

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Section 4.30 and by adding Section 4.40 as follows:

(5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020. The following Acts are repealed on January 1, 2020:

The Auction License Act.

The Community Association Manager Licensing and Disciplinary Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

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

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Pharmacy Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17; 100-863, eff. 8-14-18.)

(5 ILCS 80/4.40 new)

Sec. 4.40. Act repealed on January 1, 2030. The following Act is repealed on January 1, 2030:

The Illinois Professional Land Surveyor Act of 1989.

Section 10. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18.5, 19, 20, 21, 25, 27, 28, 29, 30, 31, 33, 36, 38, 40, 41, 44, 45, 46, and 48 and by adding Sections 4.5, 15.5, and 19.5 as follows:

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

(Section scheduled to be repealed on January 1, 2020)

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

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

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

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

(d) "Direct supervision and control" means the personal review by a licensed professional land surveyor ~~licensed Professional Land Surveyor~~ of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the professional land surveyor ~~Professional Land Surveyor~~ or

the firm for which the professional land surveyor ~~Professional Land Surveyor~~ is employed is the provider of the surveying services.

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

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

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

(h) "Surveyor intern ~~Intern~~" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveying subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.

(j) "Address of record" means the designated address

recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. ~~It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.~~

(k) "Standard of care" means the use of the same degree of knowledge, skill, and ability as an ordinarily careful and reasonable professional land surveyor would exercise under similar circumstances.

(l) "Establishing" means performing an original survey. An original survey establishes boundary lines within an original division of a tract of land which has theretofore existed as one unit or parcel and describing and monumenting a line or lines of a parcel or tract of land on the ground for the first time. An original surveyor is the creator of one or more new boundary lines.

(m) "Reestablishing" or "locating" means performing a retracement survey. A retracement survey tracks the footsteps of the original surveyor, locating boundary lines and corners which have been established by the original survey. A retracement survey cannot establish new corners or lines or correct errors of the original survey.

(n) "Boundary law principles" means applying the decisions, results, and findings of land boundary cases that

concern the establishment of boundary lines and corners.

(o) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/4.5 new)

Sec. 4.5. Address of record; email address of record. All applicants and licensees shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 5. Practice of land surveying defined. Any person who practices in Illinois as a professional land surveyor who renders, offers to render, or holds himself or herself out as able to render, or perform any service, the adequate performance of which involves the special knowledge of the art

and application of the principles of the accurate and precise measurement of length, angle, elevation or volume, mathematics, the related physical and applied sciences, and the relevant requirements of applicable boundary law principles and performed with the appropriate standard of care, all of which are acquired by education, training, experience, and examination. Any one or a combination of the following practices constitutes the practice of land surveying:

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

(b) Determining the area or volume of any portion of the earth's surface, subsurface, or airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods by persons holding certification from the American Society of Photogrammetry and Remote Sensing or substantially similar certification as approved by the Department, or except when the level of accuracy required is less than the level of accuracy required by the National Society of Professional Surveyors Model Standards and Practice;

(c) Preparing descriptions for the determination of title or real property rights to any portion or volume of

the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace;

(d) Labeling, designating, naming, preparing, or otherwise identifying legal lines or land title lines of the United States Rectangular System or any subdivision thereof on any plat, map, exhibit, photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording and amending the same by the issuance of a certificate of correction in the Office of Recorder in any county;

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

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

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a professional land surveyor ~~Professional Land Surveyor~~, and if proper reference to

that fact be made on that document;

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

(4) locating, relocating, establishing, reestablishing, retracing, laying out, or staking of the location, alignment, or elevation of any existing or proposed improvements whose location is dependent upon property, easement, and right-of-way boundaries;

(5) providing consultation, investigation, planning, mapping, assembling, and authoritative interpretation of gathered measurements, documents, and evidence in relation to the location of property, easement, and right-of-way boundaries; or

(6) measuring, evaluating, mapping, or reporting the location of existing or proposed buildings, structures, or other improvements or their surrounding topography with respect to current flood insurance rate mapping or federal emergency management agency mapping along with locating of inland wetland boundaries delineated by a qualified specialist in

relation to the location of property, easement, and right-of-way boundaries.

(f) Determining the horizontal or vertical position or state plane coordinates for any monument or reference point that marks a title or real property line, boundary, or corner, or to set, reset, or replace any monument or reference point on any title or real property;

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

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

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

(j) Executing and issuing certificates, endorsements,

reports, or plats that portray the horizontal or vertical relationship between existing physical objects or structures and one or more corners, datums, or boundaries of any portion of the earth's surface, subsurface, or airspace;

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

(l) Boundary analysis and determination of property, easement, or right-of-way lines on any plat submitted for regulatory review by governmental or municipal agencies;

(m) Offering or soliciting to perform any of the services set forth in this Section.

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

(Source: P.A. 100-171, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 6. Powers and duties of the Department. ~~(a) The~~

~~Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts.~~ The Department shall also exercise, subject to the provisions of this Act, the following functions, powers, and duties:

(1) Authorize ~~Conduct or authorize~~ examinations to ascertain the fitness and qualifications of applicants for licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement ~~issue licenses to those who are found to be fit and qualified.~~

(2) Adopt rules required for the administration of this Act ~~Prescribe rules for a method of examination.~~

(3) Conduct hearings on proceedings to refuse to issue or renew, revoke, or suspend licenses, or place on probation or reprimand persons or entities licensed under this Act ~~or refuse to issue, renew, or restore a license, or other disciplinary actions.~~

(4) Adopt rules for what constitutes land surveying experience ~~Promulgate rules and regulations required for the administration of this Act.~~

(5) Adopt rules defining what constitutes an approved surveying or related science curriculum ~~License corporations, partnerships, and all other business entities for the practice of professional surveying and issue a license to those who qualify.~~

(6) Issue licenses to those who meet the requirements

~~of this Act Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non compliance with such rules.~~

(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, adopt ~~promulgate~~ and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of this ~~the~~ Act.

(8.5) Review application qualifications to sit for the examination or for licensure that the Board designates pursuant to Section 8.

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

the Code of Ethics and Standards of Practice.

(10) Conduct investigations related to possible violations of this Act.

(11) Post on the Department's website a newsletter describing the most recent changes to this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary shall notify the Board on any such deviation and shall specify with particularity the reason for the action in the final decision or order.

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

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

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

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 7. ~~Creation of the Board; Composition and qualifications and terms of the Board.~~

(a) The Secretary shall appoint a Professional Land Surveyor Board. The Board shall ~~be appointed by the Secretary and shall~~ consist of 7 members who shall serve in an advisory capacity to the Secretary, ~~one of whom shall be a public member and 6 of whom shall be Professional Land Surveyors.~~ All ~~The~~ members shall be residents of Illinois. Six members ~~Each~~ ~~Professional Land Surveyor member~~ shall (i) ~~(a)~~ currently hold a valid professional land surveyor ~~Professional Land Surveyor~~ license in Illinois and shall have held the license under this Act ~~or its predecessor~~ for the preceding ~~previous~~ 10 years ~~year~~ ~~period~~, and (ii) shall not ~~(b)~~ have ~~not~~ been disciplined within the preceding ~~last~~ 10 years ~~year~~ ~~period~~ under this Act ~~or its predecessor~~. In addition to the 6 professional land surveyors, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department

administers.

(b) Board members ~~Members shall be appointed who reasonably represent the different geographic areas of Illinois and shall serve for 5-year ~~5-year~~ terms,~~ and until their successors are qualified and appointed.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional land surveyor profession.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Four members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

~~A member shall not be eligible for appointment to more than 10 years in a lifetime. Appointments to fill vacancies shall be made for the unexpired portion of the term. Board members currently appointed under this Act and in office on the effective date of this Act shall continue to hold office until their terms expire and they are replaced. All appointments shall be made on the basis of individual professional qualifications with the exception of the public member and shall not be based upon race, sex, or religious or political affiliations.~~

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

~~The Secretary may consider the advice and recommendations of the Board on issues involving standards of professional conduct, discipline, and qualifications of the candidates and licensees under this Act.~~

~~The Secretary shall give due consideration to a current~~

~~list of candidates, as submitted by members of the land surveying profession and by affiliated organizations.~~

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

~~The Secretary may remove any member of the Board for misconduct, incompetence, neglect of duty, or for any reason prescribed by law for removal of State Officials or for not attending 2 consecutive Board meetings.~~

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

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

(a) The Board shall hold at least 3 regular meetings each year. ~~Review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable;~~

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional land surveyors. ~~Conduct hearings regarding disciplinary actions and submit a written report to the~~

~~Secretary as required by this Act and provide a Board member at informal conferences;~~

(c) The Board, upon request by the Department, may make a curriculum evaluation to approve a land surveying degree or a related science degree and submit to the Secretary a written recommendation of acceptability of a curriculum.
~~Visit universities or colleges to evaluate surveying curricula and submit to the Secretary a written recommendation of acceptability of the curriculum;~~

(d) (Blank). ~~Submit a written recommendation to the Secretary concerning promulgation or amendment of rules for the administration of this Act;~~

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

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

(g) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings.

(h) The Board shall review applicant qualifications to sit for the examination for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable.

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

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

~~A quorum of the Board shall consist of 4 members. A quorum is required for all Board decisions.~~

~~Subject to the provisions of this Act, the Board may exercise the following duties as deemed necessary by the Department: (i) review education and experience qualifications of applicants, including conducting oral interviews; (ii) determine eligibility as a Professional Land Surveyor or Surveyor Intern; and (iii) submit to the Secretary recommendations on applicant qualifications for enrollment and licensure.~~

(Source: P.A. 100-171, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 10. Application for licensure ~~original license~~.

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional land surveyor or

surveyor intern. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

(b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

~~Every person who desires to obtain a license shall apply to the Department in writing, upon forms prepared and furnished by the Department. Each application shall contain statements made under oath, showing the applicant's education, a detailed summary of his or her land surveying experience, and verification of the applicant's land surveying experience by the applicant's supervisor who shall be a land surveyor licensed in this State or any other state or territory of the U.S. where experience is similar and who shall certify the applicant's experience, and the application shall be accompanied with the required fee. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluating service approved by the Department in accordance with rules prescribed by the Department.~~

~~An applicant who graduated from a land surveying program~~

~~outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and a test of spoken English as defined by rule.~~

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/11) (from Ch. 111, par. 3261)

(Section scheduled to be repealed on January 1, 2020)

Sec. 11. Examination; ~~failure or refusal to take.~~

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional land surveyor or surveyor intern.

(b) Applicants for examination are required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such

applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

(d) All applicants for licensing as a professional land surveyor shall be required to pass a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws relating thereto.

~~The Department shall authorize examinations, as recommended and approved by the Board, for licensure as Surveyor Interns and Professional Land Surveyors at such times and places as it may determine.~~

~~The examination of an applicant for licensure as a Surveyor Intern or a Professional Land Surveyor may include examinations as defined by rule. The substance and form of the examination shall be as recommended and approved by the Board. Each applicant shall be examined as to his knowledge of the statutes of the United States of America and the State of Illinois relating to the practice of land surveying and mathematics as applied to land surveying.~~

~~All applicants for licensing as a Professional Land Surveyor shall be required to pass, as a portion of the examination, a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois, and the laws relating thereto.~~

~~Applicants for any examination shall be required to pay,~~

~~either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee. If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee.~~

(Source: P.A. 100-171, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a professional land surveyor ~~Professional Land Surveyor~~ and the Department shall issue a license to a person:

(1) who has applied in writing in the required form to the Department or electronically;

~~(2) (blank);~~

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

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

(4) who has been issued a license as a surveyor intern ~~Surveyor Intern~~;

(5) who, subsequent to passing the examination authorized by the Department for licensure as a surveyor intern ~~Surveyor Intern~~, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities;

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

(7) who satisfies one of the following educational requirements:

(A) is a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule; or

(B) is a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land

surveying curriculum and the related science courses, who has passed an examination in the fundamentals of surveying, as defined by rule.

(b) A person is qualified to receive a license as a surveyor intern ~~Surveyor Intern~~ and the Department shall issue a license to a person:

(1) who has applied in writing in the required form provided by the Department or electronically;

(2) (blank);

(3) who is of good moral character;

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

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a surveyor intern ~~Surveyor Intern~~ in accordance with this Act.

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

(Source: P.A. 100-171, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 13. Minimum standards for enrollment as a surveyor intern ~~Surveyor Intern~~. To enroll as a surveyor intern ~~Surveyor~~

~~Intern~~, an applicant must be:

(1) a graduate of an approved land surveying curriculum of at least 4 years who has passed an examination in the fundamentals of surveying, as defined by rule;

(2) an applicant in the last year of an approved land surveying or related science curriculum who passes an examination in the fundamentals of surveying, as defined by rule, and furnishes proof that the applicant graduated within a 12-month period following the examination; or

(3) a graduate of a baccalaureate curriculum of at least 4 years, including at least 24 semester hours of land surveying courses from an approved land surveying curriculum and the related science courses, as defined by rule, who passes an examination in the fundamentals of surveying, as defined by rule.

(Source: P.A. 100-171, eff. 1-1-18; 100-863, eff. 8-14-18.)

(225 ILCS 330/14) (from Ch. 111, par. 3264)

(Section scheduled to be repealed on January 1, 2020)

Sec. 14. Display of license ~~License to be displayed~~. Every holder of a license under this Act ~~as a Professional Land Surveyor or Surveyor Intern~~ shall display the license ~~it~~ in a conspicuous place ~~location~~ in his or her office, place of business, or place of employment.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/15) (from Ch. 111, par. 3265)

(Section scheduled to be repealed on January 1, 2020)

Sec. 15. Seal. Every professional land surveyor ~~Professional Land Surveyor~~ shall have a reproducible seal ~~or facsimile~~, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number⁷ of the professional land surveyor ~~Professional Land Surveyor~~, and the words "Professional Land Surveyor, State of Illinois". A professional land surveyor ~~Professional Land Surveyor~~ shall seal all documents prepared by or under the direct supervision and control of the professional land surveyor ~~Professional Land Surveyor~~. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

It is unlawful to affix one's seal to documents if it masks the true identity of the person who actually exercised direction, control, and supervision of the preparation of that work. A professional land surveyor ~~Professional Land Surveyor~~ who seals and signs documents is not responsible for damage

caused by subsequent changes to or uses of those documents where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional land surveyor ~~Professional Land Surveyor~~ who originally sealed and signed the documents.

(Source: P.A. 98-289, eff. 1-1-14.)

(225 ILCS 330/15.5 new)

Sec. 15.5. Titles.

(a) A professional land surveyor may use the initials "P.L.S." and "L.S." and the title of "Professional Land Surveyor" or any of its derivations in Illinois.

(b) A surveyor intern may use the initials "S.I." and the title of "Surveyor Intern" or any of its derivations in Illinois.

(225 ILCS 330/16) (from Ch. 111, par. 3266)

(Section scheduled to be repealed on January 1, 2020)

Sec. 16. Unlicensed practice; violation; civil penalty
~~Unlawful to practice without license or registration.~~

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional land surveyor or surveyor intern without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the

Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being licensed as a professional design firm or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(d) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and executed in the same manner as any judgment from any court of record.

(e) A person or entity not registered under this Act who has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offense.

~~It is unlawful for any person, sole proprietorship,~~

~~professional service corporation, corporation, partnership, limited liability company, or other entity to practice land surveying, or advertise or display any sign, card or other device which might indicate to the public that the person or entity is entitled to practice as a land surveyor, or use the initials "P.L.S.", "L.S.", or "S.I.", use the title "Professional Land Surveyor" or "Surveyor Intern" or any of their derivations, unless such person holds a valid active license as a Professional Land Surveyor or Surveyor Intern in the State of Illinois, or such professional service corporation, corporation, partnership, sole proprietorship, limited liability company, or other entity is in compliance with this Act.~~

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/17) (from Ch. 111, par. 3267)

(Section scheduled to be repealed on January 1, 2020)

Sec. 17. Surveyor intern ~~Intern~~; supervision. It is unlawful for any surveyor intern ~~Surveyor Intern~~ licensed under this Act to practice or attempt to practice land surveying except when in responsible charge under the overall supervision of a professional land surveyor ~~Professional Land Surveyor~~.

(Source: P.A. 100-171, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 18. Renewal, reinstatement, or restoration of license; persons ~~Persons~~ in military service.

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

(b) A professional land surveyor who has permitted his or her license to expire or has had his or her license placed on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required fee as determined by rule ~~Any Professional Land Surveyor whose license has been inactive for less than 5 years is required to pay the current renewal fee and shall have his or her license restored.~~

(c) A professional land surveyor whose license has expired while engaged (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training, or (2) in training or education under the supervision of the United States before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or

restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of land surveying and that such service, training, or education has so terminated. ~~A Professional Land Surveyor whose license has been expired for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Department of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee. However, any Professional Land Surveyor whose license expired while engaged (a) in federal service on active duty with the armed forces of the United States, or the State Militia called into active service or training, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have a license renewed without paying any lapsed reinstatement or restoration fees upon passing an oral examination by the Board, or without taking any examination, if approved by the Board, if, within 2 years after the termination other than by dishonorable discharge of such service, training, or education, the licensee furnishes the Department with an affidavit to the effect the licensee was so engaged and that the service, training, or education has so terminated.~~

(d) A license for a surveyor intern ~~Surveyor Intern~~ does not expire.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/18.5)

(Section scheduled to be repealed on January 1, 2020)

Sec. 18.5. Continuing education. The Department may adopt ~~promulgate~~ rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 18 ~~or 19~~ of this Act. For the purposes of this Act, continuing education shall also be known as professional development.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 19. Inactive status; ~~Restoration~~. Any person who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on ~~an~~ inactive status and shall be excused from the payment of renewal fees until he or she notifies the Department in writing of the intention to resume active status.

~~Any Professional Land Surveyor requesting restoration from~~

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

Any professional land surveyor ~~Professional Land Surveyor~~ whose license is in ~~an~~ inactive status shall not practice land surveying in the State of Illinois.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/19.5 new)

Sec. 19.5. Professional Land Surveyor, Retired.

(a) Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Professional Land Surveyor, Retired", which may be used by any person who has been duly licensed as a professional land surveyor under this Act and who has chosen to place his or her license on inactive status or not renew his or her license. Those persons granted the title "Professional Land Surveyor, Retired" may request restoration to active status under the applicable provisions of this Act.

(b) The use of the title "Professional Land Surveyor, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice professional land surveying as defined in this Act.

(c) Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other official document indicating that a person has been granted the title "Professional Land Surveyor, Retired".

(225 ILCS 330/20) (from Ch. 111, par. 3270)

(Section scheduled to be repealed on January 1, 2020)

~~Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, licensed or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:~~

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a professional land surveyor to an applicant licensed under the laws of another state, the District of Columbia, or a U.S. territory if the requirements for licensure in that jurisdiction were, on the date of original licensure, substantially equivalent to the requirements then in force in

~~this State. That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; and~~

(b) All applicants for endorsement shall pass ~~That the applicant passes~~ a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

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

(225 ILCS 330/21) (from Ch. 111, par. 3271)

(Section scheduled to be repealed on January 1, 2020)

Sec. 21. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this ~~the~~ Act, including, but not limited to, original licensure, renewal, and restoration, shall be set by rule by the Department.

(c) All fees and fines collected as authorized under this Act shall be deposited into ~~in~~ the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary to produce and distribute newsletters to persons licensed under this Act.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 25. Professional design firm registration.

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

Any business, including a professional service corporation ~~Professional Service Corporation~~, that includes within its stated purposes or practices, or holds itself out as available to practice, professional land surveying shall be registered

with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional land surveyor services to the public. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a professional land surveyor ~~Professional Land Surveyor~~ with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under the Professional Engineering Practice Act of 1989, as an architect under the Illinois Architecture Practice Act of 1989, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a professional land surveyor ~~Professional Land Surveyor~~ under this Act.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of land

surveyor activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional land surveying in Illinois.

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

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

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of professional land surveying in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

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

(3) a list of all office locations at which the

professional design firm provides professional land surveying services to the public; and

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

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

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

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the a professional design firm shall notify the Department of this fact in writing, by regular ~~certified~~ mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and licensure number of a newly designated managing agent.

If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30-day ~~30-day~~ period.

If the professional design firm has not notified the Department in writing, by regular ~~certified~~ mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular ~~certified~~ mail or email to the address of record of the business. If the professional design firm continues to operate and offer professional land surveyor services after the termination, the Department may seek prosecution under Sections 16 and 27, ~~43, and 16.5~~ of this Act for the unlicensed practice of professional land surveying.

No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional land surveying be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm

registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1999 shall be continued or remain in effect without the Department filing separate actions.

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

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 27. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license, or may revoke, suspend, place on probation, reprimand, or ~~administrative supervision, suspend, or revoke any license, or may reprimand or~~ take other ~~any~~ disciplinary or non-disciplinary action as the Department may deem proper, including ~~the imposition of~~ fines not to exceed \$10,000 per violation, with regard to any license issued under this Act, ~~upon any person, corporation, partnership, or professional~~

~~land surveying firm licensed or registered under this Act for~~
any one or a combination of the following reasons:

(1) Material ~~material~~ misstatement in furnishing information to the Department.~~†~~

(2) Negligence, incompetence, or misconduct in the practice of land surveying. ~~violation, including, but not limited to, neglect or intentional disregard, of this Act, or its rules.†~~

(3) Failure to comply with any provision of this Act or any of its rules. ~~conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.†~~

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act. ~~making any misrepresentation for the purpose of obtaining a license, or in applying for restoration or renewal, or the practice of any fraud or deceit in taking any examination to qualify for licensure under this Act.†~~

(5) Purposefully ~~purposefully~~ making false statements or signing false statements, certificates, or affidavits to induce payment.~~†~~

(6) Conviction of or entry of a plea of guilty or nolo

contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of land surveying. ~~proof of carelessness, incompetence, negligence, or misconduct in practicing land surveying;~~

(7) Aiding ~~aiding~~ or assisting another person in violating any provision of this Act or its rules.†

(8) Failing ~~failing~~ to provide information in response to a written request made by the Department within 60 ~~30~~ days after receipt of such written request.†

(9) Engaging ~~engaging~~ in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.†

(10) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety. ~~inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use of, or addiction to, alcohol, narcotics, stimulants or any other chemical agent or drug;~~

(11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department. ~~discipline by the United States government, another state, District of Columbia, territory, foreign nation or government agency if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act;~~

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms. ~~directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;~~

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

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability. ~~a finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status has violated~~

~~the terms of probation;~~

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act. ~~practicing on an expired, inactive, suspended, or revoked license;~~

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act. ~~signing, affixing the Professional Land Surveyor's seal or permitting the Professional Land Surveyor's seal to be affixed to any map or plat of survey not prepared by the Professional Land Surveyor or under the Professional Land Surveyor's direct supervision and control;~~

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another or impersonating another licensee. ~~inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill or a mental illness or disability;~~

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered. ~~(blank); or~~

(18) Issuing a map or plat of a survey where the fee for professional services is contingent on a real estate transaction closing ~~failure to adequately supervise or control land surveying operations being performed by subordinates.~~

(19) Signing or affixing the professional land surveyor's seal or permitting the seal to be affixed to any map or plat of a survey not prepared by the professional land surveyor or under the professional land surveyor's direct supervision and control.

(20) Failure to adequately supervise or control land surveying operations being performed by subordinates.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or

her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination when directed shall be grounds for the immediate suspension of his or her license until the individual submits to the examination if the Department finds that the refusal to submit to the examination was without reasonable cause as defined by rule.

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

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

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under the provisions of his

or her license.

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

(c) (Blank).

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

(e) The Department shall refuse to issue or renew or shall

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

(Source: P.A. 100-872, eff. 8-14-18.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 28. Injunction; cease ~~Cease~~ and desist order.

(a) If any person or entity violates ~~the provisions of~~ this Act, the Secretary, in the name of the People ~~people~~ of the State of Illinois, through the Attorney General or the State's Attorney of the county in which the violation is alleged to have occurred may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition, the court with appropriate jurisdiction may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish

the offender for contempt of court. Proceedings under this Section are in addition to and not in lieu of any other remedies and penalties provided by this Act.

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

~~(b) (Blank).~~

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 29. Investigations; notice and hearing.

(a) The Department may investigate the actions of any applicant or of any person or ~~other~~ entity holding, ~~applying for~~ or claiming to hold a license under this Act ~~, or practicing or offering to practice land surveying.~~

(b) Before the initiation of a formal complaint ~~an investigation~~, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed,

the matter shall proceed through the process as stated in subsection (c).

(c) The Department shall, before disciplining an applicant or licensee ~~refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action,~~ at least 30 days prior to the date set for the hearing, (i) notify the applicant or licensee person accused in writing of the any charges made and the time and place for the hearing on the charges, ~~(ii) shall~~ direct the applicant person or licensee entity to file a written answer to the charges ~~Board~~ under oath within 20 days after the service of the notice, and (iii) inform the applicant person or licensee entity that failure if the person or entity fails to file a written an answer to the charges will result in a default being entered against the applicant or licensee default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Secretary may deem proper.

(d) Written or electronic This written notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record. ~~to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department.~~

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges and the parties and their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to the applicant's or licensee's defense. The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee person or applicant, after receiving the notice, entity fails to file an answer after receiving notice, the his or her license or certificate may, in the discretion of the Secretary Department, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to the Department may take whatever disciplinary action the Secretary considers deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.

The Department may from time to time employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative

~~duties.~~

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

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 30. Record of proceedings ~~Stenographer; transcript.~~

(a) The Department, at its expense, shall provide a certified shorthand reporter ~~stenographer~~ to take down the testimony and preserve a record of all proceedings at the hearing of any case where a license may be ~~is~~ revoked, suspended, placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules ~~or other disciplinary action is taken~~. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of the

proceedings. The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 31. Subpoenas, depositions, oaths.

(a) The Department has the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed in civil cases in the courts of this State.

(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 33. Hearing; motion for rehearing ~~Notice of hearing;~~
~~Findings and recommendations.~~

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations. If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board's or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing. Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing that shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days

after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report. The Secretary shall notify the Board of any such deviation and shall specify with particularity the reasons for such action in the final order.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

~~At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the~~

~~conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.~~

~~The report of findings and recommendations of the Board shall be the basis for the Department's order unless the Secretary disagrees with the Board, in which case the Secretary may issue an order in contravention of the Board report stating the reasons for the order. The report, findings, and recommendations are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.~~

(Source: P.A. 96-626, eff. 8-24-09.)

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 36. Hearing ~~Appointment of a hearing officer.~~ Notwithstanding any provision in the provisions of Section 33 ~~of~~ this Act, the Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a licensee. The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer has full authority to conduct the hearing. ~~The Board has the right to have at least one member present at any hearing conducted by such~~

~~hearing officer.~~ The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary. ~~The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer.~~ If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order provide a written explanation to the Board on any such deviation.

(Source: P.A. 96-626, eff. 8-24-09.)

(225 ILCS 330/38) (from Ch. 111, par. 3288)

(Section scheduled to be repealed on January 1, 2020)

Sec. 38. Restoration from disciplinary status ~~of suspended or revoked license.~~

(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license ~~it~~ to the licensee ~~accused person~~ upon the written recommendation of the Board, unless after an investigation and a hearing the

Department ~~Board~~ determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee before restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 18 and any related rules adopted.

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

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

(Section scheduled to be repealed on January 1, 2020)

Sec. 40. Temporary suspension of a license. The Secretary may temporarily suspend the license of a professional land surveyor ~~Professional Land Surveyor~~ or surveyor intern ~~Surveyor Intern~~ without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29 ~~of this Act~~, if the Secretary finds that evidence in his or her possession indicates that a professional land surveyor's ~~Professional Land Surveyor's~~ or surveyor intern's ~~Surveyor~~

~~Intern's~~ continuation in practice would constitute an imminent danger to the public. If ~~In the event that~~ the Secretary temporarily suspends the license of a professional land surveyor ~~Professional Land Surveyor~~ or surveyor intern ~~Surveyor Intern~~ without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred. (Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/41) (from Ch. 111, par. 3291)

(Section scheduled to be repealed on January 1, 2020)

Sec. 41. ~~Review under~~ Administrative review ~~Review Law~~.

(a) All final administrative decisions of the Department under this Act are subject to judicial review pursuant to the Administrative Review Law, ~~as now or hereafter amended,~~ and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court ~~Circuit Court~~ of the county in which the party applying for review resides, but ~~; provided, that if the~~ ~~such~~ party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs

shall be determined by the Department.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action the sanctions imposed upon the plaintiff by the Department shall remain in full force and effect.

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

(225 ILCS 330/44) (from Ch. 111, par. 3294)

(Section scheduled to be repealed on January 1, 2020)

Sec. 44. Plats and licenses as prima facie evidence; record
~~Record~~ of plats. All plats and licenses issued by a
professional land surveyor ~~Professional Land Surveyor~~ under
his or her hand and seal shall be received as prima facie
evidence in all courts in this State. A professional land
surveyor ~~Professional Land Surveyor~~ is entitled to have his or
her plats recorded in the county where the land affected lies;
provided, however, plats of subdivision or dedication are
subject to any statutory provisions relating to the approval,
recording, and filing of plats of subdivision or dedication.

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

(225 ILCS 330/45) (from Ch. 111, par. 3295)

(Section scheduled to be repealed on January 1, 2020)

Sec. 45. Entry upon adjoining land; liability ~~Liability~~ for

damages. A professional land surveyor ~~Professional Land Surveyor~~, or persons under his or her direct supervision, together with his or her survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass and is liable only for any actual damage done to the land or property. (Source: P.A. 93-467, eff. 1-1-04.)

(225 ILCS 330/46) (from Ch. 111, par. 3296)

(Section scheduled to be repealed on January 1, 2020)

Sec. 46. Illinois Administrative Procedure Act. The Illinois Administrative Procedure Act is expressly adopted and incorporated as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed or emailed to the last known address of record ~~a party~~.

(Source: P.A. 88-45.)

(225 ILCS 330/48) (from Ch. 111, par. 3298)

(Section scheduled to be repealed on January 1, 2020)

Sec. 48. Fund, appropriations, investments and audits. The moneys deposited into ~~in~~ the Design Professionals Administration and Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-75)~~ and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-300)~~.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited into ~~in~~

the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited into ~~in~~ that Fund.

All fines and penalties under Sections 16 and 27 shall be deposited into the Design Professionals Administration and Investigation Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 100-171, eff. 1-1-18.)

(225 ILCS 330/9 rep.)

(225 ILCS 330/16.5 rep.)

(225 ILCS 330/22 rep.)

(225 ILCS 330/23 rep.)

(225 ILCS 330/34 rep.)

(225 ILCS 330/35 rep.)

(225 ILCS 330/42 rep.)

(225 ILCS 330/43 rep.)

Section 15. The Illinois Professional Land Surveyor Act of

Public Act 101-0313

SB0658 Enrolled

LRB101 04419 JRG 49427 b

1989 is amended by repealing Sections 9, 16.5, 22, 23, 34, 35, 42, and 43.

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