



Sen. Jennifer Bertino-Tarrant

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LRB101 04415 AMC 58059 a

1 AMENDMENT TO SENATE BILL 654

2 AMENDMENT NO. _____. Amend Senate Bill 654 by replacing
3 everything after the enacting clause with the following:

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

6 (5 ILCS 80/4.30)

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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 The Orthotics, Prosthetics, and Pedorthics Practice Act.

16 The Perfusionist Practice Act.

1 The Pharmacy Practice Act.

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

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
6 100-863, eff. 8-14-18.)

7 (5 ILCS 80/4.40 new)

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 Act repealed on January 1, 2030.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9 Act is repealed on January 1, 2030:

10 The Professional Engineering Practice Act of 1989.

11 Section 10. The Professional Engineering Practice Act of
12 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10,
13 11, 12, 14, 15, 16, 17, 17.5, 18, 19, 20, 23, 24, 25, 26, 27,
14 27.5, 29, 32, 33, 34, 37, 41, 44, 45, 47, and 48 and by adding
15 Sections 4.5, 18.5, 20.5, 20.10, and 31.5 as follows:

16 (225 ILCS 325/3) (from Ch. 111, par. 5203)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 3. Application of ~~the Act~~; exemptions ~~Exemptions~~.

19 (a) Nothing in this Act shall be construed to prevent the
20 practice of structural engineering as defined in the Structural
21 Engineering Practice Act of 1989 or the practice of
22 architecture as defined in the Illinois Architecture Practice
23 Act of 1989 or the regular and customary practice of

1 construction contracting and construction management as
2 performed by construction contractors.

3 (b) Nothing in this Act shall be construed to prevent the
4 regular and customary practice of a private alarm contractor
5 licensed pursuant to the Private Detective, Private Alarm,
6 Private Security, Fingerprint Vendor, and Locksmith Act of
7 2004.

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

19 (d) A building permit for a building that requires a fire
20 suppression system shall not be issued without the submission
21 of a technical submission prepared and sealed by a licensed
22 design professional. Fire protection system layout documents
23 do not require an engineering seal if prepared by a technician
24 who holds a valid NICET level 3 or 4 certification in fire
25 protection technology, automatic sprinkler system layout. An
26 authority having jurisdiction may not accept fire protection

1 system layout documents in lieu of technical submissions. Fire
2 protection system layout documents may be submitted as
3 supporting documents to supplement technical submissions.
4 However, in the event the fire protection system layout
5 documents materially alter the technical submissions, the
6 authority having jurisdiction shall return both the fire
7 protection layout documents and technical submissions to the
8 licensed design professional for review.

9 (e) Nothing in this Act shall prevent:

10 (1) Employees, including project representatives, of
11 professional engineers lawfully practicing as sole owners,
12 partnerships or corporations under this Act, from acting
13 under the direct supervision of their employers.

14 (2) The employment of owner's representatives by the
15 owner during the constructing, adding to, or altering of a
16 project, or any parts thereof, provided that such owner's
17 representative shall not have the authority to deviate from
18 the technical submissions without the prior approval of the
19 professional engineer for the project.

20 (3) The practice of officers and employees of the
21 Government of the United States while engaged within this
22 State in the practice of the profession of engineering for
23 the Government.

24 (4) Services performed by employees of a business
25 organization engaged in utility, telecommunications,
26 industrial, or manufacturing operations, or by employees

1 of laboratory research affiliates of such business
2 organization that ~~which~~ are rendered in connection with the
3 fabrication or production, sale, and installation of
4 products, systems, or nonengineering services of the
5 business organization or its affiliates.

6 (5) Inspection, maintenance and service work done by
7 employees of the State of Illinois, any political
8 subdivision thereof or any municipality.

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

22 (7) The activities performed by a person ordinarily
23 designated as a supervising engineer or supervising
24 electrical maintenance or service engineer who supervises
25 the operation of, or who operates, machinery or equipment,
26 or who supervises construction or the installation of

1 equipment within a plant that ~~which~~ is under such person's
2 immediate supervision.

3 (8) The services, for private use, of contractors or
4 owners in the construction of engineering works or the
5 installation of equipment.

6 ~~(f) No officer, board, commission, or other public entity~~
7 ~~charged with the enforcement of codes and ordinances involving~~
8 ~~a professional engineering project shall accept for filing or~~
9 ~~approval any technical submissions that do not bear the seal~~
10 ~~and signature of a professional engineer licensed under this~~
11 ~~Act.~~

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

13 (225 ILCS 325/4) (from Ch. 111, par. 5204)

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

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

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

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

1 Department.

2 (b) "Board" means the State Board of Professional Engineers
3 of the Department.

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

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

11 (e) (Blank).

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

17 (f-5) "Email address of record" means the designated email
18 address of record by the Department in the applicant's
19 application file or the licensee's license file as maintained
20 by the Department's licensure maintenance unit.

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

26 (h) "Engineering system or facility" means a system or

1 facility whose design is based upon the application of the
2 principles of science for the purpose of modification of
3 natural states of being.

4 (i) "Engineer intern" means a person who is a candidate for
5 licensure as a professional engineer and who has been enrolled
6 as an engineer intern.

7 (j) "Enrollment" means an action by the Department to
8 record those individuals who have met the Department's
9 requirements for an engineer intern.

10 (k) "License" means an official document issued by the
11 Department to an individual, a corporation, a partnership, a
12 professional service corporation, a limited liability company,
13 or a sole proprietorship, signifying authority to practice.

14 (l) "Negligence in the practice of professional
15 engineering" means the failure to exercise that degree of
16 reasonable professional skill, judgment and diligence normally
17 rendered by professional engineers in the practice of
18 professional engineering.

19 (m) "Professional engineer" means a person licensed under
20 the laws of the State of Illinois to practice professional
21 engineering.

22 (n) "Professional engineering" means the application of
23 science to the design of engineering systems and facilities
24 using the knowledge, skills, ability and professional judgment
25 developed through professional engineering education, training
26 and experience.

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

19 Examples of the practice of professional engineering
20 include, but are not ~~need not be~~ limited to, transportation
21 facilities and publicly owned utilities for a region or
22 community, railroads, railways, highways, subways, canals,
23 harbors, river improvements; land development; stormwater
24 detention, retention, and conveyance, excluding structures
25 defined under Section 5 of the Structural Engineering Practice
26 Act of 1989 (~~225 ILCS 340/5~~); irrigation works; aircraft and

1 airports; traffic engineering; waterworks, piping systems,
2 sewers, sewage disposal works, storm sewer, sanitary sewer and
3 water system modeling; plants for the generation of power;
4 devices for the utilization of power; boilers; refrigeration
5 plants, air conditioning systems and plants; heating systems
6 and plants; plants for the transmission or distribution of
7 power; electrical plants which produce, transmit, distribute,
8 or utilize electrical energy; works for the extraction of
9 minerals from the earth; plants for the refining, alloying or
10 treating of metals; chemical works and industrial plants
11 involving the use of chemicals and chemical processes; plants
12 for the production, conversion, or utilization of nuclear,
13 chemical, or radiant energy; forensic engineering,
14 geotechnical engineering including, subsurface investigations;
15 soil and rock classification, geology and geohydrology,
16 incidental to the practice of professional engineering;
17 geohydrological investigations, migration pathway analysis
18 (including evaluation of building and site elements), soil and
19 groundwater management zone analysis and design; energy
20 analysis, environmental risk assessments, corrective action
21 plans, design, remediation, protection plans and systems,
22 hazardous waste mitigation and control, and environmental
23 control or remediation systems; recognition, measurement,
24 evaluation and control of environmental systems and emissions;
25 control systems, evaluation and design of engineered barriers,
26 excluding structures defined under Section 5 of the Structural

1 Engineering Practice Act of 1989 (~~225 ILCS 340/5~~); modeling of
2 pollutants in water, soil, and air; engineering surveys of
3 sites, facilities, and topography specific to a design project,
4 not including land boundary establishment; automated building
5 management systems; control or remediation systems; computer
6 controlled or integrated systems; automatic fire notification
7 and suppression systems; investigation and assessment of
8 indoor air inhalation exposures and design of abatement and
9 remediation systems; or the provision of professional
10 engineering site observation of the construction of works and
11 engineering systems. In the performance of any of the foregoing
12 functions, a licensee shall adhere to the standards of
13 professional conduct enumerated in 68 Ill. Adm. Code 1380.300.
14 Nothing contained in this Section imposes upon a person
15 licensed under this Act the responsibility for the performance
16 of any of the foregoing functions unless such person
17 specifically contracts to provide it. Nothing in this Section
18 shall preclude an employee from acting under the direct
19 supervision or responsible charge of a licensed professional
20 engineer.

21 (p) "Project representative" means the professional
22 engineer's representative at the project site who assists in
23 the administration of the construction contract.

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

26 (r) "Related science curriculum" means a 4-year ~~4-year~~

1 program of study, the satisfactory completion of which results
2 in a Bachelor of Science degree, and which contains courses
3 from such areas as life, earth, engineering and computer
4 sciences, including, but not limited to, physics and chemistry.
5 In the study of these sciences, the objective is to acquire
6 fundamental knowledge about the nature of its phenomena,
7 including quantitative expression, appropriate to particular
8 fields of engineering.

9 (s) "Rules" means the ~~those~~ rules adopted ~~promulgated~~
10 pursuant to this Act.

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

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

15 (u) "Site observation" means ~~is~~ visitation of the
16 construction site for the purpose of reviewing, as available,
17 the quality and conformance of the work to the technical
18 submissions as they relate to design.

19 (v) "Support design professional" means a professional
20 engineer practicing in conformance with the Professional
21 Engineering Practice Act of 1989, who provides services to the
22 design professional who has contract responsibility.

23 ~~(w) "Technical submissions" are the designs, drawings, and~~
24 ~~specifications which establish the scope and standard of~~
25 ~~quality for materials, workmanship, equipment, and systems.~~
26 ~~"Technical submissions" also includes, but are not limited to,~~

1 ~~studies, analyses, calculations, and other technical reports~~
2 ~~prepared in the course of the practice of professional~~
3 ~~engineering or under the direct supervision and responsible~~
4 ~~charge of a licensed professional engineer.~~

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

6 (225 ILCS 325/4.5 new)

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

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

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

17 (225 ILCS 325/5) (from Ch. 111, par. 5205)

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

19 Sec. 5. Powers and duties of the Department. ~~The Subject to~~
20 ~~the provisions of this Act, the~~ Department shall exercise,
21 subject to the provisions of this Act, the following functions,
22 powers, and duties:

23 (a) Authorize examinations to ascertain the fitness
24 and qualifications of applicants for licensure and pass

1 upon the qualifications and fitness of applicants for
2 licensure by endorsement. ~~To pass upon the qualifications~~
3 ~~and conduct examinations of applicants for licensure as~~
4 ~~professional engineers or enrollment as engineer interns~~
5 ~~and pass upon the qualifications of applicants by~~
6 ~~endorsement and issue a license or enrollment to those who~~
7 ~~are found to be fit and qualified.~~

8 (b) Adopt rules required for the administration of this
9 Act. ~~To prescribe rules for the method, conduct and grading~~
10 ~~of the examination of applicants.~~

11 (c) Conduct hearings on proceedings to refuse to issue
12 or renew, restore, revoke, or suspend licenses or place on
13 probation or reprimand persons or entities licensed under
14 the provisions of this Act. ~~To register corporations,~~
15 ~~partnerships, professional service corporations, limited~~
16 ~~liability companies, and sole proprietorships for the~~
17 ~~practice of professional engineering and issue a~~
18 ~~certificate of registration to those who qualify.~~

19 (d) Issue licenses to those who meet the requirements
20 of this Act. ~~To conduct investigations and hearings~~
21 ~~regarding violations of this Act and take disciplinary or~~
22 ~~other actions as provided in this Act as a result of the~~
23 ~~proceedings.~~

24 (e) Adopt ~~To prescribe~~ rules as to what shall
25 constitute a ~~an~~ professional engineering or related
26 science curriculum ~~and to determine if a specific~~

1 ~~engineering curriculum is in compliance with the rules, and~~
2 ~~to terminate the approval of a specific engineering~~
3 ~~curriculum for non-compliance with such rules.~~

4 (f) Adopt rules for what constitutes professional
5 engineering experience. ~~To promulgate rules required for~~
6 ~~the administration of this Act, including rules of~~
7 ~~professional conduct.~~

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

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

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

1 ~~explanation of any such deviation. The Department may at~~
2 ~~any time seek the expert advice and knowledge of the Board~~
3 ~~on any matter relating to the enforcement of this Act.~~

4 (i) (Blank). ~~To post on the Department's website, a~~
5 ~~newsletter describing the most recent changes in this Act~~
6 ~~and the rules adopted under this Act and containing~~
7 ~~information of any final disciplinary action that has been~~
8 ~~ordered under this Act since the date of the last~~
9 ~~newsletter.~~

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

13 (k) Conduct investigations related to possible
14 violations of this Act.

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

16 (225 ILCS 325/6) (from Ch. 111, par. 5206)

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

18 Sec. 6. Board. ~~Composition, qualifications and terms of the~~
19 ~~Board.~~

20 (a) The Secretary shall appoint a Professional Engineering
21 Board. The Board shall consist of 10 members who shall serve in
22 an advisory capacity to the Secretary. All shall be residents
23 of Illinois. 9 members shall (i) currently hold a valid
24 professional engineering license in Illinois and shall have
25 held the license under this Act for the previous 10-year period

1 and (ii) have not been disciplined within the last 10-year
2 period under this Act. In addition to the 9 professional
3 engineers, there shall be one public member. The public member
4 shall be a voting member and shall not be licensed under this
5 Act or any other design profession licensing Act that the
6 Department administers.

7 (b) Board members shall serve 5-year terms and until their
8 successors are appointed and qualified.

9 (c) In appointing members to the Board, the Secretary shall
10 give due consideration to recommendations by members and
11 organizations of the professional engineering profession.

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

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

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

20 (g) Six members shall constitute a quorum. A quorum is
21 required for Board decisions.

22 (h) The Secretary may terminate the appointment of any
23 member for cause which in the opinion of the Secretary
24 reasonably justified such termination which may include, but is
25 not limited to, a Board member who does not attend 2
26 consecutive meetings.

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

4 (j) Members of the Board shall have no liability in any
5 action based upon disciplinary proceedings or other activity
6 performed in good faith as members of the Board.

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

9 ~~(a) The Board shall be appointed by the Secretary and shall~~
10 ~~consist of 10 members, one of whom shall be a public member and~~
11 ~~9 of whom shall be professional engineers licensed under this~~
12 ~~Act. In addition each member who is a professional engineer~~
13 ~~shall:~~

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

15 ~~(2) be a resident of this State.~~

16 ~~(b) In addition, each member who is a professional engineer~~
17 ~~shall:~~

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

21 ~~(2) have been in charge of professional engineering~~
22 ~~work for at least 5 years. For the purposes of this~~
23 ~~Section, any period in which a person has been in charge of~~
24 ~~teaching engineering in an engineering college with the~~
25 ~~rank of assistant professor or higher shall be considered~~
26 ~~as time in which such person was in charge of professional~~

1 ~~engineering work.~~

2 ~~The terms for all members shall be for 5 years. On the~~
3 ~~expiration of the term of any member or in the event of a~~
4 ~~vacancy, the Secretary shall appoint a member who shall hold~~
5 ~~office until the expiration of the term for which the member is~~
6 ~~appointed and until a successor has been appointed and~~
7 ~~qualified.~~

8 ~~No member shall be reappointed to the Board for a term~~
9 ~~which would cause that individual's lifetime service on the~~
10 ~~Board to be longer than 15 years.~~

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

14 ~~The public member shall be a voting member and shall not~~
15 ~~hold a license as an architect, professional engineer,~~
16 ~~structural engineer, or a land surveyor. The public member~~
17 ~~shall be an Illinois resident and a citizen of the United~~
18 ~~States.~~

19 ~~In making appointments to the Board, the Secretary shall~~
20 ~~give due consideration to recommendations by members of the~~
21 ~~profession and by organizations therein.~~

22 ~~The Secretary may remove any member of the Board for~~
23 ~~misconduct, incompetence, neglect of duty or for reasons~~
24 ~~prescribed by law for removal of State officials.~~

25 ~~The Secretary may remove a member of the Board who does not~~
26 ~~attend 2 consecutive meetings.~~

1 ~~A quorum of the Board shall consist of 6 Board members. A~~
2 ~~quorum is required for Board decisions.~~

3 ~~Each member of the Board may receive compensation as~~
4 ~~determined by the Secretary and shall be reimbursed for all~~
5 ~~actual traveling expenses.~~

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

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

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

15 (225 ILCS 325/7) (from Ch. 111, par. 5207)

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

17 Sec. 7. Powers and duties of the Board. Subject to the
18 provisions of this Act, the Board shall exercise the following
19 functions, powers, and duties:

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

1 (b) The Board shall annually elect a chairperson and a
2 vice chairperson who shall be Illinois licensed
3 professional engineers. ~~The Board may appoint a~~
4 ~~subcommittee to serve as a Complaint Committee to recommend~~
5 ~~the disposition of case files according to procedures~~
6 ~~established by rule in 68 Ill. Adm. Code 1380.305, and any~~
7 ~~changes and amendments thereto;~~

8 (c) The Board, upon request by the Department, may make
9 a curriculum evaluation to approve a professional engineer
10 program, a non-approved engineering program, and related
11 science curriculum. ~~Conduct hearings regarding~~
12 ~~disciplinary actions and submit a written report and~~
13 ~~recommendations to the Secretary as required by this Act~~
14 ~~and to provide a Board member at informal conferences;~~

15 (d) The Department may at any time seek the expert
16 advice and knowledge of the Board on any matter relating to
17 the enforcement of this Act. ~~Make visits to universities or~~
18 ~~colleges to evaluate engineering curricula or to otherwise~~
19 ~~evaluate engineering curricula and submit to the Secretary~~
20 ~~a written recommendation of acceptability of a curriculum;~~

21 (e) The Board may appoint a subcommittee to serve as a
22 Complaint Committee to recommend the disposition of case
23 files according to procedures established by rule. ~~Submit a~~
24 ~~written recommendation to the Secretary concerning~~
25 ~~promulgation of rules as required in Section 5 and to~~
26 ~~recommend to the Secretary any rules or amendments thereto~~

1 ~~for the administration of this Act;~~

2 (f) The Board shall assist the Department in conducting
3 oral interviews, disciplinary conferences, informal
4 conferences, and formal evidentiary hearings. Hold at
5 least 3 regular meetings each year;

6 (g) The Board shall review applicant qualifications to
7 sit for the examination or for licensure and shall make
8 recommendations to the Department except for those
9 applicant qualifications that the Board designates as
10 routinely acceptable. Elect annually a chairperson and a
11 vice chairperson who shall be professional engineers; and

12 ~~(h) Submit written comments to the Secretary within 30~~
13 ~~days from notification of any final decision or order from~~
14 ~~the Secretary that deviates from any report or~~
15 ~~recommendation of the Board relating to the qualification~~
16 ~~of applicants, discipline of licensees or registrants, or~~
17 ~~promulgation of rules.~~

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

19 (225 ILCS 325/8) (from Ch. 111, par. 5208)

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

21 Sec. 8. Applications for licensure.

22 (a) Applications for original licenses shall be made to the
23 Department in writing on forms or electronically as prescribed
24 by the Department and shall be accompanied by the required fee,
25 which shall not be refundable. All applications shall contain

1 information that, in the judgment of the Department, will
2 enable the Department to pass on the qualifications of the
3 applicant for a license as a professional engineer or engineer
4 intern. The Department may require an applicant, at the
5 applicant's expense, to have an evaluation of the applicant's
6 education in a foreign country by a nationally recognized
7 evaluation service approved by the Department in accordance
8 with rules adopted by the Department. Applications for
9 ~~licensure shall (1) be on forms prescribed and furnished by the~~
10 ~~Department, (2) contain statements made under oath showing the~~
11 ~~applicant's education and a detailed summary of the applicant's~~
12 ~~technical work, and (3) contain references as required by the~~
13 ~~Department.~~

14 (b) Applicants have 3 years from the date of application to
15 complete the application process. If the process has not been
16 completed in 3 years, the application shall be denied, the fee
17 shall be forfeited, and the applicant must reapply and meet the
18 requirements in effect at the time of reapplication. Applicants
19 ~~shall have obtained the education and experience as required in~~
20 ~~Section 10 or Section 11 prior to submittal of application for~~
21 ~~licensure. Allowable experience shall commence at the date of~~
22 ~~the baccalaureate degree, except:~~

23 ~~(1) Credit for one year of experience shall be given~~
24 ~~for a graduate of a baccalaureate curriculum providing a~~
25 ~~cooperative program, which is supervised industrial or~~
26 ~~field experience of at least one academic year which~~

1 ~~alternates with periods of full time academic training,~~
2 ~~when such program is certified by the university, or~~

3 ~~(2) Partial credit may be given for professional~~
4 ~~engineering experience as defined by rule for employment~~
5 ~~prior to receipt of a baccalaureate degree if the~~
6 ~~employment is full time while the applicant is a part time~~
7 ~~student taking fewer than 12 hours per semester or 8 hours~~
8 ~~per quarter to earn the degree concurrent with the~~
9 ~~full time engineering experience.~~

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

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

22 ~~It is the responsibility of the applicant to supplement the~~
23 ~~application, when requested by the Board, by provision of~~
24 ~~additional documentation of education, including transcripts,~~
25 ~~course content and credentials of the engineering college or~~
26 ~~college granting related science degrees, or of work experience~~

1 ~~to permit the Board to determine the qualifications of the~~
2 ~~applicant. The Department may require an applicant, at the~~
3 ~~applicant's expense, to have an evaluation of the applicant's~~
4 ~~education in a foreign country by a nationally recognized~~
5 ~~evaluating service approved by the Department.~~

6 ~~An applicant who graduated from an engineering program~~
7 ~~outside the United States or its territories and whose first~~
8 ~~language is not English shall submit certification of passage~~
9 ~~of the Test of English as a Foreign Language (TOEFL) and a test~~
10 ~~of spoken English as defined by rule. However, any such~~
11 ~~applicant who subsequently earns an advanced degree from an~~
12 ~~accredited educational institution in the United States or its~~
13 ~~territories shall not be subject to this requirement.~~

14 (Source: P.A. 98-993, eff. 1-1-15.)

15 (225 ILCS 325/9) (from Ch. 111, par. 5209)

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

17 Sec. 9. ~~Licensure qualifications; Examinations; Failure or~~
18 ~~refusal to take examinations.~~

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

25 (b) Applicants for examination are required to pay, either

1 to the Department or the designated testing service, a fee
2 covering the cost of providing the examination. Failure to
3 appear for the examination on the scheduled date, at the time
4 and place specified, after the applicant's application for
5 examination has been received and acknowledged by the
6 Department or the designated testing service, shall result in
7 the forfeiture of the examination fee.

8 (c) If an applicant fails to pass an examination for
9 licensure under this Act within 3 years after filing the
10 application, the application shall be denied. However, such
11 applicant may thereafter make a new application for examination
12 accompanied by the required fee and must furnish proof of
13 meeting the qualifications for examination in effect at the
14 time of new application.

15 ~~Examinations provided for by this Act shall be conducted under~~
16 ~~rules prescribed by the Department. Examinations shall be held~~
17 ~~not less frequently than semi annually, at times and places~~
18 ~~prescribed by the Department, of which applicants shall be~~
19 ~~notified by the Department in writing.~~

20 ~~Examinations of the applicants who seek to practice~~
21 ~~professional engineering shall ascertain: (a) if the applicant~~
22 ~~has an adequate understanding of the basic and engineering~~
23 ~~sciences, which shall embrace subjects required of candidates~~
24 ~~for an approved baccalaureate degree in engineering, and (b) if~~
25 ~~the training and experience of the applicant have provided a~~
26 ~~background for the application of the basic and engineering~~

1 ~~sciences to the solution of engineering problems. The~~
2 ~~Department may by rule prescribe additional subjects for~~
3 ~~examination. If an applicant neglects, fails to take, or~~
4 ~~refuses to take the next available examination offered for~~
5 ~~licensure under this Act within 3 years after filing the~~
6 ~~application, the fee paid by the applicant shall be forfeited~~
7 ~~and the application denied. If an applicant fails to pass an~~
8 ~~examination for licensure under this Act within 3 years after~~
9 ~~filing the application, the application shall be denied.~~
10 ~~However, such applicant may thereafter make a new application~~
11 ~~for examination, accompanied by the required fee.~~

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

13 (225 ILCS 325/10) (from Ch. 111, par. 5210)

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

15 Sec. 10. Minimum standards for licensure as professional
16 engineer.

17 (a) To qualify for licensure as a professional engineer,
18 each applicant shall be:

19 (1) ~~(a)~~ a graduate of an approved engineering
20 curriculum of at least 4 years who submits acceptable
21 evidence to the Board of an additional 4 years or more of
22 experience in engineering work of a grade and character
23 that ~~which~~ indicate that the individual may be competent to
24 practice professional engineering, and who has passed an
25 examination in the fundamentals of engineering as defined

1 by rule and an examination in the principles and practice
2 of engineering as defined by rule. Upon submitting an
3 application with proof of passing both examinations, the
4 applicant, if otherwise qualified, shall be granted a
5 license to practice professional engineering in this
6 State; or

7 (2) ~~(b)~~ a graduate of a non-approved engineering
8 curriculum or a related science curriculum of at least 4
9 years and which meets the requirements as set forth by rule
10 by submitting an application to the Department for its
11 review and approval, who submits acceptable evidence to the
12 Board of an additional 8 years or more of experience in
13 engineering work of a grade and character which indicate
14 that the individual may be competent to practice
15 professional engineering, and who has passed an
16 examination in the fundamentals of engineering as defined
17 by rule and an examination in the principles and practice
18 of engineering as defined by rule. Upon submitting the
19 application with proof of passing both examinations, the
20 applicant, if otherwise qualified, shall be granted a
21 license to practice professional engineering in this
22 State; or

23 (3) ~~(c)~~ an Illinois engineer intern, by application and
24 payment of the required fee, may then take an examination
25 in the principles and practice of engineering as defined by
26 rule. If the applicant passes that examination and submits

1 evidence to the Board that meets the experience
2 qualification of paragraph (1) or (2) ~~subsection (a) or (b)~~
3 ~~of this Section~~, the applicant, if otherwise qualified,
4 shall be granted a license to practice professional
5 engineering in this State.

6 (b) Allowable experience for licensure shall commence at
7 the date of the baccalaureate degree, except for experience
8 gained while the applicant is a part-time student taking fewer
9 than 12 hours per semester or 8 hours per quarter to earn the
10 degree concurrent with the full-time engineering experience.

11 (c) When considering an applicant's qualifications for
12 licensure under this Act, the Department may take into
13 consideration whether an applicant has engaged in conduct or
14 actions that would constitute a violation of the Standards of
15 Professional Conduct for this Act as provided ~~for~~ by
16 administrative rules.

17 (Source: P.A. 97-333, eff. 8-12-11; 98-713, eff. 7-16-14.)

18 (225 ILCS 325/11) (from Ch. 111, par. 5211)

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

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

24 (a) A graduate of an approved engineering curriculum of
25 at least 4 years, who has passed an examination in the

1 fundamentals of engineering as defined by rule, shall be
2 enrolled as an engineer intern, if the applicant is
3 otherwise qualified; or

4 (b) An applicant in the last year of an approved
5 engineering curriculum who passes an examination in the
6 fundamentals of engineering as defined by rule and
7 furnishes proof that the applicant graduated within a
8 12-month ~~12-month~~ period following the examination shall be
9 enrolled as an engineer intern, if the applicant is
10 otherwise qualified; or

11 (c) A graduate of a non-approved engineering
12 curriculum or a related science curriculum of at least 4
13 years and which meets the requirements as set forth by rule
14 by submitting an application to the Department for its
15 review and approval, who submits acceptable evidence to the
16 Board of an additional 4 years or more of progressive
17 experience in engineering work, and who has passed an
18 examination in the fundamentals of engineering as defined
19 by rule shall be enrolled as an engineer intern, if the
20 applicant is otherwise qualified.

21 (Source: P.A. 98-713, eff. 7-16-14; 99-78, eff. 7-20-15.)

22 (225 ILCS 325/12) (from Ch. 111, par. 5212)

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

24 Sec. 12. Educational credits or teaching as equivalent of
25 experience.

1 (a) After earning an acceptable baccalaureate degree as
2 required by paragraph (1) or (2) of subsection (a) ~~or (b)~~ of
3 Section 10 in engineering or related science and upon
4 completion of a Master's degree in engineering, the applicant
5 may receive one year of experience credit. Upon completion of a
6 Ph.D. in engineering, an applicant may receive an additional
7 year experience credit for a maximum of 2 years.

8 (b) Teaching engineering subjects in an engineering
9 college at a rank of assistant professor ~~instructor~~ or above is
10 considered experience in engineering.

11 (c) (Blank).

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

13 (225 ILCS 325/14) (from Ch. 111, par. 5214)

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

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

1 signature as defined by rule. When technical submissions are
2 prepared utilizing a computer or other electronic means, the
3 seal may be generated by the computer. The licensee may
4 provide, at his or her sole discretion, an original signature
5 in the licensee's handwriting, a scanned copy of the technical
6 submission bearing an original signature, or a signature
7 generated by a computer.

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

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

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

1 (225 ILCS 325/15) (from Ch. 111, par. 5215)

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

3 Sec. 15. Technical submissions.

4 (a) Technical submissions are the designs, drawings, and
5 specifications that establish the scope of the professional
6 engineering project to be constructed, the standard of quality
7 for materials, workmanship, equipment, and constructions
8 systems, and the studies and other technical reports and
9 calculations prepared in the course of the practice of
10 professional engineering. All technical submissions prepared
11 by or under the personal supervision of a professional engineer
12 shall bear that professional engineer's seal, signature, and
13 license expiration date. The licensee's written signature and
14 date of signing, along with the date of license expiration,
15 shall be placed adjacent to the seal. Computer generated
16 signatures are not permitted.

17 (b) All technical submissions intended for use in
18 construction in the State of Illinois shall be prepared and
19 administered in accordance with standards of reasonable
20 professional skill and diligence. Care shall be taken to
21 reflect the requirements of State statutes and, where
22 applicable, county and municipal building ordinances in such
23 submissions. In recognition that professional engineers are
24 licensed for the protection of the public, health, safety, and
25 welfare, submissions shall be of such quality and scope, and be

1 so administered, as to conform to professional standards.

2 (c) No officer, board, commission, or other public entity
3 that receives technical submissions shall accept for filing or
4 approval any technical submissions relating to services
5 requiring the involvement of a professional engineer that do
6 not bear the seal and signature of a professional engineer
7 licensed under this Act.

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

18 (e) The professional engineer who has contract
19 responsibility shall seal a cover sheet of the technical
20 submissions, and those individual portions of the technical
21 submissions for which the professional engineer is legally and
22 professionally responsible. The professional engineer
23 practicing as the support design professional shall seal those
24 individual portions of technical submissions for which the
25 professional engineer is legally and professionally
26 responsible.

1 ~~All technical submissions intended for use in construction~~
2 ~~in the State of Illinois shall be prepared and administered in~~
3 ~~accordance with standards of reasonable professional skill and~~
4 ~~diligence. Care shall be taken to reflect the requirements of~~
5 ~~State statutes and, where applicable, county and municipal~~
6 ~~ordinances in such documents. In recognition that professional~~
7 ~~engineers are licensed for the protection of the public health,~~
8 ~~safety and welfare, documents shall be of such quality and~~
9 ~~scope, and be so administered as to conform to professional~~
10 ~~standards.~~

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

12 (225 ILCS 325/16) (from Ch. 111, par. 5216)

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

14 Sec. 16. Display ~~Issuance~~ of license. ~~Whenever the~~
15 ~~provisions of this Act have been complied with the Department~~
16 ~~may issue a license as a professional engineer and enroll the~~
17 ~~engineer intern.~~ Every holder of a license under this Act ~~as a~~
18 ~~professional engineer~~ shall display the license in a
19 conspicuous place in his or her ~~the professional engineer's~~
20 principal office, place of business, or place of employment.

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

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

1 (225 ILCS 325/17) (from Ch. 111, par. 5217)

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

3 Sec. 17. Renewal, reinstatement, or restoration of
4 license; persons in military service ~~Licensure; Renewal;~~
5 ~~Restoration; Person in military service; Retired.~~

6 (a) The expiration date and renewal period for each
7 professional engineer license issued under this Act shall be
8 set by the Department by rule. The holder of a license may
9 renew such license during the month preceding the expiration
10 date by paying the required fee. ~~The enrollment of an engineer~~
11 ~~intern shall not expire.~~

12 (b) A professional engineer who has permitted his or her
13 license to expire or has had his or her license placed on
14 inactive status may have his or her ~~Any person whose license~~
15 ~~has expired or whose license is on inactive status may have~~
16 ~~such~~ license restored by making application to the Department
17 and filing proof acceptable to the Department of his or her
18 ~~that person's~~ fitness to have his or her ~~such~~ license restored,
19 including, but not limited to, which may include sworn evidence
20 certifying to active practice in another jurisdiction
21 satisfactory to the Department and by paying the required
22 restoration fee as determined by rule. ~~If the person has not~~
23 ~~maintained an active practice in another jurisdiction~~
24 ~~satisfactory to the Department, the Board shall determine, by~~
25 ~~an evaluation program established by rule, the person's fitness~~
26 ~~to resume active status and may require the person to complete~~

1 ~~a period of evaluated experience and may require successful~~
2 ~~completion of the principles and practice examination.~~

3 (c) A professional engineer whose license has expired while
4 engaged (1) in federal service on active duty with the Armed
5 Forces of the United States or the State Militia called into
6 service or training, or (2) in training or education under the
7 supervision of the United States before induction into the
8 military service, may have the license restored or reinstated
9 without paying any lapsed reinstatement, renewal, or
10 restoration fees if within 2 years after termination other than
11 by dishonorable discharge of such service, training, or
12 education and the Department is furnished with satisfactory
13 evidence that the licensee has been so engaged in the practice
14 of professional engineering and that such service, training, or
15 education has been so terminated. ~~However, any person whose~~
16 ~~license expired while that person was (1) in Federal Service on~~
17 ~~active duty with the Armed Forces of the United States, or the~~
18 ~~State Militia called into service or training, or (2) in~~
19 ~~training or education under the supervision of the United~~
20 ~~States preliminary to induction into the military service, may~~
21 ~~have such license renewed or restored without paying any lapsed~~
22 ~~renewal fees if, within 2 years after honorable termination of~~
23 ~~such service, training, or education, except under conditions~~
24 ~~other than honorable, the Department is furnished with~~
25 ~~satisfactory evidence that the person has been so engaged and~~
26 ~~has maintained professional competence and that such service,~~

1 ~~training or education has been so terminated.~~

2 (d) The enrollment of an engineer intern does not expire.

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

8 ~~Any person who has been duly licensed as a professional~~
9 ~~engineer by the Department and who chooses to deactivate or not~~
10 ~~renew his or her license may use the title "Professional~~
11 ~~Engineer, Retired". Those persons using the title~~
12 ~~"Professional Engineer, Retired" may request restoration to~~
13 ~~active status under the applicable provisions of Sections 17,~~
14 ~~17.5, and 18 of this Act.~~

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

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

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

24 (225 ILCS 325/17.5)

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

1 Sec. 17.5. Continuing education. The Department may adopt
2 ~~promulgate~~ rules of continuing education for persons licensed
3 under this Act. The Department shall consider the
4 recommendations of the Board in establishing the guidelines for
5 the continuing education requirements. The requirements of
6 this Section apply to any person seeking renewal or restoration
7 under Section 17 ~~or 18~~ of this Act. For the purposes of this
8 Act, continuing education shall also be known as professional
9 development.

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

11 (225 ILCS 325/18) (from Ch. 111, par. 5218)

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

13 Sec. 18. Inactive status. A person licensed under this Act
14 who notifies the Department, l in writing on forms prescribed by
15 the Department, l may ~~elect to place his or her that person's~~
16 license on ~~an~~ inactive status and shall, ~~subject to rules,~~ be
17 excused from payment of renewal fees until the Department is
18 notified in writing of that person's desire to resume active
19 status.

20 Any professional engineer whose license is in inactive
21 status shall not practice professional engineering in the State
22 of Illinois.

23 ~~Any person requesting restoration from inactive status is~~
24 ~~required to pay the current renewal fee and is required to seek~~
25 ~~restoration of license as provided in Section 17 of this Act.~~

1 ~~Any professional engineer whose license is in an inactive~~
2 ~~status shall not practice professional engineering in the State~~
3 ~~of Illinois.~~

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

5 (225 ILCS 325/18.5 new)

6 Sec. 18.5. Professional Engineer, Retired.

7 (a) Under Section 2105-15 of the Department of Professional
8 Regulation Law of the Civil Administrative Code of Illinois,
9 the Department may grant the title "Professional Engineer,
10 Retired" to any person who has been duly licensed as a
11 professional engineer by the Department and who has chosen to
12 place on inactive status or not renew his or her license. Those
13 persons granted the title "Professional Engineer, Retired" may
14 request restoration to active status under the applicable
15 provisions of this Act.

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

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

24 (225 ILCS 325/19) (from Ch. 111, par. 5219)

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

2 Sec. 19. Endorsement.

3 (a) The Department may, upon application in writing on
4 forms or electronically accompanied by the recommendation of
5 the Board, license as a professional engineer, on payment of
6 the required fee, issue a license as a professional engineer to
7 an applicant already who is a professional engineer registered
8 or licensed under the laws of another state, the District of
9 Columbia, or a territory of the United States, or the District
10 of Columbia or a party parties to the North American Free Trade
11 Agreement if the applicant qualifies under Section 8 and
12 Section 10 of this Act, or if the requirements for licensure in
13 that qualifications of the applicant were at the time of
14 registration or licensure in another jurisdiction were, at the
15 time of original licensure, substantially equivalent equal to
16 the requirements then in force in this State on that date.

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

22 (b) An applicant applying for licensure as a professional
23 engineer who has been licensed as a professional engineer in
24 another United States jurisdiction for 10 consecutive years
25 without discipline is not required to submit proof of
26 qualifications other than a certified verification of

1 licensure from the jurisdiction in which the applicant
2 practiced that includes the applicant's disciplinary history.
3 The applicant must comply with all other licensing requirements
4 and pay all required fees.

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

11 (d) Applicants have 3 years from the date of application to
12 complete the application process. If the process has not been
13 completed during the 3-year ~~3-year~~ time frame, the application
14 shall be denied, the fee forfeited, and the applicant must
15 reapply and meet the requirements in effect at the time of
16 reapplication.

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

18 (225 ILCS 325/20) (from Ch. 111, par. 5220)

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

20 Sec. 20. Fees.

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

24 (b) The fees for the administration and enforcement of this
25 Act, including but not limited to original licensure, renewal,

1 and restoration, shall be set by rule by the Department.

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

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

10 (225 ILCS 325/20.5 new)

11 Sec. 20.5. Returned checks; fines. Any person who delivers
12 a check or other payment to the Department that is returned to
13 the Department unpaid by the financial institution upon which
14 it is drawn shall pay to the Department, in addition to the
15 amount already owed to the Department, a fine of \$50. The fines
16 imposed by this Section are in addition to any other discipline
17 provided under this Act for unlicensed practice or practice on
18 a nonrenewed license. The Department shall notify the person
19 that payment of fees and fines shall be paid to the Department
20 by certified check or money order within 30 calendar days of
21 the notification. If, after the expiration of 30 days from the
22 date of the notification, the person has failed to submit the
23 necessary remittance, the Department shall automatically
24 terminate the license or deny the application, without hearing.
25 If, after termination or denial, the person seeks a license, he

1 or she shall apply to the Department for restoration or
2 issuance of the license and pay all fees and fines due to the
3 Department. The Department may establish a fee for the
4 processing of an application for restoration of a license to
5 pay all expenses of processing this application. The Secretary
6 may waive the fines due under this Section in individual cases
7 where the Secretary finds that the fines would be unreasonable
8 or unnecessarily burdensome.

9 (225 ILCS 325/20.10 new)

10 Sec. 20.10. Unlicensed practice; violation; civil penalty.

11 (a) Any person who practices, offers to practice, attempts
12 to practice, or holds himself or herself out to practice as a
13 professional engineer or engineer intern without being
14 licensed or exempt under this Act shall, in addition to any
15 other penalty provided by law, pay a civil penalty to the
16 Department in an amount not to exceed \$10,000 for each offense,
17 as determined by the Department. The civil penalty shall be
18 assessed by the Department after a hearing is held in
19 accordance with this Act regarding the provision of a hearing
20 for the discipline of a licensee.

21 (b) A firm or business that offers design services under
22 this Act without being licensed as a professional design firm
23 or exempt under this Act shall, in addition to any other
24 penalty provided by law, pay a civil penalty to the Department
25 in an amount not to exceed \$10,000 for each offense, as

1 determined by the Department. The civil penalty shall be
2 assessed by the Department after a hearing is held in
3 accordance with this Act regarding the provision of a hearing
4 for the discipline of a licensee.

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

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

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

16 (225 ILCS 325/23) (from Ch. 111, par. 5223)

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

18 Sec. 23. Professional design firm registration.

19 (a) Nothing in this Act shall prohibit the formation, under
20 the provisions of the Professional Service Corporation Act, ~~as~~
21 ~~amended,~~ of a corporation to practice professional
22 engineering.

23 Any business, including a Professional Service
24 Corporation, that includes within its stated purposes or
25 practices, or holds itself out as available to practice,

1 professional engineering shall be registered with the
2 Department pursuant to the provisions set forth in this
3 Section.

4 Any sole proprietorship not owned and operated by an
5 Illinois licensed design professional licensed under this Act
6 shall be prohibited from offering professional engineering
7 services to the public. Any sole proprietorship owned and
8 operated by a professional engineer with an active license
9 issued under this Act and conducting or transacting such
10 business under an assumed name in accordance with the
11 provisions of the Assumed Business Name Act shall comply with
12 the registration requirements of a professional design firm.
13 Any sole proprietorship owned and operated by a professional
14 engineer with an active license issued under this Act and
15 conducting or transacting such business under the real name of
16 the sole proprietor is exempt from the registration
17 requirements of a professional design firm. "Illinois licensed
18 design professional" means a person who holds an active license
19 as a professional engineer under this Act, as an architect
20 under the Illinois Architecture Practice Act of 1989, or as a
21 structural engineer under the Structural Engineering Practice
22 Act of 1989.

23 (b) Any professional design firm seeking to be registered
24 pursuant to the provisions of this Section shall not be
25 registered unless one or more managing agents in charge of
26 professional engineering activities in this State are

1 designated by the professional design firm. Each managing agent
2 must at all times maintain a valid, active license to practice
3 professional engineering in Illinois.

4 No individual whose license to practice professional
5 engineering in this State is currently in a suspended or
6 revoked status shall act as a managing agent for a professional
7 design firm.

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

12 (1) the name and license number of the person
13 designated as the managing agent in responsible charge of
14 the practice of professional engineering in Illinois. In
15 the case of a corporation, the corporation shall also
16 submit a certified copy of the resolution by the board of
17 directors designating the managing agent. In the case of a
18 limited liability company, the company shall submit a
19 certified copy of either its articles of organization or
20 operating agreement designating the managing agent;

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

25 (3) a list of all office locations at which the
26 professional design firm provides professional engineering

1 services to the public; and

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

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

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

17 (e) In the event a managing agent is terminated or
18 terminates his or her status as managing agent of the
19 professional design firm, the managing agent and the
20 professional design firm shall notify the Department of this
21 fact in writing, by regular ~~certified~~ mail or email, within 10
22 business days of such termination. Thereafter, the
23 professional design firm, if it has so informed the Department,
24 shall have 30 days in which to notify the Department of the
25 name and license number of a newly designated managing agent.
26 If a corporation, the corporation shall also submit a certified

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

7 If the professional design firm has not notified the
8 Department in writing, by regular ~~certified~~ mail or email
9 within the specified time, the registration shall be terminated
10 without prior hearing. Notification of termination shall be
11 sent by regular ~~certified~~ mail or email to the last known
12 address of the business. If the professional design firm
13 continues to operate and offer professional engineering
14 services after the termination, the Department may seek
15 prosecution under Sections 21 and 24, ~~39, and 40 of this Act~~
16 for the unlicensed practice of professional engineering.

17 (f) No professional design firm shall be relieved of
18 responsibility for the conduct or acts of its agent, employees,
19 members, managers, or officers by reason of its compliance with
20 this Section, nor shall any individual practicing professional
21 engineering be relieved of the responsibility for professional
22 services performed by reason of the individual's employment or
23 relationship with a professional design firm registered under
24 this Section.

25 (g) Disciplinary action against a professional design firm
26 registered under this Section shall be administered in the same

1 manner and on the same grounds as disciplinary action against a
2 licensed professional engineer. All disciplinary action taken
3 or pending against a corporation or partnership before the
4 effective date of this amendatory Act of 1993 shall be
5 continued or remain in effect without the Department filing
6 separate actions.

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

9 (225 ILCS 325/24) (from Ch. 111, par. 5224)

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

11 Sec. 24. Grounds for ~~Rules of professional conduct;~~
12 ~~disciplinary or administrative action.~~

13 (a) The Department may refuse to issue or renew a license,
14 or may revoke, suspend, place on probation, reprimand, or take
15 other disciplinary or non-disciplinary action as the
16 Department may deem proper, including fines not to exceed
17 \$10,000 per violation, with regard to any license issued under
18 this Act, for any one or a combination of the following
19 reasons: ~~The Department shall adopt rules setting standards of~~
20 ~~professional conduct and establish appropriate penalties for~~
21 ~~the breach of such rules.~~

22 ~~(a-1) The Department may, singularly or in combination,~~
23 ~~refuse to issue, renew, or restore a license or may revoke,~~
24 ~~suspend, place on probation, reprimand, or take other~~
25 ~~disciplinary or non-disciplinary action with regard to a person~~

1 ~~licensed under this Act, including but not limited to, the~~
2 ~~imposition of a fine not to exceed \$10,000 per violation upon~~
3 ~~any person, corporation, partnership, or professional design~~
4 ~~firm licensed or registered under this Act, for any one or~~
5 ~~combination of the following causes:~~

6 (1) Material misstatement in furnishing information to
7 the Department.

8 (2) Negligence, incompetence, or misconduct in the
9 practice of professional engineering. ~~Violations of this~~
10 ~~Act or any of its rules.~~

11 (3) Failure to comply with any provisions of this Act
12 or any of its rules. ~~Conviction of or entry of a plea of~~
13 ~~guilty or nolo contendere to any crime that is a felony~~
14 ~~under the laws of the United States or any state or~~
15 ~~territory thereof, or that is a misdemeanor, an essential~~
16 ~~element of which is dishonesty, or any crime that is~~
17 ~~directly related to the practice of engineering.~~

18 (4) Fraud or any misrepresentation in applying for or
19 procuring a license under this Act or in connection with
20 applying for renewal or restoration of a license under this
21 Act. ~~Making any misrepresentation for the purpose of~~
22 ~~obtaining, renewing, or restoring a license or violating~~
23 ~~any provision of this Act or the rules promulgated under~~
24 ~~this Act pertaining to advertising.~~

25 (5) Purposefully making false statements or signing
26 false statements, certificates, or affidavits to induce

1 payment. ~~Willfully making or signing a false statement,~~
2 ~~certificate, or affidavit to induce payment.~~

3 (6) Conviction of or entry of a plea of guilty or nolo
4 contendere, finding of guilt, jury verdict, or entry of
5 judgment or sentencing, including, but not limited to,
6 convictions, preceding sentences of supervision,
7 conditional discharge or first offender probation under
8 the laws of any jurisdiction of the United States that is
9 (i) a felony or (ii) a misdemeanor, an essential element of
10 which is dishonesty, that is directly related to the
11 practice of the profession of professional engineering.
12 ~~Negligence, incompetence or misconduct in the practice of~~
13 ~~professional engineering as a licensed professional~~
14 ~~engineer or in working as an engineer intern.~~

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

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

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

23 (10) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, of alcohol,
25 narcotics, stimulants, or any other substances that
26 results in the inability to practice with reasonable

1 ~~judgment, skill, or safety. Inability to practice the~~
2 ~~profession with reasonable judgment, skill, or safety as a~~
3 ~~result of a physical illness, including, but not limited~~
4 ~~to, deterioration through the aging process or loss of~~
5 ~~motor skill, or mental illness or disability.~~

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

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

21 (13) ~~Inability to practice the profession with~~
22 ~~reasonable judgment, skill, or safety as a result of~~
23 ~~physical illness, including, but not limited to,~~
24 ~~deterioration through the aging process, loss of motor~~
25 ~~skill, mental illness, or disability. A finding by the~~
26 ~~Department that an applicant or registrant has failed to~~

1 ~~pay a fine imposed by the Department, a registrant whose~~
2 ~~license has been placed on probationary status has violated~~
3 ~~the terms of probation, or a registrant has practiced on an~~
4 ~~expired, inactive, suspended, or revoked license.~~

5 (14) Discipline by another state, territory, foreign
6 country, the District of Columbia, the United States
7 government, or any other government agency if at least one
8 of the grounds for discipline is the same or substantially
9 equivalent to those set forth in this Act. ~~Signing,~~
10 ~~affixing the professional engineer's seal or permitting~~
11 ~~the professional engineer's seal to be affixed to any~~
12 ~~technical submissions not prepared as required by Section~~
13 ~~14 or completely reviewed by the professional engineer or~~
14 ~~under the professional engineer's direct supervision.~~

15 (15) The making of any willfully false oath or
16 affirmation in any matter or proceeding where an oath or
17 affirmation is required by this Act. ~~Inability to practice~~
18 ~~the profession with reasonable judgment, skill or safety as~~
19 ~~a result of habitual or excessive use or addiction to~~
20 ~~alcohol, narcotics, stimulants, or any other chemical~~
21 ~~agent or drug.~~

22 (16) Using or attempting to use an expired, inactive,
23 suspended, or revoked license or the certificate or seal of
24 another or impersonating another licensee. ~~The making of a~~
25 ~~statement pursuant to the Environmental Barriers Act that a~~
26 ~~plan for construction or alteration of a public facility or~~

1 ~~for construction of a multi-story housing unit is in~~
2 ~~compliance with the Environmental Barriers Act when such~~
3 ~~plan is not in compliance.~~

4 (17) Directly or indirectly giving to or receiving from
5 any person or entity any fee, commission, rebate, or other
6 form of compensation for any professional service not
7 actually or personally rendered. (Blank).

8 (18) Signing or affixing the professional engineer's
9 seal or permitting the seal to be affixed to any technical
10 submissions not prepared by the professional engineer or
11 under the professional engineer's supervision and control.

12 (19) Making a statement pursuant to the Environmental
13 Barriers Act that a plan for construction or alteration of
14 a public facility or for construction of a multi-story
15 housing unit is in compliance with the Environmental
16 Barriers Act when such plan is not in compliance.

17 ~~(a 2) The Department shall deny a license or renewal~~
18 ~~authorized by this Act to a person who has failed to file a~~
19 ~~return, to pay the tax, penalty, or interest shown in a filed~~
20 ~~return, or to pay any final assessment of tax, penalty, or~~
21 ~~interest as required by any tax Act administered by the~~
22 ~~Department of Revenue, until such time as the requirements of~~
23 ~~the tax Act are satisfied in accordance with subsection (g) of~~
24 ~~Section 2105-15 of the Department of Professional Regulation~~
25 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
26 ~~2105/2105-15).~~

1 ~~(a-3) (Blank).~~

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

15 (a-5) In enforcing this Section, the Department or Board,
16 upon a showing of a possible violation, may order a licensee or
17 applicant to submit to a mental or physical examination, or
18 both, at the expense of the Department. The Department or Board
19 may order the examining physician to present testimony
20 concerning his or her examination of the licensee or applicant.
21 No information shall be excluded by reason of any common law or
22 statutory privilege relating to communications between the
23 licensee or applicant and the examining physician. The
24 examining physicians shall be specifically designated by the
25 Board or Department. The licensee or applicant may have, at his
26 or her own expense, another physician of his or her choice

1 present during all aspects of the examination. Failure of a
2 licensee or applicant to submit to any such examination when
3 directed, without reasonable cause as defined by rule, shall be
4 grounds for either the immediate suspension of his or her
5 license or immediate denial of his or her application.

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

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

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

25 (b) The determination by a circuit court that a registrant
26 is subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental Disabilities
2 Code, ~~as now or hereafter amended,~~ operates as an automatic
3 suspension. Such suspension will end only upon a finding by a
4 court that the patient is no longer subject to involuntary
5 admission or judicial admission, the issuance of an order so
6 finding and discharging the patient, and the recommendation of
7 the Board to the Secretary ~~Director~~ that the registrant be
8 allowed to resume practice.

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

21 (d) The Department shall refuse to issue or renew or shall
22 revoke or suspend a person's license or shall take other
23 disciplinary action against that person for his or her failure
24 to file a return, to pay the tax, penalty, or interest shown in
25 a filed return, or to pay any final assessment of tax, penalty,
26 or interest as required by any tax Act administered by the

1 Department of Revenue, until the requirements of the tax Act
2 are satisfied in accordance with subsection (g) of Section
3 2105-15 of the Department of Professional Regulation Law of the
4 Civil Administrative Code of Illinois.

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

6 (225 ILCS 325/25) (from Ch. 111, par. 5225)

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

8 Sec. 25. ~~Violations;~~ Injunction; cease ~~Cease~~ and desist
9 order.

10 (a) If any person or ~~other~~ entity violates the provisions
11 of this Act, the Secretary ~~Director~~, in the name of the People
12 of the State of Illinois, through the Attorney General of the
13 State of Illinois or the State's Attorney of the county in
14 which the violation is alleged to have occurred, may petition
15 the circuit court for an order enjoining such violation or for
16 an order enforcing compliance with this Act. Upon the filing of
17 a verified petition, the court may issue a temporary
18 restraining order, without bond, and may preliminarily and
19 permanently enjoin such violation. If it is established that
20 such person or other entity has violated or is violating the
21 injunction, the court may punish the offender for contempt of
22 court. Proceedings under this Section shall be in addition to,
23 and not in lieu of, all other remedies and penalties provided
24 by this Act.

25 (b) (Blank). ~~If any person practices as a professional~~

1 ~~engineer or holds himself out as such, without being licensed~~
2 ~~under the provisions of this Act, then any professional~~
3 ~~engineer, or any interested party or any person injured thereby~~
4 ~~may, in addition to the Director, petition for relief as~~
5 ~~provided in this Section.~~

6 (c) (Blank)

7 (d) Whenever in the opinion of the Department, any person
8 or ~~other~~ entity violates any provision of this Act, the
9 Department may issue a notice to show cause why an order to
10 cease and desist should not be entered against that person or
11 ~~other~~ entity. The rule shall clearly set forth the grounds
12 relied upon by the Department and shall provide a period of 7
13 days from the date of the rule to file an answer to the
14 satisfaction of the Department. Failure to answer to the
15 satisfaction of the Department shall cause an order to cease
16 and desist to be issued immediately.

17 (Source: P.A. 88-428; 88-595, eff. 8-26-94.)

18 (225 ILCS 325/26) (from Ch. 111, par. 5226)

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

20 Sec. 26. Investigations; notice and hearing.

21 (a) The Department may investigate the actions of any
22 applicant or of any person or entity holding or claiming to
23 hold a license or registration under this Act.

24 (b) Before the initiation of a formal complaint, the matter
25 shall be reviewed by a subcommittee of the Board according to

1 procedures established by rule for the Complaint Committee. If
2 a subcommittee has not been formed, the matter shall proceed
3 through the process as stated in subsection (c) of this
4 Section.

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

15 (d) Written or electronic notice, and any notice in the
16 subsequent proceeding, may be served by personal delivery, by
17 email, or by mail to the applicant or licensee at his or her
18 address of record or email address of record.

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

26 (f) In case the licensee or applicant, after receiving the

1 notice, fails to file an answer, the license or application
2 may, in the discretion of the Secretary, having first received
3 the recommendation of the Board, be suspended, revoked, or
4 placed on probationary status, or be subject to whatever
5 disciplinary action the Secretary considers proper, including
6 limiting the scope, nature, or extent of the person's practice
7 or imposition of a fine, without hearing, if the act or acts
8 charged constitute sufficient grounds for the action under this
9 Act.

10 ~~The Department may investigate the actions of any applicant or~~
11 ~~of any person or entity holding or claiming to hold a license~~
12 ~~or registration or offering professional engineering services.~~
13 ~~Before the initiation of an investigation, the matter shall be~~
14 ~~reviewed by a subcommittee of the Board according to procedure~~
15 ~~established by rule for the Complaint Committee. The Department~~
16 ~~shall, before refusing to issue, restore or renew a license or~~
17 ~~registration or otherwise discipline a licensee or registrant,~~
18 ~~at least 30 days prior to the date set for the hearing, notify~~
19 ~~in writing the applicant for, or holder of, a license or~~
20 ~~registration of the nature of the charges, that a hearing will~~
21 ~~be held on the date designated, and direct the applicant or~~
22 ~~entity or licensee or registrant to file a written answer to~~
23 ~~the Department under oath within 20 days after the service of~~
24 ~~the notice and inform the applicant or entity or licensee or~~
25 ~~registrant that failure to file an answer will result in~~
26 ~~default being taken against the applicant or entity or licensee~~

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

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

23 (225 ILCS 325/27) (from Ch. 111, par. 5227)

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

25 Sec. 27. Record of proceedings ~~Stenographer; transcript.~~

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

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

24 ~~The Department, at its expense, shall preserve a record of all~~
25 ~~proceedings at the formal hearing of any case involving the~~
26 ~~refusal to issue, restore or renew a license or otherwise~~

1 ~~discipline a registrant. The notice of hearing, complaint and~~
2 ~~all other documents in the nature of pleadings and written~~
3 ~~motions filed in the proceedings, the transcript of testimony,~~
4 ~~the report of the Board and orders of the Department shall be~~
5 ~~in the record of the proceeding. The Department shall furnish a~~
6 ~~transcript of the record to any person interested in the~~
7 ~~hearing upon payment of the fee required under Section 2105-115~~
8 ~~of the Department of Professional Regulation Law (20 ILCS~~
9 ~~2105/2105-115).~~

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

11 (225 ILCS 325/27.5)

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

13 Sec. 27.5. Subpoenas; depositions; oaths.

14 (a) The Department has the power to subpoena documents,
15 books, records, or other materials, to bring before it any
16 person, and to take testimony either orally or by deposition,
17 or take written interrogatories, or any combination thereof,
18 with the same fees and mileage and in the same manner
19 prescribed in civil cases in courts of this State.

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

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

1 (225 ILCS 325/29) (from Ch. 111, par. 5229)

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

3 Sec. 29. Hearing; motion for rehearing ~~Notice of hearing;~~
4 ~~Findings and recommendations.~~

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

17 (b) At the conclusion of the hearing, a copy of the Board
18 or hearing officer's report shall be served upon the applicant
19 or licensee, either personally or as provided in this Act for
20 the service of the notice of hearing. Within 20 calendar days
21 after such service, the applicant or licensee may present to
22 the Department a motion, in writing, for a rehearing which
23 shall specify the particular grounds for rehearing. The
24 Department may respond to the motion for rehearing within 20
25 calendar days after its service on the Department. If no motion

1 for rehearing is filed, then upon the expiration of the time
2 specified for filing such a motion, or upon denial of a motion
3 for rehearing, the Secretary may enter an order in accordance
4 with the recommendations of the Board or hearing officer. If
5 the applicant or licensee orders from the reporting service and
6 pays for a transcript of the record within the time for filing
7 a motion for rehearing, the 20 calendar day period within which
8 a motion may be filed shall commence upon delivery of the
9 transcript to the applicant or licensee.

10 (c) If the Secretary disagrees in any regard with the
11 report of the Board, the Secretary may issue an order contrary
12 to the report.

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

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

20 ~~At the conclusion of the hearing, the Board shall present to~~
21 ~~the Secretary a written report of its finding and~~
22 ~~recommendations. The report shall contain a finding whether or~~
23 ~~not the accused person violated this Act or its rules or failed~~
24 ~~to comply with the conditions required in this Act or its~~
25 ~~rules. The Board shall specify the nature of the violation or~~
26 ~~failure to comply, and shall make its recommendations to the~~

1 ~~Secretary. The Board may take into consideration in making its~~
2 ~~recommendations for discipline all facts and circumstances~~
3 ~~bearing upon the reasonableness of the conduct of the~~
4 ~~respondent and the potential for future harm to the public,~~
5 ~~including but not limited to previous discipline by the~~
6 ~~Department, intent, degree of harm to the public and likelihood~~
7 ~~of harm in the future, any restitution made, and whether the~~
8 ~~incident or incidents complained of appear to be isolated or a~~
9 ~~pattern of conduct. In making its recommendations for~~
10 ~~discipline, the Board shall endeavor to ensure that the~~
11 ~~severity of the discipline recommended bears some reasonable~~
12 ~~relationship to the severity of the violation. The report of~~
13 ~~findings of fact, conclusions of law and recommendation of the~~
14 ~~Board shall be the basis for the Department's order refusing to~~
15 ~~issue, restore or renew a license, or otherwise discipline a~~
16 ~~registrant. If the Secretary disagrees in any regard with the~~
17 ~~report of the Board, the Secretary may issue an order in~~
18 ~~contravention thereof, following the procedures set forth in~~
19 ~~Section 7. The Secretary shall provide a written report to the~~
20 ~~Board on any deviation, and shall specify with particularity~~
21 ~~the reasons for said action. The finding is not admissible in~~
22 ~~evidence against the person in a criminal prosecution brought~~
23 ~~for the violation of this Act, but the hearing and finding are~~
24 ~~not a bar to a criminal prosecution brought for the violation~~
25 ~~of this Act.~~

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

1 (225 ILCS 325/31.5 new)

2 Sec. 31.5. Confidentiality. All information collected by
3 the Department in the course of an examination or investigation
4 of a licensee or applicant, including, but not limited to, any
5 complaint against a licensee filed with the Department and
6 information collected to investigate any such complaint, shall
7 be maintained for the confidential use of the Department and
8 shall not be disclosed. The Department may not disclose the
9 information to anyone other than law enforcement officials,
10 other regulatory agencies that have an appropriate regulatory
11 interest as determined by the Secretary, or a party presenting
12 a lawful subpoena to the Department. Information and documents
13 disclosed to a federal, State, county, or local law enforcement
14 agency shall not be disclosed by the agency for any purpose to
15 any other agency or person. A formal complaint filed against a
16 licensee by the Department or any order issued by the
17 Department against a licensee or applicant shall be a public
18 record, except as otherwise prohibited by law.

19 (225 ILCS 325/32) (from Ch. 111, par. 5232)

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

21 Sec. 32. Hearing ~~Appointment of a hearing~~ officer.
22 Notwithstanding any provision in this Act, the Secretary has
23 the authority to appoint an attorney duly licensed to practice
24 law in the State of Illinois to serve as the hearing officer in

1 any action for refusal to issue or renew a license or
2 discipline a licensee. The Board may have at least one member
3 present at any hearing conducted by the hearing officer. The
4 hearing officer shall have full authority to conduct the
5 hearing. The hearing officer shall report his or her findings
6 of fact, conclusions of law, and recommendations to the Board
7 and to the Secretary. Notwithstanding the provisions of Section
8 26, the Secretary has the authority to appoint any attorney
9 duly registered to practice law in the State of Illinois to
10 serve as the hearing officer in any action for refusal to
11 issue, restore or renew a license or to discipline a
12 registrant. The hearing officer has full authority to conduct
13 the hearing. The hearing officer shall report the findings and
14 recommendations to the Board and the Secretary. The Board has
15 60 days from receipt of the report to review the report of the
16 hearing officer and present its findings of fact, conclusions
17 of law and recommendations to the Secretary. If the Board fails
18 to present its report within the 60 day period, the Secretary
19 shall issue an order based on the report of the hearing officer
20 except as herein noted. However, if the Secretary disagrees in
21 any regard with the report of the Board or hearing officer, the
22 Secretary may issue an order in contravention thereof,
23 following the procedures set forth in Section 7. The Secretary
24 shall provide a written report to the Board on any deviation,
25 and shall specify with particularity the reasons for said
26 action.

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

2 (225 ILCS 325/34) (from Ch. 111, par. 5234)

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

4 Sec. 34. Restoration from disciplinary status ~~of suspended~~
5 ~~or revoked license.~~

6 (a) At any time after the successful completion of a term
7 of probation, suspension, or revocation, ~~or probation~~ of any
8 license under this Act, the Department may restore the license
9 ~~it~~ to the licensee ~~accused person~~, ~~after review and~~ upon the
10 written recommendation of the Board, unless after an
11 investigation and a hearing, the Department determines that
12 restoration is not in the public interest.

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

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

20 (d) A license that has been suspended or revoked shall be
21 considered nonrenewed for purposes of restoration and a
22 licensee restoring his or her license from suspension or
23 revocation must comply with the requirements for restoration as
24 set forth in Section 17 and any related rules adopted.

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

1 (225 ILCS 325/37) (from Ch. 111, par. 5237)

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

3 Sec. 37. Administrative review; ~~Venue.~~

4 (a) All final administrative decisions of the Department
5 are subject to judicial review pursuant to the provisions of
6 the Administrative Review Law and all rules adopted pursuant
7 thereto. The term "administrative decision" is defined as in
8 Section 3-101 of the Code of Civil Procedure.

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

13 (c) The Department shall not be required to certify any
14 record to the court or file any answer in court or to otherwise
15 appear in any court in a judicial review proceeding until the
16 Department has received from the plaintiff payment of the costs
17 of furnishing and certifying the record, which costs shall be
18 determined by the Department.

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

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

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

1 (225 ILCS 325/41) (from Ch. 111, par. 5241)

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

3 Sec. 41. Violation; political subdivisions, county, city
4 or town; construction ~~Political subdivisions, County, City or~~
5 ~~Town; Construction~~ without professional engineer. It is
6 unlawful for the State or any of its political subdivisions, or
7 any county, city or town to engage in the construction of any
8 public work involving professional engineering, unless the
9 engineering plan, specifications, and estimates have been
10 prepared by, and the construction is executed under, the
11 guidance of a professional engineer licensed under this Act.

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

13 (225 ILCS 325/44) (from Ch. 111, par. 5244)

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

15 Sec. 44. Fund; appropriations; investments; audits. Moneys
16 deposited into ~~in~~ the Design Professionals Administration and
17 Investigation Fund shall be appropriated to the Department
18 exclusively for expenses of the Department and the Board in the
19 administration of this Act, the Illinois Professional Land
20 Surveyor Act of 1989, the Illinois Architecture Practice Act,
21 and the Structural Engineering Practice Act of 1989. The
22 expenses of the Department under this Act shall be limited to
23 the ordinary and contingent expenses of the Design
24 Professionals Dedicated Employees within the Department as

1 established under Section 2105-75 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois (~~20 ILCS 2105/2105-75~~) and other expenses related to
4 the administration and enforcement of this Act.

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

12 Moneys in the Design Professionals Administration and
13 Investigation Fund may be invested and reinvested with all
14 earnings received from the investments to be deposited into ~~in~~
15 the Design Professionals Administration and Investigation Fund
16 and used for the same purposes as fees deposited into ~~in~~ the
17 Fund.

18 All fines and penalties under Sections ~~Section~~ 21 and 24,
19 ~~Section 39, Section 42, and Section 43~~ shall be deposited into
20 ~~in~~ the Design Professionals Administration and Investigation
21 Fund.

22 Upon the completion of any audit of the Department as
23 prescribed by the Illinois State Auditing Act that ~~audit~~
24 includes an audit of the Design Professionals Administration
25 and Investigation Fund, the Department shall make the audit
26 report open to inspection by any interested person. The copy of

1 the audit report required to be submitted to the Department by
2 this Section is in addition to copies of audit reports required
3 to be submitted to other State officers and agencies by Section
4 3-14 of the Illinois State Auditing Act.

5 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 91-239,
6 eff. 1-1-00; 92-16, eff. 6-28-01.)

7 (225 ILCS 325/45) (from Ch. 111, par. 5245)

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

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

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

23 (225 ILCS 325/47) (from Ch. 111, par. 5247)

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

1 Sec. 47. Practice of structural engineering or
2 architecture.

3 (a) No professional engineer may practice structural
4 engineering as defined in the Structural Engineering Practice
5 Act of 1989 unless he or she is licensed under the provisions
6 of that Act.

7 (b) No professional engineer may practice architecture as
8 defined in the Illinois Architecture Practice Act of 1989
9 unless he or she is licensed under the provisions of that Act.

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

11 (225 ILCS 325/48) (from Ch. 111, par. 5248)

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

13 Sec. 48. Construction of Act; existing ~~Existing~~
14 injunctions. The provisions of this Act, insofar as they are
15 the same or substantially the same as those of any prior law,
16 shall be construed as a continuation of such prior law and not
17 as a new enactment.

18 Any existing injunction or temporary restraining order
19 validly obtained under The Illinois Professional Engineering
20 Act, approved July 20, 1945, as amended, which prohibits
21 unlicensed practice of professional engineering or prohibits
22 or requires any other conduct in connection with the practice
23 of professional engineering shall not be invalidated by the
24 enactment of this Act and shall continue to have full force and
25 effect on and after the effective date of this Act.

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

2 (225 ILCS 325/21 rep.)

3 (225 ILCS 325/30 rep.)

4 (225 ILCS 325/31 rep.)

5 (225 ILCS 325/38 rep.)

6 (225 ILCS 325/39 rep.)

7 (225 ILCS 325/40 rep.)

8 (225 ILCS 325/42 rep.)

9 (225 ILCS 325/43 rep.)

10 Section 15. The Professional Engineering Practice Act of
11 1989 is amended by repealing Sections 21, 30, 31 38, 39, 40, 42
12 and, 43.

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