsibility for assuring the licensed agency's
14 compliance with its responsibilities as stated in this Act. The
15 Department shall adopt rules mandating licensee-in-charge
16 participation in agency affairs.

17 "Fire alarm system" means any system that is activated by
18 an automatic or manual device in the detection of smoke, heat,
19 or fire that activates an audible, visible, or remote signal
20 requiring a response.

21 "Firearm control card" means a card issued by the
22 Department that authorizes the holder, who has complied with
23 the training and other requirements of this Act, to carry a
24 weapon during the performance of his or her duties as specified
25 in this Act.

26 "Firm" means an unincorporated business entity, including

1 but not limited to proprietorships and partnerships.

2 "Licensee" means a person licensed under this Act as a
3 fingerprint vendor, fingerprint vendor agency, locksmith,
4 locksmith agency, private alarm contractor, private alarm
5 contractor agency, private detective, private detective
6 agency, private security contractor, or private security
7 contractor agency. Anyone who holds himself or herself out as a
8 licensee or who is accused of unlicensed practice is considered
9 a licensee for purposes of enforcement, investigation,
10 hearings, and the Illinois Administrative Procedure Act.

11 "Locksmith" means a person who engages in a business or
12 holds himself out to the public as providing a service that
13 includes, but is not limited to, the servicing, installing,
14 originating first keys, re-coding, repairing, maintaining,
15 manipulating, or bypassing of a mechanical or electronic
16 locking device, access control or video surveillance system at
17 premises, vehicles, safes, vaults, safe deposit boxes, or
18 automatic teller machines.

19 "Locksmith agency" means a person, firm, corporation, or
20 other legal entity that engages in the locksmith business and
21 employs, in addition to the locksmith licensee-in-charge, at
22 least one other person in conducting such business.

23 "Locksmith licensee-in-charge" means a person who has been
24 designated by agency to be the licensee-in-charge of an agency,
25 who is a full-time management employee or owner who assumes
26 sole responsibility for maintaining all records required by

1 this Act, and who assumes sole responsibility for assuring the
2 licensed agency's compliance with its responsibilities as
3 stated in this Act. The Department shall adopt rules mandating
4 licensee-in-charge participation in agency affairs.

5 "Mass notification system" means any system that is used to
6 provide information and instructions to people in a building or
7 other space using voice communications, including visible
8 signals, text, graphics, tactile, or other communication
9 methods.

10 "Peace officer" or "police officer" means a person who, by
11 virtue of office or public employment, is vested by law with a
12 duty to maintain public order or to make arrests for offenses,
13 whether that duty extends to all offenses or is limited to
14 specific offenses. Officers, agents, or employees of the
15 federal government commissioned by federal statute to make
16 arrests for violations of federal laws are considered peace
17 officers.

18 "Permanent employee registration card" means a card issued
19 by the Department to an individual who has applied to the
20 Department and meets the requirements for employment by a
21 licensed agency under this Act.

22 "Person" means a natural person.

23 "Private alarm contractor" means a person who engages in a
24 business that individually or through others undertakes,
25 offers to undertake, purports to have the capacity to
26 undertake, or submits a bid to sell, install, design, monitor,

1 maintain, alter, repair, replace, or service alarm and other
2 security-related systems or parts thereof, including fire
3 alarm systems, at protected premises or premises to be
4 protected or responds to alarm systems at a protected premises
5 on an emergency basis and not as a full-time security officer.
6 "Private alarm contractor" does not include a person, firm, or
7 corporation that manufactures or sells alarm systems only from
8 its place of business and does not sell, install, monitor,
9 maintain, alter, repair, replace, service, or respond to alarm
10 systems at protected premises or premises to be protected.

11 "Private alarm contractor agency" means a person,
12 corporation, or other entity that engages in the private alarm
13 contracting business and employs, in addition to the private
14 alarm contractor-in-charge, at least one other person in
15 conducting such business.

16 "Private alarm contractor licensee-in-charge" means a
17 person who has been designated by an agency to be the
18 licensee-in-charge of an agency, who is a full-time management
19 employee or owner who assumes sole responsibility for
20 maintaining all records required by this Act, and who assumes
21 sole responsibility for assuring the licensed agency's
22 compliance with its responsibilities as stated in this Act. The
23 Department shall adopt rules mandating licensee-in-charge
24 participation in agency affairs.

25 "Private detective" means any person who by any means,
26 including, but not limited to, manual, canine odor detection,

1 or electronic methods, engages in the business of, accepts
2 employment to furnish, or agrees to make or makes
3 investigations for a fee or other consideration to obtain
4 information relating to:

5 (1) Crimes or wrongs done or threatened against the
6 United States, any state or territory of the United States,
7 or any local government of a state or territory.

8 (2) The identity, habits, conduct, business
9 occupation, honesty, integrity, credibility, knowledge,
10 trustworthiness, efficiency, loyalty, activity, movements,
11 whereabouts, affiliations, associations, transactions,
12 acts, reputation, or character of any person, firm, or
13 other entity by any means, manual or electronic.

14 (3) The location, disposition, or recovery of lost or
15 stolen property.

16 (4) The cause, origin, or responsibility for fires,
17 accidents, or injuries to individuals or real or personal
18 property.

19 (5) The truth or falsity of any statement or
20 representation.

21 (6) Securing evidence to be used before any court,
22 board, or investigating body.

23 (7) The protection of individuals from bodily harm or
24 death (bodyguard functions).

25 (8) Service of process in criminal and civil
26 proceedings without court order.

1 "Private detective agency" means a person, firm,
2 corporation, or other legal entity that engages in the private
3 detective business and employs, in addition to the
4 licensee-in-charge, one or more persons in conducting such
5 business.

6 "Private detective licensee-in-charge" means a person who
7 has been designated by an agency to be the licensee-in-charge
8 of an agency, who is a full-time management employee or owner
9 who assumes sole responsibility for maintaining all records
10 required by this Act, and who assumes sole responsibility for
11 assuring the licensed agency's compliance with its
12 responsibilities as stated in this Act. The Department shall
13 adopt rules mandating licensee-in-charge participation in
14 agency affairs.

15 "Private security contractor" means a person who engages in
16 the business of providing a private security officer, watchman,
17 patrol, guard dog, canine odor detection, or a similar service
18 by any other title or name on a contractual basis for another
19 person, firm, corporation, or other entity for a fee or other
20 consideration and performing one or more of the following
21 functions:

22 (1) The prevention or detection of intrusion, entry,
23 theft, vandalism, abuse, fire, or trespass on private or
24 governmental property.

25 (2) The prevention, observation, or detection of any
26 unauthorized activity on private or governmental property.

1 (3) The protection of persons authorized to be on the
2 premises of the person, firm, or other entity for which the
3 security contractor contractually provides security
4 services.

5 (4) The prevention of the misappropriation or
6 concealment of goods, money, bonds, stocks, notes,
7 documents, or papers.

8 (5) The control, regulation, or direction of the
9 movement of the public for the time specifically required
10 for the protection of property owned or controlled by the
11 client.

12 (6) The protection of individuals from bodily harm or
13 death (bodyguard functions).

14 "Private security contractor agency" means a person, firm,
15 corporation, or other legal entity that engages in the private
16 security contractor business and that employs, in addition to
17 the licensee-in-charge, one or more persons in conducting such
18 business.

19 "Private security contractor licensee-in-charge" means a
20 person who has been designated by an agency to be the
21 licensee-in-charge of an agency, who is a full-time management
22 employee or owner who assumes sole responsibility for
23 maintaining all records required by this Act, and who assumes
24 sole responsibility for assuring the licensed agency's
25 compliance with its responsibilities as stated in this Act. The
26 Department shall adopt rules mandating licensee-in-charge

1 participation in agency affairs.

2 "Public member" means a person who is not a licensee or
3 related to a licensee, or who is not an employer or employee of
4 a licensee. The term "related to" shall be determined by the
5 rules of the Department.

6 "Secretary" means the Secretary of the Department of
7 Financial and Professional Regulation.

8 (Source: P.A. 95-613, eff. 9-11-07; 96-847, eff. 6-1-10.)

9 (225 ILCS 447/10-37 new)

10 Sec. 10-37. Address of record. It is the duty of the
11 applicant or licensee to inform the Department of any change of
12 address within 14 days after such change either through the
13 Department's website or by contacting the Department's
14 licensure maintenance unit.

15 (225 ILCS 447/30-15)

16 (Section scheduled to be repealed on January 1, 2014)

17 Sec. 30-15. Qualifications for licensure as a locksmith
18 agency.

19 (a) Upon receipt of the required fee and proof that the
20 applicant is an Illinois licensed locksmith who shall assume
21 responsibility for the operation of the agency and the directed
22 actions of the agency's employees, which is a continuing
23 requirement for agency licensure, the Department shall issue a
24 license as a locksmith agency to any of the following:

1 (1) An individual who submits an application and is a
2 licensed locksmith under this Act.

3 (2) A firm that submits an application and all of the
4 members of the firm are licensed locksmiths under this Act.

5 (3) A corporation or limited liability company doing
6 business in Illinois that is authorized to engage in the
7 business of conducting a locksmith agency if at least one
8 officer or executive employee is a licensed locksmith under
9 this Act and all unlicensed officers and directors of the
10 corporation or limited liability company are determined by
11 the Department to be persons of good moral character.

12 (b) An individual licensed as a locksmith operating under a
13 business name other than the licensed locksmith's own name
14 shall not be required to obtain a locksmith agency license if
15 that licensed locksmith does not employ any persons to engage
16 in the practice of locksmithing and registers under the Assumed
17 Business Name Act.

18 (c) No locksmith may be the locksmith licensee in-charge
19 for more than one locksmith agency. Upon written request by a
20 representative of the agency, within 10 days after the loss of
21 a locksmith-in-charge of an agency because of the death of that
22 individual or because of the termination of the employment of
23 that individual, the Department shall issue a temporary
24 certificate of authority allowing the continuing operation of
25 the licensed agency. No temporary certificate of authority
26 shall be valid for more than 90 days. An extension of an

1 additional 90 days may be granted upon written request by the
2 representative of the agency. Not more than 2 extensions may be
3 granted to any agency. No temporary permit shall be issued for
4 loss of the licensee-in-charge because of disciplinary action
5 by the Department related to his or her conduct on behalf of
6 the agency.

7 (d) The Department shall require without limitation all of
8 the following information from each applicant for licensure as
9 a locksmith agency under this Act:

10 (1) The name, full business address, and telephone
11 number of the locksmith agency. The business address for
12 the locksmith agency shall be a complete street address
13 from which business is actually conducted, shall be located
14 within the State, and may not be a P.O. Box. The applicant
15 shall submit proof that the business location is or will be
16 used to conduct the locksmith agency's business. The
17 Department may approve of an out-of-state business
18 location if it is not over 50 miles in distance from the
19 borders of this State.

20 (2) All trade or business names used by the licensee.

21 (3) The type of ownership or operation, such as a
22 partnership, corporation, or sole proprietorship.

23 (4) The name of the owner or operator of the locksmith
24 agency, including:

25 (A) if a person, then the name and address of
26 record of the person;

1 (B) if a partnership, then the name and address of
2 record of each partner and the name of the partnership;

3 (C) if a corporation, then the name, address of
4 record, and title of each corporate officer and
5 director, the corporate names, and the name of the
6 state of incorporation; and

7 (D) if a sole proprietorship, then the full name
8 and address of record of the sole proprietor and the
9 name of the business entity.

10 (5) The name and license number of the
11 licensee-in-charge for the locksmith agency.

12 (6) Any additional information required by the
13 Department by rule.

14 (e) A licensed locksmith agency may operate under a "doing
15 business as" or assumed name certification without having to
16 obtain a separate locksmith agency license if the "doing
17 business as" or assumed name is first registered with the
18 Department. A licensed locksmith agency may register no more
19 than one assumed name.

20 (Source: P.A. 95-613, eff. 9-11-07.)

21 (225 ILCS 447/30-25)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 30-25. Customer identification; record keeping.

24 (a) A locksmith who bypasses, manipulates, or originates a
25 first key by code for a device safeguarding an area where

1 access is meant to be limited, whether or not for compensation,
2 shall document where the work was performed and the name,
3 address, date of birth, telephone number, and driver's license
4 number or other identification number of the person requesting
5 the work to be done and shall obtain the signature of that
6 person. A copy of the work order form, invoice, or receipt
7 shall be kept by the licensed locksmith for a period of 2 years
8 and shall include the name and license number of the locksmith
9 or the name and identification number of the registered
10 employee who performed the services. Work order forms, in-
11 voices, or receipts required to be kept under this Section
12 shall be available for inspection upon written request made 3
13 days in advance by a law enforcement agency.

14 (b) A locksmith who bypasses, manipulates, or originates a
15 first key for a motor vehicle, whether or not for compensation,
16 shall document the name, address, date of birth, telephone
17 number, vehicle identification number, and driver's license
18 number or other identification number of the person requesting
19 entry and obtain the signature of that person. A copy of the
20 work order form, invoice, or receipt shall be kept by the
21 licensed locksmith for a period of 2 years and shall include
22 the name and license number of the locksmith or the name and
23 identification number of the registered employee who performed
24 the services. Work order forms, invoices, or receipts required
25 to be kept under this Section shall be available for inspection
26 upon written request made 3 days in advance by a law

1 enforcement agency.

2 (c) A locksmith or locksmith agency shall maintain all
3 records required by this Act at the business address provided
4 to the Department pursuant to paragraph (1) of subsection (d)
5 of Section 30-15.

6 (Source: P.A. 93-438, eff. 8-5-03.)

7 (225 ILCS 447/30-30 new)

8 Sec. 30-30. Required information for consumers.

9 (a) A licensee providing any locksmith services shall
10 document on a work order, invoice, or receipt the name,
11 address, and telephone number of the person requesting the work
12 to be done.

13 (b) The locksmith who performs the services shall include
14 on the work order, invoice, or receipt his or her name and
15 license number.

16 (c) If the locksmith who performs the services is employed
17 by a locksmith agency, then the name, address, and license
18 number of the locksmith agency and the name and license or
19 registration number of the locksmith who performed the services
20 shall be included on the work order, invoice, or receipt.

21 (d) A copy of the work order, invoice, or receipt shall be
22 provided to the customer at the time of service and the
23 original copy of the work order, invoice, or receipt shall be
24 kept by the licensed locksmith or locksmith agency for a period
25 of 2 years.

1 (e) The name, address, and license number of the locksmith
2 or locksmith agency, if applicable, shall be pre-printed on the
3 work order, invoice, or receipt required under this Section.

4 (225 ILCS 447/30-35 new)

5 Sec. 30-35. Advertising. In addition to any requirements
6 under Section 35-15, a licensed locksmith or locksmith agency
7 shall include the licensee's name, the city and state of the
8 address provided to the Department pursuant to paragraph (1) of
9 subsection (d) of Section 30-15, and the licensee's license
10 number on any advertisement.

11 (225 ILCS 447/35-32 new)

12 Sec. 35-32. Employment requirement. The holder of a
13 permanent employee registration card is prohibited from
14 performing the activities of a fingerprint vendor, locksmith,
15 private alarm contractor, private detective, or private
16 security contractor without being employed by an agency
17 licensed under this Act.

18 (225 ILCS 447/40-10)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 40-10. Disciplinary sanctions.

21 (a) The Department may deny issuance, refuse to renew, or
22 restore or may reprimand, place on probation, suspend, revoke,
23 or take other disciplinary or non-disciplinary action against

1 any license, registration, permanent employee registration
2 card, canine handler authorization card, canine trainer
3 authorization card, or firearm control card, and may impose a
4 fine not to exceed \$10,000 for each violation for any of the
5 following:

6 (1) Fraud or deception in obtaining or renewing of a
7 license or registration.

8 (2) Professional incompetence as manifested by poor
9 standards of service.

10 (3) Engaging in dishonorable, unethical, or
11 unprofessional conduct of a character likely to deceive,
12 defraud, or harm the public.

13 (4) Conviction of or entry of a plea of guilty or nolo
14 contendere or an admission of guilt in Illinois, ~~or~~ another
15 state, or other jurisdiction of any crime that is a felony
16 under the laws of Illinois; a felony in a federal court; a
17 misdemeanor, an essential element of which is dishonesty;
18 or directly related to professional practice.

19 (5) Performing any services in a grossly negligent
20 manner or permitting any of a licensee's employees to
21 perform services in a grossly negligent manner, regardless
22 of whether actual damage to the public is established.

23 (6) Continued practice, although the person has become
24 unfit to practice due to any of the following:

25 (A) Physical illness, mental illness, or other
26 impairment, including, but not limited to,

1 deterioration through the aging process or loss of
2 motor skills that results in the inability to serve the
3 public with reasonable judgment, skill, or safety.

4 (B) Mental disability demonstrated by the entry of
5 an order or judgment by a court that a person is in
6 need of mental treatment or is incompetent.

7 (C) Addiction to or dependency on alcohol or drugs
8 that is likely to endanger the public. If the
9 Department has reasonable cause to believe that a
10 person is addicted to or dependent on alcohol or drugs
11 that may endanger the public, the Department may
12 require the person to undergo an examination to
13 determine the extent of the addiction or dependency.

14 (7) Receiving, directly or indirectly, compensation
15 for any services not rendered.

16 (8) Willfully deceiving or defrauding the public on a
17 material matter.

18 (9) Failing to account for or remit any moneys or
19 documents coming into the licensee's possession that
20 belong to another person or entity.

21 (10) Discipline by another United States jurisdiction
22 or foreign nation, if at least one of the grounds for the
23 discipline is the same or substantially equivalent to those
24 set forth in this Act.

25 (11) Giving differential treatment to a person that is
26 to that person's detriment because of race, color, creed,

1 sex, religion, or national origin.

2 (12) Engaging in false or misleading advertising.

3 (13) Aiding, assisting, or willingly permitting
4 another person to violate this Act or rules promulgated
5 under it.

6 (14) Performing and charging for services without
7 authorization to do so from the person or entity serviced.

8 (15) Directly or indirectly offering or accepting any
9 benefit to or from any employee, agent, or fiduciary
10 without the consent of the latter's employer or principal
11 with intent to or the understanding that this action will
12 influence his or her conduct in relation to his or her
13 employer's or principal's affairs.

14 (16) Violation of any disciplinary order imposed on a
15 licensee by the Department.

16 (17) Performing any act or practice that is a violation
17 of this Act, the rules for the administration of this Act,
18 or any federal, State, or local laws, rules, or regulations
19 governing the practices of private detectives, private
20 alarm contractors, private security contractors, or
21 locksmiths ~~Failing to comply with any provision of this Act~~
22 ~~or rule promulgated under it.~~

23 (18) Conducting an agency without a valid license.

24 (19) Revealing confidential information, except as
25 required by law, including but not limited to information
26 available under Section 2-123 of the Illinois Vehicle Code.

1 (20) Failing to make available to the Department, upon
2 request, any books, records, or forms required by this Act.

3 (21) Failing, within 10 ~~30~~ days, to respond to a
4 written request for information from the Department.

5 (22) Failing to provide employment information or
6 experience information required by the Department
7 regarding an applicant for licensure.

8 (23) Failing to make available to the Department at the
9 time of the request any indicia of licensure or
10 registration issued under this Act.

11 (24) Purporting to be a licensee-in-charge of an agency
12 without active participation in the agency.

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

16 (26) Gross, willful, or continued overcharging for
17 professional services, including filing false statements
18 for the collection of fees for services not rendered.

19 (b) The Department shall seek to be consistent in the
20 application of disciplinary sanctions.

21 (c) The Department shall adopt rules that set forth
22 standards of service for the following: (i) acceptable error
23 rate in the transmission of fingerprint images and other data
24 to the Department of State Police; (ii) acceptable error rate
25 in the collection and documentation of information used to
26 generate fingerprint work orders; and (iii) any other standard

1 of service that affects fingerprinting services as determined
2 by the Department.

3 (Source: P.A. 95-613, eff. 9-11-07.)

4 (225 ILCS 447/40-25)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 40-25. Submission to physical or mental examination.

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

1 was without reasonable cause as defined by rule.

2 (b) In instances in which the Secretary immediately
3 suspends a person's license for his or her failure to submit to
4 a mental or physical examination when directed, a hearing on
5 that person's license must be convened by the Department within
6 15 days after the suspension and completed without appreciable
7 delay.

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

18 (d) An individual licensed under this Act and affected
19 under this Section shall be afforded an opportunity to
20 demonstrate to the Department or Board that he or she can
21 resume practice in compliance with acceptable and prevailing
22 standards under the provisions of his or her license. ~~The~~
23 Department may order a licensee or a registrant to submit to a
24 reasonable physical or mental examination if the licensee or
25 registrant's mental or physical capacity to work safely is an
26 issue in a disciplinary proceeding. The failure to submit to a

1 ~~Director's order to submit to a reasonable mental or physical~~
2 ~~exam shall constitute a violation of this Act subject to the~~
3 ~~disciplinary provisions in Section 40-10.~~

4 (Source: P.A. 93-438, eff. 8-5-03.)

5 (225 ILCS 447/45-25)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 45-25. Disposition by consent order. Disposition may
8 be made of any charge by consent order between the Department
9 and the licensee. The Board shall be apprised of the consent
10 order at its next meeting. The consent order shall be final
11 upon signature of the Secretary.

12 (Source: P.A. 93-438, eff. 8-5-03.)

13 (225 ILCS 447/45-30)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 45-30. Restoration of license after disciplinary
16 proceedings. At any time after the successful completion of a
17 term of suspension or revocation of a license, the Department
18 may restore it to the licensee upon the written recommendation
19 of the Board unless the Board determines after an investigation
20 and a hearing that restoration is not in the public interest.
21 ~~The Department shall reinstate any license to good standing~~
22 ~~under this Act upon recommendation to the Director, after a~~
23 ~~hearing before the Board or a hearing officer authorized by the~~
24 ~~Department. The Department shall be satisfied that the~~

1 ~~applicant's renewed practice is not contrary to the public~~
2 ~~interest.~~

3 (Source: P.A. 93-438, eff. 8-5-03.)

4 (225 ILCS 447/45-40)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 45-40. Administrative review. All final
7 administrative decisions of the Department are subject to
8 judicial review under Article III of the Code of Civil
9 Procedure. The term "administrative decision" is defined as in
10 Section 3-101 of the Code of Civil Procedure. The proceedings
11 for judicial review shall be commenced in the circuit court of
12 the county in which the party applying for review resides; but
13 if the party is not a resident of Illinois, the venue shall be
14 in Sangamon County. The Department shall not be required to
15 certify any record to the court or file any answer in court or
16 otherwise appear in any court in a judicial review proceeding,
17 unless and until the Department has received from the plaintiff
18 payment of the costs of furnishing and certifying the record,
19 which costs shall be determined by the Department ~~there is~~
20 ~~filed in the court with the complaint a receipt from the~~
21 ~~Department acknowledging payment of the costs of furnishing and~~
22 ~~certifying the record. Costs shall be computed at the cost of~~
23 ~~preparing the record.~~ Exhibits shall be certified without cost.
24 Failure on the part of the applicant or licensee to file a
25 receipt in court is grounds for dismissal of the action. During

1 all judicial proceedings incident to a disciplinary action, the
2 sanctions imposed upon a licensee by the Department shall
3 remain in effect, unless the court determines justice requires
4 a stay of the order.

5 (Source: P.A. 93-438, eff. 8-5-03.)

6 (225 ILCS 447/45-55)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 45-55. Subpoenas.

9 (a) The Department, with the approval of a member of the
10 Board, may subpoena and bring before it any person to take the
11 oral or written testimony or compel the production of any
12 books, papers, records, or any other documents that the
13 Secretary or his or her designee deems relevant or material to
14 any such investigation or hearing conducted by the Department
15 with the same fees and in the same manner as prescribed in
16 civil cases in the courts of this State.

17 (b) Any circuit court, upon the application of the
18 licensee, the Department, or the Board, may order the
19 attendance of witnesses and the production of relevant books
20 and papers before the Board in any hearing under this Act. The
21 circuit court may compel obedience to its order by proceedings
22 for contempt.

23 (c) The Secretary ~~Director~~, the hearing officer, any member
24 of the Board, or a certified shorthand court reporter may
25 administer oaths at any hearing the Department conducts.

1 Notwithstanding any other statute or Department rule to the
2 contrary, all requests for testimony, production of documents
3 or records shall be in accordance with this Act.

4 (Source: P.A. 95-613, eff. 9-11-07.)

5 (225 ILCS 447/45-65 new)

6 Sec. 45-65. Compelling testimony. Any circuit court, upon
7 application of the Department or designated hearing officer may
8 enter an order requiring the attendance of witnesses and their
9 testimony, and the production of documents, papers, files,
10 books, and records in connection with any hearing or
11 investigation. The court may compel obedience to its order by
12 proceedings for contempt.

13 (225 ILCS 447/50-10)

14 (Section scheduled to be repealed on January 1, 2014)

15 Sec. 50-10. The Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Board.

17 (a) The Private Detective, Private Alarm, Private
18 Security, Fingerprint Vendor, and Locksmith Board shall
19 consist of 13 members appointed by the Director and comprised
20 of 2 licensed private detectives, 3 licensed private security
21 contractors, one licensed private detective or licensed
22 private security contractor who provides canine odor detection
23 services, 2 licensed private alarm contractors, one licensed
24 fingerprint vendor except for the initial appointment who shall

1 be required to have experience in the fingerprint vendor
2 industry that is acceptable to the Department, 2 licensed
3 locksmiths, one public member who is not licensed or registered
4 under this Act and who has no connection with a business
5 licensed under this Act, and one member representing the
6 employees registered under this Act. Each member shall be a
7 resident of Illinois. Except for the initial appointment of a
8 licensed fingerprint vendor after the effective date of this
9 amendatory Act of the 95th General Assembly, each licensed
10 member shall have at least 5 years experience as a licensee in
11 the professional area in which the person is licensed and be in
12 good standing and actively engaged in that profession. In
13 making appointments, the Director shall consider the
14 recommendations of the professionals and the professional
15 organizations representing the licensees. The membership shall
16 reasonably reflect the different geographic areas in Illinois.

17 (b) Members shall serve 4 year terms and may serve until
18 their successors are appointed. No member shall serve for more
19 than 2 successive terms. Appointments to fill vacancies shall
20 be made in the same manner as the original appointments for the
21 unexpired portion of the vacated term. Members of the Board in
22 office on the effective date of this Act pursuant to the
23 Private Detective, Private Alarm, Private Security, and
24 Locksmith Act of 1993 shall serve for the duration of their
25 terms and may be appointed for one additional term.

26 (c) A member of the Board may be removed for cause. A

1 member subject to formal disciplinary proceedings shall
2 disqualify himself or herself from all Board business until the
3 charge is resolved. A member also shall disqualify himself or
4 herself from any matter on which the member cannot act
5 objectively.

6 (d) Members shall receive compensation as set by law. Each
7 member shall receive reimbursement as set by the Governor's
8 Travel Control Board for expenses incurred in carrying out the
9 duties as a Board member.

10 (e) A majority of Board members constitutes a quorum. A
11 majority vote of the quorum is required for a decision.

12 (f) The Board shall elect a chairperson and vice
13 chairperson.

14 (g) Board members are not liable for their acts, omissions,
15 decisions, or other conduct in connection with their duties on
16 the Board, except those determined to be willful, wanton, or
17 intentional misconduct.

18 (h) The Board may recommend policies, procedures, and rules
19 relevant to the administration and enforcement of this Act.

20 (Source: P.A. 95-613, eff. 9-11-07.)

21 (225 ILCS 447/50-15)

22 (Section scheduled to be repealed on January 1, 2014)

23 Sec. 50-15. Powers and duties of the Department. Subject to
24 the provisions of this Act, the Department may exercise the
25 following powers and duties: ~~(a) The Department shall exercise~~

1 ~~the powers and duties prescribed by the Civil Administrative~~
2 ~~Code of Illinois and shall exercise all other powers and duties~~
3 ~~set forth in this Act.~~

4 (1) Prescribe ~~(b) The Director shall prescribe~~ forms to
5 be issued for the administration and enforcement of this
6 Act.

7 (2) Authorize examinations to ascertain the
8 qualifications and fitness of applicants for licensing as a
9 licensed fingerprint vendor, locksmith, private alarm
10 contractor, private detective, or private security
11 contractor and pass upon the qualifications of applicants
12 for licensure.

13 (3) Examine the records of a licensed fingerprint
14 vendor, locksmith, private alarm contractor, private
15 detective, or private security contractor, or examine any
16 other aspect of fingerprint vending, locksmithing, private
17 alarm contracting, private detection, or private security
18 contracting that the Department deems necessary.

19 (4) Investigate any and all fingerprint vendor,
20 locksmith, private alarm contractor, private detective, or
21 private security contractor activity.

22 (5) Conduct hearings on proceedings to refuse to issue
23 or renew licenses or to revoke, suspend, place on
24 probation, reprimand, or otherwise discipline a license
25 under this Act or take other non-disciplinary action.

26 (6) Adopt rules required for the administration of this

1 Act.

2 (7) Prescribe forms to be issued for the administration
3 and enforcement of this Act.

4 (8) Maintain rosters of the names and addresses of all
5 licensees and all persons whose licenses have been
6 suspended, revoked, denied renewal, or otherwise
7 disciplined within the previous calendar year. These
8 rosters shall be available upon written request and payment
9 of the required fee as established by rule.

10 (Source: P.A. 93-438, eff. 8-5-03.)

11 (225 ILCS 447/50-30)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 50-30. Fees; deposit of fees and fines. The Department
14 shall by rule provide for fees for the administration and
15 enforcement of this Act, and those fees are nonrefundable.
16 Applicants for examination shall be required to pay a fee to
17 either the Department or the designated testing service to
18 cover the cost of providing the examination. If an applicant
19 fails to appear for the examination on the scheduled date at
20 the time and place specified by the Department or designated
21 testing service, then the applicant's examination fee shall be
22 forfeited. All of the fees and fines collected under this Act
23 shall be deposited into the General Professions Dedicated Fund
24 and be appropriated to the Department for the ordinary and
25 contingent expenses of the Department in the administration and

1 enforcement of this Act.

2 (Source: P.A. 93-438, eff. 8-5-03.)

3 (225 ILCS 447/50-35)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 50-35. Rosters. The Department shall maintain rosters
6 of the names and addresses of all licensees and all persons
7 whose licenses have been suspended, revoked, or denied renewal
8 for cause within the previous calendar year. The Department
9 shall, upon request and payment of the fee, provide a list of
10 the names and addresses of all licensees under this Act.

11 (Source: P.A. 93-438, eff. 8-5-03.)

12 (225 ILCS 447/50-45 new)

13 Sec. 50-45. Illinois Administrative Procedure Act;
14 application. The Illinois Administrative Procedure Act is
15 expressly adopted and incorporated in this Act as if all of the
16 provisions of that Act were included in this Act, except that
17 the provision of paragraph (d) of Section 10-65 of the Illinois
18 Administrative Procedure Act, which provides that at hearings
19 the registrant or licensee has the right to show compliance
20 with all lawful requirements for retention or continuation or
21 renewal of the license, is specifically excluded. For the
22 purpose of this Act, the notice required under Section 10-25 of
23 the Illinois Administrative Procedure Act is considered
24 sufficient when mailed to the last known address of a party.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

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