101ST GENERAL ASSEMBLY
State of Illinois
2019 and 2020
SB1899

Introduced 2/15/2019, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.40 new
70 ILCS 1205/8-50
70 ILCS 1505/26.10-4
225 ILCS 745/20
730 ILCS 5/5-5-5 from Ch. 38, par. 1005-5-5

Creates the Illinois Landscape Architecture Practice Act of 2019. Provides for the licensure of landscape architects and registration of professional design firms. Provides that any landscape architect licensed under the Illinois Landscape Architecture Act of 1989 on the effective date of the new Act shall be deemed licensed under the new Act until his or her license is revoked. Provides that persons holding office as members of the Illinois Landscape Architect Registration Board immediately prior to the effective date of the new Act under the Illinois Landscape Architecture Act of 1989 shall continue as members of the Board until the expiration of the term for which they were appointed and until their successors are appointed and qualified. Makes conforming changes throughout other Acts. Amends the Regulatory Sunset Act. Provides that the new Act is repealed on January 1, 2030. Preempts home rule powers. Effective January 1, 2020.
AN ACT concerning regulation.

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

Section 1. Short title. This Act may be cited as the Illinois Landscape Architecture Practice Act of 2019.

Section 5. Declaration of public policy. The practice of landscape architecture in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of landscape architecture, as defined in this Act, merit and receive the confidence of the public and that only qualified persons be authorized to practice landscape architecture in the State of Illinois. This Act shall be liberally construed to best carry out this purpose.

Section 10. Application of the Act; exemptions.

(a) Nothing in this Act shall be deemed or construed to prevent the practice of architecture as defined in the Architecture Practice Act of 1989, the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989,
or the practice of land surveying as defined in the Professional Land Surveyor Act of 1989.

(b) Nothing contained in this Act shall prevent the draftsmen, students, project representatives, and other employees of those lawfully practicing as landscape architects under this Act from acting under the responsible control of their employers, or prevent the employment of project representatives for enlargement or alteration of site development, or any parts thereof, or prevent such project representatives from acting under the responsible control of the landscape architect by whom the construction documents, including drawings and specifications of any such site development, enlargement, or alteration, were prepared.

(c) Nothing in this Act shall be construed to prohibit those persons engaged in nursery occupations, landscape contractors, home builders, or residential developers from preparing plans and items incidental thereto, from such practice to include design, planning, location, and arrangement of plantings, pavements, or other ornamental features; nor shall this Act be construed to prevent the practice of any other legally recognized profession as governed by applicable law.

(d) An architect, land surveyor, professional engineer, or structural engineer shall be permitted to affix his or her professional seal or stamp to any plans, specifications, and reports prepared by or under his or her responsible control in
connection with the incidental practice of landscape architecture.

Section 15. Definitions. As used in this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit.

"Approved landscape architecture curriculum" means a landscape architecture curriculum or program of 4 academic years or more that meets the standards established by the rules of the Department.

"Board" means the Illinois Landscape Architect Board.

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

"Landscape architect" means a person who, based on education, experience, and examination in the field of landscape architecture, is licensed under this Act.

"Landscape architect intern" means an unlicensed person who has completed the education requirements, is actively participating in diversified professional training, and maintains a training record in good standing as required for licensure by this Act.

"Landscape architecture" means the application of mathematical, physical, and social-science principles in landscape architectural consultation, evaluation, planning,
and design. "Landscape architecture" includes preparing, filing, and administering landscape architecture plans, drawings, specifications, permits, and other contract documents involving landscape architecture projects that direct, inform, or advise on the functional use and preservation of natural environments.

"Landscape architecture practice" means the offering or furnishing of professional services in connection with a landscape architecture project or scope of work that does not require the seal of an architect, land surveyor, professional engineer, or structural engineer. "Landscape architecture practice" includes, but is not limited to, consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with landscape architecture projects involving the arranging of elements for public and private use with emphasis on the preservation and enhancement of land uses, including providing preliminary studies; developing landscape architecture design concepts; planning for the relationships of physical improvements to the site; establishing form and aesthetic elements of a site; determining vegetative systems for soil conservation; other strategies for integrating the built and natural environments to promote site and community resilience and support ecosystem services; reforestation; planting and ground cover; analyzing and providing for life safety requirements; technical submissions consisting of landscape architecture drawings and
specifications and other documents required in the construction process that are exclusive of any building or structure; administration of landscape architecture construction contracts; project representation and construction management in connection with the construction of any landscape architecture project that is exclusive of any building or structure.

"Person" means any person, sole proprietorship, or entity, such as a partnership, professional service corporation, or corporation.

"Professional design firm" means any business that includes the practice of landscape architecture within its stated purpose or practices or holds itself out as available to practice landscape architecture.

"Public health" means the state of the well-being of the body or mind of the user.

"Public safety" means the state of being reasonably free from risk of danger, damage, or injury.

"Public welfare" means the well-being of the user resulting from the state of a physical environment that accommodates human activity.

"Secretary" means the Secretary of Financial and Professional Regulation.

Section 20. Change of address. It is the duty of the applicant or licensee to inform the Department of any change of
address, and such changes must be made either through the
Department's website or by directly contacting the Department.

Section 25. Technical submissions. All technical
submissions intended for use in construction in the State of
Illinois shall be prepared and administered in accordance with
standards of reasonable professional skill and diligence. Care
shall be taken to reflect the requirements of State statutes
and, where applicable, county and municipal ordinances in such
submissions. In recognition that landscape architects are
licensed for the protection of the public health, public
safety, and public welfare, submissions shall be of such
quality and scope and be so administered as to conform to
professional standards.

Technical submissions are the designs, drawings, and
specifications that establish the scope of the landscape
architecture to be constructed, the standard of quality for
materials, workmanship, equipment, and construction systems
and the studies and other technical reports and calculations
prepared in the course of the practice of landscape
architecture.

No officer, board, commission, or other public entity that
receives technical submissions shall accept for filing or
approval any technical submissions relating to services
requiring the involvement of a landscape architect that do not
bear the seal and signature of a landscape architect licensed
under this Act.

It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A landscape architect who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the landscape architect who originally sealed and signed the technical submissions.

Section 30. Powers and duties of the Department. Subject to this Act, the Department shall exercise the following functions, powers, and duties:

(1) To pass upon the qualifications and conduct examinations of applicants for licensure as landscape architects or enrollment as landscape architect interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified.

(2) To prescribe rules for the method, conduct, and grading of the examination of applicants.

(3) To register corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of
landscape architecture and issue a certificate of
registration to those who qualify.

(4) To conduct investigations and hearings regarding
violations of this Act and take disciplinary or other
actions as provided in this Act as a result of the
proceedings.

(5) To adopt rules as to what shall constitute a
landscape architecture curriculum and to determine if a
specific landscape architecture curriculum is in
compliance with the rules, and to terminate the approval of
a specific landscape architecture curriculum for
non-compliance with such rules.

(6) To adopt rules required for the administration of
this Act, including rules of professional conduct.

(7) To maintain membership and representation in the
national body composed of state licensing and testing
boards for landscape architects.

(8) To obtain written recommendations from the Board
regarding qualifications of individuals for licensure and
enrollment, definitions of curriculum content and approval
of landscape architecture curricula, standards of
professional conduct and formal disciplinary actions, and
the promulgation of the rules affecting these matters.

Prior to issuance of any final decision or order that
deviates from any report or recommendations of the Board
relating to the qualification of applicants, discipline of
licensees or registrants, or adoption of rules, the Secretary shall notify the Board in writing with an explanation of any such deviation. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

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

(10) To review such applicant qualifications to sit for the examination or for licensure as the Board designates pursuant to Section 60.

Section 35. Composition, qualifications, and terms of the Board.

(a) The Board shall be appointed by the Secretary and shall consist of 6 members, one of whom shall be a public member and 5 of whom shall be landscape architects licensed under this Act. In addition, each member who is a landscape architect shall:

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

(2) be a resident of this State.

(3) have not less than 12 years of experience in the practice of landscape architecture;

(4) hold an active license as a landscape architect in
Illinois; and

(5) have been in charge of landscape architecture work for at least 5 years.

For the purposes of this subsection (a), any period in which a person has been in charge of teaching landscape architecture in a landscape architecture program with the rank of assistant professor or higher shall be considered as time in which such person was in charge of landscape architecture work.

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

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

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

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

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

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

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

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

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

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

Persons holding office as members of the Illinois Landscape Architect Registration Board immediately prior to the effective date of this Act under the Illinois Landscape Architecture Act of 1989 shall continue as members of the Board until the expiration of the term for which they were appointed and until their successors are appointed and qualified.

Section 40. Powers and duties of the Board.

(a) The Board shall hold at least 3 regular meetings each year.

(b) The Board shall annually elect a chairperson and a vice
chairperson amongst its members who shall be landscape architects.

(c) The Board, upon request by the Department, may make a curriculum evaluation to determine if courses conform to the requirements of approved landscape architectural programs.

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

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

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule and any amendments or changes thereto.

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable. The Department shall review the Board's recommendations on applicant qualifications. The Secretary shall notify the Board with an explanation of any deviation from the Board's recommendation on applicant qualifications. After review of the Secretary's explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Secretary's decision.
(h) The Board may submit comments to the Secretary within a reasonable time from notification of any final decision or order from the Secretary that deviates from any report or recommendation of the Board relating to the qualifications of applicants, unlicensed practice, discipline of licensees or registrants, or adoption of rules.

(i) The Board may recommend that the Department contract with an individual or a corporation or other business entity to assist in providing investigative, legal, prosecutorial, and other services necessary to perform its duties.

Section 45. Application for license. Applications for licensure shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. Any such application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant to practice landscape architecture. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by an evaluation service approved by the Board in accordance with rules prescribed by the Department.

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

Section 50. Social security number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's social security number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license. Every application for a renewal or restored license shall require the applicant's customer identification number.

Section 55. Examination.
(a) No person shall receive a license under this Act until such person has passed an examination that shall include the Landscape Architect Registration Examination established by the Council of Landscape Architectural Registration Boards for examination of candidates for licensure as landscape architects.
(b) The Department shall exempt from such written examination an applicant who holds a registration or license in
another state that has equivalent or substantially equivalent requirements as the State of Illinois.

(c) The Department shall adopt rules determining requirements for practical training and education. The Department shall also adopt the examinations and recommended grading procedures of the National Council of Landscape Architectural Registration Boards and the accreditation procedures of the Landscape Architectural Accrediting Board. The Department shall issue a license to each applicant who satisfies the requirements in this Section. Such licensure shall be effective upon issuance.

(d) If an applicant neglects, fails without an approved excuse, or refuses to take an examination or fails to pass an examination to obtain a license under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter submit a new application accompanied by the required fee.

(e) Any landscape architect licensed under the Illinois Landscape Architecture Act of 1989 on the effective date of this Act shall be deemed licensed under this Act until his or her license is revoked. Upon the revocation of the valid license, the requirements for license renewal, license restoration, or administrative proceedings shall apply.

Section 60. Qualifications for licensure. Any person who has completed the course of study in and graduated from a
college or school of landscape architecture accredited by the
Landscape Architectural Accreditation Board may apply for such
examination if that person submits evidence of a minimum of 2
years' practical experience under the direct supervision of a
licensed landscape architect.

A person may be admitted to the examination upon presenting
to the Board evidence of: (1) having graduated with at least a
bachelor's degree in land surveying, architecture,
engineering, or urban or regional planning and (2) a minimum 6
years of practical experience satisfactory to the Board under
the direct supervision of a licensed landscape architect. The
Board shall determine what qualifies as practical experience
under the direct supervision of a licensed landscape architect.

Section 65. Qualifications of applicants. Any person who is
of good moral character may apply for licensure if he or she is
a graduate with a first professional degree in landscape
architecture from a program accredited by the Landscape
Architectural Accrediting Board, has completed the examination
requirements set forth under Section 55, and has completed such
diversified professional training, including academic
training, as is required by rules of the Department.

Good moral character means such character as will enable a
person to discharge the fiduciary duties of a landscape
architect to that person's client and to the public in a manner
which protects health, safety and welfare. Evidence of

inability to discharge such duties may include the commission of an offense justifying discipline under Section 115. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

Section 70. Display of license; seal. Every holder of a license as a landscape architect shall display it in a conspicuous place in the principal office of the landscape architect.

Every landscape architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the landscape architect, the license number, and the words "Licensed Landscape Architect, State of Illinois". The landscape architect shall affix the signature, current date, date of license expiration, and seal to the first sheet of any bound set or loose sheets of technical submissions utilized as contract documents between the parties to the contract or prepared for the review and approval of any governmental or public authority having jurisdiction by that landscape architect or under that landscape architect's responsible control. The sheet of technical submissions in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply. The seal and dates may be electronically affixed. The licensee may provide, at his or her sole discretion, an original signature in the licensee's
handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer. All technical submissions issued by any corporation, partnership, professional service corporation, or professional design firm as registered under this Act shall contain the corporate or assumed business name and design firm registration number, in addition to any other seal requirements as in this Section.

As used in this Section, "responsible control" means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by architects applying the required professional standard of care. Merely reviewing or reviewing and correcting the technical submissions or any portion thereof prepared by those not in the regular employment of the office where the architect is resident without control over the content of such work throughout its preparation does not constitute responsible control.

A landscape architect licensed under this Act shall not sign and seal technical submissions that were not prepared by or under the responsible control of the landscape architect except that:

(1) the landscape architect may sign and seal those portions of the technical submissions that were prepared by or under the responsible control of persons who hold a license under this Act, and who shall have signed and sealed the documents, if the landscape architect has
reviewed in whole or in part such portions and has either
coordinated their preparation or integrated them into his
or her work;

(2) the landscape architect may sign and seal portions
of the professional work that are not required by this Act
to be prepared by or under the responsible control of a
landscape architect if the landscape architect has
reviewed and adopted in whole or in part such portions and
has integrated them into his or her work; and

(3) a partner or corporate officer of a professional
design firm registered in Illinois who is licensed under
this Act and who has professional knowledge of the content
of the technical submissions and intends to be responsible
for the adequacy of the technical submissions, may sign and
seal technical submissions that are prepared by or under
the responsible control of landscape architects who are
licensed under this Act and who are in the regular
employment of the professional design firm.

The landscape architect exercising responsible control
under which the documents or portions of the documents were
prepared shall be identified on the documents or portions of
the documents by name and Illinois license number.

Any landscape architect who signs and seals technical
submissions not prepared by that landscape architect but
prepared under the landscape architect's responsible control
by persons not regularly employed in the office where the
landscape architect is resident shall maintain and make available to the Board upon request for at least 5 years following such signing and sealing adequate and complete records demonstrating the nature and extent of the landscape architect's control over and detailed professional knowledge of such technical submissions throughout their preparation.

Section 75. Licenses; renewal; restoration; landscape architects in military service. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee. A landscape architect who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, and by paying the required restoration fee.

If the person has not maintained an active practice in another jurisdiction satisfactory to the Department, the Board shall determine, by an evaluation program established by rule, that person's fitness to resume active status and may require that person to successfully complete an examination.

Any person whose license has been expired for more than 3
years may have his or her license restored by making
application to the Department and filing proof acceptable to
the Department of his or her fitness to have his or her license
restored, including sworn evidence certifying to active
practice in another jurisdiction, and by paying the required
restoration fee.

However, any person whose license has expired while he or
she has been engaged (1) in federal service on active duty with
the Army of the United States, the United States Navy, the
Marine Corps, the Air Force, the Coast Guard, or the State
Militia called into the service or training of the United
States of America, or (2) in training or education under the
supervision of the United States preliminary to induction into
the military service, may have his or her license restored or
reinstated without paying any lapsed renewal fees or
restoration fee if within 2 years after termination of such
service, training, or education other than by dishonorable
discharge he or she furnishes the Department with an affidavit
to the effect that he or she has been so engaged and that his or
her service, training, or education has been so terminated.

Section 80. Continuing education. The Department may adopt
rules of continuing education for persons licensed under this
Act. The Department shall consider the recommendations of the
Board in establishing the guidelines for the continuing
education requirements. The requirements of this Section apply
to any person seeking renewal or restoration under Section 75 or 85.

Section 85. Inactive status; restoration. A landscape architect, who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any landscape architect requesting restoration from inactive status shall be required to pay the current renewal fee and shall have his or her license restored as provided in Section 75.

Any landscape architect whose license is in an inactive status shall not practice landscape architecture in the State of Illinois.

Section 90. Landscape Architect, Retired. Pursuant to Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may grant the title "Landscape Architect, Retired" to any person who has been duly licensed as a landscape architect by the Department and who has chosen to place on inactive status or not renew his or her license. Those persons granted the title "Landscape Architect, Retired" may request
restoration to active status under the applicable provisions of this Act.

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

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

Section 95. Endorsement. The Department may, in its discretion, license as a landscape architect, without examination on payment of the required fee, an applicant who is a landscape architect licensed under the laws of another state or territory if the requirements for licensure in the state or territory in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.

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

Section 100. Fees.
(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

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

All of the fees and fines collected under this Section shall be deposited into the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

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

Section 105. Roster of licensees and registrants. A roster
showing the names and addresses of all landscape architects,
landscape architectural corporations and partnerships, and
professional design firms licensed or registered under this Act
shall be prepared by the Department each year. This roster
shall be organized by discipline and available by discipline
upon written request and payment of the required fee.

Section 110. Professional design firm registration;
conditions.

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

Any business, including a professional service
corporation, that includes the practice of landscape architecture within its stated purposes, practices landscape architecture, or holds itself out as available to practice landscape architecture shall register with the Department under this Section. Any professional service corporation, sole proprietorship, or professional design firm offering landscape architecture services must have a resident landscape architect in responsible charge of the landscape architecture practices in each location in which landscape architecture services are provided who shall be designated as a managing agent.

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

(b) Any corporation, including a professional service corporation, partnership, limited liability company, or professional design firm seeking to be registered under this Section shall not be registered unless:

(1) two-thirds of the board of directors, in the case of a corporation, or two-thirds of the general partners, in the case of a partnership, or two-thirds of the members, in the case of a limited liability company, are licensed under the laws of any state to practice landscape architecture, architecture, professional engineering, land surveying, or structural engineering; and

(2) a managing agent is (A) a director in the case of a corporation, a general partner in the case of a partnership, or a member in the case of a limited liability company, and (B) holds a license under this Act.

Any corporation, limited liability company, professional service corporation, or partnership qualifying under this Section and practicing in this State shall file with the Department any information concerning its officers, directors, members, managers, partners, or beneficial owners as the Department may, by rule, require.
(c) No business shall offer the practice or hold itself out as available to offer the practice of landscape architecture until it is registered with the Department as a professional design firm. Every entity registered as a professional design firm shall display its certificate of registration or a facsimile thereof in a conspicuous place in each office offering architectural services.

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

1. The name and landscape architect's license number of at least one person designated as a managing agent. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating at least one managing agent. If a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating at least one managing agent.

2. The names and landscape architect's, architect's, professional engineer's, structural engineer's, or land surveyor's license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a
partnership.

(3) A list of all locations at which the professional design firm provides landscape architectural services.

(4) A list of all assumed names of the business.

Nothing in this Section shall be construed to exempt a business from compliance with the requirements of the Assumed Business Name Act.

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

(e) If a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of termination.

Thereafter, the professional design firm, if it has so informed the Department, has 30 days in which to notify the Department of the name and license number of the landscape architect who is the newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.
If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the address of record. If the professional design firm continues to operate and offer landscape architecture services after the termination, the Department may seek prosecution under Sections 115 and 190 for the unlicensed practice of landscape architecture.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this Section nor shall any individual practicing landscape architecture be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed landscape architect. All disciplinary action taken or pending against a corporation or partnership before the effective date of this Act shall be continued or remain in effect without the Department filing separate actions.

Section 115. Refusal, suspension, and revocation of
licenses; causes.

(a) The Department may, singularly or in combination, refuse to issue, renew, or restore or may suspend, revoke, place on probation, or take other disciplinary or non-disciplinary action as deemed appropriate, including, but not limited to, the imposition of fines not to exceed $10,000 for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) material misstatement in furnishing information to the Department;

(2) negligence, incompetence, or misconduct in the practice of landscape architecture;

(3) failure to comply with any of the provisions of this Act or any of its rules;

(4) making any misrepresentation for the purpose of obtaining licensure;

(5) purposefully making false statements or signing false statements, certificates, or affidavits to induce payment;

(6) conviction of or plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor, an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession of landscape architecture;
(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) signing or affixing the landscape architect's seal or permitting the landscape architect's seal to be affixed to any technical submission not prepared by the landscape architect or under that landscape architect's responsible control;

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

(10) habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety;

(11) a finding by the Board that an applicant, licensee, or registrant has failed to pay a fine imposed by the Department or a registrant or licensee, whose registration or license has been placed on probationary status, has violated the terms of probation;

(12) discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth herein;

(13) failure to provide information in response to a written request made by the Department within 30 days after
the receipt of such written request;

(14) physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety, including without limitation deterioration through the aging process, mental illness, or disability.

(b) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

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

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

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

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

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

(e) The Department shall deny a license or renewal authorized by this Act to a person who has failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

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

Section 120. Violations; injunction; cease and desist order.

(a) If any person or entity violates a provision of this Act, the Secretary may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation. If it is established that such person or entity has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If any person or entity practices as a landscape architect or holds himself out as a "landscape architect", "professional landscape architect", "registered landscape architect", "licensed landscape architect", "landscape architect design profession", any other title that includes the words "landscape architect" or "landscape architecture", or
professional design firm without being licensed or registered under the provisions of this Act, then any landscape architect, any interested party or any person injured thereby may, in addition to the Secretary, petition for relief as provided in subsection (a) of this Section.

(c) Whenever in the opinion of the Department any person or entity violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Section 125. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a landscape architect without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a
licensee.

(b) Any entity that advertises landscape architecture services in a telecommunications directory must include its landscape architecture firm registration number or, in the case of a sole proprietor, his or her individual license number. Nothing in this subsection (b) requires the publisher of a telecommunications directory to investigate or verify the accuracy of the registration or license number provided by the advertiser of landscape architecture services.

(c) The Department has the authority and power to investigate any and all unlicensed activity.

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

Section 130. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to restore, issue or renew a license or registration, or discipline a licensee or registrant, at least 30 days prior to the date set
for the hearing, notify in writing the applicant for, or holder of, a license or registration of the nature of the charges and that a hearing will be held on the date designated, and direct the applicant or licensee or registrant to file a written answer to the Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant that failure to file an answer will result in default being taken against the applicant or licensee or registrant and that the license or registration may be suspended, revoked, or placed on probationary status or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Secretary may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of record with the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or registration may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony,
evidence, and argument as may be pertinent to the charges or to
their defense. The Board may continue the hearing from time to
time.

Section 135. Stenographer; transcript. The Department, at
its expense, shall preserve a record of all proceedings at the
formal hearing of any case involving the refusal to restore,
issue, or renew a license or the discipline of a licensee. The
notice of hearing, complaint, and all other documents in the
nature of pleadings and written motions filed in the
proceedings, the transcript of testimony, the report of the
Board, and the orders of the Department shall be the record of
the proceedings. A transcript of the record may be made
available to any person interested in the hearing upon payment
of the fee required by Section 2105-115 of the Department of
Professional Regulation Law of the Civil Administrative Code of
Illinois.

Section 140. Subpoenas; depositions; oaths. The Department
has power to subpoena documents, books, records, or other
materials and to bring before it any person and to take
testimony, either orally or by deposition, or take written
interrogatories, or any combination thereof, with the same fees
and mileage and in the same manner as is prescribed in civil
cases in the courts of this State.

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

Section 145. Procedure to compel attendance of witnesses. Any circuit court, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of a license, or the discipline of a licensee, and the court may compel obedience to its order by proceedings for contempt.

Section 150. Report of Board; rehearing. After the hearing, the Board shall present to the Secretary its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered or certified mail as provided in this Act for the service of the notice. Within 20 days after such service, the accused person may present to the Department his or her motion in writing for a rehearing that shall specify the particular grounds for rehearing. If the accused person orders and pays for a transcript of the record as provided in this Section, the time elapsing before such transcript is ready
for delivery to him or her shall not be counted as part of such 20 days.

If the Secretary is not satisfied that substantial justice has been done, he or she may order a rehearing by the same or another special board. At the expiration of the time specified for filing a motion for a rehearing the Secretary has the right to take the action recommended by the Board.

Section 155. Hearing officer. Notwithstanding the provisions of Section 150, the Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action under Section 130. The Secretary shall notify the Board of any such appointment. The hearing officer has full authority to conduct the hearing. The Board has the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board has 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary may issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The
Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order.

Section 160. Order to be prima facie proof. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof that:

1. the signature is the genuine signature of the Secretary;
2. the Secretary is duly appointed and qualified; and
3. the Board and the members thereof are qualified to act.

Such proof may be rebutted.

Section 165. Restoration of suspended or revoked license. At any time after the successful completion of a term of suspension or revocation of a license, the Department may restore it to the licensee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest.

Section 170. Surrender of license. Upon the revocation or suspension of any license, the licensee shall immediately surrender the license or licenses to the Department and if the
licensee fails to do so, the Department has the right to seize
the license.

Section 175. Temporary suspension of a license. The
Secretary may temporarily suspend the license of a landscape
architect without a hearing, simultaneously with the
institution of proceedings for a hearing provided for in
Section 130, if the Secretary finds that evidence in his or her
possession indicates that a landscape architect's continuation
in practice would constitute an imminent danger to the public.
In the event that the Secretary temporarily suspends the
license of a landscape architect without a hearing, a hearing
by the Board must be held within 30 days after such suspension
has occurred.

Section 180. Review under Administrative Review Law;
venue. All final administrative decisions of the Department
hereunder are subject to judicial review pursuant to the
provisions of the Administrative Review Law and its rules. The
term "administrative decision" is defined as in Section 3-101
of the Code of Civil Procedure.

Such proceedings for judicial review shall be commenced in
the circuit court of the county in which the party applying for
review resides, but if such party is not a resident of this
State, the venue shall be in Sangamon County.
Section 185. Certification of record. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

Section 190. Violations. Each of the following acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(1) the practice, attempt to practice or offer to practice landscape architecture or the advertising or putting out of any sign or card or other device that might indicate to the public that the person is entitled to practice landscape architecture, without a license as a landscape architect, or registration as a professional design firm issued by the Department; each day of practicing landscape architecture or attempting to practice landscape architecture, and each instance of offering to practice landscape architecture, without a license as a landscape architect or registration as a professional design firm constitutes a separate offense;

(2) the making of any willfully false oath or affirmation in any matter or proceeding where an oath or
affirmation is required by this Act;

(3) the affixing of a landscape architect's seal to any technical submissions that have not been prepared by that landscape architect or under the landscape architect's responsible control;

(4) the violation of any provision of this Act or its rules;

(5) using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee;

(6) obtaining or attempting to obtain a license or registration by fraud; or

(7) if any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices architecture or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as a landscape architect or use the title "landscape architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in the State; then, in addition to any other penalty provided by law any person or other entity who violates this paragraph (7) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined
by the Department of not more than $10,000 for each
offense.

Section 195. Landscape architecture intern. An
unlicensed person who has completed the education
requirements, is actively participating in the diversified
professional training, and maintains in good standing a
training record as required for licensure by this Act may use
the title "landscape architecture intern" but may not
independently engage in the practice of landscape
architecture.

Section 200. Illinois Administrative Procedure Act;
application. The Illinois Administrative Procedure Act is
hereby expressly adopted and incorporated herein as if all of
the provisions of that Act were included in this Act, except
that the provision of subsection (d) of Section 10-65 of the
Illinois Administrative Procedure Act that provides that at
hearings the licensee has the right to show compliance with all
lawful requirements for retention, continuation or renewal of
the license is specifically excluded. For the purposes of this
Act, the notice required under Section 10-25 of the Illinois
Administrative Procedure Act is deemed sufficient when mailed
to the last known address of a party.

Section 205. Confidentiality. All information collected by
the Department in the course of an examination or investigation
of a licensee or applicant, including, but not limited to, any
complaint against a licensee filed with the Department and
information collected to investigate any such complaint, shall
be maintained for the confidential use of the Department and
shall not be disclosed. The Department may not disclose the
information to anyone other than law enforcement officials,
other regulatory agencies that have an appropriate regulatory
interest as determined by the Secretary, or a party presenting
a lawful subpoena to the Department. Information and documents
disclosed to a federal, State, county, or local law enforcement
agency shall not be disclosed by the agency for any purpose to
any other agency or person. A formal complaint filed against a
licensee by the Department or any order issued by the
Department against a licensee or applicant shall be a public
record, except as otherwise prohibited by law.

Section 210. Fund; appropriations; investments; audits.
Moneys deposited in the Design Professionals Administration
and Investigation Fund shall be appropriated to the Department
exclusively for expenses of the Department and the Board in the
administration of this Act, the Illinois Architecture Practice
Act of 1989, the Illinois Professional Land Surveyor Act of
1989, the Professional Engineering Practice Act of 1989, and
the Structural Engineering Practice Act of 1989. The expenses
of the Department under this Act shall be limited to the
ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

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

All fines and penalties under Sections 115 and 190 shall be deposited into the Design Professionals Administration and Investigation Fund.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited into the Fund.

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

Section 215. Public policy. It is declared to be the public policy of this State, pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act. This is a limitation of home rule powers.

Section 220. Reinstatement of existing licenses; rules in force. All licenses and certificates of registration in effect on December 31, 2019 and issued pursuant to the Illinois Landscape Architecture Act of 1989 are reinstated for the balance of the term for which last issued. All rules in effect on December 31, 2019 and adopted pursuant to the Illinois Landscape Architecture Act of 1989 shall remain in full force and effect on the effective date of this Act without being adopted again by the Department, except to the extent any such rule is inconsistent with any provision of this Act. All disciplinary action, taken or pending, pursuant to the Illinois
Landscape Architecture Act of 1989 shall, for the actions taken, remain in effect, and for the action pending, shall be continued, on the effective date of this Act without having separate actions filed by the Department.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.40 as follows:

(5 ILCS 80/4.40 new)

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


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

(70 ILCS 1205/8-50)

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

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

"Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act and the principles of competitive selection.
"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying, and related services as required, and the labor, materials, equipment, and other construction services for the project.

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

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

"Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation,
professional corporation, or other entity that offers services
under the Illinois Architecture Practice Act of 1989, the
Professional Engineering Practice Act of 1989, the Structural
Engineering Practice Act of 1989, or the Illinois Professional

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

"Landscape architect design professional" means any
person, sole proprietorship, or entity including, but not
limited to, a partnership, professional service corporation,
or corporation that offers services under the Illinois
Landscape Architecture Practice Act of 2019

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

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

"Scope and performance criteria" means the requirements
for the public project, including, but not limited to: the
intended usage, capacity, size, scope, quality, and
performance standards; life-cycle costs; and other programmatic criteria that are expressed in performance oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

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

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

(70 ILCS 1505/26.10-4)

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

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

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

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

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

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

"Landscape architect design professional" means any person, sole proprietorship, or entity such as a partnership, professional service corporation, or corporation that offers services under the Illinois Landscape Architecture Practice Act of 2019 1999.

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

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

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

"Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a
"Guaranteed maximum price" means a form of contract in which compensation may vary according to the scope of work involved but in any case may not exceed an agreed total amount.
(Source: P.A. 96-777, eff. 8-28-09; 96-1000, eff. 7-2-10.)

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

(225 ILCS 745/20)
(Section scheduled to be repealed on January 1, 2026)

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

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

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

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

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

(e) The practice of professional geology exclusively
in the exploration for or development of energy resources
or base, precious and nonprecious minerals, including
sand, gravel, and aggregate, that does not require, by law,
rule, or ordinance, the submission of reports, documents,
or oral or written testimony to public agencies. Public
agencies may, by law or by rule, allow required oral or
written testimony, reports, permit applications, or other
documents based on the science of geology to be submitted
to them by persons not licensed under this Act. Unless
otherwise required by State or federal law, public agencies
may not require that the geology-based aspects of
testimony, reports, permits, or other documents so
exempted be reviewed by, approved, or otherwise certified
by any person who is not a Licensed Professional Geologist.
Licensure is not required for the submission and review of reports or documents or the provision of oral or written testimony made under the Well Abandonment Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land Conservation and Reclamation Act, or the Surface-Mined Land Conservation and Reclamation Act.


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


(k) The practice of professional geology for a period not to exceed 9 months by any person pursuing a course of study leading to a degree in geology from an accredited college or university, as set forth in this Act and as established by rule, provided that (i) such practice constitutes a part of a supervised course of study, (ii) the person is under the supervision of a geologist licensed under this Act or a teacher of geology at an accredited
college or university, and (iii) the person is designated by a title that clearly indicates his or her status as a student or trainee.

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

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

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

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

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

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

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

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that
restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

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

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

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

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

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

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

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

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

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

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

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

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

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced
on his or her behalf in regard to his or her rehabilitation
and good conduct, including a certificate of relief from
disabilities issued to the applicant, which certificate
shall create a presumption of rehabilitation in regard to
the offense or offenses specified in the certificate; and

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

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

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

   (2) the Illinois Athletic Trainers Practice Act;

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

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

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

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

   (7) the Illinois Farm Labor Contractor Certification
(8) the Registered Interior Designers Act;
(9) the Illinois Professional Land Surveyor Act of 1989;
(10) the Illinois Landscape Architecture Practice Act of 2019 1989;
(11) the Marriage and Family Therapy Licensing Act;
(12) the Private Employment Agency Act;
(13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;
(14) the Real Estate License Act of 2000;
(15) the Illinois Roofing Industry Licensing Act;
(16) the Professional Engineering Practice Act of 1989;
(17) the Water Well and Pump Installation Contractor's License Act;
(18) the Electrologist Licensing Act;
(19) the Auction License Act;
(20) the Illinois Architecture Practice Act of 1989;
(21) the Dietitian Nutritionist Practice Act;
(22) the Environmental Health Practitioner Licensing Act;
(23) the Funeral Directors and Embalmers Licensing Code;
(24) (blank);
(25) the Professional Geologist Licensing Act;
(26) the Illinois Public Accounting Act; and
(Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)

Section 999. Effective date. This Act takes effect January 1, 2020.