

1 AN ACT concerning professional regulation.

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

4 Section 5. The Illinois Roofing Industry Licensing Act is  
5 amended by changing Sections 3.5 and 4.5 as follows:

6 (225 ILCS 335/3.5)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 3.5. Examination.

9 (a) The Department shall authorize examinations for  
10 applicants for initial licenses at the time and place it may  
11 designate. The examinations shall be of a character to fairly  
12 test the competence and qualifications of applicants to act as  
13 roofing contractors. Each applicant for limited licenses shall  
14 designate a qualifying party who shall take an examination, the  
15 technical portion of which shall cover residential roofing  
16 practices. Each applicant for an unlimited license shall  
17 designate a qualifying party who shall take an examination, the  
18 technical portion of which shall cover residential,  
19 commercial, and industrial roofing practices.

20 (b) An applicant for a limited license or an unlimited  
21 license or a qualifying party designated by an applicant for a  
22 limited license or unlimited license shall pay, either to the  
23 Department or the designated testing service, a fee established

1 by the Department to cover the cost of providing the  
2 examination. Failure of the individual scheduled to appear for  
3 the examination on the scheduled date at the time and place  
4 specified after his or her application for examination has been  
5 received and acknowledged by the Department or the designated  
6 testing service shall result in forfeiture of the examination  
7 fee.

8 ~~(c) A person who has a license as described in subsection~~  
9 ~~(1.5) of Section 3 is exempt from the examination requirement~~  
10 ~~of this Section, so long as (1) the license continues to be~~  
11 ~~valid and is renewed before expiration and (2) the person is~~  
12 ~~not newly designated as a qualifying party after July 1, 2003.~~

13 The qualifying party for an applicant for a new license must  
14 have passed an examination authorized by the Department before  
15 the Department may issue a license.

16 (d) The application for a license as a corporation,  
17 business trust, or other legal entity submitted by a sole  
18 proprietor who is currently licensed under this Act and exempt  
19 from the examination requirement of this Section shall not be  
20 considered an application for initial licensure for the  
21 purposes of this subsection (d) if the sole proprietor is named  
22 in the application as the qualifying party and is the sole  
23 owner of the legal entity. Upon issuance of a license to the  
24 new legal entity, the sole proprietorship license is  
25 terminated.

26 The application for initial licensure as a partnership,

1 corporation, business trust, or other legal entity submitted by  
2 a currently licensed partnership, corporation, business trust,  
3 or other legal entity shall not be considered an application  
4 for initial licensure for the purposes of this subsection (d)  
5 if the entity's current qualifying party is exempt from the  
6 examination requirement of this Section, that qualifying party  
7 is named as the new legal entity's qualifying party, and the  
8 majority of ownership in the new legal entity remains the same  
9 as the currently licensed entity. Upon issuance of a license to  
10 the new legal entity under this subsection (d), the former  
11 license issued to the applicant is terminated.

12 (e) An applicant has 3 years after the date of his or her  
13 application to complete the application process. If the process  
14 has not been completed within 3 years, the application shall be  
15 denied, the fee shall be forfeited, and the applicant must  
16 reapply and meet the requirements in effect at the time of  
17 reapplication.

18 (Source: P.A. 95-303, eff. 1-1-08.)

19 (225 ILCS 335/4.5)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 4.5. Duties of qualifying party; replacement; grounds  
22 for discipline.

23 (a) While engaged as or named as a qualifying party for a  
24 licensee, no person may be the named qualifying party for any  
25 other licensee. However, the person may act in the capacity of

1 the qualifying party for one additional licensee of the same  
2 type of licensure if one of the following conditions exists:

3 (1) There is a common ownership of at least 25% of each  
4 licensed entity for which the person acts as a qualifying  
5 party.

6 (2) The same person acts as a qualifying party for one  
7 licensed entity and its licensed subsidiary.

8 "Subsidiary" as used in this Section means a corporation of  
9 which at least 25% is owned by another licensee.

10 (b) In the event that a qualifying party is terminated or  
11 terminating his or her status as qualifying party of a  
12 licensee, the qualifying party and the licensee shall notify  
13 the Department of that fact in writing. Thereafter, the  
14 licensee shall notify the Department of the name and address of  
15 the newly designated qualifying party. The newly designated  
16 qualifying party must take the examination prescribed in  
17 Section 3.5 of this Act. These requirements shall be met in a  
18 timely manner as established by rule of the Department.

19 (c) A qualifying party that is accepted by the Department  
20 shall have the authority to act for the licensed entity in all  
21 matters connected with its roofing contracting business and to  
22 supervise roofing installation operations. This authority  
23 shall not be deemed to be a license for purposes of this Act.

24 (d) Designation of a qualifying party by an applicant under  
25 Section 3 is subject to acceptance by the Department. The  
26 Department may refuse to accept a qualifying party (i) for

1 failure to qualify as required under this Act and the rules  
2 adopted under this Act or (ii) after making a determination  
3 that the designated party has a history of acting illegally,  
4 fraudulently, incompetently, or with gross negligence in the  
5 roofing or construction business.

6 (e) The Department may, at any time after giving  
7 appropriate notice and the opportunity for a hearing, suspend  
8 or revoke its acceptance of a qualifying party designated by a  
9 licensee for any act or failure to act that gives rise to any  
10 ground for disciplinary action against that licensee under  
11 Section 9.1 or 9.6 of this Act. If the Department suspends or  
12 revokes its acceptance of a qualifying party, the license of  
13 the licensee shall be deemed to be suspended until a new  
14 qualifying party has been designated by the licensee and  
15 accepted by the Department.

16 If acceptance of a qualifying party is suspended or revoked  
17 for action or inaction that constitutes a violation of this Act  
18 or the rules adopted under this Act, the Department may in  
19 addition take such other disciplinary or non-disciplinary  
20 action as it may deem proper, including imposing a fine on the  
21 qualifying party, not to exceed \$10,000 for each violation.

22 All administrative decisions of the Department under this  
23 subsection (e) are subject to judicial review pursuant to  
24 Section 9.7 of this Act. An order taking action against a  
25 qualifying party shall be deemed a final administrative  
26 decision of the Department for purposes of Section 9.7 of this

1 Act.

2 (Source: P.A. 91-950, eff. 2-9-01.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.