



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1281

Introduced 2/20/2007, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 325/3	from Ch. 111, par. 5203
225 ILCS 325/4	from Ch. 111, par. 5204
225 ILCS 325/8	from Ch. 111, par. 5208

Amends the Professional Engineering Practice Act of 1989. Provides that the exemption from the Act of services performed by employees of a business organization engaged in utility, industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization, that are rendered in connection with the fabrication or production, sale, and installation of products, systems, or non-engineering services of the business organization or its affiliates does not extend to the construction, rehabilitation, or reconstruction of infrastructure, utility systems, or manufacturing processes of the business organization on its property, or on public property or rights of way where such work may impact the health, safety, or welfare of the public or business organization employees. Removes provisions exempting from the Act the services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment. Provides that examples of "professional engineering practice" include fire protection systems and control systems. Removes the Test of Spoken English (TSE) from the group of tests that an applicant for licensure who graduated from an engineering program outside the United States or its territories and whose first language is not English may submit certification of passage of to the Department of Financial and Professional Regulation.

LRB095 07640 RAS 27791 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 5. The Professional Engineering Practice Act of
5 1989 is amended by changing Sections 3, 4, and 8 as follows:

6 (225 ILCS 325/3) (from Ch. 111, par. 5203)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 3. Application of the Act; Exemptions.

9 (a) Nothing in this Act shall be construed to prevent the
10 practice of structural engineering as defined in the Structural
11 Engineering Practice Act of 1989 or the practice of
12 architecture as defined in the Illinois Architecture Practice
13 Act of 1989 or the regular and customary practice of
14 construction contracting and construction management as
15 performed by construction contractors.

16 (b) Nothing in this Act shall prevent:

17 (1) Employees, including project representatives, of
18 professional engineers lawfully practicing as sole owners,
19 partnerships or corporations under this Act, from acting
20 under the direct supervision of their employers.

21 (2) The employment of owner's representatives by the
22 owner during the constructing, adding to, or altering of a
23 project, or any parts thereof, provided that such owner's

1 representative shall not have the authority to deviate from
2 the technical submissions without the prior approval of the
3 professional engineer for the project.

4 (3) The practice of officers and employees of the
5 Government of the United States while engaged within this
6 State in the practice of the profession of engineering for
7 the Government.

8 (4) Services performed by employees of a business
9 organization engaged in utility, industrial or
10 manufacturing operations, or by employees of laboratory
11 research affiliates of such business organization which
12 are rendered in connection with the fabrication or
13 production, sale, and installation of products, systems,
14 or nonengineering services of the business organization or
15 its affiliates. This exemption does not extend to the
16 construction, rehabilitation, or reconstruction of
17 infrastructure, utility systems, or manufacturing
18 processes of the business organization on its property, or
19 on public property or rights of way where such work may
20 impact the health, safety, or welfare of the public or
21 business organization employees.

22 (5) Inspection, maintenance and service work done by
23 employees of the State of Illinois, any political
24 subdivision thereof or any municipality.

25 (6) The activities performed by those ordinarily
26 designated as chief engineer of plant operation, chief

1 operating engineer, locomotive, stationary, marine, power
2 plant or hoisting and portable engineers, electrical
3 maintenance or service engineers, personnel employed in
4 connection with construction, operation or maintenance of
5 street lighting, traffic control signals, police and fire
6 alarm systems, waterworks, steam, electric, and sewage
7 treatment and disposal plants, or the services ordinarily
8 performed by any worker regularly employed as a locomotive,
9 stationary, marine, power plant, or hoisting and portable
10 engineer or electrical maintenance or service engineer for
11 any corporation, ~~contractor~~ contract operator, or
12 employer.

13 (7) The activities performed by a person ordinarily
14 designated as a supervising engineer or supervising
15 electrical maintenance or service engineer who supervises
16 the operation of, or who operates, machinery or equipment,
17 or who supervises construction or the installation of
18 equipment within a plant which is under such person's
19 immediate supervision.

20 (8) (Blank). ~~The services, for private use, of~~
21 ~~contractors or owners in the construction of engineering~~
22 ~~works or the installation of equipment.~~

23 (c) No officer, board, commission, or other public entity
24 charged with the enforcement of codes and ordinances involving
25 a professional engineering project shall accept for filing or
26 approval any technical submissions that do not bear the seal

1 and signature of a professional engineer licensed under this
2 Act.

3 (d) Nothing contained in this Section imposes upon a person
4 licensed under this Act the responsibility for the performance
5 of any of the foregoing functions unless such person
6 specifically contracts to provide it.

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

8 (225 ILCS 325/4) (from Ch. 111, par. 5204)

9 (Section scheduled to be repealed on January 1, 2010)

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

11 (a) "Approved engineering curriculum" means an engineering
12 curriculum or program of 4 academic years or more which meets
13 the standards established by the rules of the Department.

14 (b) "Board" means the State Board of Professional Engineers
15 of the Department of Professional Regulation, previously known
16 as the Examining Committee.

17 (c) "Department" means the Department of Professional
18 Regulation.

19 (d) "Design professional" means an architect, structural
20 engineer or professional engineer practicing in conformance
21 with the Illinois Architecture Practice Act of 1989, the
22 Structural Engineering Practice Act of 1989 or the Professional
23 Engineering Practice Act of 1989.

24 (e) "Director" means the Director of Professional
25 Regulation.

1 (f) "Direct supervision/responsible charge" means work
2 prepared under the control of a licensed professional engineer
3 or that work as to which that professional engineer has
4 detailed professional knowledge.

5 (g) "Engineering college" means a school, college,
6 university, department of a university or other educational
7 institution, reputable and in good standing in accordance with
8 rules prescribed by the Department, and which grants
9 baccalaureate degrees in engineering.

10 (h) "Engineering system or facility" means a system or
11 facility whose design is based upon the application of the
12 principles of science for the purpose of modification of
13 natural states of being.

14 (i) "Engineer intern" means a person who is a candidate for
15 licensure as a professional engineer and who has been enrolled
16 as an engineer intern.

17 (j) "Enrollment" means an action by the Department to
18 record those individuals who have met the Board's requirements
19 for an engineer intern.

20 (k) "License" means an official document issued by the
21 Department to an individual, a corporation, a partnership, a
22 professional service corporation, a limited liability company,
23 or a sole proprietorship, signifying authority to practice.

24 (l) "Negligence in the practice of professional
25 engineering" means the failure to exercise that degree of
26 reasonable professional skill, judgment and diligence normally

1 rendered by professional engineers in the practice of
2 professional engineering.

3 (m) "Professional engineer" means a person licensed under
4 the laws of the State of Illinois to practice professional
5 engineering.

6 (n) "Professional engineering" means the application of
7 science to the design of engineering systems and facilities
8 using the knowledge, skills, ability and professional judgment
9 developed through professional engineering education, training
10 and experience.

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

1 perform any service which is recognized as professional
2 engineering practice.

3 Examples of the practice of professional engineering
4 include, but need not be limited to, transportation facilities
5 and publicly owned utilities for a region or community,
6 railroads, railways, highways, subways, canals, harbors, river
7 improvements; irrigation works; aircraft, airports and landing
8 fields; fire protection systems, waterworks, piping systems
9 and appurtenances, sewers, sewage disposal works; plants for
10 the generation of power; devices for the utilization of power;
11 boilers; refrigeration plants, air conditioning systems and
12 plants; heating systems and plants; plants for the transmission
13 or distribution of power; electrical plants which produce,
14 transmit, distribute, or utilize electrical energy; works for
15 the extraction of minerals from the earth; plants for the
16 refining, alloying or treating of metals; chemical works and
17 industrial plants involving the use of chemicals and chemical
18 processes; plants for the production, conversion, or
19 utilization of nuclear, chemical, or radiant energy; forensic
20 engineering, geotechnical engineering including, subsurface
21 investigations; soil classification, geology and geohydrology,
22 incidental to the practice of professional engineering; energy
23 analysis, environmental design, hazardous waste mitigation and
24 control; recognition, measurement, evaluation and control of
25 environmental systems and emissions; control systems;
26 automated building management systems; or the provision of

1 professional engineering site observation of the construction
2 of works and engineering systems. Nothing contained in this
3 Section imposes upon a person licensed under this Act the
4 responsibility for the performance of any of the foregoing
5 functions unless such person specifically contracts to provide
6 it.

7 (p) "Project representative" means the professional
8 engineer's representative at the project site who assists in
9 the administration of the construction contract.

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

12 (r) "Related science curriculum" means a 4 year program of
13 study, the satisfactory completion of which results in a
14 Bachelor of Science degree, and which contains courses from
15 such areas as life, earth, engineering and computer sciences,
16 including but not limited to, physics and chemistry. In the
17 study of these sciences, the objective is to acquire
18 fundamental knowledge about the nature of its phenomena,
19 including quantitative expression, appropriate to particular
20 fields of engineering.

21 (s) "Rules" means those rules promulgated pursuant to this
22 Act.

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

25 (u) "Site observation" is visitation of the construction
26 site for the purpose of reviewing, as available, the quality

1 and conformance of the work to the technical submissions as
2 they relate to design.

3 (v) "Support design professional" means a professional
4 engineer practicing in conformance with the Professional
5 Engineering Practice Act of 1989, who provides services to the
6 design professional who has contract responsibility.

7 (w) "Technical submissions" means designs, drawings, and
8 specifications which establish the standard of quality for
9 materials, workmanship, equipment, and the construction
10 systems, studies, and other technical reports prepared in the
11 course of a design professional's practice.

12 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,
13 eff. 6-28-01; 92-145, eff. 1-1-02.)

14 (225 ILCS 325/8) (from Ch. 111, par. 5208)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 8. Applications for licensure.

17 (a) Applications for licensure shall (1) be on forms
18 prescribed and furnished by the Department, (2) contain
19 statements made under oath showing the applicant's education
20 and a detailed summary of the applicant's technical work, and
21 (3) contain references as required by the Department.

22 (b) Applicants shall have obtained the education and
23 experience as required in Section 10 or Section 11 prior to
24 submittal of application for examination, except as provided in
25 subsection (b) of Section 11. Allowable experience shall

1 commence at the date of the baccalaureate degree, except:

2 (1) Credit for one year of experience shall be given
3 for a graduate of a baccalaureate curriculum providing a
4 cooperative program, which is supervised industrial or
5 field experience of at least one academic year which
6 alternates with periods of full-time academic training,
7 when such program is certified by the university, or

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

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

24 The Board may conduct oral interviews of any applicant
25 under Sections 10, 11, or 19 to assist in the evaluation of the
26 qualifications of the applicant.

1 It is the responsibility of the applicant to supplement the
2 application, when requested by the Board, by provision of
3 additional documentation of education, including transcripts,
4 course content and credentials of the engineering college or
5 college granting related science degrees, or of work experience
6 to permit the Board to determine the qualifications of the
7 applicant. The Department may require an applicant, at the
8 applicant's expense, to have an evaluation of the applicant's
9 education in a foreign country by a nationally recognized
10 educational body approved by the Board in accordance with rules
11 prescribed by the Department.

12 An applicant who graduated from an engineering program
13 outside the United States or its territories and whose first
14 language is not English shall submit certification of passage
15 of the Test of English as a Foreign Language (TOEFL) ~~and the~~
16 ~~Test of Spoken English (TSE)~~ as defined by rule.

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