



Rep. Robert Rita

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1 AMENDMENT TO HOUSE BILL 5693

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5693 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Architecture Practice Act of 1989  
5 is amended by changing Sections 3, 8, 9, 10, 12, 14, 16, 17,  
6 21, 23, and 36 and by adding Section 37.5 as follows:

7 (225 ILCS 305/3) (from Ch. 111, par. 1303)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 3. Application of Act. Nothing in this Act shall be  
10 deemed or construed to prevent the practice of structural  
11 engineering as defined in the Structural Engineering Practice  
12 Act of 1989, the practice of professional engineering as  
13 defined in the Professional Engineering Practice Act of 1989,  
14 or the preparation of documents used to prescribe work to be  
15 done inside buildings for non-loadbearing interior  
16 construction, furnishings, fixtures and equipment, or the

1 offering or preparation of environmental analysis, feasibility  
2 studies, programming or construction management services by  
3 persons other than those licensed in accordance with this Act,  
4 the Structural Engineering Practice Act of 1989 or the  
5 Professional Engineering Practice Act of 1989.

6 Nothing contained in this Act shall prevent the draftsmen,  
7 students, project representatives and other employees of those  
8 lawfully practicing as ~~licensed~~ architects under the  
9 provisions of this Act, from acting under the responsible  
10 control of their employers, or to prevent the employment of  
11 project representatives for enlargement or alteration of  
12 buildings or any parts thereof, or prevent such project  
13 representatives from acting under the responsible control of  
14 the ~~licensed~~ architect by whom the construction documents  
15 including drawings and specifications of any such building,  
16 enlargement or alteration were prepared.

17 Nothing in this Act or any other Act shall prevent an ~~a~~  
18 ~~licensed~~ architect from practicing interior design services.  
19 Nothing in this Act shall be construed as requiring the  
20 services of an interior designer for the interior designing of  
21 a single family residence.

22 The involvement of an ~~a licensed~~ architect is not required  
23 for the following:

24 (A) The building, remodeling or repairing of any  
25 building or other structure outside of the corporate limits  
26 of any city or village, where such building or structure is

1 to be, or is used for farm purposes, or for the purposes of  
2 outbuildings or auxiliary buildings in connection with  
3 such farm premises.

4 (B) The construction, remodeling or repairing of a  
5 detached single family residence on a single lot.

6 (C) The construction, remodeling or repairing of a  
7 two-family residence of wood frame construction on a single  
8 lot, not more than two stories and basement in height.

9 (D) Interior design services for buildings which do not  
10 involve life safety or structural changes.

11 However, when an ordinance of a unit of local government  
12 requires the involvement of an ~~a licensed~~ architect for any  
13 buildings included in the preceding paragraphs (A) through (D),  
14 the requirements of this Act shall apply. All buildings not  
15 included in the preceding paragraphs (A) through (D), including  
16 multi-family buildings and buildings previously exempt from  
17 the involvement of an ~~a licensed~~ architect under those  
18 paragraphs but subsequently non-exempt due to a change in  
19 occupancy or use, are subject to the requirements of this Act.  
20 Interior alterations which result in life safety or structural  
21 changes of the building are subject to the requirements of this  
22 Act.

23 (Source: P.A. 96-610, eff. 8-24-09.)

24 (225 ILCS 305/8) (from Ch. 111, par. 1308)

25 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 8. Powers and duties of the Department.

2           (1) Subject to the provisions of this Act, the Department  
3 shall exercise the following functions, powers, and duties:

4           (a)     conduct examinations to ascertain the  
5 qualifications and fitness of applicants for licensure as  
6 ~~licensed~~ architects, and pass upon the qualifications and  
7 fitness of applicants for licensure by endorsement;

8           (b)     prescribe rules for a method of examination of  
9 candidates;

10          (c)     prescribe rules defining what constitutes a  
11 school, college or university, or department of a  
12 university, or other institution, reputable and in good  
13 standing, to determine whether or not a school, college or  
14 university, or department of a university, or other  
15 institution is reputable and in good standing by reference  
16 to compliance with such rules, and to terminate the  
17 approval of such school, college or university or  
18 department of a university or other institution that  
19 refuses admittance to applicants solely on the basis of  
20 race, color, creed, sex or national origin. The Department  
21 may adopt, as its own rules relating to education  
22 requirements, those guidelines published from time to time  
23 by the National Architectural Accrediting Board;

24          (d)     prescribe rules for diversified professional  
25 training;

26          (e)     conduct oral interviews, disciplinary conferences

1 and formal evidentiary hearings on proceedings to impose  
2 fines or to suspend, revoke, place on probationary status,  
3 reprimand, and refuse to issue or restore any license  
4 issued under the provisions of this Act for the reasons set  
5 forth in Section 22 of this Act;

6 (f) issue licenses to those who meet the requirements  
7 of this Act;

8 (g) formulate and publish rules necessary or  
9 appropriate to carrying out the provisions of this Act;

10 (h) maintain membership in the National Council of  
11 Architectural Registration Boards and participate in  
12 activities of the Council by designation of individuals for  
13 the various classifications of membership and the  
14 appointment of delegates for attendance at regional and  
15 national meetings of the Council. All costs associated with  
16 membership and attendance of such delegates to any national  
17 meetings may be funded from the Design Professionals  
18 Administration and Investigation Fund; and

19 (i) review such applicant qualifications to sit for the  
20 examination or for licensure that the Board designates  
21 pursuant to Section 10 of this Act.

22 (2) Upon the issuance of any final decision or order that  
23 deviates from any report or recommendation of the Board  
24 relating to the qualification of applicants, discipline of  
25 licensees or registrants, or promulgation of rules, the  
26 Secretary shall notify the Board with an explanation of the

1 deviation and provide a reasonable time for the Board to submit  
2 comments to the Secretary regarding the final decision or  
3 order. The Department may at any time seek the expert advice  
4 and knowledge of the Board on any matter relating to the  
5 enforcement of this Act.

6 (3) The Department may in its discretion, but shall not be  
7 required to, employ or utilize the legal services of outside  
8 counsel and the investigative services of outside personnel to  
9 assist the Department. However, no attorney employed or used by  
10 the Department shall prosecute a matter or provide legal  
11 services to the Department or Board with respect to the same  
12 matter.

13 (Source: P.A. 96-610, eff. 8-24-09.)

14 (225 ILCS 305/9) (from Ch. 111, par. 1309)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 9. Creation of the Board. The Director shall appoint  
17 an Architecture Licensing Board which will consist of 6  
18 members. Five members shall be ~~licensed~~ architects, one of whom  
19 shall be a tenured member of the architectural faculty of an  
20 Illinois public university accredited by the National  
21 Architectural Accrediting Board. The other 4 shall be ~~licensed~~  
22 architects, residing in this State, who have been engaged in  
23 the practice of architecture at least 10 years. In addition to  
24 the 5 ~~licensed~~ architects, there shall be one public member.  
25 The public member shall be a voting member and shall not hold a

1 license as an architect, professional engineer, structural  
2 engineer or land surveyor.

3 Board members shall serve 5 year terms and until their  
4 successors are appointed and qualified. In making the  
5 designation of persons to the Board, the Director shall give  
6 due consideration to recommendations by members and  
7 organizations of the profession.

8 The membership of the Board should reasonably reflect  
9 representation from the geographic areas in this State.

10 No member shall be reappointed to the Board for a term  
11 which would cause his or her continuous service on the Board to  
12 be longer than 10 successive years. ~~Service prior to the~~  
13 ~~effective date of this Act shall not be considered.~~

14 Appointments to fill vacancies shall be made in the same  
15 manner as original appointments, for the unexpired portion of  
16 the vacated term. ~~Initial terms shall begin upon the effective~~  
17 ~~date of this Act and Board members in office on that date under~~  
18 ~~the predecessor Act may be appointed to specific terms as~~  
19 ~~indicated in this Section.~~

20 ~~Persons holding office as members of the Board under the~~  
21 ~~Illinois Architecture Act immediately prior to the effective~~  
22 ~~date of this Act shall continue as members of the Board under~~  
23 ~~this Act until the expiration of the term for which they were~~  
24 ~~appointed and until their successors are appointed and~~  
25 ~~qualified.~~

26 Four members of the Board shall constitute a quorum. A

1 quorum is required for Board decisions.

2 The Director may remove any member of the Board for  
3 misconduct, incompetence, neglect of duty, or for reasons  
4 prescribed by law for removal of State officials.

5 The Director may remove a member of the Board who does not  
6 attend 2 consecutive meetings.

7 Notice of proposed rulemaking shall be transmitted to the  
8 Board and the Department shall review the response of the Board  
9 and any recommendations made therein. The Department may, at  
10 any time, seek the expert advice and knowledge of the Board on  
11 any matter relating to the administration or enforcement of  
12 this Act.

13 Members of the Board are immune from suit in any action  
14 based upon any disciplinary proceedings or other activities  
15 performed in good faith as members of the Board.

16 (Source: P.A. 96-610, eff. 8-24-09.)

17 (225 ILCS 305/10) (from Ch. 111, par. 1310)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 10. Powers and duties of the Board.

20 (a) The Board shall hold at least 3 regular meetings each  
21 year.

22 (b) The Board shall annually elect a Chairperson and a Vice  
23 Chairperson who shall be ~~licensed~~ architects.

24 (c) The Board, upon request by the Department, may make a  
25 curriculum evaluation to determine if courses conform to the



1 requirements of approved architectural programs.

2 (d) The Board shall assist the Department in conducting  
3 oral interviews, disciplinary conferences and formal  
4 evidentiary hearings.

5 (e) The Department may, at any time, seek the expert advice  
6 and knowledge of the Board on any matter relating to the  
7 enforcement of this Act.

8 (f) The Board may appoint a subcommittee to serve as a  
9 Complaint Committee to recommend the disposition of case files  
10 according to procedures established by rule in 68 Ill. Adm.  
11 Code 1150.95, and any amendments or changes thereto.

12 (g) The Board shall review applicant qualifications to sit  
13 for the examination or for licensure and shall make  
14 recommendations to the Department except for those applicant  
15 qualifications that the Board designates as routinely  
16 acceptable. The Department shall review the Board's  
17 recommendations on applicant qualifications. The Secretary  
18 shall notify the Board with an explanation of any deviation  
19 from the Board's recommendation on applicant qualifications.  
20 After review of the Secretary's explanation of his or her  
21 reasons for deviation, the Board shall have the opportunity to  
22 comment upon the Secretary's decision.

23 (h) The Board may submit comments to the Secretary within a  
24 reasonable time from notification of any final decision or  
25 order from the Secretary that deviates from any report or  
26 recommendation of the Board relating to the qualifications of

1 applicants, unlicensed practice, discipline of licensees or  
2 registrants, or promulgation of rules.

3 (i) The Board may recommend that the Department contract  
4 with an individual or a corporation or other business entity to  
5 assist in the providing of investigative, legal,  
6 prosecutorial, and other services necessary to perform its  
7 duties pursuant to subsection (3) of Section 8 of this Act.

8 (Source: P.A. 96-610, eff. 8-24-09.)

9 (225 ILCS 305/12) (from Ch. 111, par. 1312)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 12. Examinations; subjects; failure or refusal to take  
12 examination. The Department shall authorize examination of  
13 applicants as architects at such times and places as it may  
14 determine. The examination shall be in English and shall be  
15 written or written and graphic. It shall include at a minimum  
16 the following subjects:

17 (a) pre-design (environmental analysis, architectural  
18 programming, and application of principles of project  
19 management and coordination);

20 (b) site planning (site analysis, design and  
21 development, parking, and application of zoning  
22 requirements);

23 (c) building planning (conceptual planning of  
24 functional and space relationships, building design,  
25 interior space layout, barrier-free design, and the

1 application of the life safety code requirements and  
2 principles of energy efficient design);

3 (d) building technology (application of structural  
4 systems, building components, and mechanical and  
5 electrical systems);

6 (e) general structures (identification, resolution,  
7 and incorporation of structural systems and the long span  
8 design on the technical aspects of the design of buildings  
9 and the process and construction);

10 (f) lateral forces (identification and resolution of  
11 the effects of lateral forces on the technical aspects of  
12 the design of buildings and the process of construction);

13 (g) mechanical and electrical systems (as applied to  
14 the design of buildings, including plumbing and acoustical  
15 systems);

16 (h) materials and methods (as related to the design of  
17 buildings and the technical aspects of construction); and

18 (i) construction documents and services (conduct of  
19 architectural practice as it relates to construction  
20 documents, bidding, and construction administration and  
21 contractual documents from beginning to end of a building  
22 project).

23 It shall be the responsibility of the applicant to be  
24 familiar with this Act and its rules.

25 Examination subject matter headings and bases on which  
26 examinations are graded shall be indicated in rules pertaining

1 to this Act. The Department may adopt the examinations and  
2 grading procedures of the National Council of Architectural  
3 Registration Boards. Content of any particular examination  
4 shall not be considered public record under the Freedom of  
5 Information Act.

6 If an applicant neglects without an approved excuse or  
7 refuses to take the next available examination offered for  
8 licensure under this Act, the fee paid by the applicant shall  
9 be forfeited. If an applicant fails to pass an examination for  
10 licensure under this Act within 3 years after filing an  
11 application, the application shall be denied. The applicant  
12 may, however, make a new application for examination  
13 accompanied by the required fee and must furnish proof of  
14 meeting the qualifications for examination in effect at the  
15 time of the new application.

16 An applicant shall have 5 years from the passage of the  
17 first examination to successfully complete all examinations  
18 required by rule of the Department.

19 The Department may by rule prescribe additional subjects  
20 for examination.

21 An applicant has one year from the date of notification of  
22 successful completion of all the examination and experience  
23 requirements to apply to the Department for a license. If an  
24 applicant fails to apply within one year, the applicant shall  
25 be required to again take and pass the examination, unless the  
26 Department, upon recommendation of the Board, determines that

1 there is sufficient cause for the delay that is not due to the  
2 fault of the applicant.

3 (Source: P.A. 96-610, eff. 8-24-09.)

4 (225 ILCS 305/14) (from Ch. 111, par. 1314)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 14. Display of license; Seal. Every holder of a  
7 license as an ~~a licensed~~ architect shall display it in a  
8 conspicuous place in the principal office of the architect.

9 Every ~~licensed~~ architect shall have a reproducible seal, or  
10 facsimile, the print of which shall contain the name of the  
11 architect, the license number, and the words "Licensed  
12 Architect, State of Illinois". The ~~licensed~~ architect shall  
13 affix the signature, current date, date of license expiration  
14 and seal to the first sheet of any bound set or loose sheets of  
15 technical submissions utilized as contract documents between  
16 the parties to the contract or prepared for the review and  
17 approval of any governmental or public authority having  
18 jurisdiction by that ~~licensed~~ architect or under that ~~licensed~~  
19 architect's responsible control. The sheet of technical  
20 submissions in which the seal is affixed shall indicate those  
21 documents or parts thereof for which the seal shall apply. The  
22 seal and dates may be electronically affixed. The licensee may  
23 provide, at his or her sole discretion, an original signature  
24 in the licensee's handwriting, a scanned copy of the document  
25 bearing an original signature, or a signature generated by a

1 computer. All technical submissions issued by any corporation,  
2 partnership, professional service corporation, or professional  
3 design firm as registered under this Act shall contain the  
4 corporate or assumed business name and design firm registration  
5 number, in addition to any other seal requirements as set forth  
6 in this Section.

7 "Responsible control" means that amount of control over and  
8 detailed professional knowledge of the content of technical  
9 submissions during their preparation as is ordinarily  
10 exercised by architects applying the required professional  
11 standard of care. Merely reviewing or reviewing and correcting  
12 the technical submissions or any portion thereof prepared by  
13 those not in the regular employment of the office where the  
14 architect is resident without control over the content of such  
15 work throughout its preparation does not constitute  
16 responsible control.

17 An architect licensed under the laws of this jurisdiction  
18 shall not sign and seal technical submissions that were not  
19 prepared by or under the responsible control of the architect  
20 except that:

21 (1) the architect may sign and seal those portions of  
22 the technical submissions that were prepared by or under  
23 the responsible control of persons who hold a license under  
24 this Act, and who shall have signed and sealed the  
25 documents, if the architect has reviewed in whole or in  
26 part such portions and has either coordinated their

1 preparation or integrated them into his or her work;

2 (2) the architect may sign and seal portions of the  
3 professional work that are not required by this Act to be  
4 prepared by or under the responsible control of an  
5 architect if the architect has reviewed and adopted in  
6 whole or in part such portions and has integrated them into  
7 his or her work; and

8 (3) a partner or corporate officer of a professional  
9 design firm registered in Illinois who is licensed under  
10 the architecture licensing laws of this State, and who has  
11 professional knowledge of the content of the technical  
12 submissions and intends to be responsible for the adequacy  
13 of the technical submissions, may sign and seal technical  
14 submissions that are prepared by or under the responsible  
15 control of architects who are licensed in this State and  
16 who are in the regular employment of the professional  
17 design firm.

18 The architect exercising responsible control under which  
19 the documents or portions of the documents were prepared shall  
20 be identified on the documents or portions of the documents by  
21 name and Illinois license number.

22 Any ~~licensed~~ architect who signs and seals technical  
23 submissions not prepared by that architect but prepared under  
24 the architect's responsible control by persons not regularly  
25 employed in the office where the architect is resident shall  
26 maintain and make available to the board upon request for at

1 least 5 years following such signing and sealing, adequate and  
2 complete records demonstrating the nature and extent of the  
3 architect's control over and detailed professional knowledge  
4 of such technical submissions throughout their preparation.

5 (Source: P.A. 98-289, eff. 1-1-14.)

6 (225 ILCS 305/16) (from Ch. 111, par. 1316)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 16. Licenses; Renewal; Restoration; Architects in  
9 military service. The expiration date and renewal period for  
10 each license issued under this Act shall be set by rule. The  
11 holder of a license may renew such license during the month  
12 preceding the expiration date thereof by paying the required  
13 fee. An ~~A licensed~~ architect who has permitted his license to  
14 expire or who has had his license on inactive status may have  
15 his license restored by making application to the Department  
16 and filing proof acceptable to the Department of his fitness to  
17 have his license restored, including sworn evidence certifying  
18 to active practice in another jurisdiction satisfactory to the  
19 Department, and by paying the required restoration fee.

20 If the person has not maintained an active practice in  
21 another jurisdiction satisfactory to the Department, the Board  
22 shall determine, by an evaluation program established by rule,  
23 that person's fitness to resume active status and may require  
24 that person to successfully complete an examination.

25 Any person whose license has been expired for more than 3



1 years may have his license restored by making application to  
2 the Department and filing proof acceptable to the Department of  
3 his fitness to have his license restored, including sworn  
4 evidence certifying to active practice in another  
5 jurisdiction, and by paying the required restoration fee.

6 However, any person whose license has expired while he has  
7 been engaged (1) in federal service on active duty with the  
8 Army of the United States, the United States Navy, the Marine  
9 Corps, the Air Force, the Coast Guard, or the State Militia  
10 called into the service or training of the United States of  
11 America, or (2) in training or education under the supervision  
12 of the United States preliminary to induction into the military  
13 service, may have his license restored or reinstated without  
14 paying any lapsed renewal fees or restoration fee if within 2  
15 years after termination of such service, training or education  
16 other than by dishonorable discharge he furnishes the  
17 Department with an affidavit to the effect that he has been so  
18 engaged and that his service, training or education has been so  
19 terminated.

20 (Source: P.A. 86-702.)

21 (225 ILCS 305/17) (from Ch. 111, par. 1317)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 17. Inactive status; Restoration. Any ~~licensed~~  
24 architect, who notifies the Department in writing on forms  
25 prescribed by the Department, may elect to place his or her

1 license on an inactive status and shall, subject to rules of  
2 the Department, be excused from payment of renewal fees until  
3 he or she notifies the Department in writing of his or her  
4 desire to resume active status.

5 Any ~~licensed~~ architect requesting restoration from  
6 inactive status shall be required to pay the current renewal  
7 fee and shall have his or her license restored as provided in  
8 Section 16 of this Act.

9 Any ~~licensed~~ architect whose license is in an inactive  
10 status shall not practice architecture in the State of  
11 Illinois.

12 (Source: P.A. 86-702.)

13 (225 ILCS 305/21) (from Ch. 111, par. 1321)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 21. Professional design firm registration;  
16 conditions.

17 (a) Nothing in this Act shall prohibit the formation, under  
18 the provisions of the Professional Service Corporation Act, of  
19 a corporation to offer the practice of architecture.

20 Any business, including a Professional Service  
21 Corporation, that includes the practice of architecture within  
22 its stated purposes, practices architecture, or holds itself  
23 out as available to practice architecture shall register with  
24 the Department under this Section. Any professional service  
25 corporation, sole proprietorship, or professional design firm

1 offering architectural services must have a resident architect  
2 in responsible charge of the architectural practices in each  
3 location in which architectural services are provided who shall  
4 be designated as a managing agent.

5 Any sole proprietorship not owned and operated by an  
6 Illinois licensed design professional licensed under this Act  
7 ~~is shall be~~ prohibited from offering architectural services to  
8 the public. "Illinois licensed design professional" means a  
9 person who holds an active license as an architect under this  
10 Act, as a structural engineer under the Structural Engineering  
11 Practice Act of 1989, ~~or~~ as a professional engineer under the  
12 Professional Engineering Practice Act of 1989, or as a  
13 professional land surveyor under the Professional Land  
14 Surveyor Act of 1989. Any sole proprietorship owned and  
15 operated by an architect with an active license issued under  
16 this Act and conducting or transacting such business under an  
17 assumed name in accordance with the provisions of the Assumed  
18 Business Name Act shall comply with the registration  
19 requirements of a professional design firm. Any sole  
20 proprietorship owned and operated by an architect with an  
21 active license issued under this Act and conducting or  
22 transacting such business under the real name of the sole  
23 proprietor is exempt from the registration requirements of a  
24 professional design firm.

25 (b) Any corporation, including a Professional Service  
26 Corporation, partnership, limited liability company, or

1 professional design firm seeking to be registered under this  
2 Section shall not be registered unless:

3 (1) two-thirds of the board of directors, in the case  
4 of a corporation, or two-thirds of the general partners, in  
5 the case of a partnership, or two-thirds of the members, in  
6 the case of a limited liability company, are licensed under  
7 the laws of any State to practice architecture,  
8 professional engineering, land surveying, or structural  
9 engineering; and

10 (2) a managing agent is (A) a director in the case of a  
11 corporation, a general partner in the case of a  
12 partnership, or a member in the case of a limited liability  
13 company, and (B) holds a license under this Act.

14 Any corporation, limited liability company, professional  
15 service corporation, or partnership qualifying under this  
16 Section and practicing in this State shall file with the  
17 Department any information concerning its officers, directors,  
18 members, managers, partners or beneficial owners as the  
19 Department may, by rule, require.

20 (c) No business shall offer the practice or hold itself out  
21 as available to offer the practice of architecture until it is  
22 registered with the Department as a professional design firm.  
23 Every entity registered as a professional design firm shall  
24 display its certificate of registration or a facsimile thereof  
25 in a conspicuous place in each office offering architectural  
26 services.

1 (d) Any business seeking to be registered under this  
2 Section shall make application on a form provided by the  
3 Department and shall provide any information requested by the  
4 Department, which shall include but shall not be limited to all  
5 of the following:

6 (1) The name and architect's license number of at least  
7 one person designated as a ~~the~~ managing agent. In the case  
8 of a corporation, the corporation shall also submit a  
9 certified copy of the resolution by the board of directors  
10 designating at least one managing agent. If a limited  
11 liability company, the company shall submit a certified  
12 copy of either its articles of organization or operating  
13 agreement designating at least one managing agent.

14 (2) The names and architect's, professional  
15 engineer's, structural engineer's, or land surveyor's  
16 license numbers of the directors, in the case of a  
17 corporation, the members, in the case of a limited  
18 liability company, or general partners, in the case of a  
19 partnership.

20 (3) A list of all locations at which the professional  
21 design firm provides architectural services.

22 (4) A list of all assumed names of the business.  
23 Nothing in this Section shall be construed to exempt a  
24 business from compliance with the requirements of the  
25 Assumed Business Name Act.

26 It is the responsibility of the professional design firm to

1 provide the Department notice, in writing, of any changes in  
2 the information requested on the application.

3 (e) In the event a managing agent is terminated or  
4 terminates his or her status as managing agent of the  
5 professional design firm, the managing agent and professional  
6 design firm shall notify the Department of this fact in  
7 writing, by certified mail, within 10 business days of  
8 termination.

9 Thereafter, the professional design firm, if it has so  
10 informed the Department, has 30 days in which to notify the  
11 Department of the name and architect's license number of the  
12 architect who is the newly designated managing agent. If a  
13 corporation, the corporation shall also submit a certified copy  
14 of a resolution by the board of directors designating the new  
15 managing agent. If a limited liability company, the company  
16 shall also submit a certified copy of either its articles of  
17 organization or operating agreement designating the new  
18 managing agent. The Department may, upon good cause shown,  
19 extend the original 30 day period.

20 If the professional design firm has not notified the  
21 Department in writing, by certified mail within the specified  
22 time, the registration shall be terminated without prior  
23 hearing. Notification of termination shall be sent by certified  
24 mail to the address of record. If the professional design firm  
25 continues to operate and offer architectural services after the  
26 termination, the Department may seek prosecution under

1 Sections 22, 36, and 36a of this Act for the unlicensed  
2 practice of architecture.

3 (f) No professional design firm shall be relieved of  
4 responsibility for the conduct or acts of its agents,  
5 employees, or officers by reason of its compliance with this  
6 Section, nor shall any individual practicing architecture be  
7 relieved of the responsibility for professional services  
8 performed by reason of the individual's employment or  
9 relationship with a professional design firm registered under  
10 this Section.

11 (g) Disciplinary action against a professional design firm  
12 registered under this Section shall be administered in the same  
13 manner and on the same grounds as disciplinary action against a  
14 licensed architect. All disciplinary action taken or pending  
15 against a corporation or partnership before the effective date  
16 of this amendatory Act of 1993 shall be continued or remain in  
17 effect without the Department filing separate actions.

18 (Source: P.A. 96-610, eff. 8-24-09.)

19 (225 ILCS 305/23) (from Ch. 111, par. 1323)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 23. Violations; Injunction; Cease and desist order.

22 (a) If any person or entity violates a provision of this  
23 Act, the Director may, in the name of the People of the State  
24 of Illinois, through the Attorney General of the State of  
25 Illinois, petition for an order enjoining such violation or for

1 an order enforcing compliance with this Act. Upon the filing of  
2 a verified petition in such court, the court may issue a  
3 temporary restraining order, without notice or bond, and may  
4 preliminarily and permanently enjoin such violation. If it is  
5 established that such person or entity has violated or is  
6 violating the injunction, the Court may punish the offender for  
7 contempt of court. Proceedings under this Section are in  
8 addition to, and not in lieu of, all other remedies and  
9 penalties provided by this Act.

10 (b) If any person or entity practices as an architect or  
11 holds himself out as an architect or professional design firm  
12 without being licensed or registered under the provisions of  
13 this Act, then any ~~licensed~~ architect, any interested party or  
14 any person injured thereby may, in addition to the Director,  
15 petition for relief as provided in subsection (a) of this  
16 Section.

17 (c) Whenever in the opinion of the Department any person or  
18 entity violates any provision of this Act, the Department may  
19 issue a rule to show cause why an order to cease and desist  
20 should not be entered against him. The rule shall clearly set  
21 forth the grounds relied upon by the Department and shall  
22 provide a period of 7 days from the date of the rule to file an  
23 answer to the satisfaction of the Department. Failure to answer  
24 to the satisfaction of the Department shall cause an order to  
25 cease and desist to be issued immediately.

26 (Source: P.A. 88-428.)



1 (225 ILCS 305/36) (from Ch. 111, par. 1336)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 36. Violations. Each of the following Acts constitutes  
4 a Class A misdemeanor for the first offense and a Class 4  
5 felony for a second or subsequent offense:

6 (a) the practice, attempt to practice or offer to  
7 practice architecture, or the advertising or putting out of  
8 any sign or card or other device which might indicate to  
9 the public that the person is entitled to practice  
10 architecture, without a license as an ~~a licensed~~ architect,  
11 or registration as a professional design firm issued by the  
12 Department. Each day of practicing architecture or  
13 attempting to practice architecture, and each instance of  
14 offering to practice architecture, without a license as an  
15 ~~a licensed~~ architect or registration as a professional  
16 design firm constitutes a separate offense;

17 (b) the making of any wilfully false oath or  
18 affirmation in any matter or proceeding where an oath or  
19 affirmation is required by this Act;

20 (c) the affixing of an ~~a licensed~~ architect's seal to  
21 any technical submissions which have not been prepared by  
22 that architect or under the architect's responsible  
23 control;

24 (d) the violation of any provision of this Act or its  
25 rules;

1           (e) using or attempting to use an expired, inactive,  
2           suspended, or revoked license, or the certificate or seal  
3           of another, or impersonating another licensee;

4           (f) obtaining or attempting to obtain a license or  
5           registration by fraud; or

6           (g) If any person, sole proprietorship, professional  
7           service corporation, limited liability company,  
8           corporation or partnership, or other entity practices  
9           architecture or advertises or displays any sign or card or  
10          other device that might indicate to the public that the  
11          person or entity is entitled to practice as an architect or  
12          use the title "architect" or any of its derivations unless  
13          the person or other entity holds an active license as an  
14          architect or registration as a professional design firm in  
15          the State; then, in addition to any other penalty provided  
16          by law any person or other entity who violates this  
17          subsection (g) shall forfeit and pay to the Design  
18          Professionals Administration and Investigation Fund a  
19          civil penalty in an amount determined by the Department of  
20          not more than \$10,000 for each offense.

21          An unlicensed person who has completed the education  
22          requirements, is actively participating in the diversified  
23          professional training, and maintains in good standing a  
24          training record as required for licensure by this Act may use  
25          the title "architectural intern", but may not independently  
26          engage in the practice of architecture.

1 (Source: P.A. 96-610, eff. 8-24-09.)

2 (225 ILCS 305/37.5 new)

3 Sec. 37.5. Confidentiality. All information collected by  
4 the Department in the course of an examination or investigation  
5 of a licensee or applicant, including, but not limited to, any  
6 complaint against a licensee filed with the Department and  
7 information collected to investigate any such complaint, shall  
8 be maintained for the confidential use of the Department and  
9 shall not be disclosed. The Department may not disclose the  
10 information to anyone other than law enforcement officials,  
11 other regulatory agencies that have an appropriate regulatory  
12 interest as determined by the Secretary, or a party presenting  
13 a lawful subpoena to the Department. Information and documents  
14 disclosed to a federal, State, county, or local law enforcement  
15 agency shall not be disclosed by the agency for any purpose to  
16 any other agency or person. A formal complaint filed against a  
17 licensee by the Department or any order issued by the  
18 Department against a licensee or applicant shall be a public  
19 record, except as otherwise prohibited by law.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."