



Sen. Emil Jones Jr.

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LRB093 09844 AMC 51064 a

1 AMENDMENT TO HOUSE BILL 3715

2 AMENDMENT NO. _____. Amend House Bill 3715 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Painting, Drywall Finishing, and Glazing Contractor Licensing
6 Act.

7 Section 5. Definitions. For the purposes of this Act:

8 "Board" means the Painting, Drywall Finishing, and Glazing
9 Contractor Licensing Board.

10 "Contractor" means a person who manages the daily
11 activities of a painting, drywall finishing, or glazing
12 business, including field supervision.

13 "Department" means the Department of Professional
14 Regulation.

15 "Director" means the Director of Professional Regulation.

16 "Drywall finishing" includes the taping, surfacing, and
17 finishing of drywall.

18 "Foreman" means a person who has the knowledge and skill of
19 a journeyman and directly supervises physical painting,
20 drywall finishing, or glazing.

21 "Glazing" means setting glass in window frames.

22 "Journeyman" means a person who has completed an
23 apprenticeship program approved by the Department or is an
24 experienced worker, not a trainee, and is fully qualified and

1 able to perform painting, drywall finishing, or glazing without
2 supervision.

3 "Paint" consists of vehicle, pigment, binder, and dryers.

4 "Painting" means the application of paint.

5 "Person" means an individual, partnership, corporation,
6 business trust, limited liability company, or other legal
7 entity.

8 Section 10. Licensure requirement.

9 (a) Beginning January 1, 2006, a person may not act as a
10 contractor on a project in which the total cost (labor and
11 materials) of one or more of the contractor's contracts is \$500
12 or more without being licensed under this Act.

13 (b) Beginning January 1, 2006, a contractor must be
14 licensed before submitting bids.

15 Section 12. Exemptions.

16 (a) This Act does not apply to the following specific areas
17 of the trade:

18 (1) Scraping, sweeping, and general clean-up of steel
19 beams during bridge construction prior to painting.

20 (2) Power washing and sandblasting work prior to
21 priming and painting.

22 (3) Lead-based paint removal.

23 (4) Taping compound (mud) clean-up from floors.

24 (5) Plastic or cardboard covering and empty cans
25 clean-up.

26 (6) Removal of old paint from roadways and direct
27 traffic.

28 (b) This Act does not apply to the performance of painting,
29 drywall finishing, or glazing of any property owned or operated
30 by a public utility, a public utility affiliate, a
31 telecommunications carrier or its affiliate, an electric
32 cooperative as defined in Section 3.4 of the Electric Supplier

1 Act, a telephone cooperative as defined in Section 13-212 of
2 the Public Utilities Act, a utility owned and operated by a
3 municipal corporation or unit of local government, or a company
4 that generates electricity.

5 (c) This Act does not apply to electrical contractors,
6 utility workers, or their employees performing painting of
7 brackets, fixtures, electrical equipment, transmission towers,
8 traffic signal or lighting poles, welds, or other miscellaneous
9 equipment that is deemed necessary to complete the electrical
10 maintenance or installation.

11 (d) This Act does not apply to licensed plumbers, sprinkler
12 fitters, and pipefitters performing work in plumbing,
13 pipefitting, heating, irrigation, ventilation, air
14 conditioning, refrigeration (HVACR) systems, instrumentation,
15 and stress relieving.

16 (e) This Act does not apply to a manufacturer as part of
17 ongoing maintenance on property owned or leased by such
18 manufacturer.

19 (f) The provisions of this Act do not apply to painting,
20 drywall finishing, or glazing supplies or services sold or
21 provided by employees or agents of a business entity primarily
22 engaged in the retail sale of consumer products.

23 (g) This Act does not apply to the performance of painting,
24 drywall finishing, or glazing of any property owned or operated
25 by a water or wastewater system that serves a municipality with
26 a population of 10,000 citizens or less or any size rural water
27 or wastewater system.

28 (h) This Act does not apply to individuals performing
29 custodial and maintenance work whose job duties also include
30 drywall repair and related drywall taping, spot painting, and
31 minor glazing repair work.

32 (i) This Act does not apply to the painting of roadway
33 surfaces.

34 (j) This Act does not apply to overall interior and

1 exterior demolition.

2 (k) Nothing in this Act shall be construed to require a
3 person who performs painting, drywall finishing, or glazing on
4 his or her own property to be licensed under this Act.

5 (l) Nothing in this Act shall be construed to require a
6 person who performs painting, drywall finishing, or glazing
7 work on his or her employer's property to be licensed under
8 this Act where there exists an employer-employee relationship.

9 Section 15. Powers and duties of the Department. The
10 Department may exercise the following powers and duties subject
11 to the provisions of this Act:

12 (1) To prescribe forms of application for licensure.

13 (2) To pass upon the qualifications of applicants for
14 licensure and issue licenses to those found to be fit and
15 qualified.

16 (3) To conduct hearings on proceedings to revoke,
17 suspend, or otherwise discipline or to refuse to issue or
18 renew licenses.

19 (4) To adopt rules when required for the administration
20 and enforcement of this Act.

21 Section 20. Application for original licensure.

22 (a) To obtain an original license, an applicant shall
23 submit an application in writing to the Department on a form
24 containing the information prescribed by the Department and
25 accompanied by the required application fee, which shall not be
26 refundable. An application shall require information that in
27 the judgment of the Department will enable the Department to
28 pass on the qualifications of the applicant for a license.

29 (b) An applicant for a license must submit satisfactory
30 evidence that he or she:

31 (1) has obtained public liability and property damage
32 insurance in such amounts and under such circumstances as

1 may be determined by the Department;

2 (2) has obtained workers' compensation insurance
3 covering his or her employees or is approved as a
4 self-insurer of workers' compensation in accordance with
5 Illinois law;

6 (3) has an Illinois Unemployment Insurance
7 identification number or has proof of application to the
8 Illinois Department of Labor for such an identification
9 number; and

10 (4) has submitted a bond to the Department in the
11 amount of \$10,000.

12 (c) It is the responsibility of the licensee to provide to
13 the Department notice in writing of any changes in the
14 information required to be provided on the application.

15 Section 23. Business as an individual; application as legal
16 entity.

17 (a) When an individual proposes to do business in his or
18 her own name, licensure, when granted, shall be issued only to
19 that individual.

20 (b) If the applicant is proposing to qualify a partnership,
21 corporation, business trust, or other legal entity,
22 application shall be made for each such entity and shall state
23 the name of the partnership and of its partners, the name of
24 the corporation and of its officers and directors, the name of
25 business trust and its trustees, or the name of such other
26 legal entity and its members, and the use of fictitious names,
27 if a fictitious name is used. The application shall also show
28 that the person applying for the certification is legally
29 qualified to act for the business organization in all matters
30 connected with its contracting business and that he or she has
31 authority to supervise painting, drywall finishing, and
32 glazing operations.

1 Section 27. License number on contracts and bids.

2 (a) Each contractor shall affix his or her license number
3 to all his or her contracts and bids. In addition, the official
4 issuing building permits shall affix the contractor's license
5 number to each application for a building permit and on each
6 building permit issued and recorded.

7 (b) Every contractor shall affix his or her license number
8 and name on all vehicles used as part of his or her business as
9 a contractor.

10 (c) Every holder of a license shall display it in a
11 conspicuous place in his or her principal office, place of
12 business, or employment.

13 Section 30. Qualifications for a license as a contractor.

14 (a) To qualify for a license as a contractor, a person
15 shall have at least 48 months of practical experience as
16 defined by rule.

17 (b) The Department may credit training, apprenticeship, or
18 education in lieu of the 48 months of practical experience as
19 follows:

20 (1) a maximum of one and one-half years upon submission
21 of a certificate of completion from a U.S. D.O.L. Bureau of
22 Apprenticeship and Training accredited school for
23 painting, drywall finishing, or glazing completed in not
24 less than 12 months; or

25 (2) a maximum of 2 years upon submission of transcripts
26 of one of the following:

27 (A) a 4-year degree from an accredited college or
28 university in the fields of accounting, business,
29 economics, mathematics, physics, or areas;

30 (B) a professional degree in law; or

31 (C) substantial college or university course work
32 in accounting, architecture, business, construction
33 technology, drafting, economics, engineering,

1 mathematics, or physics; or

2 (3) a maximum of 3 years upon submission of:

3 (A) a Certificate of Completion of Apprenticeship
4 from an U.S. D.O.L. Bureau of Apprenticeship and
5 Training accredited apprenticeship program or a
6 certified statement of a completion of apprenticeship
7 training from the International Union of Painters and
8 Allied Trades; or

9 (B) transcripts for a 4-year degree from an
10 accredited college or university in architecture,
11 construction technology, or any field of engineering
12 that is directly related to painting, drywall
13 finishing, or glazing.

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

19 Section 33. Bond. Before issuing or renewing a license, the
20 Department shall require each applicant or licensee to file and
21 maintain in force a surety bond in the amount specified in
22 paragraph (4) of subsection (b) of Section 20, issued by an
23 insurance company authorized to transact fidelity and surety
24 business in the State of Illinois. The bond shall be continuous
25 in form, unless terminated by the insurance company. An
26 insurance company may terminate a bond and avoid further
27 liability by filing a 60-day notice of termination with the
28 Department and, at the same time, sending the notice to the
29 contractor. A license shall be cancelled without hearing on the
30 termination date of the contractor's bond, unless a new bond is
31 filed with the Department to become effective at the
32 termination date of the prior bond. If a license has been
33 cancelled without hearing under this Section, the license shall

1 be reinstated upon showing proof of compliance with this Act.

2 Section 35. Expiration of license.

3 (1) A license shall expire 2 years from the last day of the
4 month in which it was issued.

5 (2) Failure to renew the license prior to the expiration
6 thereof shall cause the license to become nonrenewed and it
7 shall be unlawful thereafter for the licensee to engage or
8 offer to engage in painting, drywall finishing, or glazing
9 contracting business under the license unless and until the
10 license is restored or reissued as defined by rule.

11 Section 40. Public records.

12 (1) All information required by the Department of any
13 applicant for licensure shall be a public record, except
14 financial information.

15 (2) If a licensee changes his or her name style, address,
16 or employment from that which appears on his or her current
17 license, he or she shall notify the Department of the change
18 within 30 days after it occurs.

19 (3) All public records of the Department, when duly
20 certified by the Director, shall be received as prima facie
21 evidence in any State administrative or judicial proceedings.

22 Section 45. Grounds for disciplinary action. The
23 Department may refuse to issue or to renew or may revoke,
24 suspend, place on probation, reprimand, or take other
25 disciplinary action as the Department may deem proper,
26 including fines not to exceed \$1,000 for each violation, with
27 regard to any license for any one or combination of the
28 following causes:

29 (a) violation of this Act or its rules;

30 (b) conviction of any crime under the laws of any U.S.
31 jurisdiction which is a felony or which is a misdemeanor,

1 an essential element of which is dishonesty, or of any
2 crime which directly relates to the practice of the
3 profession;

4 (c) making any misrepresentation for the purpose of
5 obtaining a license;

6 (d) professional incompetence or gross negligence in
7 the practice of painting, drywall finishing, or glazing
8 contracting;

9 (e) gross malpractice, prima facie evidence of which
10 may be a conviction or judgment of malpractice in any court
11 of competent jurisdiction;

12 (f) aiding or assisting another person in violating any
13 provision of this Act or rules;

14 (g) failing, within 60 days, to provide information in
15 response to a written request made by the Department which
16 has been sent by certified or registered mail to the
17 licensee's last known address;

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

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

25 (j) discipline by another U.S. jurisdiction or foreign
26 nation, if at least one of the grounds for the discipline
27 is the same or substantially equivalent to those set forth
28 in this Section;

29 (k) directly or indirectly giving to or receiving from
30 any person, firm, corporation, partnership, or association
31 any fee, commission, rebate, or other form of compensation
32 for any professional services not actually or personally
33 rendered;

34 (l) a finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation;

3 (m) conviction by any court of competent jurisdiction,
4 either within or without this State, of any violation of
5 any law governing the practice of painting, drywall
6 finishing, or glazing contracting, if the Department
7 determines, after investigation, that such person has not
8 been sufficiently rehabilitated to warrant the public
9 trust;

10 (n) a finding that licensure has been applied for or
11 obtained by fraudulent means;

12 (o) practicing, attempting to practice, or advertising
13 under a name other than the full name as shown on the
14 license or any other legally authorized name;

15 (p) gross and willful overcharging for professional
16 services including filing false statements for collection
17 of fees or monies for which services are not rendered;

18 (q) failure to file a return, or to pay the tax,
19 penalty or interest shown in a filed return, or to pay any
20 final assessment of tax, penalty or interest, as required
21 by any tax Act administered by the Illinois Department of
22 Revenue, until such time as the requirements of any such
23 tax Act are satisfied;

24 (r) failure to continue to meet the requirements of
25 this Act shall be deemed a violation;

26 (s) physical or mental disability, including
27 deterioration through the aging process or loss of
28 abilities and skills that result in an inability to
29 practice the profession with reasonable judgment, skill,
30 or safety;

31 (t) material misstatement in furnishing information to
32 the Department or to any other State agency;

33 (u) the determination by a court that a licensee is
34 subject to involuntary admission or judicial admission as

1 provided in the Mental Health and Developmental
2 Disabilities Code will result in an automatic suspension of
3 his or her license. The suspension will end upon a finding
4 by a court that the licensee is no longer subject to
5 involuntary admission or judicial admission, the issuance
6 of an order so finding and discharging the patient, and the
7 recommendation of the Board to the Director that the
8 licensee be allowed to resume professional practice;

9 (v) advertising in any manner that is false,
10 misleading, or deceptive; or

11 (w) a violation of the Union Employee Health and
12 Benefits Protection Act, the Minimum Wage Law, the Illinois
13 Wage Payment and Collection Act, the Prevailing Wage Act,
14 the One Day Rest in Seven Act, or the Employee Benefit
15 Contribution Act.

16 The Department shall deny any license or renewal under this
17 Act to any person who has defaulted on an educational loan
18 guaranteed by the Illinois Student Assistance Commission;
19 however, the Department may issue a license or renewal if the
20 person in default has established a satisfactory repayment
21 record as determined by the Illinois Student Assistance
22 Commission.

23 Section 50. Stenographer; record of proceedings. The
24 Department, at its expense, shall provide a stenographer to
25 take down the testimony and preserve a record of all
26 proceedings initiated pursuant to this Act, the rules for the
27 administration of this Act, or any other Act or rules relating
28 to this Act and proceedings for restoration of any license
29 issued under this Act. The notice of hearing, complaint,
30 answer, and all other documents in the nature of pleadings and
31 written motions and responses filed in the proceedings, the
32 transcript of the testimony, all exhibits admitted into
33 evidence, the report of the hearing officer, the Board's

1 findings of fact, conclusions of law, and recommendations to
2 the Director, and the order shall be the record of the
3 proceedings. The Department shall furnish a transcript of the
4 record to any person interested in the hearing upon payment of
5 the fee required under Section 2105-115 of the Department of
6 Professional Regulation Law (20 ILCS 2105/2105-115).

7 Section 55. Attendance of witnesses; production of
8 documents; contempt. Any circuit court may, upon application of
9 the Department or its designee or of the applicant or licensee
10 against whom proceedings are pending, enter an order requiring
11 the attendance of witnesses and their testimony, and the
12 production of documents, papers, files, books and records in
13 connection with any hearing or investigation. The court may
14 compel obedience to its order by proceedings for contempt.

15 Section 60. Subpoenas; oaths. The Department has the power
16 to subpoena and bring before it any person in this State and to
17 take testimony either orally or by deposition or both, or to
18 subpoena documents, exhibits, or other materials with the same
19 fees and mileage and in the same manner as prescribed by law in
20 judicial proceedings in civil cases in circuit courts of this
21 State.

22 The Director and any member of the Board have power to
23 administer oaths to witnesses at any hearing that the
24 Department or Board is authorized by law to conduct. Further,
25 the Director has power to administer any other oaths required
26 or authorized to be administered by the Department under this
27 Act.

28 Section 65. Findings of facts, conclusions of law, and
29 recommendations; order. Within 60 days of the Department's
30 receipt of the transcript of any hearing that is conducted
31 pursuant to this Act or the rules for its enforcement or any

1 other statute or rule requiring a hearing under this Act or the
2 rules for its enforcement, or for any hearing related to
3 restoration of any license issued pursuant to this Act, the
4 hearing officer shall submit his or her written findings and
5 recommendations to the Board. The Board shall review the report
6 of the hearing officer and shall present its findings of fact,
7 conclusions of law, and recommendations to the Director by the
8 date of the Board's second meeting following the Board's
9 receipt of the hearing officer's report.

10 A copy of the findings of fact, conclusions of law, and
11 recommendations to the Director shall be served upon the
12 accused person, either personally or by registered or certified
13 mail. Within 20 days after service, the accused person may
14 present to the Department a written motion for a rehearing,
15 which shall state the particular grounds therefor. If the
16 accused person orders and pays for a transcript pursuant to
17 Section 50, the time elapsing thereafter and before the
18 transcript is ready for delivery to him or her shall not be
19 counted as part of the 20 days.

20 The Director shall issue an order based on the findings of
21 fact, conclusions of law, and recommendations to the Director.
22 If the Director disagrees in any regard with the findings of
23 fact, conclusions of law, and recommendations to the Director,
24 he may issue an order in contravention of the findings of fact,
25 conclusions of law, and recommendations to the Director.

26 If the Director issues an order in contravention of the
27 findings of fact, conclusions of law, and recommendations to
28 the Director, the Director shall notify the Board in writing
29 with an explanation for any deviation from the Board's findings
30 of fact, conclusions of law, and recommendations to the
31 Director within 30 days of the Director's entry of the order.

32 Section 70. Temporary suspension. The Director may
33 temporarily suspend the license of a painting, drywall

1 finishing, or glazing contractor without a hearing,
2 simultaneously with the institution of proceedings for a
3 hearing provided for in this Act, if the Director finds that
4 evidence in his or her possession indicates that continuation
5 in practice would constitute an imminent danger to the public.
6 In the event that the Director temporarily suspends a license
7 without a hearing, a hearing by the Department shall be held
8 within 30 days after such suspension has occurred.

9 Section 75. Review under Administrative Review Law. All
10 final administrative decisions of the Department are subject to
11 judicial review pursuant to the Administrative Review Law and
12 its rules. The term "administrative decision" is defined as in
13 Section 3-101 of the Code of Civil Procedure.

14 Section 80. Violations. A violation of this Act is
15 punishable by a \$1,000 fine for a first offense and a \$2,500
16 fine for a second offense. A third or subsequent violation of
17 this Act is a Class A misdemeanor.

18 Section 85. Administrative Procedure Act. The Illinois
19 Administrative Procedure Act is hereby expressly adopted and
20 incorporated herein as if all of the provisions of that Act
21 were included in this Act, except that the provision of
22 subsection (d) of Section 10-65 of the Illinois Administrative
23 Procedure Act that provides that at hearings the licensee has
24 the right to show compliance with all lawful requirements for
25 retention, continuation or renewal of the license is
26 specifically excluded. For the purpose of this Act the notice
27 required under Section 10-25 of the Administrative Procedure
28 Act is deemed sufficient when mailed to the last known address
29 of a party.

30 Section 90. Certification of record; costs. The Department

1 shall not be required to certify any record to the court, to
2 file an answer in court, or to otherwise appear in any court in
3 a judicial review proceeding, unless there is filed in the
4 court, with the complaint, a receipt from the Department
5 acknowledging payment of the costs of furnishing and certifying
6 the record. Failure on the part of the plaintiff to file the
7 receipt in court is grounds for dismissal of the action.

8 Section 95. Returned checks; fines. Any person who
9 delivers a check or other payment to the Department that is
10 returned to the Department unpaid by the financial institution
11 upon which it is drawn shall pay to the Department, in addition
12 to the amount already owed to the Department, a fine of \$50.
13 The fines imposed by this Section are in addition to any other
14 discipline provided under this Act for unlicensed practice or
15 practice on a nonrenewed license. The Department shall notify
16 the person that payment of fees and fines shall be paid to the
17 Department by certified check or money order within 30 calendar
18 days of the notification. If, after the expiration of 30 days
19 from the date of the notification, the person has failed to
20 submit the necessary remittance, the Department shall
21 automatically terminate the license or deny the application,
22 without hearing. If, after termination or denial, the person
23 seeks a license, he or she shall apply to the Department for
24 restoration or issuance of the license and pay all the
25 application fees as set by rule. The Department may establish a
26 fee for the processing of an application for restoration of a
27 license to pay all expenses of processing this application. The
28 Director may waive the fines due under this Section in
29 individual cases where the Director finds that the fines would
30 be unreasonable or unnecessarily burdensome.

31 Section 100. Hearing officers. The Director has the
32 authority to appoint any attorney duly licensed to practice law

1 in the State of Illinois to serve as the hearing officer for
2 any action for refusal to issue or renew a license, for
3 discipline of a licensee for sanctions for unlicensed practice,
4 for restoration of a license, or for any other action for which
5 findings of fact, conclusions of law, and recommendations are
6 required pursuant to Section 65 of this Act. The hearing
7 officer shall have full authority to conduct the hearing and
8 shall issue his or her findings of fact and recommendations to
9 the Board pursuant to Section 65 of this Act.

10 Section 105. Investigation; notice; default. The
11 Department may investigate the actions of any applicant or any
12 person or persons holding or claiming to hold a license. The
13 Department shall, before suspending, revoking, placing on
14 probationary status, or taking any other disciplinary action as
15 the Department may deem proper with regard to any license, at
16 least 30 days prior to the date set for the hearing, notify the
17 accused in writing of any charges made and the time and place
18 for a hearing on the charges before the hearing officer, direct
19 him or her to file his written answer with the hearing officer
20 under oath within 30 days after the service on him or her of
21 such notice, and inform him or her that if he or she fails to
22 file such answer default will be taken against him or her and
23 his or her license may be suspended, revoked, placed on
24 probationary status, or other disciplinary action, including
25 limiting the scope, nature or extent of his or her practice, as
26 the Department may deem proper, taken. This written notice may
27 be served by personal delivery or certified or registered mail
28 to the Department. In case the person fails to file an answer
29 after receiving notice, his or her license may, in the
30 discretion of the Department, be suspended, revoked, or placed
31 on probationary status, or the Department may take whatever
32 disciplinary action deemed proper, including limiting the
33 scope, nature, or extent of the person's practice or the

1 imposition of a fine, without a hearing, if the act or acts
2 charged constitute sufficient grounds for such action under
3 this Act. At the time and place fixed in the notice, the
4 Department shall proceed to hear the charges and the parties or
5 their counsel shall be accorded ample opportunity to present
6 such statements, testimony, evidence and argument as may be
7 pertinent to the charges or to their defense. The Department
8 may continue such hearing from time to time. At the discretion
9 of the Director after having first received the recommendation
10 of the hearing officer, the accused person's license may be
11 suspended, revoked, placed on probationary status, or other
12 disciplinary action may be taken as the Director may deem
13 proper, including limiting the scope, nature, or extent of said
14 person's practice without a hearing, if the act or acts charged
15 constitute sufficient grounds for such action under this Act.

16 Section 110. Enforcement; petition to court.

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

29 (b) If any person shall practice as a licensee or hold
30 himself or herself out as a licensee without being licensed
31 under the provisions of this Act, then any person licensed
32 under this Act, any interested party or any person injured
33 thereby may, in addition to those officers identified in

1 subsection (a) of this Section, petition for relief as provided
2 therein.

3 (c) Whenever the Department has reason to believe that any
4 person has violated the licensing requirements of this Act by
5 practicing, offering to practice, attempting to practice, or
6 holding himself or herself out to practice painting, drywall
7 finishing, or glazing without being licensed under this Act,
8 the Department may issue a rule to show cause why an order to
9 cease and desist should not be entered against that person. The
10 rule shall clearly set forth the grounds relied upon by the
11 Department and shall provide a period of 7 days from the date
12 of the rule to file an answer to the satisfaction of the
13 Department. Failure to answer to the satisfaction of the
14 Department shall cause an order to cease and desist to be
15 issued immediately. It is not a violation of this Act for a
16 person whose regular job duties are custodial and maintenance
17 work, but who in the normal course of work engages in
18 incidental drywall repair, related drywall taping, spot
19 painting, and minor glazing repair work.

20 (d) Proceedings under this Section shall be in addition to,
21 and not in lieu of, all other remedies and penalties which may
22 be provided by law.

23 Section 115. Unlicensed practice; violation; civil
24 penalty.

25 (a) Any person who practices, offers to practice, attempts
26 to practice, or holds himself or herself out to practice
27 painting, drywall finishing, or glazing without being licensed
28 under this Act shall, in addition to any other penalty provided
29 by law, pay a civil penalty to the Department in an amount not
30 to exceed \$5,000 for each offense as determined by the
31 Department. The civil penalty shall be assessed by the
32 Department after a hearing is held in accordance with the
33 provisions set forth in this Act regarding the provision of a

1 hearing for the discipline of a licensee.

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

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

9 Section 120. Deposit of fees. All fees and fines collected
10 under this Act shall be deposited into the General Professions
11 Dedicated Fund and shall be appropriated to the Department for
12 the purpose of administering and enforcing this Act.

13 Section 125. The Painting, Drywall Finishing, and Glazing
14 Contractor Licensing Board. The Painting, Drywall Finishing,
15 and Glazing Contractor Licensing Board is created and shall
16 consist of 7 persons, one of whom is a knowledgeable public
17 member and 6 of whom have been issued licenses as painting,
18 drywall finishing, and glazing contractors by the Department
19 (for initial appointments, these 6 members must meet the
20 requirements for licensure under this Act). One of the 6
21 licensed contractors on the Board shall represent a statewide
22 association representing painters. The public member shall not
23 be licensed under this Act or any other Act the Department
24 administers. Each member shall be appointed by the Director.
25 Members shall be appointed who reasonably represent the
26 different geographic areas of the State.

27 Members of the Painting, Drywall Finishing, and Glazing
28 Contractor Licensing Board shall be immune from suit in any
29 action based upon any disciplinary proceedings or other acts
30 performed in good faith as members of the Board, unless the
31 conduct that gave rise to the suit was willful and wanton
32 misconduct.

1 The persons appointed shall hold office for 4 years and
2 until a successor is appointed and qualified. Of the members of
3 the Board first appointed, 2 shall be appointed to serve for 2
4 years, 2 shall be appointed to serve for 3 years, and 3 shall
5 be appointed to serve for 4 years. No member shall serve more
6 than 2 complete 4-year terms.

7 Within 90 days of a vacancy occurring, the Director shall
8 fill the vacancy for the unexpired portion of the term with an
9 appointee who meets the same qualifications as the person whose
10 position has become vacant. The Board shall meet annually to
11 elect one member as chairman and one member as vice-chairman.
12 No officer shall be elected more than twice in succession to
13 the same office. The members of the Board shall receive
14 reimbursement for actual, necessary, and authorized expenses
15 incurred in attending the meetings of the Board.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.".