



Sen. Terry Link

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1 AMENDMENT TO SENATE BILL 709

2 AMENDMENT NO. _____. Amend Senate Bill 709 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. 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.

1 "Foreman" means a person who has the knowledge and skill of
2 a journeyman and directly supervises physical painting,
3 drywall finishing, or glazing.

4 "Glazing" means setting glass in window frames.

5 "Journeyman" means a person who has completed an
6 apprenticeship program approved by the Department or is an
7 experienced worker, not a trainee, and is fully qualified and
8 able to perform painting, drywall finishing, or glazing without
9 supervision.

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

11 "Painting" means the application of paint. "Painting" does
12 not include the application of paint used in conjunction with
13 the repair, maintenance, or customization of a vehicle, as
14 defined in the Illinois Vehicle Code.

15 "Person" means an individual, partnership, corporation,
16 business trust, limited liability company, or other legal
17 entity.

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

20 Section 10. Licensure requirement.

21 (a) Beginning January 1, 2010, a person may not act as a
22 contractor on a project in which the total cost (labor and
23 materials) of one or more of the contractor's contracts is
24 \$1,500 or more without being licensed under this Act.

25 (b) Beginning January 1, 2010, a contractor must be

1 licensed before submitting bids.

2 Section 12. Exemptions.

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

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

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

9 (3) Lead-based paint removal.

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

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

13 (6) Removal of old paint from roadways and direct
14 traffic.

15 (7) Waterproofing applications of non-pigmented
16 coatings.

17 (8) Staining of concrete.

18 (9) Removal and application of materials related to the
19 abatement of asbestos.

20 (b) This Act does not apply to the performance of painting,
21 drywall finishing, or glazing of any property owned or operated
22 by a public utility, a public utility affiliate, a
23 telecommunications carrier or its affiliate, an electric
24 cooperative as defined in Section 3.4 of the Electric Supplier
25 Act, a telephone cooperative as defined in Section 13-212 of

1 the Public Utilities Act, a utility owned and operated by a
2 municipal corporation or unit of local government, or a company
3 that generates electricity.

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

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

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

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

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

1 (h) This Act does not apply to individuals performing
2 custodial and maintenance work whose job duties also include
3 drywall repair and related drywall taping, spot painting, and
4 minor glazing repair work.

5 (i) This Act does not apply to the painting of roadway
6 surfaces.

7 (j) This Act does not apply to overall interior and
8 exterior demolition.

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

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

16 (m) This Act does not apply to a person, or to the person's
17 employees, who perform painting, drywall finishing, or glazing
18 work incidental to the management of real property on behalf of
19 the owner of the property, so long as the person or employee
20 does not hold himself or herself out as, or bid for work
21 separately as, a painting, drywall finishing, or glazing
22 contractor.

23 Section 15. Powers and duties of the Department. The
24 Department may exercise the following powers and duties subject
25 to the provisions of this Act:

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

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

5 (3) To conduct hearings on proceedings to revoke,
6 suspend, or otherwise discipline or to refuse to issue or
7 renew licenses.

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

10 Section 20. Application for original licensure.

11 (a) To obtain an original license, an applicant shall
12 submit an application in writing to the Department on a form
13 containing the information prescribed by the Department and
14 accompanied by the required application fee, which shall not be
15 refundable. An application shall require information that in
16 the judgment of the Department will enable the Department to
17 pass on the qualifications of the applicant for a license.

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

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

23 (2) has obtained workers' compensation insurance
24 covering his or her employees or is approved as a
25 self-insurer of workers' compensation in accordance with

1 Illinois law;

2 (3) has an Illinois Unemployment Insurance
3 identification number or has proof of application to the
4 Illinois Department of Labor for such an identification
5 number; and

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

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

11 Section 23. Business as an individual; application as legal
12 entity.

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

16 (b) If the applicant is proposing to qualify as a
17 partnership, corporation, business trust, or other legal
18 entity, application shall be made for each such entity and
19 shall state the name of the partnership and of its partners,
20 the name of the corporation and of its officers and directors,
21 the name of the business trust and its trustees, or the name of
22 such other legal entity and its members, and the use of
23 fictitious names, if a fictitious name is used. The application
24 shall also show that the person applying for the certification
25 is legally qualified to act for the business organization in

1 all matters connected with its contracting business and that he
2 or she has authority to supervise painting, drywall finishing,
3 and glazing operations.

4 Section 27. License number on contracts and bids.

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

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

13 (c) Every holder of a license shall display it in a
14 conspicuous place in his or her principal office, place of
15 business, or employment.

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

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

20 (b) The Department may credit training, apprenticeship, or
21 education in lieu of the 48 months of practical experience as
22 follows:

23 (1) a maximum of one and one-half years upon submission
24 of a certificate of completion from a U.S. D.O.L. Bureau of

1 Apprenticeship and Training accredited school for
2 painting, drywall finishing, or glazing completed in not
3 less than 12 months; or

4 (2) a maximum of 2 years upon submission of transcripts
5 of one of the following:

6 (A) a 4-year degree from an accredited college or
7 university in the fields of accounting, business,
8 economics, mathematics, physics, or other areas
9 related to the profession;

10 (B) a professional degree in law; or

11 (C) substantial college or university course work
12 in accounting, architecture, business, construction
13 technology, drafting, economics, engineering,
14 mathematics, or physics; or

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

16 (A) a Certificate of Completion of Apprenticeship
17 from an U.S. D.O.L. Bureau of Apprenticeship and
18 Training accredited apprenticeship program or a
19 certified statement of a completion of apprenticeship
20 training from the International Union of Painters and
21 Allied Trades; or

22 (B) transcripts for a 4-year degree from an
23 accredited college or university in architecture,
24 construction technology, or any field of engineering
25 that is directly related to painting, drywall
26 finishing, or glazing.

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

6 Section 33. Bond. Before issuing or renewing a license, the
7 Department shall require each applicant or licensee to file and
8 maintain in force a surety bond in the amount specified in
9 paragraph (4) of subsection (b) of Section 20, issued by an
10 insurance company authorized to transact fidelity and surety
11 business in the State of Illinois. The bond shall be continuous
12 in form, unless terminated by the insurance company. An
13 insurance company may terminate a bond and avoid further
14 liability by filing a 60-day notice of termination with the
15 Department and, at the same time, sending the notice to the
16 contractor. A license shall be cancelled without hearing on the
17 termination date of the contractor's bond, unless a new bond is
18 filed with the Department to become effective at the
19 termination date of the prior bond. If a license has been
20 cancelled without hearing under this Section, the license shall
21 be reinstated upon showing proof of compliance with this Act.

22 Section 35. Expiration of license.

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

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

7 Section 40. Public records.

8 (1) All information required by the Department of any
9 applicant for licensure shall be a public record, except
10 financial information.

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

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

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

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

2 (b) conviction of any crime under the laws of any U.S.
3 jurisdiction which is a felony or which is a misdemeanor,
4 an essential element of which is dishonesty, or of any
5 crime which directly relates to the practice of the
6 profession;

7 (c) making any misrepresentation for the purpose of
8 obtaining a license;

9 (d) professional incompetence or gross negligence in
10 the practice of painting, drywall finishing, or glazing
11 contracting;

12 (e) gross malpractice, prima facie evidence of which
13 may be a conviction or judgment of malpractice in any court
14 of competent jurisdiction;

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

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

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

24 (i) habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that results in the inability to practice with reasonable

1 judgment, skill, or safety;

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

6 (k) directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered;

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

14 (m) conviction by any court of competent jurisdiction,
15 either within or without this State, of any violation of
16 any law governing the practice of painting, drywall
17 finishing, or glazing contracting, if the Department
18 determines, after investigation, that such person has not
19 been sufficiently rehabilitated to warrant the public
20 trust;

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

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

26 (p) gross and willful overcharging for professional

1 services including filing false statements for collection
2 of fees or monies for which services are not rendered;

3 (q) failure to file a return, or to pay the tax,
4 penalty or interest shown in a filed return, or to pay any
5 final assessment of tax, penalty or interest, as required
6 by any tax Act administered by the Illinois Department of
7 Revenue, until such time as the requirements of any such
8 tax Act are satisfied;

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

11 (s) physical or mental disability, including
12 deterioration through the aging process or loss of
13 abilities and skills that result in an inability to
14 practice the profession with reasonable judgment, skill,
15 or safety;

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

18 (u) the determination by a court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental
21 Disabilities Code will result in an automatic suspension of
22 his or her license. The suspension will end upon a finding
23 by a court that the licensee is no longer subject to
24 involuntary admission or judicial admission, the issuance
25 of an order so finding and discharging the patient, and the
26 recommendation of the Board to the Secretary that the

1 licensee be allowed to resume professional practice;

2 (v) advertising in any manner that is false,
3 misleading, or deceptive; or

4 (w) a violation of the Union Employee Health and
5 Benefits Protection Act, the Minimum Wage Law, the Illinois
6 Wage Payment and Collection Act, the Prevailing Wage Act,
7 the One Day Rest in Seven Act, or the Employee Benefit
8 Contribution Act.

9 The Department shall deny any license or renewal under this
10 Act to any person who has defaulted on an educational loan
11 guaranteed by the Illinois Student Assistance Commission;
12 however, the Department may issue a license or renewal if the
13 person in default has established a satisfactory repayment
14 record as determined by the Illinois Student Assistance
15 Commission.

16 Section 50. Stenographer; record of proceedings. The
17 Department, at its expense, shall provide a stenographer to
18 take down the testimony and preserve a record of all
19 proceedings initiated pursuant to this Act, the rules for the
20 administration of this Act, or any other Act or rules relating
21 to this Act and proceedings for restoration of any license
22 issued under this Act. The notice of hearing, complaint,
23 answer, and all other documents in the nature of pleadings and
24 written motions and responses filed in the proceedings, the
25 transcript of the testimony, all exhibits admitted into

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

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

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

23 The Secretary and any member of the Board have power to
24 administer oaths to witnesses at any hearing that the

1 Department or Board is authorized by law to conduct. Further,
2 the Secretary has power to administer any other oaths required
3 or authorized to be administered by the Department under this
4 Act.

5 Section 65. Findings of facts, conclusions of law, and
6 recommendations; order. Within 60 days of the Department's
7 receipt of the transcript of any hearing that is conducted
8 pursuant to this Act or the rules for its enforcement or any
9 other statute or rule requiring a hearing under this Act or the
10 rules for its enforcement, or for any hearing related to
11 restoration of any license issued pursuant to this Act, the
12 hearing officer shall submit his or her written findings and
13 recommendations to the Board. The Board shall review the report
14 of the hearing officer and shall present its findings of fact,
15 conclusions of law, and recommendations to the Secretary by the
16 date of the Board's second meeting following the Board's
17 receipt of the hearing officer's report.

18 A copy of the findings of fact, conclusions of law, and
19 recommendations to the Secretary shall be served upon the
20 accused person, either personally or by registered or certified
21 mail. Within 20 days after service, the accused person may
22 present to the Department a written motion for a rehearing,
23 which shall state the particular grounds therefor. If the
24 accused person orders and pays for a transcript pursuant to
25 Section 50, the time elapsing thereafter and before the

1 transcript is ready for delivery to him or her shall not be
2 counted as part of the 20 days.

3 The Secretary shall issue an order based on the findings of
4 fact, conclusions of law, and recommendations to the Secretary.
5 If the Secretary disagrees in any regard with the findings of
6 fact, conclusions of law, and recommendations to the Secretary,
7 he or she may issue an order in contravention of the findings
8 of fact, conclusions of law, and recommendations to the
9 Secretary.

10 If the Secretary issues an order in contravention of the
11 findings of fact, conclusions of law, and recommendations to
12 the Secretary, the Secretary shall notify the Board in writing
13 with an explanation for any deviation from the Board's findings
14 of fact, conclusions of law, and recommendations to the
15 Secretary within 30 days of the Secretary's entry of the order.

16 Section 70. Temporary suspension. The Secretary may
17 temporarily suspend the license of a painting, drywall
18 finishing, or glazing contractor without a hearing,
19 simultaneously with the institution of proceedings for a
20 hearing provided for in this Act, if the Secretary finds that
21 evidence in his or her possession indicates that continuation
22 in practice would constitute an imminent danger to the public.
23 In the event that the Secretary temporarily suspends a license
24 without a hearing, a hearing by the Department shall be held
25 within 30 days after such suspension has occurred.

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

6 Section 80. Violations. A violation of this Act is
7 punishable by a \$1,000 fine for a first offense and a \$2,500
8 fine for a second offense. A third or subsequent violation of
9 this Act is a Class A misdemeanor.

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

22 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

1 fee for the processing of an application for restoration of a
2 license to pay all expenses of processing this application. The
3 Secretary may waive the fines due under this Section in
4 individual cases where the Secretary finds that the fines would
5 be unreasonable or unnecessarily burdensome.

6 Section 100. Hearing officers. The Secretary has the
7 authority to appoint any attorney duly licensed to practice law
8 in the State of Illinois to serve as the hearing officer for
9 any action for refusal to issue or renew a license, for
10 discipline of a licensee for sanctions for unlicensed practice,
11 for restoration of a license, or for any other action for which
12 findings of fact, conclusions of law, and recommendations are
13 required pursuant to Section 65 of this Act. The hearing
14 officer shall have full authority to conduct the hearing and
15 shall issue his or her findings of fact and recommendations to
16 the Board pursuant to Section 65 of this Act.

17 Section 105. Investigation; notice; default. The
18 Department may investigate the actions of any applicant or any
19 person or persons holding or claiming to hold a license. The
20 Department shall, before suspending, revoking, placing on
21 probationary status, or taking any other disciplinary action as
22 the Department may deem proper with regard to any license, at
23 least 30 days prior to the date set for the hearing, notify the
24 accused in writing of any charges made and the time and place

1 for a hearing on the charges before the hearing officer, direct
2 him or her to file his written answer with the hearing officer
3 under oath within 30 days after the service on him or her of
4 such notice, and inform him or her that if he or she fails to
5 file such answer default will be taken against him or her and
6 his or her license may be suspended, revoked, placed on
7 probationary status, or other disciplinary action, including
8 limiting the scope, nature or extent of his or her practice, as
9 the Department may deem proper, taken. This written notice may
10 be served by personal delivery or certified or registered mail
11 to the Department. In case the person fails to file an answer
12 after receiving notice, his or her license may, in the
13 discretion of the Department, be suspended, revoked, or placed
14 on probationary status, or the Department may take whatever
15 disciplinary action deemed proper, including limiting the
16 scope, nature, or extent of the person's practice or the
17 imposition of a fine, without a hearing, if the act or acts
18 charged constitute sufficient grounds for such action under
19 this Act. At the time and place fixed in the notice, the
20 Department shall proceed to hear the charges and the parties or
21 their counsel shall be accorded ample opportunity to present
22 such statements, testimony, evidence and argument as may be
23 pertinent to the charges or to their defense. The Department
24 may continue such hearing from time to time. At the discretion
25 of the Secretary after having first received the recommendation
26 of the hearing officer, the accused person's license may be

1 suspended, revoked, placed on probationary status, or other
2 disciplinary action may be taken as the Secretary may deem
3 proper, including limiting the scope, nature, or extent of said
4 person's practice without a hearing, if the act or acts charged
5 constitute sufficient grounds for such action under this Act.

6 Section 110. Enforcement; petition to court.

7 (a) If any person violates the provisions of this Act, the
8 Secretary through the Attorney General of Illinois, or the
9 State's Attorney of any county in which a violation is alleged
10 to exist, may in the name of the People of the State of
11 Illinois petition for an order enjoining such violation or for
12 an order enforcing compliance with this Act. Upon the filing of
13 a verified petition in such court, the court may issue a
14 temporary restraining order, without notice or bond, and may
15 preliminarily and permanently enjoin such violation, and if it
16 is established that such person has violated or is violating
17 the injunction, the court may punish the offender for contempt
18 of court.

19 (b) If any person shall practice as a licensee or hold
20 himself or herself out as a licensee without being licensed
21 under the provisions of this Act, then any person licensed
22 under this Act, any interested party or any person injured
23 thereby may, in addition to those officers identified in
24 subsection (a) of this Section, petition for relief as provided
25 therein.

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

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

21 Section 115. Unlicensed practice; violation; civil
22 penalty.

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds himself or herself out to practice
25 painting, drywall finishing, or glazing without being licensed

1 under this Act shall, in addition to any other penalty provided
2 by law, pay a civil penalty to the Department in an amount not
3 to exceed \$5,000 for each offense as determined by the
4 Department. The civil penalty shall be assessed by the
5 Department after a hearing is held in accordance with the
6 provisions set forth in this Act regarding the provision of a
7 hearing for the discipline of a licensee.

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

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

15 Section 120. Deposit of fees. All fees and fines collected
16 under this Act shall be deposited into the General Professions
17 Dedicated Fund and shall be appropriated to the Department for
18 the purpose of administering and enforcing this Act.

19 Section 125. The Painting, Drywall Finishing, and Glazing
20 Contractor Licensing Board. The Painting, Drywall Finishing,
21 and Glazing Contractor Licensing Board is created and shall
22 consist of 7 persons, one of whom is a knowledgeable public
23 member and 6 of whom have been issued licenses as painting,
24 drywall finishing, and glazing contractors by the Department

1 (for initial appointments, these 6 members must meet the
2 requirements for licensure under this Act). One of the 6
3 licensed contractors on the Board shall represent a statewide
4 association representing painters. The public member shall not
5 be licensed under this Act or any other Act the Department
6 administers. Each member shall be appointed by the Secretary.
7 Members shall be appointed who reasonably represent the
8 different geographic areas of the State.

9 Members of the Painting, Drywall Finishing, and Glazing
10 Contractor Licensing Board shall be immune from suit in any
11 action based upon any disciplinary proceedings or other acts
12 performed in good faith as members of the Board, unless the
13 conduct that gave rise to the suit was willful and wanton
14 misconduct.

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

21 Within 90 days of a vacancy occurring, the Secretary shall
22 fill the vacancy for the unexpired portion of the term with an
23 appointee who meets the same qualifications as the person whose
24 position has become vacant. The Board shall meet annually to
25 elect one member as chairman and one member as vice-chairman.
26 No officer shall be elected more than twice in succession to

1 the same office. The members of the Board shall receive
2 reimbursement for actual, necessary, and authorized expenses
3 incurred in attending the meetings of the Board.

4 Section 900. The Regulatory Sunset Act is amended by adding
5 Section 4.30 as follows:

6 (5 ILCS 80/4.30 new)

7 Sec. 4.30. Act repealed on January 1, 2020. The following
8 Act is repealed on January 1, 2020:

9 The Painting, Drywall Finishing, and Glazing Contractor
10 Licensing Act.

11 Section 999. Effective date. This Act takes effect upon
12 becoming law."