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 4.20 and by adding Section 4.30 as follows:

(5 ILCS 80/4.20)

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 Acts repealed on January 1, 2010 and December 31, 2010.

(a) The following Acts are repealed on January 1, 2010:

The Auction License Act.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Land Sales Registration Act of 1999.

The Orthotics, Prosthetics, and Pedorthics Practice Act.

The Perfusionist Practice Act.

The Professional Engineering Practice Act of 1989.

The Real Estate License Act of 2000.

The Structural Engineering Practice Act of 1989.

(b) The following Act is repealed on December 31, 2010:

The Medical Practice Act of 1987.

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

(5 ILCS 80/4.30 new)

Sec. 4.30. Act repealed on January 1, 2020. The following

Acts are repealed on January 1, 2020:

The Illinois Professional Land Surveyor Act of 1989.

The Professional Engineering Practice Act of 1989.

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

(225 ILCS 325/3) (from Ch. 111, par. 5203)
(Section scheduled to be repealed on January 1, 2010)
Sec. 3. Application of the Act; Exemptions.

- (a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.
- (b) Nothing in this Act shall be construed to prevent the regular and customary practice of a private alarm contractor licensed pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of

2004.

- (c) Nothing in this Act shall be construed to prevent a fire sprinkler contractor licensed under the Fire Sprinkler Contractor Licensing Act from providing fire protection system layout documents. For the purpose of this subsection (c), "fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations. Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system.
- (d) A building permit for a building that requires a fire suppression system shall not be issued without the submission of a technical submission prepared and sealed by a licensed design professional. Fire protection system layout documents do not require an engineering seal if prepared by a technician who holds a valid NICET level 3 or 4 certification in fire protection technology, automatic sprinkler system layout. An authority having jurisdiction may not accept fire protection system layout documents in lieu of technical submissions. Fire protection system layout documents may be submitted as supporting documents to supplement technical submissions. However, in the event the fire protection system layout documents materially alter the technical submissions, the authority having jurisdiction shall return both the fire

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

- (e) (b) Nothing in this Act shall prevent:
- (1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.
- (2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the professional engineer for the project.
- (3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.
- (4) Services performed by employees of a business organization engaged in utility, telecommunications, industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.
 - (5) Inspection, maintenance and service work done by

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

- designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.
- (7) The activities performed by a person ordinarily designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant which is under such person's immediate supervision.
- (8) The services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment.
- (f) (c) No officer, board, commission, or other public

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

(d) 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 provide it.

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

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

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

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

- (a) "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 directly contacting the Department.
- (a-5) (a) "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more which meets the standards established by the rules of the Department.
 - (b) "Board" means the State Board of Professional Engineers

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

- (c) "Department" means the Department of <u>Financial and</u> Professional Regulation.
- (d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.
- (e) (Blank). "Director" means the Director of Professional Regulation.
- (f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge. The Department may further define this term by rule.
- (g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.
- (h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.
 - (i) "Engineer intern" means a person who is a candidate for

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

- (j) "Enrollment" means an action by the Department to record those individuals who have met the $\underline{\text{Department's}}$ $\underline{\text{Board's}}$ requirements for an engineer intern.
- (k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.
- (1) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.
- (m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.
- (n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.
- (o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials to be used in, administration of construction contracts for, or site

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

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

power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil and rock classification, geology and geohydrology, incidental to the practice of professional engineering; geohydrological investigations, migration pathway analysis (including evaluation of building and site elements), soil and groundwater management zone analysis and design; energy analysis, environmental risk assessments, corrective action plans, design, remediation, protection plans and systems, hazardous waste mitigation and control, and environmental control or remediation systems; recognition, measurement, evaluation and control of environmental systems and emissions; control systems, evaluation and design of engineered barriers, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989 (225 ILCS 340/5); modeling of pollutants in water, soil, and air; engineering surveys of sites, facilities, and topography specific to a design project, not including land boundary establishment; automated building management systems; control or remediation systems; computer controlled or integrated systems; automatic fire notification and suppression systems; investigation and assessment of indoor air inhalation exposures and design of abatement and remediation systems; or the provision of professional engineering site observation of the construction of works and engineering systems. <u>In the</u> performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1380.300. Nothing contained in this Section imposes upon а person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it. Nothing in this Section shall preclude an employee from acting under the direct supervision or responsible charge of a licensed professional engineer.

- (p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.
- (q) "Registered" means the same as "licensed" for purposes of this Act.
- (r) "Related science curriculum" means a 4 year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including but not limited to, physics and chemistry. In the

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

- (s) "Rules" means those rules promulgated pursuant to this Act.
- (t) "Seal" means the seal in compliance with Section 14 of this Act.

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

- (u) "Site observation" is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.
- (v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.
- (w) "Technical submissions" are the means designs, drawings, and specifications which establish the scope and standard of quality for materials, workmanship, equipment, and systems. "Technical submissions" also includes, but are not limited to, studies, analyses, calculations, the construction systems, studies, and other technical reports prepared in the course of the practice of professional engineering or under the direct supervision and responsible charge of a licensed

professional engineer a design professional's practice.

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

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

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

- Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:
 - (a) To pass upon the qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified.
 - (b) To prescribe rules for the method, conduct and grading of the examination of applicants.
 - (c) To <u>register license</u> corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a <u>certificate of registration license</u> to those who qualify.
 - (d) To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings.

- (e) To prescribe rules as to what shall constitute an engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules.
- (f) To promulgate rules required for the administration of this Act, including rules of professional conduct.
- (g) To maintain membership in the National Council of Examiners for Engineering and Surveying and participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council.
- (h) To obtain written recommendations from the Board regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the promulgation of the rules affecting these matters.

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

an explanation of any such deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or orders consistent with the Director's original decision. 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.

- (i) To publish and distribute or to post on the Department's website, at least semi-annually, a newsletter describing to all persons licensed and registered under this Act. The newsletter shall describe the most recent changes in this Act and the rules adopted under this Act and containing shall contain information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.
- (j) To review such applicant qualifications to sit for the examination or for licensure as the Board designates pursuant to Section 7 of this Act.

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

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

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

(Section scheduled to be repealed on January 1, 2010)
Sec. 6. Composition, qualifications and terms of the Board.

- (a) The Board shall be appointed by the <u>Secretary</u> Director and shall consist of 10 members, one of whom shall be a public member and 9 of whom shall be professional engineers licensed under this Act. In addition each member who is a professional engineer shall:
 - (1) be a citizen of the United States, and
 - (2) be a resident of this State.
- (b) In addition, each member who is a professional engineer shall:
 - (1) have not less than 12 years of experience in the practice of professional engineering, and shall hold an active license as a professional engineer in Illinois;
 - (2) have been in charge of professional engineering work for at least 5 years. For the purposes of this Section, any period in which a person has been in charge of teaching engineering in an engineering college with the rank of assistant professor or higher shall be considered as time in which such person was in charge of professional engineering work.

The terms for all members shall be for 5 years. On the expiration of the term of any member or in the event of a vacancy, the <u>Secretary Director</u> shall appoint a member who shall hold office until the expiration of the term for which the member is appointed and until a successor has been

appointed and qualified.

No member shall be reappointed to the Board for a term which would cause that individual's <u>lifetime</u> continuous service on the Board to be longer than 15 successive years.

In implementing the 5 year terms, the <u>Secretary Director</u> shall vary the terms to enable the Board to have no more than 2 terms expire in any one year.

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

In making appointments to the Board, the <u>Secretary Director</u> shall give due consideration to recommendations by members of the profession and by organizations therein.

The <u>Secretary Director</u> may remove any member of the Board for misconduct, incompetence, neglect of duty or for reasons prescribed by law for removal of State officials.

The $\underline{\text{Secretary}}$ $\underline{\text{Director}}$ may remove a member of the Board who does not attend 2 consecutive meetings.

A quorum of the Board shall consist of $\underline{6}$ a majority of Board members appointed. \underline{A} Majority vote of the quorum is required for Board decisions.

Each member of the Board <u>may shall</u> receive compensation <u>as</u> <u>determined by the Secretary when attending Board meetings or meetings approved by the Director</u> and shall be reimbursed for

all actual traveling expenses.

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.

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

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

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

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

Sec. 7. Powers and duties of the Board.

Subject to the provisions of this Act, the Board shall exercise the following functions, powers $_{\it L}$ and duties:

(a) 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 Review education and experience qualifications of applicants, including conducting oral interviews as deemed necessary by the Board, to determine eligibility as an engineer intern or professional engineer and submit to the Director written recommendations on applicant qualifications for enrollment and licensure;

- (b) 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 <u>in 68 Ill. Adm. Code 1380.305</u>, and any changes and amendments thereto;
- (c) Conduct hearings regarding disciplinary actions and submit a written report and recommendations to the Secretary Director as required by this Act and to provide a Board member at informal conferences;
- (d) Make visits to universities or colleges to evaluate engineering curricula or to otherwise evaluate engineering curricula and submit to the <u>Secretary Director</u> a written recommendation of acceptability of a curriculum;
- (e) Submit a written recommendation to the <u>Secretary</u> Director concerning promulgation of rules as required in Section 5 and to recommend to the <u>Secretary Director</u> any rules or amendments thereto for the administration of this Act;
 - (f) Hold at least 3 regular meetings each year;
- (g) Elect annually a chairperson and a vice-chairperson who shall be professional engineers; and
- (h) Submit written comments to the <u>Secretary Director</u> within 30 days from notification of any final decision or order from the <u>Secretary Director</u> that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or

registrants, or promulgation of rules. (Source: P.A. 91-92, eff. 1-1-00.)

(225 ILCS 325/8) (from Ch. 111, par. 5208)
(Section scheduled to be repealed on January 1, 2010)
Sec. 8. Applications for licensure.

- (a) Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.
- (b) Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal of application for examination, except as provided in subsection (b) of Section 11. Allowable experience shall commence at the date of the baccalaureate degree, except:
 - (1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training, when such program is certified by the university, or
 - (2) Partial credit may be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant is a part-time

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

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

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

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. 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 evaluating service educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who graduated from an engineering 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 the Test of Spoken English (TSE) as defined by rule.

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

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

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

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

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

examination. If an applicant neglects, fails to take without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. 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.

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

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

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

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

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

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

- (b) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and meeting the requirements as set forth by rule, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or
- experience qualifications of subsection (a) or (b) of this Section and has passed the nominal 8 hour written examination in the fundamentals of engineering, by application and payment of the required fee, may then take the nominal 8-hour written examination in the principles and practice of engineering. If the applicant passes Upon passing that examination and submits evidence to the Board that meets the experience qualification of subsection (a) or (b) of this Section, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.
 - (d) When considering an applicant's qualifications for

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

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

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

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

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

- (a) A graduate of an approved engineering curriculum of at least 4 years, who has passed a nominal 8-hour written examination in the fundamentals of engineering, shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or
- (b) An applicant in the last year of an approved engineering curriculum who passes a nominal 8-hour written examination in the fundamentals of engineering and furnishes proof that the applicant graduated of graduation within a 12 month period following the examination shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or
- (c) A graduate of a non-approved engineering curriculum or a related science curriculum, of at least 4 years meeting the

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

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

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

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

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

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

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

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

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, 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 engineer who originally sealed and signed the technical submissions.

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

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

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

Sec. 16. Issuance of license. Whenever the provisions of this Act have been complied with the Department $\underline{\text{may}}$ shall issue

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

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

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

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

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

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

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

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

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

However, any person whose license expired while that person was (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 preliminary to induction into the military service, may have such license renewed or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training, or education, except under conditions other than honorable, the Department is furnished with satisfactory evidence that the person has been so engaged and has maintained professional competence and that such service, training or education has been so terminated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. Rosters. The Department shall maintain a roster of the names and addresses of all professional engineers and professional design firms, partnerships, and corporations licensed or registered under this Act. This roster shall be available upon written request and payment of the required fee. (Source: P.A. 88-428.)

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

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

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

(a) The Department shall adopt rules setting standards of

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

- (a-1) The Department may, singularly or in combination, refuse to issue, renew, or restore, or renew a license or may registration, revoke, or suspend, a license or registration, or place on probation, reprimand, or take other disciplinary or non-disciplinary action with regard to a person licensed under this Act, including but not limited to, the imposition of a fine impose a civil penalty not to exceed \$10,000 per violation upon any person, corporation, partnership, or professional design firm licensed or registered under this Act, for any one or combination of the following causes:
 - (1) Material misstatement in furnishing information to the Department.
 - (2) <u>Violations</u> Failure to comply with any provisions of this Act or any of its rules.
 - (3) Conviction of or entry of a plea of quilty 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 , which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, or any crime that is which is directly related to the practice of engineering.
 - (4) Making any misrepresentation for the purpose of obtaining, renewing, or restoring a license licensure, or

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

- (5) <u>Willfully Purposefully making or signing a false statement, certificate, or affidavit statements or signing false statements, certificates, or affidavits to induce payment.</u>
- (6) Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.
- (7) Aiding or assisting another person in violating any provision of this Act or its rules.
- (8) Failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request.
- (9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- (10) Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or mental illness or disability Habitual intoxication or addiction to the use of drugs.

- (11) 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) 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.
- (13) A finding by the <u>Department</u> Board that an applicant or registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.
- (14) Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.
- (15) <u>Inability</u> <u>Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability to practice the profession with reasonable judgment, skill or safety <u>as</u></u>

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

- (16) The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.
- (17) (Blank). Failing to file a return, or 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 a tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.
- authorized by this Act to a person who has failed 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 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).
 - (a-3) The Department shall deny a license or renewal

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

(a-4) 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 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her 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 licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

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 license pursuant to the results of the licensee's mental or physical examination, a hearing 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 licensee's record of treatment and counseling regarding the relevant impairment or impairments 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.

In enforcing this Section, the 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 examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this 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 person 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 any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

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

that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions are determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a registrant 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 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, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.

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

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

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

Sec. 26. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration or offering professional engineering services. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedure established by rule for the Complaint Committee. The Department shall, before refusing to issue, restore or renew a license or registration or otherwise discipline a licensee or registrant, at least 30 days prior to the date set for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges, that a hearing will be held on the date designated, and direct the applicant or entity or licensee or registrant to file a written answer to the Department Board under oath within 20 days after the service of the notice and inform the applicant or entity or licensee or registrant that failure to file an answer will result in default being taken against the applicant or entity or licensee or registrant 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 Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record currently on file with the Department. In case the person or entity fails to file an answer after receiving notice as provided in this Section, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action 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 proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Board may continue the hearing from time to time.

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

(225 ILCS 325/27.5 new)

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

The Secretary, the designated hearing officer, and every

witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

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

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

Sec. 29. Notice of hearing; Findings and recommendations. At the conclusion of the hearing, the Board shall present to the <u>Secretary</u> Director a written report of its finding and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary Director. The Board may take into consideration in making its recommendations for discipline all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations discipline, the Board shall endeavor to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation. The report of findings of fact, conclusions of law and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore or renew a license, or otherwise discipline a registrant. If the <u>Secretary Director</u> disagrees in any regard with the report of the Board, the <u>Secretary Director</u> may issue an order in contravention thereof, following the procedures set forth in Section 7. The <u>Secretary Director</u> shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.

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

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

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

Sec. 31. <u>Secretary</u> <u>Director</u>; Rehearing. Whenever the <u>Secretary</u> <u>Director</u> is not satisfied that substantial justice has been done in the refusal to issue, restore or renew a license, or otherwise discipline a registrant, the <u>Secretary</u> <u>Director</u> may order a rehearing by the same or other examiners. (Source: P.A. 86-667.)

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

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

Sec. 32. Appointment of a hearing officer. Notwithstanding the provisions of Section 26, the Secretary Director has the authority to appoint any attorney duly registered to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore or renew a license or to discipline a registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the findings and recommendations to the Board and the Secretary Director. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary Director. If the Board fails to present its report within the 60 day period, the Secretary Director shall issue an order based on the report of the hearing officer except as herein noted. However, if the Secretary Director disagrees in any regard with the report of the Board or hearing Secretary Director may issue an order in officer, the contravention thereof, following the procedures set forth in Section 7. The Secretary Director shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action.

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

(225 ILCS 325/33) (from Ch. 111, par. 5233) (Section scheduled to be repealed on January 1, 2010)

- Sec. 33. Order or certified copy; Prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the <u>Secretary Director</u>, shall be prima facie proof:
- (a) That such signature is the genuine signature of the Secretary Director;
- (b) That such $\underline{\text{Secretary}}$ $\underline{\text{Director}}$ is duly appointed and qualified; and
- (c) That the Board and the members thereof are qualified to act.

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

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

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

Sec. 34. Restoration of suspended or revoked license. At any time after the <u>successful completion of a term of</u> suspension, or probation of any license, the Department may restore it to the accused person, <u>after review and</u> upon the <u>written</u> recommendation of the Board, unless after an investigation and a hearing, the <u>Department Board</u> determines that restoration is not in the public interest.

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

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

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

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

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

(225 ILCS 325/42) (from Ch. 111, par. 5242)
(Section scheduled to be repealed on January 1, 2010)
Sec. 42. Civil penalties.

- (1) In addition to any other penalty provided by law, any person, sole proprietorship, professional service corporation, limited liability company, partnership, or other entity who violates Section 40 of this Act shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$10,000 \$5,000\$ for each offense. The penalty shall be assessed in proceedings as provided in Sections 26 through 33 and Section 37 of this Act.
- (2) Unless the amount of the penalty is paid within 60 days after the order becomes final, the order shall constitute a

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

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

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

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

Sec. 43. Consent order. At any point in the proceedings as provided in Sections 25 through 33 and Section 37, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the <u>Secretary Director</u>. (Source: P.A. 86-667.)

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

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

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

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

- (a) "Department" means the Department of $\underline{\text{Financial and}}$ Professional Regulation.
- (b) <u>"Secretary" "Director"</u> means the <u>Secretary Director</u> of the <u>Department of Financial and</u> 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 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 or the firm for which the 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.
- (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" 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) "Land Surveyor-in-Training" 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 surveyor-in-training 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.

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

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

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

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 law, all of which are acquired by education, training, experience, and examination. Any one or

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

- (a) Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or <u>title or real</u> <u>property</u> lines and the platting of lands and subdivisions;
- (b) Establishing 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 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 the American Congress on Surveying and Mapping-designated Classes of Surveying;
- (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, 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 the same 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; $\frac{\partial}{\partial x}$
 - (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, 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 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, re-establishing, retracing, laying out, or staking of the location, alignment, or elevation of any proposed improvements whose location is dependant upon property lines;
 - (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), through (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) Establishing or adjusting any control network or any geodetic control network or adjusting of 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 <u>horizontal or vertical</u> relationship between existing physical objects or structures and one or more corners, <u>datums</u>, 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;
- (1) Offering or soliciting to perform any of the services set forth in this Section; $\overline{\cdot}$
- (m) 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. 93-467, eff. 1-1-04.)

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

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

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 powers and duties:
 - (1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

- (2) Prescribe rules for a method of examination.
- (3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue, renew, or restore a license, or other disciplinary actions.
- (4) Promulgate rules and regulations required for the administration of this Act.
- (5) License corporations, and partnerships, and all other business entities for the practice of professional surveying and issue a license to those who qualify.
- (6) 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, promulgate and amend the rules

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

- (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.
- (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 <u>Secretary Director</u> shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the <u>Secretary's Director's written</u> explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the <u>Secretary's Director's</u> decision.

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

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

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

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

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

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

Members shall be appointed who reasonably represent the different geographic areas of Illinois and shall serve for 5 year terms, and until their successors are qualified and appointed. A member shall not be eligible for appointment to more than 10 years in a lifetime more than 2 consecutive 5 year terms. Appointments to fill vacancies shall be made for the unexpired portion of the term. Initial terms shall begin on the effective date of this Act. 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 <u>may</u> shall 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 <u>Secretary may</u> <u>Director shall</u> 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 The Director shall make the Board appointments within 90 days of any vacancy. The Professional Land Surveyor members shall be selected from a current list of candidates updated by June 1 of each year, 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 Director 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. 91-132, eff. 1-1-00.)

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

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

- 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) 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 Review education and experience qualifications of applicants to determine eligibility as a Professional Land Surveyor or Land Surveyor in Training and submit to the Director written recommendations on applicant qualifications for licensing;
 - (b) Conduct hearings regarding disciplinary actions and submit a written report to the <u>Secretary Director</u> as required by this Act and provide a Board member at informal conferences;
 - (c) Visit universities or colleges to evaluate surveying curricula and submit to the <u>Secretary Director</u> a written recommendation of acceptability of the curriculum;

- (d) Submit a written recommendation to the <u>Secretary</u>

 Director 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) Hold at least 3 4 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 $\underline{4}$ a majority of Board members appointed. 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 Land Surveyor-in-Training; and (iii) submit to the Secretary recommendations on applicant qualifications for enrollment and licensure.

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

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

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

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

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

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

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

Sec. 10. Application for original license. 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 licensed 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 a nationally recognized educational body approved by the Department Board 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 the Test of Spoken English (TSE) as defined by rule.

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

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

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

Sec. 12. Qualifications for licensing.

- (a) A person is qualified to receive a license as a Professional Land Surveyor and the Department shall issue a license to a person:
 - (1) who has applied in writing in the required form and substance to the Department;
 - (2) (blank);

(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 promulgated by rule 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; who is of good moral character;
- (4) who has been issued a license as a Land Surveyor-in-Training;
- (5) who, subsequent to passing the an examination authorized by the Department for licensure as a Surveyor-In-Training, 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; and
- (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; and $\overline{\cdot}$
- (7) who has a baccalaureate degree in a related science if he or she does not have a baccalaureate degree in land surveying from an accredited college or university.
- (b) A person is qualified to receive a license as a Land Surveyor-in-Training and the Department shall issue a license to a person:
 - (1) who has applied in writing in the required form

provided by and substance to the Department;

- (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 Land Surveyor-in-Training 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. 93-467, eff. 1-1-04.)

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

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

- Sec. 13. Qualifications for examination for Licensed Land Surveyor-in-Training. Applicants for the examination for Land Surveyor-in-Training shall have:
- (1) a baccalaureate degree in Land Surveying <u>as defined by</u>

 <u>rule</u> from an accredited <u>program</u> college or university; or
- (2) a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Department Board approved curriculum of an accredited institution; -

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

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

(225 ILCS 330/16.5)

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

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

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a professional land surveyor or as a land surveyor-in-training without being licensed 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\$ \$5,000\$ 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 the provisions set forth in this Act regarding

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

- (b) The Department has the authority and power to investigate any and all unlicensed activity.
- (c) 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 judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

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

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

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

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

- (a) The expiration date and renewal period for each license as a 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) 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.

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

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

(c) 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 <u>Department Board</u> 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, 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 Land Surveyor-in-Training is valid for 10 years and may not be renewed.

(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, 2010)

Sec. 19. Inactive status; Restoration. Any person Professional Land Surveyor who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from the payment of renewal fees until he or she notifies the Department in writing of the intention desire 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 whose license is in an inactive status shall not practice land surveying in the State of Illinois.

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

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

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

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

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

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

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

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, 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 with an active license issued under this Act and conducting or transacting such business under the real name of 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 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 a professional design firm shall notify the Department of this fact in writing, by certified mail, 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 period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the address of record last known address 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 27, 43, and 16.5 46 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 <u>professional</u> land surveyor <u>whose license is not suspended or revoked</u> overseeing the land surveying practices in each location in which land surveying services are provided.

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

(225 ILCS 330/27) (from Ch. 111, par. 3277)
(Section scheduled to be repealed on January 1, 2010)
Sec. 27. Grounds for disciplinary action.

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

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

- (1) material misstatement in furnishing information to the Department;
- (2) violation, including, but not limited to, neglect or intentional disregard, of this Act, or its rules;
- 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; conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of land surveying;

- (4) 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 making false statements or signing false statements, certificates, or affidavits to induce payment;
- (6) proof of carelessness, incompetence, negligence, or misconduct in practicing land surveying;
- (7) aiding or assisting another person in violating any provision of this Act or its rules;
- (8) failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request;
- (9) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (10) <u>inability to practice with reasonable judgment,</u>

 <u>skill, or safety as a result of habitual or excessive use</u>

 <u>of, or addiction to, alcohol, narcotics, stimulants or any</u>

 <u>other chemical agent or drug; habitual intoxication or addiction to the use of drugs;</u>
- (11) 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) 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) a finding by the <u>Department</u> Board 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) practicing on an expired, inactive, suspended, or revoked license;
- (15) 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) physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the 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) (blank); or issuing a check or other guarantee to the order of the Department which is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds;
- (18) 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. In enforcing this Section, the 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 examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this 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 examination physician. The person 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 any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a licensee until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

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

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

- (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 Director that the licensee be allowed to resume his or her practice.
- (c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or quaranteed by the Illinois Student Assistance Commission or any governmental agency of this State in accordance with subdivision (a)(5) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).
- (d) 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 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 (q) of Section 15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

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

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

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

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

public welfare and to constitute a public nuisance:

- (a) If any person violates the provisions of this Act, the Secretary, in the name of the 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. The practice or attempt to practice land surveying without a license or authority to practice as a Professional Land Surveyor.
- 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. 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). The use of the title "Illinois Professional Land Surveyor" or the abbreviation "P.L.S." or "L.S." or any words or letters indicating that a person is a Professional Land Surveyor or Land Surveyor by any person who has not received a license or authority to practice as an Illinois Professional Land Surveyor.

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

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

Whenever, in the opinion of the Department, any person 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. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

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

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

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

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

investigation, the matter shall be reviewed by subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before 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, notify the person accused in writing of any charges made and shall direct the person or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the person or entity that if the person or entity fails to file an answer 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 Director may deem proper. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel in reference to the charges. This written notice may be served by personal delivery 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. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action 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 <u>Department</u> Board may from time to time and in co-operation with the Department's legal advisors employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.

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. 93-467, eff. 1-1-04.)

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

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

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

expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case where a license is revoked, suspended, 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 Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

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

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

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

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

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

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

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

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

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

Sec. 33. Notice of hearing; Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary Director 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 Director.

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 Director determines that the Board report is contrary to the manifest weight of the evidence

or law, in which case the <u>Secretary Director</u> 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. 86-987.)

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

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

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

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

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

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

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

Sec. 35. <u>Secretary; rehearing.</u> <u>Director; Rehearing.</u>

Whenever the Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a license, or other discipline of an applicant or licensee, he or she may order a rehearing by the same or another examiner. Whenever the Director is not satisfied that substantial justice has been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary proceeding, the Director may order a rehearing by the same or another board appointed to rehear the matter.

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

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

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

Sec. 36. Appointment of a hearing officer. Notwithstanding the provisions of Section 33 of this Act, the <u>Secretary Director</u> 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 discipline of a licensee. The Director shall notify the Board of any such appointment. 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 findings of fact, conclusions of law and recommendations to the Board and the Secretary Director. 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 Director. If the Board fails to present its report within the 60 day period, the Secretary Director shall issue an order based on the report of the hearing officer. If the Secretary Director disagrees in any regard with the report of the Board or hearing officer, he may issue an order in contravention thereof. The Secretary Director shall provide a written explanation to the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.

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

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

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

Sec. 36.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which

it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

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

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

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

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

order or certified copy thereof, over the seal of the Department and purporting to be signed by the <u>Secretary</u> Director, shall be prima facie proof that:

- (a) the signature is the genuine signature of the Secretary Director;
- (b) the <u>Secretary Director</u> is duly appointed and qualified; and
- (c) the Board and the members thereof are qualified to act.

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

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

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

Sec. 40. Temporary suspension of a license. The <u>Secretary Director</u> may temporarily suspend the license of a Professional Land Surveyor or Land Surveyor-in-Training without a hearing, simultaneously with the institution of proceedings for a hearing under Section 29 of this Act, if the <u>Secretary Director</u> finds that evidence in his possession indicates that a Professional Land Surveyor's or Land Surveyor-in-Training's continuation in practice would constitute an imminent danger to the public. In the event that the <u>Secretary Director</u> temporarily suspends the license of a Professional Land Surveyor or Land Surveyor-in-Training without a hearing, a hearing by the Board must be commenced within 30 days after such suspension has occurred.

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

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

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

- Sec. 43. Violations. A person is guilty of a Class A misdemeanor for a first offense, and guilty of a Class 4 felony for a second or subsequent offense, when he or she commits any of the following acts: Each of the following acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:
- (a) The violation of any provision of this Act or its rules.
- (b) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.
- (c) Obtaining or attempting to obtain a license or registration by fraud.
- (d) Using, or attempting to use, an expired, suspended, or revoked license or certificate of registration or the license, certificate of registration, or seal of another, or impersonating another licensee or practicing land surveying while one's license is expired, suspended, or revoked.
- (e) Use of the title "Professional Land Surveyor", or "Land Surveyor", or the abbreviation "P.L.S." or "L.S.", or any words or letters indicating that a person is a Professional Land Surveyor, by any person who has not received a license to

practice as an Illinois Professional Land Surveyor.

- (f) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices as a professional land surveyor or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as a professional land surveyor, or use the title "professional land surveyor", or any of its derivations unless the person or entity holds an active license as a professional land surveyor or registration as a Professional Land Surveying Firm in the State; then, in addition to any other penalty provided by law, any person who violates this subsection (f) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$10,000 \$55,000 for each offense.
- (g) The practice, attempt to practice, or offer to practice land surveying, without a license as a Professional Land Surveyor or registration as a Professional Land Surveying Firm. Each day of practicing land surveying, or attempting to practice land surveying, and each instance of offering to practice land surveying without a license as a Professional Land Surveyor or registration as a Professional Land Surveying Firm constitutes a separate offense.

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

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

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

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

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