



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB0214

Introduced 2/17/2021, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.41 new

70 ILCS 1205/8-50

70 ILCS 1505/26.10-4

225 ILCS 745/20

730 ILCS 5/5-5-5

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

Creates the Landscape Architecture Registration Act. Provides that no person shall use the title "registered landscape architect" or "landscape architect" without being registered by the Department of Financial and Professional Regulation. Creates the Registered Landscape Architecture Registration Board. Provides for the membership, meetings, and powers of the Board. Provides that the Department may seek the expert advice and knowledge of the Board on any matter relating to the enforcement of the Act, including qualifications of applicants for registration. Provides that the Department may issue certificates of registration to those who meet the requirements of the Act. Provides that the Department may authorize examinations to ascertain the fitness and qualifications of applicants for registration. Provides that the Department may conduct investigations and hearings to refuse to issue, renew, or restore registrations, revoke, suspend, place on probation, or reprimand persons registered under provisions of the Act. Provides that the Department may take disciplinary action with regard to any certificate of registration issued under the Act. Makes corresponding changes in the Park District Code, the Chicago Park District Act, the Professional Geologist Licensing Act, and the Unified Code of Corrections. Amends the Regulatory Sunset Act to repeal the Landscape Architecture Registration Act on January 1, 2032.

LRB102 09917 SPS 15235 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

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

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

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

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

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

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

21 "Landscape architecture" means the art and science of  
22 arranging land, together with the spaces and objects upon it,

1 for the purpose of creating a safe, efficient, healthful, and  
2 aesthetically pleasing physical environment for human use and  
3 enjoyment, as performed by landscape architects.

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

17 "Registered landscape architect" means a person who, based  
18 on education, experience, and examination in the field of  
19 landscape architecture, is registered under this Act.

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

25 Section 15. Title.

1 (a) No person shall use the title "registered landscape  
2 architect" or "landscape architect" without being so  
3 registered by the Department.

4 (b) Nothing in this Act shall be construed as preventing  
5 or restricting the offering, advertising, or providing of  
6 services defined as landscape architecture practice under this  
7 Act by an individual not registered under this Act.

8 Section 20. Seal.

9 (a) Every registered landscape architect shall have a  
10 reproducible seal, which may be computer generated, the  
11 impression of which shall contain the name of the registered  
12 landscape architect, the registered landscape architect's  
13 registration number, and the words "Registered Landscape  
14 Architect, State of Illinois". The registered landscape  
15 architect shall be responsible for his or her seal and  
16 signature as defined by rule.

17 (b) Notwithstanding the requirements of this Section, an  
18 architect, land surveyor, professional engineer, or structural  
19 engineer licensed by the Department shall be permitted to  
20 affix his or her seal to any plans, specifications, and  
21 reports prepared by or under his or her supervision in  
22 connection with the incidental practice of landscape  
23 architecture.

24 Section 23. Technical submissions.

1           (a) As used in this Section, "technical submissions"  
2 includes the designs, drawings, and specifications that  
3 establish the scope of a landscape architecture project; the  
4 standard of quality for materials, workmanship, equipment, and  
5 systems; and the studies and other technical reports and  
6 calculations prepared in the course of the practice of  
7 landscape architecture.

8           (b) A registered landscape architect shall not exercise  
9 authority in preparing technical submissions that require the  
10 involvement of an architect, professional engineer, structural  
11 engineer, or professional land surveyor licensed in Illinois.

12           (c) The registered landscape architect who has contract  
13 responsibility shall seal a cover sheet of the technical  
14 submissions and those individual portions of the technical  
15 submissions for which the registered landscape architect is  
16 legally and professionally responsible.

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

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

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

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

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

9 Section 33. Registered Landscape Architecture Registration  
10 Board.

11 (a) The Secretary shall appoint a Registered Landscape  
12 Architecture Registration Board. The Board shall consist of 5  
13 persons who shall serve in an advisory capacity to the  
14 Secretary. All members of the Board shall be residents of  
15 Illinois. Four members shall be registered under this Act and  
16 have not been disciplined within the last 10-year period under  
17 this Act or the Illinois Landscape Architecture Act of 1989.  
18 In addition to the 4 registered landscape architects, there  
19 shall be one public member. The public member shall be a voting  
20 member and shall not be registered under this Act or licensed  
21 under any other design profession licensing Act that the  
22 Department administers.

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

25 (c) In appointing members to the Board, the Secretary

1 shall give due consideration to recommendations by members and  
2 organizations of the landscape architecture profession.

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

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

8 (f) An appointment to fill a vacancy for the unexpired  
9 portion of the vacated term shall be made in the same manner as  
10 an initial appointment.

11 (g) Three members shall constitute a quorum. A quorum is  
12 required for Board decisions.

13 (h) The Secretary may terminate the appointment of any  
14 member for cause that, in the opinion of the Secretary,  
15 reasonably justified such termination, which may include, but  
16 is not limited to, a Board member who does not attend 2  
17 consecutive meetings.

18 (i) Members of the Board may be reimbursed for all  
19 legitimate, necessary, and authorized expenses.

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

23 Section 34. Powers and duties of the Board.

24 (a) The Board shall hold at least one meeting each year,  
25 conducted in accordance with the Open Meetings Act.

1           (b) The Board shall annually elect a chairperson and a  
2 vice chairperson who shall be registered landscape architects.

3           (c) The Department may, at any time, seek the expert  
4 advice and knowledge of the Board on any matter relating to the  
5 enforcement of this Act, including qualifications of  
6 applicants for registration.

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

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

14           (2) Adopt rules and regulations required for the  
15 administration of this Act.

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

20           (4) Adopt rules to establish what constitutes an  
21 approved landscape architecture program.

22           (5) Adopt rules to establish what constitutes  
23 landscape architecture experience.

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



1           (7) Conduct investigations related to possible  
2           violations of this Act.

3           Section 40. Application for registration.

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

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

21          Section 45. Qualifications for registration.

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

24                 (1) provide proof of graduation from an approved

1 landscape architecture program as approved by rule;

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

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

6 (b) Upon payment of the required fee and meeting other  
7 requirements as determined by rule, an applicant who is  
8 actively registered or licensed as a landscape architect under  
9 the laws of another jurisdiction of the United States may,  
10 without examination, be granted registration as a registered  
11 landscape architect by the Department.

12 Section 50. Registration, renewal, and restoration.

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

18 (b) A registered landscape architect who has permitted his  
19 or her registration to expire or has had his or her  
20 registration placed on inactive status may have his or her  
21 registration restored by making application to the Department  
22 and filing proof acceptable to the Department of his or her  
23 fitness to have his or her registration restored, including,  
24 but not limited to, sworn evidence certifying active lawful  
25 practice in another jurisdiction satisfactory to the

1 Department and by paying the required fee as determined by  
2 rule.

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

17 Section 55. Prior registrations under the Illinois  
18 Landscape Architecture Act of 1989. A person who was actively  
19 registered under the Illinois Landscape Architecture Act of  
20 1989 and had renewed his or her registration before January 1,  
21 2020, may have his or her registration restored without fee  
22 upon the effective date of the rules adopted under this Act.

23 Section 60. Inactive status.

24 (a) A person registered under this Act who notifies the

1 Department in writing on forms or electronically as prescribed  
2 by the Department may elect to place his or her registration on  
3 inactive status and shall, subject to rules of the Department,  
4 be excused from payment of renewal fees until he or she  
5 notifies the Department in writing on forms or electronically  
6 as prescribed by the Department of his or her desire to resume  
7 active status.

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

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

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

19 Section 70. Disposition of funds. All of the fees  
20 collected as authorized under this Act shall be deposited into  
21 the General Professions Dedicated Fund. The moneys deposited  
22 into the General Professions Dedicated Fund may be used for  
23 the expenses of the Department in the administration of this  
24 Act. Moneys from the Fund may also be used for direct and

1 allocable indirect costs related to the public purposes of the  
2 Department of Financial and Professional Regulation. Moneys in  
3 the Fund may be transferred to the Professions Indirect Cost  
4 Fund as authorized by Section 2105-300 of the Department of  
5 Professional Regulation Law.

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

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

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

1 penalties provided by this Act.

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

9 Section 85. Grounds for discipline.

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

17 (1) Material misstatement in furnishing information.

18 (2) Negligent or intentional disregard of this Act or  
19 rules adopted under this Act.

20 (3) Conviction of or plea of guilty or nolo  
21 contendere, finding of guilt, jury verdict, or entry of  
22 judgment or sentencing, including, but not limited to,  
23 convictions, preceding sentences of supervision,  
24 conditional discharge, or first offender probation under  
25 the laws of any jurisdiction of the United States that is

1 (i) a felony, (ii) a misdemeanor, an essential element of  
2 which is dishonesty, or (iii) any crime that is directly  
3 related to the practice of landscape architecture.

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

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

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

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

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

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

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

25 (11) Directly or indirectly giving to or receiving  
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of  
2 compensation for any professional service not actually  
3 rendered.

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

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

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

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

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

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



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

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

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

22          Section 90. Investigation; notice and hearing.

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

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

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

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

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

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

5 Section 95. Record of proceedings.

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

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

1 any proceedings at a hearing upon payment of the fee specified  
2 by the certified shorthand reporter.

3 Section 100. Subpoenas; depositions; oaths.

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

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

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

21 Section 110. Hearing; motion for rehearing.

22 (a) The hearing officer appointed by the Secretary shall  
23 hear evidence in support of the formal charges and evidence

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

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

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

26 (d) If the Secretary is not satisfied that substantial

1 justice has been done, the Secretary may order a hearing by the  
2 same or another hearing officer.

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

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

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

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

20 (2) the Secretary is appointed and qualified.

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

23 (a) At any time after the successful completion of a term

1 of probation, suspension, or revocation of a registration  
2 under this Act, the Department may restore it to the  
3 registrant unless after an investigation and hearing the  
4 Department determines that restoration is not in the public  
5 interest.

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

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

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

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

1 Section 135. Administrative Review Law; venue.

2 (a) All final administrative decisions of the Department  
3 are subject to judicial review under the Administrative Review  
4 Law and its rules. The term "administrative decision" is  
5 defined as in Section 3-101 of the Code of Civil Procedure.

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

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

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

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

24 Section 140. Confidentiality. All information collected by  
25 the Department in the course of an examination or



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

17 Section 145. Illinois Administrative Procedure Act. The  
18 Illinois Administrative Procedure Act is hereby expressly  
19 adopted and incorporated herein as if all of the provisions of  
20 that Act were included in this Act, except that the provision  
21 of subsection (d) of Section 10-65 of the Illinois  
22 Administrative Procedure Act that provides that at hearings  
23 the registrant has the right to show compliance with all  
24 lawful requirements for retention, continuation, or renewal of  
25 the registration is specifically excluded. The Department

1 shall not be required to annually verify email addresses as  
2 specified in paragraph (a) of subsection (2) of Section 10-75  
3 of the Illinois Administrative Procedure Act. For the purposes  
4 of this Act the notice required under Section 10-25 of the  
5 Illinois Administrative Procedure Act is deemed sufficient  
6 when mailed to the address of record or emailed to the email  
7 address of record.

8 Section 900. The Regulatory Sunset Act is amended by  
9 adding Section 4.41 as follows:

10 (5 ILCS 80/4.41 new)

11 Sec. 4.41. Act repealed on January 1, 2032. The following  
12 Act is repealed on January 1, 2032:

13 The Landscape Architecture Registration Act.

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

16 (70 ILCS 1205/8-50)

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

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

22 "Design-bid-build" means the traditional delivery system

1 used on public projects that incorporates the Local Government  
2 Professional Services Selection Act and the principles of  
3 competitive selection.

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

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

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

1 professionals Acts of this State.

2 "Design professional" means any individual, sole  
3 proprietorship, firm, partnership, joint venture, corporation,  
4 professional corporation, or other entity that offers services  
5 under the Illinois Architecture Practice Act of 1989, the  
6 Professional Engineering Practice Act of 1989, the Structural  
7 Engineering Practice Act of 1989, or the Illinois Professional  
8 Land Surveyor Act of 1989.

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

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

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

26 "Request for proposal" means the document used by the park

1 district to solicit proposals for a design-build contract.

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

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

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

13 (70 ILCS 1505/26.10-4)

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

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

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

23 "Design-build" means a delivery system that provides  
24 responsibility within a single contract for the furnishing of

1 architecture, engineering, land surveying and related services  
2 as required, and the labor, materials, equipment, and other  
3 construction services for the project.

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

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

23 "Design professional" means any individual, sole  
24 proprietorship, firm, partnership, joint venture, corporation,  
25 professional corporation, or other entity that offers services  
26 under the Illinois Architecture Practice Act of 1989 (225 ILCS

1 305/), the Professional Engineering Practice Act of 1989 (225  
2 ILCS 325/), the Structural Engineering Practice Act of 1989  
3 (225 ILCS 340/), or the Illinois Professional Land Surveyor  
4 Act of 1989 (225 ILCS 330/).

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

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

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

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

24 "Scope and performance criteria" means the requirements  
25 for the public project, including but not limited to, the  
26 intended usage, capacity, size, scope, quality and performance

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

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

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

12 (225 ILCS 745/20)

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

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

23 (a) The practice of professional geology by an  
24 employee or a subordinate of a licensee under this Act,



1 provided the work does not include responsible charge of  
2 geological work and is performed under the direct  
3 supervision of a Licensed Professional Geologist who is  
4 responsible for the work.

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

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

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

17 (e) The practice of professional geology exclusively  
18 in the exploration for or development of energy resources  
19 or base, precious and nonprecious minerals, including  
20 sand, gravel, and aggregate, that does not require, by  
21 law, rule, or ordinance, the submission of reports,  
22 documents, or oral or written testimony to public  
23 agencies. Public agencies may, by law or by rule, allow  
24 required oral or written testimony, reports, permit  
25 applications, or other documents based on the science of  
26 geology to be submitted to them by persons not licensed

1 under this Act. Unless otherwise required by State or  
2 federal law, public agencies may not require that the  
3 geology-based aspects of testimony, reports, permits, or  
4 other documents so exempted be reviewed by, approved, or  
5 otherwise certified by any person who is not a Licensed  
6 Professional Geologist. Licensure is not required for the  
7 submission and review of reports or documents or the  
8 provision of oral or written testimony made under the Well  
9 Abandonment Act, the Illinois Oil and Gas Act, the Surface  
10 Coal Mining Land Conservation and Reclamation Act, or the  
11 Surface-Mined Land Conservation and Reclamation Act.

12 (f) The practice of professional engineering as  
13 defined in the Professional Engineering Practice Act of  
14 1989.

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

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

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

21 (j) The practice of landscape architecture as defined  
22 in the Landscape Architecture Registration Act ~~Illinois~~  
23 ~~Landscape Architecture Act of 1989.~~

24 (k) The practice of professional geology for a period  
25 not to exceed 9 months by any person pursuing a course of  
26 study leading to a degree in geology from an accredited

1 college or university, as set forth in this Act and as  
2 established by rule, provided that (i) such practice  
3 constitutes a part of a supervised course of study, (ii)  
4 the person is under the supervision of a geologist  
5 licensed under this Act or a teacher of geology at an  
6 accredited college or university, and (iii) the person is  
7 designated by a title that clearly indicates his or her  
8 status as a student or trainee.

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

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

12 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

23 (d) On completion of sentence of imprisonment or upon  
24 discharge from probation, conditional discharge or periodic

1 imprisonment, or at any time thereafter, all license rights  
2 and privileges granted under the authority of this State which  
3 have been revoked or suspended because of conviction of an  
4 offense shall be restored unless the authority having  
5 jurisdiction of such license rights finds after investigation  
6 and hearing that restoration is not in the public interest.  
7 This paragraph (d) shall not apply to the suspension or  
8 revocation of a license to operate a motor vehicle under the  
9 Illinois Vehicle Code.

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

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

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

25 (h) No application for any license specified in subsection  
26 (i) of this Section granted under the authority of this State

1 shall be denied by reason of an eligible offender who has  
2 obtained a certificate of relief from disabilities, as defined  
3 in Article 5.5 of this Chapter, having been previously  
4 convicted of one or more criminal offenses, or by reason of a  
5 finding of lack of "good moral character" when the finding is  
6 based upon the fact that the applicant has previously been  
7 convicted of one or more criminal offenses, unless:

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

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

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

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

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

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

26 (4) the time which has elapsed since the occurrence of

1 the criminal offense or offenses;

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

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

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

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

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

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

24 (2) the Illinois Athletic Trainers Practice Act;

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

- 1 (4) the Boiler and Pressure Vessel Repairer Regulation
- 2 Act;
- 3 (5) the Boxing and Full-contact Martial Arts Act;
- 4 (6) the Illinois Certified Shorthand Reporters Act of
- 5 1984;
- 6 (7) the Illinois Farm Labor Contractor Certification
- 7 Act;
- 8 (8) the Registered Interior Designers Act;
- 9 (9) the Illinois Professional Land Surveyor Act of
- 10 1989;
- 11 (10) the Landscape Architecture Registration Act
- 12 ~~Illinois Landscape Architecture Act of 1989;~~
- 13 (11) the Marriage and Family Therapy Licensing Act;
- 14 (12) the Private Employment Agency Act;
- 15 (13) the Professional Counselor and Clinical
- 16 Professional Counselor Licensing and Practice Act;
- 17 (14) the Real Estate License Act of 2000;
- 18 (15) the Illinois Roofing Industry Licensing Act;
- 19 (16) the Professional Engineering Practice Act of
- 20 1989;
- 21 (17) the Water Well and Pump Installation Contractor's
- 22 License Act;
- 23 (18) the Electrologist Licensing Act;
- 24 (19) the Auction License Act;
- 25 (20) the Illinois Architecture Practice Act of 1989;
- 26 (21) the Dietitian Nutritionist Practice Act;

1           (22) the Environmental Health Practitioner Licensing  
2           Act;

3           (23) the Funeral Directors and Embalmers Licensing  
4           Code;

5           (24) (blank);

6           (25) the Professional Geologist Licensing Act;

7           (26) the Illinois Public Accounting Act; and

8           (27) the Structural Engineering Practice Act of 1989.

9           (Source: P.A. 100-534, eff. 9-22-17; 100-920, eff. 8-17-18.)