



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4765

Introduced 2/18/2020, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.41 new

70 ILCS 1205/8-50

70 ILCS 1505/26.10-4

225 ILCS 745/20

730 ILCS 5/5-5-5

from Ch. 38, par. 1005-5-5

Creates the Landscape Architecture Registration Act. Provides that no person shall hold himself or herself out as a registered landscape architect without being registered by the Department of Financial and Professional Regulation. Provides that the Department may issue certificates of registration to those who meet the requirements of the Act. Provides that the Department may authorize examinations to ascertain the fitness and qualifications of applicants for registration. Provides that the Department may conduct investigations and hearings to refuse to issue, renew, or restore registrations, revoke, suspend, place on probation, or reprimand persons registered under provisions of the Act. Provides that the Department may take disciplinary action with regard to any certificate of registration issued under the Act. Makes corresponding changes in the Park District Code, the Chicago Park District Act, the Professional Geologist Licensing Act, and the Unified Code of Corrections. Amends the Regulatory Sunset Act to repeal the Landscape Architecture Registration Act on January 1, 2031.

LRB101 16590 SPS 65974 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Landscape Architecture Registration Act.

6 Section 5. Purpose. It is the purpose of this Act to
7 provide for the registration of landscape architects. This Act
8 shall be liberally construed to carry out these objectives and
9 purposes.

10 Section 10. Definitions. As used in this Act:

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's application file or
13 registrant's registration file as maintained by the
14 Department.

15 "Department" means the Department of Financial and
16 Professional Regulation.

17 "Email address of record" means the designated email
18 address of record by the Department in the applicant's
19 application file or registrant's registration file as
20 maintained by the Department.

21 "Landscape architect" means a person who, based on
22 education, experience, and examination in the field of

1 landscape architecture, is registered under this Act.

2 "Landscape architecture" means the art and science of
3 arranging land, together with the spaces and objects upon it,
4 for the purpose of creating a safe, efficient, healthful, and
5 aesthetically pleasing physical environment for human use and
6 enjoyment, as performed by landscape architects.

7 "Landscape architectural practice" means the offering or
8 furnishing of professional services in connection with a
9 landscape architecture project that do not require the seal of
10 an architect, land surveyor, professional engineer, or
11 structural engineer. These services may include, but are not
12 limited to, providing preliminary studies; developing design
13 concepts; planning for the relationships of physical
14 improvements and intended uses of the site; establishing form
15 and aesthetic elements; developing those details on the site
16 that are exclusive of any building or structure; and conducting
17 site observation of a landscape architecture project.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation. The Secretary may designate his or her
20 duties under this Act to a designee of his or her choice,
21 including, but not limited to, the Director of Professional
22 Regulation.

23 Section 15. Title. No person shall hold himself or herself
24 out as a registered landscape architect without being so
25 registered by the Department. This is title protection and not

1 licensure by the Department.

2 Section 20. Seal.

3 (a) Every landscape architect shall have a reproducible
4 seal, which may be computer generated, the impression of which
5 shall contain the name of the landscape architect, the
6 landscape architect's registration number, and the words
7 "Landscape Architect, State of Illinois." The landscape
8 architect shall be responsible for his or her seal and
9 signature as defined by rule.

10 (b) Notwithstanding the requirements of this Section, an
11 architect, land surveyor, professional engineer, or structural
12 engineer licensed by the Department shall be permitted to affix
13 his or her seal to any plans, specifications, and reports
14 prepared by or under his or her supervision in connection with
15 the incidental practice of landscape architecture.

16 Section 25. Display of registration. Every holder of a
17 landscape architect registration shall display his or her
18 certificate of registration in a conspicuous place in his or
19 her principal office, place of business, or place of
20 employment.

21 Section 30. Address of record; email address of record. All
22 applicants and registrants shall:

23 (1) provide a valid address and email address to the

1 Department, which shall serve as the address of record and
2 email address of record, respectively, at the time of
3 application for registration or renewal of registration;
4 and

5 (2) inform the Department of any change of address of
6 record or email address of record within 14 days after such
7 change either through the Department's website or by
8 contacting the Department.

9 Section 35. Powers and duties of the Department. The
10 Department shall exercise, subject to the provisions of this
11 Act, the following functions, powers, and duties:

12 (1) Authorize examinations to ascertain the fitness
13 and qualifications of applicants for registration and pass
14 upon the qualifications and fitness of applicants for
15 registration by endorsement.

16 (2) Adopt rules and regulations required for the
17 administration of this Act.

18 (3) Conduct hearings on proceedings to refuse to issue,
19 renew, or restore registrations, revoke, suspend, place on
20 probation, or reprimand persons registered under
21 provisions of this Act.

22 (4) Adopt rules to establish what constitutes an
23 approved landscape architecture program.

24 (5) Adopt rules to establish what constitutes
25 landscape architecture experience.

1 (6) Issue certificates of registration to those who
2 meet the requirements of this Act.

3 (7) Conduct investigations related to possible
4 violations of this Act.

5 Section 40. Application for registration.

6 (a) Applications for registration shall be made to the
7 Department in writing on forms or electronically as prescribed
8 by the Department and shall be accompanied by the required fee,
9 which shall not be refundable. All applications shall contain
10 information that, in the judgment of the Department, enables
11 the Department to pass on the qualifications of the applicant
12 for registration as a landscape architect. The Department may
13 require an applicant, at the applicant's expense, to have an
14 evaluation of the applicant's education in a foreign country by
15 a nationally recognized evaluation service approved by the
16 Department in accordance with rules adopted by the Department.

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

22 Section 45. Qualifications for registration.

23 (a) To qualify for registration as a landscape architect,
24 each applicant shall:

1 (1) provide proof of graduation from an approved
2 landscape architecture program as approved by rule;

3 (2) provide proof of experience for registration as
4 approved by rule; and

5 (3) provide proof of successful passage of an
6 examination as approved by rule.

7 (b) Upon payment of the required fee, as determined by
8 rule, an applicant who is a licensed architect, professional
9 land surveyor, professional engineer, or structural engineer
10 under the laws of this State may, without examination, be
11 granted registration as a registered landscape architect by the
12 Department provided the applicant submits proof of an active
13 architectural, professional land surveyor, professional
14 engineering, or structural engineering license in Illinois.

15 Section 50. Registration, renewal, and restoration.

16 (a) The expiration date and renewal period for each
17 certificate of registration issued under this Act shall be
18 established by rule. A registrant may renew a certificate of
19 registration during the month preceding its expiration date by
20 paying the required fee.

21 (b) A landscape architect who has permitted his or her
22 registration to expire or has had his or her registration
23 placed on inactive status may have his or her registration
24 restored by making application to the Department and filing
25 proof acceptable to the Department of his or her fitness to

1 have his or her registration restored, including, but not
2 limited to, sworn evidence certifying active lawful practice in
3 another jurisdiction satisfactory to the Department and by
4 paying the required fee as determined by rule.

5 (c) A landscape architect whose registration expired while
6 engaged (1) in federal service on active duty with the Armed
7 Forces of the United States or the State Militia called into
8 service or training or (2) in training or education under the
9 supervision of the United States preliminary to induction into
10 the military service, may have a registration restored or
11 reinstated without paying any lapsed reinstatement, renewal,
12 or restoration fees if within 2 years after termination other
13 than by dishonorable discharge of such service, training, or
14 education and the Department is furnished with satisfactory
15 evidence that the registrant has been so engaged in the
16 practice of landscape architecture and that such service,
17 training, or education has been so terminated.

18 Section 55. Prior registrations under the Illinois
19 Landscape Architecture Act of 1989. A person who was actively
20 registered under the Illinois Landscape Architecture Act of
21 1989 before January 1, 2020, may have his or her registration
22 restored upon application in writing on forms or electronically
23 as prescribed by the Department, payment of the fee as
24 established by rule, and any other proof acceptable to the
25 Department as determined by rule.

1 Section 60. Inactive status.

2 (a) A person registered under this Act who notifies the
3 Department in writing on forms or electronically as prescribed
4 by the Department may elect to place his or her registration on
5 inactive status and shall, subject to rules of the Department,
6 be excused from payment of renewal fees until he or she
7 notifies the Department in writing on forms or electronically
8 as prescribed by the Department of his or her desire to resume
9 active status.

10 (b) Any registrant whose registration is on inactive status
11 shall not use the title "registered landscape architect" in the
12 State of Illinois.

13 (c) Any registrant who uses the title "registered landscape
14 architect" while his or her registration is inactive shall be
15 considered to be using the title without a registration that
16 shall be grounds for discipline under this Act.

17 Section 65. Fees. The Department shall establish by rule a
18 schedule of fees for the administration and maintenance of this
19 Act. These fees are not refundable.

20 Section 70. Disposition of funds. All of the fees collected
21 as authorized under this Act shall be deposited into the
22 General Professions Dedicated Fund. The moneys deposited into
23 the General Professions Dedicated Fund may be used for the

1 expenses of the Department in the administration of this Act.
2 Moneys from the Fund may also be used for direct and allocable
3 indirect costs related to the public purposes of the Department
4 of Financial and Professional Regulation. Moneys in the Fund
5 may be transferred to the Professions Indirect Cost Fund as
6 authorized by Section 2105-300 of the Department of
7 Professional Regulation Law.

8 Section 75. Advertising. Any person registered under this
9 Act may advertise the availability of professional services in
10 the public media or on the premises where such professional
11 services are rendered provided that such advertising is
12 truthful and not misleading.

13 Section 80. Violation; injunction; cease and desist order.

14 (a) If any person violates the provisions of this Act, the
15 Secretary may, in the name of the People of the State of
16 Illinois, through the Attorney General of the State of Illinois
17 or the State's Attorney of any county in which the action is
18 brought, petition for an order enjoining such violation and for
19 an order enforcing compliance with this Act. Upon the filing of
20 a verified petition in court, the court may issue a temporary
21 restraining order, without notice or bond, and may
22 preliminarily and permanently enjoin such violation. If it is
23 established that such person has violated or is violating the
24 injunction, the Court may punish the offender for contempt of

1 court. Proceedings under this Section shall be in addition to,
2 and not in lieu of, all other remedies and penalties provided
3 by this Act.

4 (b) Whoever holds himself or herself out as a "registered
5 landscape architect" or any other name or designation that
6 would in any way imply that he or she is able to use the title
7 "registered landscape architect" without being registered
8 under this Act shall be guilty of a Class A misdemeanor, and
9 for each subsequent conviction shall be guilty of a Class 4
10 felony.

11 Section 85. Grounds for discipline.

12 (a) The Department may refuse to issue or to renew a
13 certificate of registration, or may revoke, suspend, place on
14 probation, reprimand, or take other disciplinary or
15 nondisciplinary action the Department may deem proper,
16 including fines not to exceed \$10,000 for each violation, with
17 regard to any certificate of registration issued under this
18 Act, for any one or combination of the following reasons:

19 (1) Material misstatement in furnishing information.

20 (2) Negligent or intentional disregard of this Act or
21 rules adopted under this Act.

22 (3) Conviction of or plea of guilty or nolo contendere,
23 finding of guilt, jury verdict, or entry of judgment or
24 sentencing, including, but not limited to, convictions,
25 preceding sentences of supervision, conditional discharge,

1 or first offender probation under the laws of any
2 jurisdiction of the United States that is (i) a felony,
3 (ii) a misdemeanor, an essential element of which is
4 dishonesty, or (iii) any crime that is directly related to
5 the practice of landscape architecture.

6 (4) Making any misrepresentations for the purpose of
7 obtaining a certificate of registration.

8 (5) Professional incompetence or gross negligence in
9 the rendering of landscape architectural services.

10 (6) Aiding or assisting another person in violating any
11 provision of this Act or any rules and regulations issued
12 pursuant to this Act.

13 (7) Failing to provide information within 60 days in
14 response to a written request made by the Department.

15 (8) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public.

18 (9) Habitual or excessive use or abuse of drugs defined
19 by law as controlled substances, alcohol, narcotics,
20 stimulants, or any other substances that results in the
21 inability to practice with reasonable judgment, skill, or
22 safety.

23 (10) Discipline by another jurisdiction, if at least
24 one of the grounds for the discipline is the same or
25 substantially equivalent to those set forth in this
26 Section.

1 (11) Directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership, or association
3 any fee, commission, rebate, or other form of compensation
4 for any professional service not actually rendered.

5 (12) A finding by the Department that the registrant,
6 after having the registration placed on probationary
7 status, has violated or failed to comply with the terms of
8 probation.

9 (13) A finding by the Department that the registrant
10 has failed to pay a fine imposed by the Department.

11 (14) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act, and
14 upon proof by clear and convincing evidence that the
15 registrant has caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

18 (15) Solicitation of professional services by using
19 false or misleading advertising.

20 (16) Inability to practice the profession with
21 reasonable judgment, skill, or safety as a result of
22 physical illness, including, but not limited to,
23 deterioration through the aging process, loss of motor
24 skill, mental illness, or disability.

25 (17) Using or attempting to use an expired, inactive,
26 suspended, or revoked registration, or the seal of another

1 registrant, or impersonating another registrant.

2 (18) Signing, affixing, or allowing the landscape
3 architect's seal to be affixed to any plans not prepared by
4 the landscape architect or under the landscape architect's
5 supervision.

6 (b) The Department may refuse to issue or may suspend the
7 registration of any person who fails to file a return, fails to
8 pay the tax, penalty, or interest showing in a filed return, or
9 fails to pay any final assessment of tax, penalty, or interest,
10 as required by any tax Act administered by the Department of
11 Revenue, until any such tax Act are satisfied.

12 (c) The entry of a decree by any circuit court establishing
13 that any person holding a certificate of registration under
14 this Act is a person subject to involuntary admission under the
15 Mental Health and Developmental Disabilities Code shall
16 operate as a suspension of that registration. That person may
17 resume using the title "registered landscape architect" only
18 upon a finding by the Department that he or she has been
19 determined to be no longer subject to involuntary admission by
20 the court and meeting the requirements for restoration as
21 required by this Act and its rules.

22 Section 90. Investigation; notice and hearing.

23 (a) The Department may investigate the actions of any
24 applicant or of any person holding or claiming to hold a
25 certificate of registration under this Act.

1 (b) The Department shall, before disciplining an applicant
2 or registrant, at least 30 days prior to the date set for the
3 hearing, (i) notify in writing the applicant or registrant of
4 the charges made and the time and place for the hearing on the
5 charges, (ii) direct the applicant or registrant to file a
6 written answer to the charges under oath within 20 days after
7 the service of the notice, and (iii) inform the applicant or
8 registrant that failure to file a written answer to the charges
9 will result in a default judgment being entered against the
10 applicant or registrant.

11 (c) Written or electronic notice, and any notice in the
12 subsequent proceeding, may be served by personal delivery, by
13 email, or by mail to the applicant or registrant at their
14 address of record or email address of record.

15 (d) At the time and place fixed in the notice, the hearing
16 officer appointed by the Secretary shall proceed to hear the
17 charges and the parties or their counsel shall be accorded
18 ample opportunity to present any statement, testimony,
19 evidence, and argument as may be pertinent to the charges or to
20 their defense. The hearing officer may continue the hearing
21 from time to time.

22 (e) In case the registrant or applicant, after receiving
23 the notice, fails to file an answer, their registration may, in
24 the discretion of the Secretary, be suspended, revoked, placed
25 on probationary status, or be subject to whatever disciplinary
26 action the Secretary considers proper, including limiting the

1 scope, nature, or extent of the person's practice or imposition
2 of a fine, without hearing, if the act or acts charged
3 constitute sufficient grounds for such action under this Act.

4 Section 95. Record of proceedings.

5 (a) The Department, at its expense, shall provide a
6 certified shorthand reporter to take down the testimony and
7 preserve a record of all proceedings in which a registrant may
8 have their registration revoked or suspended or in which the
9 registrant may be placed on probationary status, reprimanded,
10 fined, or subjected to other disciplinary action with reference
11 to the registration when a disciplinary action is authorized
12 under this Act and rules issued pursuant to this Act. The
13 notice of hearing, complaint, and all other documents in the
14 nature of pleadings and written motions filed in the
15 proceedings, the transcript of the testimony, and the orders of
16 the Department shall be the record of the proceedings. The
17 record may be made available to any person interested in the
18 hearing upon payment of the fee required by Section 2105-115 of
19 the Department of Professional Regulation Law.

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

1 by the certified shorthand reporter.

2 Section 100. Subpoenas; depositions; oaths.

3 (a) The Department has the power to subpoena and bring
4 before it any person and to take testimony either orally, by
5 deposition, or both, with the same fees and mileage and in the
6 same manner as prescribed in civil cases in circuit courts of
7 this State.

8 (b) The Secretary and the designated hearing officer have
9 the power to administer oaths to witnesses at any hearing which
10 the Department is authorized to conduct, and any other oaths
11 authorized in any Act administered by the Department.

12 Section 105. Compelling testimony. Any court, upon the
13 application of the Department, designated hearing officer, or
14 the applicant or registrant against whom proceedings under
15 Section 85 of this Act are pending, may, enter an order
16 requiring the attendance of witnesses and their testimony and
17 the production of documents, papers, files, books, and records
18 in connection with any hearing or investigation. The court may
19 compel obedience to its order by proceedings for contempt.

20 Section 110. Hearing; motion for rehearing.

21 (a) The hearing officer appointed by the Secretary shall
22 hear evidence in support of the formal charges and evidence
23 produced by the registrant. At the conclusion of the hearing,

1 the hearing officer shall present to the Secretary a written
2 report of his or her findings of fact, conclusions of law, and
3 recommendations.

4 (b) At the conclusion of the hearing, a copy of the hearing
5 officer's report shall be served upon the applicant or
6 registrant, either personally or as provided in this Act for
7 the service of the notice of hearing. Within 20 days after such
8 service, the applicant or registrant may present to the
9 Department a motion, in writing, for a rehearing which shall
10 specify the particular grounds for rehearing. The Department
11 may respond to the motion for rehearing within 20 days after
12 its service on the Department. If no motion for rehearing is
13 filed, then upon the expiration of the time specified for
14 filing such a motion, or upon denial of a motion for rehearing,
15 the Secretary may enter an order in accordance with the
16 recommendations of the hearing officer. If the applicant or
17 registrant orders from the reporting service and pays for a
18 transcript of the record within the time for filing a motion
19 for rehearing, the 20-day period within which a motion may be
20 filed shall commence upon delivery of the transcript to the
21 applicant or registrant.

22 (c) If the Secretary disagrees in any regard with the
23 report of the hearing officer, the Secretary may issue an order
24 contrary to the hearing officer's report.

25 (d) If the Secretary is not satisfied that substantial
26 justice has been done, the Secretary may order a hearing by the

1 same or another hearing officer.

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

6 Section 115. Appointment of a hearing officer. The
7 Secretary has the authority to appoint an attorney licensed to
8 practice law in the State of Illinois to serve as the hearing
9 officer in any action for refusal to issue, restore, or renew a
10 registration or to discipline an applicant or registrant. The
11 hearing officer shall have full authority to conduct the
12 hearing.

13 Section 120. Order or certified copy; prima facie proof.
14 An order or a certified copy thereof, over the seal of the
15 Department and purporting to be signed by the Secretary, shall
16 be prima facie proof that:

17 (1) the signature is the genuine signature of the
18 Secretary; and

19 (2) the Secretary is appointed and qualified.

20 Section 125. Restoration of suspended or revoked
21 registration.

22 (a) At any time after the successful completion of a term
23 of probation, suspension, or revocation of a registration under

1 this Act, the Department may restore it to the registrant
2 unless after an investigation and hearing the Department
3 determines that restoration is not in the public interest.

4 (b) Where circumstances of suspension or revocation so
5 indicate, the Department may require an examination of the
6 registrant prior to restoring his or her registration.

7 (c) No person whose registration has been revoked as
8 authorized in this Act may apply for restoration of that
9 registration until such time as provided for in the Civil
10 Administrative Code of Illinois.

11 (d) A registration that has been suspended or revoked shall
12 be considered nonrenewed for purposes of restoration and a
13 registration restoring their registration from suspension or
14 revocation must comply with the requirements for restoration as
15 set forth in Section 50 of this Act and any rules adopted
16 pursuant to this Act.

17 Section 130. Surrender of registration. Upon the
18 revocation or suspension of any registration, the registrant
19 shall immediately surrender his or her certificate of
20 registration to the Department. If the registrant fails to do
21 so, the Department has the right to seize the certificate of
22 registration.

23 Section 135. Administrative Review Law; venue.

24 (a) All final administrative decisions of the Department

1 are subject to judicial review under the Administrative Review
2 Law and its rules. The term "administrative decision" is
3 defined as in Section 3-101 of the Code of Civil Procedure.

4 (b) Proceedings for judicial review shall be commenced in
5 the circuit court of the county in which the party applying for
6 review resides, but if the party is not a resident of this
7 State, the venue shall be in Sangamon County.

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

14 (d) Failure on the part of the plaintiff to file a receipt
15 of the plaintiff's payment to the Department as specified in
16 subsection (c) of this Section in court shall be grounds for
17 dismissal of the action.

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

22 Section 140. Confidentiality. All information collected by
23 the Department in the course of an examination or investigation
24 of a registrant or applicant, including, but not limited to,
25 any complaint against a registrant filed with the Department

1 and information collected to investigate any such complaint,
2 shall be maintained for the confidential use of the Department
3 and shall not be disclosed. The Department may not disclose the
4 information to anyone other than law enforcement officials,
5 other regulatory agencies that have an appropriate regulatory
6 interest as determined by the Secretary, or a party presenting
7 a lawful subpoena to the Department. Information and documents
8 disclosed to a federal, State, county, or local law enforcement
9 agency shall not be disclosed by the agency for any purpose to
10 any other agency or person. A formal complaint filed against a
11 registrant by the Department or any order issued by the
12 Department against a registrant or applicant shall be a public
13 record, except as otherwise prohibited by law.

14 Section 145. Illinois Administrative Procedure Act. The
15 Illinois Administrative Procedure Act is hereby expressly
16 adopted and incorporated herein as if all of the provisions of
17 that Act were included in this Act, except that the provision
18 of subsection (d) of Section 10-65 of the Illinois
19 Administrative Procedure Act that provides that at hearings the
20 registrant has the right to show compliance with all lawful
21 requirements for retention, continuation, or renewal of the
22 registration is specifically excluded. The Department shall
23 not be required to annually verify email addresses as specified
24 in paragraph (a) of subsection (2) of Section 10-75 of the
25 Illinois Administrative Procedure Act. For the purposes of this

1 Act the notice required under Section 10-25 of the Illinois
2 Administrative Procedure Act is deemed sufficient when mailed
3 to the address of record or emailed to the email address of
4 record.

5 Section 900. The Regulatory Sunset Act is amended by adding
6 Section 4.41 as follows:

7 (5 ILCS 80/4.41 new)

8 Sec. 4.41. Act repealed on January 1, 2031. The following
9 Act is repealed on January 1, 2031:

10 The Landscape Architect Registration Act.

11 Section 905. The Park District Code is amended by changing
12 Section 8-50 as follows:

13 (70 ILCS 1205/8-50)

14 Sec. 8-50. Definitions. For the purposes of Sections 8-50
15 through 8-57, the following terms shall have the following
16 meanings, unless the context requires a different meaning:

17 "Delivery system" means the design and construction
18 approach used to develop and construct a project.

19 "Design-bid-build" means the traditional delivery system
20 used on public projects that incorporates the Local Government
21 Professional Services Selection Act and the principles of
22 competitive selection.

1 "Design-build" means a delivery system that provides
2 responsibility within a single contract for the furnishing of
3 architecture, engineering, land surveying, and related
4 services as required, and the labor, materials, equipment, and
5 other construction services for the project.

6 "Design-build contract" means a contract for a public
7 project under this Act between any park district and a
8 design-build entity to furnish architecture, engineering, land
9 surveying, landscape architecture, and related services as
10 required, and to furnish the labor, materials, equipment, and
11 other construction services for the project. The design-build
12 contract may be conditioned upon subsequent refinements in
13 scope and price and may allow the park district to make
14 modifications in the project scope without invalidating the
15 design-build contract.

16 "Design-build entity" means any individual, sole
17 proprietorship, firm, partnership, joint venture, corporation,
18 professional corporation, or other entity that proposes to
19 design and construct any public project under this Act. A
20 design-build entity and associated design-build professionals
21 shall conduct themselves in accordance with the laws of this
22 State and the related provisions of the Illinois Administrative
23 Code, as referenced by the licensed design professionals Acts
24 of this State.

25 "Design professional" means any individual, sole
26 proprietorship, firm, partnership, joint venture, corporation,

1 professional corporation, or other entity that offers services
2 under the Illinois Architecture Practice Act of 1989, the
3 Professional Engineering Practice Act of 1989, the Structural
4 Engineering Practice Act of 1989, or the Illinois Professional
5 Land Surveyor Act of 1989.

6 "Evaluation criteria" means the requirements for the
7 separate phases of the selection process for design-build
8 proposals as defined in this Act and may include the
9 specialized experience, technical qualifications and
10 competence, capacity to perform, past performance, experience
11 with similar projects, assignment of personnel to the project,
12 and other appropriate factors. Price may not be used as a
13 factor in the evaluation of Phase I proposals.

14 "Landscape architect design professional" means any
15 person, sole proprietorship, or entity including, but not
16 limited to, a partnership, professional service corporation,
17 or corporation that offers services under the Landscape
18 Architecture Registration Act ~~Illinois Landscape Architecture~~
19 ~~Act of 1989~~.

20 "Proposal" means the offer to enter into a design-build
21 contract as submitted by a design-build entity in accordance
22 with this Act.

23 "Request for proposal" means the document used by the park
24 district to solicit proposals for a design-build contract.

25 "Scope and performance criteria" means the requirements
26 for the public project, including, but not limited to: the

1 intended usage, capacity, size, scope, quality, and
2 performance standards; life-cycle costs; and other
3 programmatic criteria that are expressed in performance
4 oriented and quantifiable specifications and drawings that can
5 be reasonably inferred and are suited to allow a design-build
6 entity to develop a proposal.

7 (Source: P.A. 97-349, eff. 8-12-11.)

8 Section 910. The Chicago Park District Act is amended by
9 changing Section 26.10-4 as follows:

10 (70 ILCS 1505/26.10-4)

11 Sec. 26.10-4. Definitions. The following terms, whenever
12 used or referred to in this Act, have the following meaning
13 unless the context requires a different meaning:

14 "Delivery system" means the design and construction
15 approach used to develop and construct a project.

16 "Design-bid-build" means the traditional delivery system
17 used on public projects that incorporates the Local Government
18 Professional Services Selection Act (50 ILCS 510/) and the
19 principles of competitive selection.

20 "Design-build" means a delivery system that provides
21 responsibility within a single contract for the furnishing of
22 architecture, engineering, land surveying and related services
23 as required, and the labor, materials, equipment, and other
24 construction services for the project.

1 "Design-build contract" means a contract for a public
2 project under this Act between the Chicago Park District and a
3 design-build entity to furnish architecture, engineering, land
4 surveying, landscape architecture, and related services as
5 required, and to furnish the labor, materials, equipment, and
6 other construction services for the project. The design-build
7 contract may be conditioned upon subsequent refinements in
8 scope and price and may allow the Chicago Park District to make
9 modifications in the project scope without invalidating the
10 design-build contract.

11 "Design-build entity" means any individual, sole
12 proprietorship, firm, partnership, joint venture, corporation,
13 professional corporation, or other entity that proposes to
14 design and construct any public project under this Act. A
15 design-build entity and associated design-build professionals
16 shall conduct themselves in accordance with the laws of this
17 State and the related provisions of the Illinois Administrative
18 Code, as referenced by the licensed design professionals Acts
19 of this State.

20 "Design professional" means any individual, sole
21 proprietorship, firm, partnership, joint venture, corporation,
22 professional corporation, or other entity that offers services
23 under the Illinois Architecture Practice Act of 1989 (225 ILCS
24 305/), the Professional Engineering Practice Act of 1989 (225
25 ILCS 325/), the Structural Engineering Practice Act of 1989
26 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act

1 of 1989 (225 ILCS 330/).

2 "Landscape architect design professional" means any
3 person, sole proprietorship, or entity such as a partnership,
4 professional service corporation, or corporation that offers
5 services under the Landscape Architecture Registration Act
6 ~~Illinois Landscape Architecture Act of 1989~~.

7 "Evaluation criteria" means the requirements for the
8 separate phases of the selection process for design-build
9 proposals as defined in this Act and may include the
10 specialized experience, technical qualifications and
11 competence, capacity to perform, past performance, experience
12 with similar projects, assignment of personnel to the project,
13 and other appropriate factors. Price may not be used as a
14 factor in the evaluation of Phase I proposals.

15 "Proposal" means the offer to enter into a design-build
16 contract as submitted by a design-build entity in accordance
17 with this Act.

18 "Request for proposal" means the document used by the
19 Chicago Park District to solicit proposals for a design-build
20 contract.

21 "Scope and performance criteria" means the requirements
22 for the public project, including but not limited to, the
23 intended usage, capacity, size, scope, quality and performance
24 standards, life-cycle costs, and other programmatic criteria
25 that are expressed in performance-oriented and quantifiable
26 specifications and drawings that can be reasonably inferred and

1 are suited to allow a design-build entity to develop a
2 proposal.

3 "Guaranteed maximum price" means a form of contract in
4 which compensation may vary according to the scope of work
5 involved but in any case may not exceed an agreed total amount.
6 (Source: P.A. 96-777, eff. 8-28-09; 96-1000, eff. 7-2-10.)

7 Section 915. The Professional Geologist Licensing Act is
8 amended by changing Section 20 as follows:

9 (225 ILCS 745/20)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 20. Exemptions. Nothing in this Act shall be construed
12 to restrict the use of the title "geologist" or similar words
13 by any person engaged in a practice of geology exempted under
14 this Act, provided the person does not hold himself or herself
15 out as being a Licensed Professional Geologist or does not
16 practice professional geology in a manner requiring licensure
17 under this Act. Performance of the following activities does
18 not require licensure as a licensed professional geologist
19 under this Act:

20 (a) The practice of professional geology by an employee
21 or a subordinate of a licensee under this Act, provided the
22 work does not include responsible charge of geological work
23 and is performed under the direct supervision of a Licensed
24 Professional Geologist who is responsible for the work.

1 (b) The practice of professional geology by officers
2 and employees of the United States government within the
3 scope of their employment.

4 (c) The practice of professional geology as geologic
5 research to advance basic knowledge for the purpose of
6 offering scientific papers, publications, or other
7 presentations (i) before meetings of scientific societies,
8 (ii) internal to a partnership, corporation,
9 proprietorship, or government agency, or (iii) for
10 publication in scientific journals, or in books.

11 (d) The teaching of geology in schools, colleges, or
12 universities, as defined by rule.

13 (e) The practice of professional geology exclusively
14 in the exploration for or development of energy resources
15 or base, precious and nonprecious minerals, including
16 sand, gravel, and aggregate, that does not require, by law,
17 rule, or ordinance, the submission of reports, documents,
18 or oral or written testimony to public agencies. Public
19 agencies may, by law or by rule, allow required oral or
20 written testimony, reports, permit applications, or other
21 documents based on the science of geology to be submitted
22 to them by persons not licensed under this Act. Unless
23 otherwise required by State or federal law, public agencies
24 may not require that the geology-based aspects of
25 testimony, reports, permits, or other documents so
26 exempted be reviewed by, approved, or otherwise certified

1 by any person who is not a Licensed Professional Geologist.
2 Licensure is not required for the submission and review of
3 reports or documents or the provision of oral or written
4 testimony made under the Well Abandonment Act, the Illinois
5 Oil and Gas Act, the Surface Coal Mining Land Conservation
6 and Reclamation Act, or the Surface-Mined Land
7 Conservation and Reclamation Act.

8 (f) The practice of professional engineering as
9 defined in the Professional Engineering Practice Act of
10 1989.

11 (g) The practice of structural engineering as defined
12 in the Structural Engineering Practice Act of 1989.

13 (h) The practice of architecture as defined in the
14 Illinois Architecture Practice Act of 1989.

15 (i) The practice of land surveying as defined in the
16 Illinois Professional Land Surveyor Act of 1989.

17 (j) The practice of landscape architecture as defined
18 in the Landscape Architecture Registration Act ~~Illinois~~
19 ~~Landscape Architecture Act of 1989.~~

20 (k) The practice of professional geology for a period
21 not to exceed 9 months by any person pursuing a course of
22 study leading to a degree in geology from an accredited
23 college or university, as set forth in this Act and as
24 established by rule, provided that (i) such practice
25 constitutes a part of a supervised course of study, (ii)
26 the person is under the supervision of a geologist licensed

1 under this Act or a teacher of geology at an accredited
2 college or university, and (iii) the person is designated
3 by a title that clearly indicates his or her status as a
4 student or trainee.

5 (Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

6 Section 920. The Unified Code of Corrections is amended by
7 changing Section 5-5-5 as follows:

8 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

9 Sec. 5-5-5. Loss and restoration of rights.

10 (a) Conviction and disposition shall not entail the loss by
11 the defendant of any civil rights, except under this Section
12 and Sections 29-6 and 29-10 of The Election Code, as now or
13 hereafter amended.

14 (b) A person convicted of a felony shall be ineligible to
15 hold an office created by the Constitution of this State until
16 the completion of his sentence.

17 (c) A person sentenced to imprisonment shall lose his right
18 to vote until released from imprisonment.

19 (d) On completion of sentence of imprisonment or upon
20 discharge from probation, conditional discharge or periodic
21 imprisonment, or at any time thereafter, all license rights and
22 privileges granted under the authority of this State which have
23 been revoked or suspended because of conviction of an offense
24 shall be restored unless the authority having jurisdiction of

1 such license rights finds after investigation and hearing that
2 restoration is not in the public interest. This paragraph (d)
3 shall not apply to the suspension or revocation of a license to
4 operate a motor vehicle under the Illinois Vehicle Code.

5 (e) Upon a person's discharge from incarceration or parole,
6 or upon a person's discharge from probation or at any time
7 thereafter, the committing court may enter an order certifying
8 that the sentence has been satisfactorily completed when the
9 court believes it would assist in the rehabilitation of the
10 person and be consistent with the public welfare. Such order
11 may be entered upon the motion of the defendant or the State or
12 upon the court's own motion.

13 (f) Upon entry of the order, the court shall issue to the
14 person in whose favor the order has been entered a certificate
15 stating that his behavior after conviction has warranted the
16 issuance of the order.

17 (g) This Section shall not affect the right of a defendant
18 to collaterally attack his conviction or to rely on it in bar
19 of subsequent proceedings for the same offense.

20 (h) No application for any license specified in subsection
21 (i) of this Section granted under the authority of this State
22 shall be denied by reason of an eligible offender who has
23 obtained a certificate of relief from disabilities, as defined
24 in Article 5.5 of this Chapter, having been previously
25 convicted of one or more criminal offenses, or by reason of a
26 finding of lack of "good moral character" when the finding is

1 based upon the fact that the applicant has previously been
2 convicted of one or more criminal offenses, unless:

3 (1) there is a direct relationship between one or more
4 of the previous criminal offenses and the specific license
5 sought; or

6 (2) the issuance of the license would involve an
7 unreasonable risk to property or to the safety or welfare
8 of specific individuals or the general public.

9 In making such a determination, the licensing agency shall
10 consider the following factors:

11 (1) the public policy of this State, as expressed in
12 Article 5.5 of this Chapter, to encourage the licensure and
13 employment of persons previously convicted of one or more
14 criminal offenses;

15 (2) the specific duties and responsibilities
16 necessarily related to the license being sought;

17 (3) the bearing, if any, the criminal offenses or
18 offenses for which the person was previously convicted will
19 have on his or her fitness or ability to perform one or
20 more such duties and responsibilities;

21 (4) the time which has elapsed since the occurrence of
22 the criminal offense or offenses;

23 (5) the age of the person at the time of occurrence of
24 the criminal offense or offenses;

25 (6) the seriousness of the offense or offenses;

26 (7) any information produced by the person or produced

1 on his or her behalf in regard to his or her rehabilitation
2 and good conduct, including a certificate of relief from
3 disabilities issued to the applicant, which certificate
4 shall create a presumption of rehabilitation in regard to
5 the offense or offenses specified in the certificate; and

6 (8) the legitimate interest of the licensing agency in
7 protecting property, and the safety and welfare of specific
8 individuals or the general public.

9 (i) A certificate of relief from disabilities shall be
10 issued only for a license or certification issued under the
11 following Acts:

12 (1) the Animal Welfare Act; except that a certificate
13 of relief from disabilities may not be granted to provide
14 for the issuance or restoration of a license under the
15 Animal Welfare Act for any person convicted of violating
16 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
17 Care for Animals Act or Section 26-5 or 48-1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012;

19 (2) the Illinois Athletic Trainers Practice Act;

20 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
21 and Nail Technology Act of 1985;

22 (4) the Boiler and Pressure Vessel Repairer Regulation
23 Act;

24 (5) the Boxing and Full-contact Martial Arts Act;

25 (6) the Illinois Certified Shorthand Reporters Act of
26 1984;

- 1 (7) the Illinois Farm Labor Contractor Certification
- 2 Act;
- 3 (8) the Registered Interior Designers Act;
- 4 (9) the Illinois Professional Land Surveyor Act of
- 5 1989;
- 6 (10) the Landscape Architecture Registration Act
- 7 ~~Illinois Landscape Architecture Act of 1989;~~
- 8 (11) the Marriage and Family Therapy Licensing Act;
- 9 (12) the Private Employment Agency Act;
- 10 (13) the Professional Counselor and Clinical
- 11 Professional Counselor Licensing and Practice Act;
- 12 (14) the Real Estate License Act of 2000;
- 13 (15) the Illinois Roofing Industry Licensing Act;
- 14 (16) the Professional Engineering Practice Act of
- 15 1989;
- 16 (17) the Water Well and Pump Installation Contractor's
- 17 License Act;
- 18 (18) the Electrologist Licensing Act;
- 19 (19) the Auction License Act;
- 20 (20) the Illinois Architecture Practice Act of 1989;
- 21 (21) the Dietitian Nutritionist Practice Act;
- 22 (22) the Environmental Health Practitioner Licensing
- 23 Act;
- 24 (23) the Funeral Directors and Embalmers Licensing
- 25 Code;
- 26 (24) (blank);

- 1 (25) the Professional Geologist Licensing Act;
- 2 (26) the Illinois Public Accounting Act; and
- 3 (27) the Structural Engineering Practice Act of 1989.
- 4 (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)