



Sen. Deanna Demuzio

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LRB096 10741 ASK 23602 a

1 AMENDMENT TO SENATE BILL 1339

2 AMENDMENT NO. _____. Amend Senate Bill 1339 by replacing
3 everything after the enacting clause with the following:

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

6 (225 ILCS 335/4.5)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4.5. Duties of qualifying party; replacement; grounds
9 for discipline.

10 (a) While engaged as or named as a qualifying party for a
11 licensee, no person may be the named qualifying party for any
12 other licensee. However, the person may act in the capacity of
13 the qualifying party for one additional licensee of the same
14 type of licensure if one of the following conditions exists:

15 (1) There is a common ownership of at least 25% of each
16 licensed entity for which the person acts as a qualifying

1 party.

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

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

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

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

20 (d) Designation of a qualifying party by an applicant under
21 Section 3 is subject to acceptance by the Department. The
22 Department may refuse to accept a qualifying party (i) for
23 failure to qualify as required under this Act and the rules
24 adopted under this Act or (ii) after making a determination
25 that the designated party has a history of acting illegally,
26 fraudulently, incompetently, or with gross negligence in the

1 roofing or construction business.

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

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

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

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".