



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0359

Introduced 1/26/2007, by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

New Act  
5 ILCS 80/4.28 new

Creates the Painting, Drywall Finishing, and Glazing Contractor Licensing Act. Regulates painting, drywall finishing, and glazing contractors through licensure requirements. Provides for enforcement of the Act by the Department of Financial and Professional Regulation and the Painting, Drywall Finishing, and Glazing Contractor Licensing Board. Amends the Regulatory Sunset Act to set a repeal date for the Painting, Drywall Finishing, and Glazing Contractor Licensing Act of January 1, 2018. Effective immediately.

LRB095 04315 RAS 24356 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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 Painting, Drywall Finishing, and Glazing Contractor Licensing  
6 Act.

7 Section 5. Definitions. In 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 Financial and  
14 Professional Regulation.

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

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

20 "Glazing" means setting glass in window frames.

21 "Journeyman" means a person who has completed an  
22 apprenticeship program approved by the Department or is an  
23 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. "Painting" does  
5 not include the application of paint used in conjunction with  
6 the repair, maintenance, or customization of a vehicle, as  
7 defined in the Illinois Vehicle Code.

8 "Person" means an individual, partnership, corporation,  
9 business trust, limited liability company, or other legal  
10 entity.

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

13 Section 10. Licensure requirement.

14 (a) Beginning January 1, 2008, a person may not act as a  
15 contractor on a project in which the total cost (labor and  
16 materials) of one or more of the contractor's contracts is \$500  
17 or more without being licensed under this Act.

18 (b) Beginning January 1, 2008, a contractor must be  
19 licensed before submitting bids.

20 Section 12. Exemptions.

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

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

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

3           (3) Lead-based paint removal.

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

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

7           (6) Removal of old paint from roadways and direct  
8 traffic.

9           (b) This Act does not apply to the performance of painting,  
10 drywall finishing, or glazing of any property owned or operated  
11 by a public utility, a public utility affiliate, a  
12 telecommunications carrier or its affiliate, an electric  
13 cooperative as defined in Section 3.4 of the Electric Supplier  
14 Act, a telephone cooperative as defined in Section 13-212 of  
15 the Public Utilities Act, a utility owned and operated by a  
16 municipal corporation or unit of local government, or a company  
17 that generates electricity.

18           (c) This Act does not apply to electrical contractors,  
19 utility workers, or their employees performing painting of  
20 brackets, fixtures, electrical equipment, transmission towers,  
21 traffic signal or lighting poles, welds, or other miscellaneous  
22 equipment that is deemed necessary to complete the electrical  
23 maintenance or installation.

24           (d) This Act does not apply to licensed plumbers, sprinkler  
25 fitters, and pipefitters performing work in plumbing,  
26 pipefitting, heating, irrigation, ventilation, air

1 conditioning, refrigeration (HVACR) systems, instrumentation,  
2 and stress relieving.

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

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

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

15 (h) This Act does not apply to individuals performing  
16 custodial and maintenance work whose job duties also include  
17 drywall repair and related drywall taping, spot painting, and  
18 minor glazing repair work.

19 (i) This Act does not apply to the painting of roadway  
20 surfaces.

21 (j) This Act does not apply to overall interior and  
22 exterior demolition.

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

26 (l) Nothing in this Act shall be construed to require a

1 person who performs painting, drywall finishing, or glazing  
2 work on his or her employer's property to be licensed under  
3 this Act where there exists an employer-employee relationship.

4 (m) This Act does not apply to a person, or to the person's  
5 employees, who perform painting, drywall finishing, or glazing  
6 work incidental to the management of real property on behalf of  
7 the owner of the property, so long as the person or employee  
8 does not hold himself or herself out as, or bid for work  
9 separately as, a painting, drywall finishing, or glazing  
10 contractor.

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

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

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

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

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

23 Section 20. Application for original licensure.

24 (a) To obtain an original license, an applicant shall

1 submit an application in writing to the Department on a form  
2 containing the information prescribed by the Department and  
3 accompanied by the required application fee, which shall not be  
4 refundable. An application shall require information that in  
5 the judgment of the Department will enable the Department to  
6 pass on the qualifications of the applicant for a license.

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

9 (1) has obtained public liability and property damage  
10 insurance in such amounts and under such circumstances as  
11 may be determined by the Department;

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

16 (3) has an Illinois Unemployment Insurance  
17 identification number or has proof of application to the  
18 Illinois Department of Labor for such an identification  
19 number; and

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

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

25 Section 23. Business as an individual; application as legal

1 entity.

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

5 (b) If the applicant is proposing to qualify a partnership,  
6 corporation, business trust, or other legal entity,  
7 application shall be made for each such entity and shall state  
8 the name of the partnership and of its partners, the name of  
9 the corporation and of its officers and directors, the name of  
10 business trust and its trustees, or the name of such other  
11 legal entity and its members, and the use of fictitious names,  
12 if a fictitious name is used. The application shall also show  
13 that the person applying for the certification is legally  
14 qualified to act for the business organization in all matters  
15 connected with its contracting business and that he or she has  
16 authority to supervise painting, drywall finishing, and  
17 glazing operations.

18 Section 27. License number on contracts and bids.

19 (a) Each contractor shall affix his or her license number  
20 to all his or her contracts and bids. In addition, the official  
21 issuing building permits shall affix the contractor's license  
22 number to each application for a building permit and on each  
23 building permit issued and recorded.

24 (b) Every contractor shall affix his or her license number  
25 and name on all vehicles used as part of his or her business as



1 a contractor.

2 (c) Every holder of a license shall display it in a  
3 conspicuous place in his or her principal office, place of  
4 business, or employment.

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

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

9 (b) The Department may credit training, apprenticeship, or  
10 education in lieu of the 48 months of practical experience as  
11 follows:

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

17 (2) a maximum of 2 years upon submission of transcripts  
18 of one of the following:

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

22 (B) a professional degree in law; or

23 (C) substantial college or university course work  
24 in accounting, architecture, business, construction  
25 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

1 insurance company may terminate a bond and avoid further  
2 liability by filing a 60-day notice of termination with the  
3 Department and, at the same time, sending the notice to the  
4 contractor. A license shall be cancelled without hearing on the  
5 termination date of the contractor's bond, unless a new bond is  
6 filed with the Department to become effective at the  
7 termination date of the prior bond. If a license has been  
8 cancelled without hearing under this Section, the license shall  
9 be reinstated upon showing proof of compliance with this Act.

10 Section 35. Expiration of license.

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

13 (2) Failure to renew the license prior to the expiration  
14 thereof shall cause the license to become nonrenewed and it  
15 shall be unlawful thereafter for the licensee to engage or  
16 offer to engage in painting, drywall finishing, or glazing  
17 contracting business under the license unless and until the  
18 license is restored or reissued as defined by rule.

19 Section 40. Public records.

20 (1) All information required by the Department of any  
21 applicant for licensure shall be a public record, except  
22 financial information.

23 (2) If a licensee changes his or her name style, address,  
24 or employment from that which appears on his or her current

1 license, he or she shall notify the Department of the change  
2 within 30 days after it occurs.

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

6 Section 45. Grounds for disciplinary action. The  
7 Department may refuse to issue or to renew or may revoke,  
8 suspend, place on probation, reprimand, or take other  
9 disciplinary action as the Department may deem proper,  
10 including fines not to exceed \$1,000 for each violation, with  
11 regard to any license for any one or combination of the  
12 following causes:

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

14 (b) conviction of any crime under the laws of any U.S.  
15 jurisdiction which is a felony or which is a misdemeanor,  
16 an essential element of which is dishonesty, or of any  
17 crime which directly relates to the practice of the  
18 profession;

19 (c) making any misrepresentation for the purpose of  
20 obtaining a license;

21 (d) professional incompetence or gross negligence in  
22 the practice of painting, drywall finishing, or glazing  
23 contracting;

24 (e) gross malpractice, prima facie evidence of which  
25 may be a conviction or judgment of malpractice in any court

1 of competent jurisdiction;

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

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

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

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

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

19 (k) directly or indirectly giving to or receiving from  
20 any person, firm, corporation, partnership, or association  
21 any fee, commission, rebate, or other form of compensation  
22 for any professional services not actually or personally  
23 rendered;

24 (l) a finding by the Department that the licensee,  
25 after having his or her license placed on probationary  
26 status, has violated the terms of probation;

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

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

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

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

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

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

24 (s) physical or mental disability, including  
25 deterioration through the aging process or loss of  
26 abilities and skills that result in an inability to

1 practice the profession with reasonable judgment, skill,  
2 or safety;

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

5 (u) the determination by a court that a licensee is  
6 subject to involuntary admission or judicial admission as  
7 provided in the Mental Health and Developmental  
8 Disabilities Code will result in an automatic suspension of  
9 his or her license. The suspension will end upon a finding  
10 by a court that the licensee is no longer subject to  
11 involuntary admission or judicial admission, the issuance  
12 of an order so finding and discharging the patient, and the  
13 recommendation of the Board to the Secretary that the  
14 licensee be allowed to resume professional practice;

15 (v) advertising in any manner that is false,  
16 misleading, or deceptive; or

17 (w) a violation of the Union Employee Health and  
18 Benefits Protection Act, the Minimum Wage Law, the Illinois  
19 Wage Payment and Collection Act, the Prevailing Wage Act,  
20 the One Day Rest in Seven Act, or the Employee Benefit  
21 Contribution Act.

22 The Department shall deny any license or renewal under this  
23 Act to any person who has defaulted on an educational loan  
24 guaranteed by the Illinois Student Assistance Commission;  
25 however, the Department may issue a license or renewal if the  
26 person in default has established a satisfactory repayment

1 record as determined by the Illinois Student Assistance  
2 Commission.

3 Section 50. Stenographer; record of proceedings. The  
4 Department, at its expense, shall provide a stenographer to  
5 take down the testimony and preserve a record of all  
6 proceedings initiated pursuant to this Act, the rules for the  
7 administration of this Act, or any other Act or rules relating  
8 to this Act and proceedings for restoration of any license  
9 issued under this Act. The notice of hearing, complaint,  
10 answer, and all other documents in the nature of pleadings and  
11 written motions and responses filed in the proceedings, the  
12 transcript of the testimony, all exhibits admitted into  
13 evidence, the report of the hearing officer, the Board's  
14 findings of fact, conclusions of law, and recommendations to  
15 the Secretary, and the order shall be the record of the  
16 proceedings. The Department shall furnish a transcript of the  
17 record to any person interested in the hearing upon payment of  
18 the fee required under Section 2105-115 of the Department of  
19 Professional Regulation Law (20 ILCS 2105/2105-115).

20 Section 55. Attendance of witnesses; production of  
21 documents; contempt. Any circuit court may, upon application of  
22 the Department or its designee or of the applicant or licensee  
23 against whom proceedings are pending, enter an order requiring  
24 the attendance of witnesses and their testimony, and the



1 production of documents, papers, files, books, and records in  
2 connection with any hearing or investigation. The court may  
3 compel obedience to its order by proceedings for contempt.

4 Section 60. Subpoenas; oaths. The Department has the power  
5 to subpoena and bring before it any person in this State and to  
6 take testimony either orally or by deposition or both, or to  
7 subpoena documents, exhibits, or other materials with the same  
8 fees and mileage and in the same manner as prescribed by law in  
9 judicial proceedings in civil cases in circuit courts of this  
10 State.

11 The Secretary and any member of the Board have power to  
12 administer oaths to witnesses at any hearing that the  
13 Department or Board is authorized by law to conduct. Further,  
14 the Secretary has power to administer any other oaths required  
15 or authorized to be administered by the Department under this  
16 Act.

17 Section 65. Findings of facts, conclusions of law, and  
18 recommendations; order. Within 60 days of the Department's  
19 receipt of the transcript of any hearing that is conducted  
20 pursuant to this Act or the rules for its enforcement or any  
21 other statute or rule requiring a hearing under this Act or the  
22 rules for its enforcement, or for any hearing related to  
23 restoration of any license issued pursuant to this Act, the  
24 hearing officer shall submit his or her written findings and

1 recommendations to the Board. The Board shall review the report  
2 of the hearing officer and shall present its findings of fact,  
3 conclusions of law, and recommendations to the Secretary by the  
4 date of the Board's second meeting following the Board's  
5 receipt of the hearing officer's report.

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

16 The Secretary shall issue an order based on the findings of  
17 fact, conclusions of law, and recommendations to the Secretary.  
18 If the Secretary disagrees in any regard with the findings of  
19 fact, conclusions of law, and recommendations to the Secretary,  
20 he may issue an order in contravention of the findings of fact,  
21 conclusions of law, and recommendations to the Secretary.

22 If the Secretary issues an order in contravention of the  
23 findings of fact, conclusions of law, and recommendations to  
24 the Secretary, the Secretary shall notify the Board in writing  
25 with an explanation for any deviation from the Board's findings  
26 of fact, conclusions of law, and recommendations to the

1 Secretary within 30 days of the Secretary's entry of the order.

2 Section 70. Temporary suspension. The Secretary may  
3 temporarily suspend the license of a painting, drywall  
4 finishing, or glazing contractor without a hearing,  
5 simultaneously with the institution of proceedings for a  
6 hearing provided for in this Act, if the Secretary finds that  
7 evidence in his or her possession indicates that continuation  
8 in practice would constitute an imminent danger to the public.  
9 In the event that the Secretary temporarily suspends a license  
10 without a hearing, a hearing by the Department shall be held  
11 within 30 days after such suspension has occurred.

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

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

21 Section 85. Administrative Procedure Act. The Illinois  
22 Administrative Procedure Act is hereby expressly adopted and

1 incorporated herein as if all of the provisions of that Act  
2 were included in this Act, except that the provision of  
3 subsection (d) of Section 10-65 of the Illinois Administrative  
4 Procedure Act that provides that at hearings the licensee has  
5 the right to show compliance with all lawful requirements for  
6 retention, continuation or renewal of the license is  
7 specifically excluded. For the purpose of this Act the notice  
8 required under Section 10-25 of the Administrative Procedure  
9 Act is deemed sufficient when mailed to the last known address  
10 of a party.

11 Section 90. Certification of record; costs. The Department  
12 shall not be required to certify any record to the court, to  
13 file an answer in court, or to otherwise appear in any court in  
14 a judicial review proceeding, unless there is filed in the  
15 court, with the complaint, a receipt from the Department  
16 acknowledging payment of the costs of furnishing and certifying  
17 the record. Failure on the part of the plaintiff to file the  
18 receipt in court is grounds for dismissal of the action.

19 Section 95. Returned checks; fines. Any person who  
20 delivers a check or other payment to the Department that is  
21 returned to the Department unpaid by the financial institution  
22 upon which it is drawn shall pay to the Department, in addition  
23 to the amount already owed to the Department, a fine of \$50.  
24 The fines imposed by this Section are in addition to any other

1 discipline provided under this Act for unlicensed practice or  
2 practice on a nonrenewed license. The Department shall notify  
3 the person that payment of fees and fines shall be paid to the  
4 Department by certified check or money order within 30 calendar  
5 days of the notification. If, after the expiration of 30 days  
6 from the date of the notification, the person has failed to  
7 submit the necessary remittance, the Department shall  
8 automatically terminate the license or deny the application,  
9 without hearing. If, after termination or denial, the person  
10 seeks a license, he or she shall apply to the Department for  
11 restoration or issuance of the license and pay all the  
12 application fees as set by rule. The Department may establish a  
13 fee for the processing of an application for restoration of a  
14 license to pay all expenses of processing this application. The  
15 Secretary may waive the fines due under this Section in  
16 individual cases where the Secretary finds that the fines would  
17 be unreasonable or unnecessarily burdensome.

18 Section 100. Hearing officers. The Secretary has the  
19 authority to appoint any attorney duly licensed to practice law  
20 in the State of Illinois to serve as the hearing officer for  
21 any action for refusal to issue or renew a license, for  
22 discipline of a licensee for sanctions for unlicensed practice,  
23 for restoration of a license, or for any other action for which  
24 findings of fact, conclusions of law, and recommendations are  
25 required pursuant to Section 65 of this Act. The hearing

1 officer shall have full authority to conduct the hearing and  
2 shall issue his or her findings of fact and recommendations to  
3 the Board pursuant to Section 65 of this Act.

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

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

18 Section 110. Enforcement; petition to court.

19 (a) If any person violates the provisions of this Act, the  
20 Secretary through the Attorney General of Illinois, or the  
21 State's Attorney of any county in which a violation is alleged  
22 to exist, may in the name of the People of the State of  
23 Illinois petition for an order enjoining such violation or for  
24 an order enforcing compliance with this Act. Upon the filing of  
25 a verified petition in such court, the court may issue a

1 temporary restraining order, without notice or bond, and may  
2 preliminarily and permanently enjoin such violation, and if it  
3 is established that such person has violated or is violating  
4 the injunction, the Court may punish the offender for contempt  
5 of court.

6 (b) If any person shall practice as a licensee or hold  
7 himself or herself out as a licensee without being licensed  
8 under the provisions of this Act, then any person licensed  
9 under this Act, any interested party or any person injured  
10 thereby may, in addition to those officers identified in  
11 subsection (a) of this Section, petition for relief as provided  
12 therein.

13 (c) Whenever the Department has reason to believe that any  
14 person has violated the licensing requirements of this Act by  
15 practicing, offering to practice, attempting to practice, or  
16 holding himself or herself out to practice painting, drywall  
17 finishing, or glazing without being licensed under this Act,  
18 the Department may issue a rule to show cause why an order to  
19 cease and desist should not be entered against that person. The  
20 rule shall clearly set forth the grounds relied upon by the  
21 Department and shall provide a period of 7 days from the date  
22 of the rule to file an answer to the satisfaction of the  
23 Department. Failure to answer to the satisfaction of the  
24 Department shall cause an order to cease and desist to be  
25 issued immediately. It is not a violation of this Act for a  
26 person whose regular job duties are custodial and maintenance



1 work, but who in the normal course of work engages in  
2 incidental drywall repair, related drywall taping, spot  
3 painting, and minor glazing repair work.

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

7 Section 115. Unlicensed practice; violation; civil  
8 penalty.

9 (a) Any person who practices, offers to practice, attempts  
10 to practice, or holds himself or herself out to practice  
11 painting, drywall finishing, or glazing without being licensed  
12 under this Act shall, in addition to any other penalty provided  
13 by law, pay a civil penalty to the Department in an amount not  
14 to exceed \$5,000 for each offense as determined by the  
15 Department. The civil penalty shall be assessed by the  
16 Department after a hearing is held in accordance with the  
17 provisions set forth in this Act regarding the provision of a  
18 hearing for the discipline of a licensee.

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

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

1           Section 120. Deposit of fees. All fees and fines collected  
2 under this Act shall be deposited into the General Professions  
3 Dedicated Fund and shall be appropriated to the Department for  
4 the purpose of administering and enforcing this Act.

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

19           Members of the Painting, Drywall Finishing, and Glazing  
20 Contractor Licensing Board shall be immune from suit in any  
21 action based upon any disciplinary proceedings or other acts  
22 performed in good faith as members of the Board, unless the  
23 conduct that gave rise to the suit was willful and wanton  
24 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 Secretary 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 900. The Regulatory Sunset Act is amended by adding  
17 Section 4.28 as follows:

18           (5 ILCS 80/4.28 new)

19           Sec. 4.28. Act repealed on January 1, 2018. The following  
20 Act is repealed on January 1, 2018:

21           The Painting, Drywall Finishing, and Glazing Contractor  
22 Licensing Act.

23           Section 999. Effective date. This Act takes effect upon  
24 becoming law.