



Rep. Robert Rita

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1 AMENDMENT TO SENATE BILL 838

2 AMENDMENT NO. _____. Amend Senate Bill 838, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Regulatory Sunset Act is amended by
6 changing Section 4.26 and by adding Section 4.36 as follows:

7 (5 ILCS 80/4.26)

8 Sec. 4.26. Acts repealed on January 1, 2016. The following
9 Acts are repealed on January 1, 2016:

10 ~~The Illinois Athletic Trainers Practice Act.~~

11 ~~The Illinois Roofing Industry Licensing Act.~~

12 The Illinois Dental Practice Act.

13 The Collection Agency Act.

14 The Barber, Cosmetology, Esthetics, Hair Braiding, and
15 Nail Technology Act of 1985.

16 The Respiratory Care Practice Act.

1 The Hearing Instrument Consumer Protection Act.

2 The Illinois Physical Therapy Act.

3 The Professional Geologist Licensing Act.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
5 96-1246, eff. 1-1-11.)

6 (5 ILCS 80/4.36 new)

7 Sec. 4.36. Acts repealed on January 1, 2026. The following
8 Acts are repealed on January 1, 2026:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 Section 10. The Illinois Athletic Trainers Practice Act is
12 amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13 13, 14, 16, 17, 17.5, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27,
14 28, 29, 30, and 31 and by adding Sections 7.5, 18.5, and 19.5
15 as follows:

16 (225 ILCS 5/3) (from Ch. 111, par. 7603)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 3. Definitions. As used in this Act:

19 (1) "Department" means the Department of Financial and
20 Professional Regulation.

21 (2) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of
22 Financial and Professional Regulation.

23 (3) "Board" means the Illinois Board of Athletic Trainers

1 appointed by the Secretary ~~Director~~.

2 (4) "Licensed athletic trainer" means a person licensed to
3 practice athletic training as defined in this Act and with the
4 specific qualifications set forth in Section 9 of this Act who,
5 upon the direction of his or her team physician or consulting
6 physician, carries out the practice of prevention/emergency
7 care or physical reconditioning of injuries incurred by
8 athletes participating in an athletic program conducted by an
9 educational institution, professional athletic organization,
10 or sanctioned amateur athletic organization employing the
11 athletic trainer; or a person who, under the direction of a
12 physician, carries out comparable functions for a health
13 organization-based extramural program of athletic training
14 services for athletes. Specific duties of the athletic trainer
15 include but are not limited to:

16 A. Supervision of the selection, fitting, and
17 maintenance of protective equipment;

18 B. Provision of assistance to the coaching staff in the
19 development and implementation of conditioning programs;

20 C. Counseling of athletes on nutrition and hygiene;

21 D. Supervision of athletic training facility and
22 inspection of playing facilities;

23 E. Selection and maintenance of athletic training
24 equipment and supplies;

25 F. Instruction and supervision of student trainer
26 staff;

1 G. Coordination with a team physician to provide:
2 (i) pre-competition physical exam and health
3 history updates,
4 (ii) game coverage or phone access to a physician
5 or paramedic,
6 (iii) follow-up injury care,
7 (iv) reconditioning programs, and
8 (v) assistance on all matters pertaining to the
9 health and well-being of athletes.

10 H. Provision of on-site injury care and evaluation as
11 well as appropriate transportation, follow-up treatment
12 and rehabilitation as necessary for all injuries sustained
13 by athletes in the program;

14 I. With a physician, determination of when an athlete
15 may safely return to full participation post-injury; and

16 J. Maintenance of complete and accurate records of all
17 athletic injuries and treatments rendered.

18 To carry out these functions the athletic trainer is
19 authorized to utilize modalities, including, but not limited
20 to, heat, light, sound, cold, electricity, exercise, or
21 mechanical devices related to care and reconditioning.

22 (5) "Referral" means the guidance and direction given by
23 the physician, who shall maintain supervision of the athlete.

24 (6) "Athletic trainer aide" means a person who has received
25 on-the-job training specific to the facility in which he or she
26 is employed, on either a paid or volunteer basis, but is not

1 enrolled in an accredited athletic training curriculum.

2 (7) "Address of record" means the designated address
3 recorded by the Department in the applicant's or licensee's
4 application file or license file as maintained by the
5 Department's licensure maintenance unit. It is the duty of the
6 applicant or licensee to inform the Department of any change of
7 address, and those changes must be made either through the
8 Department's website or by contacting the Department.

9 (8) "Board of Certification" means the Board of
10 Certification for the Athletic Trainer

11 (Source: P.A. 94-246, eff. 1-1-06.)

12 (225 ILCS 5/4) (from Ch. 111, par. 7604)

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

14 Sec. 4. Licensure; ~~exempt requirement~~ ~~Exempt~~ activities.
15 ~~No~~ ~~After the effective date of this Act, no~~ person shall
16 provide any of the services set forth in subsection (4) of
17 Section 3 of this Act, or use the title "athletic trainer" or
18 "certified athletic trainer" or "athletic trainer certified"
19 or "licensed athletic trainer" or the letters "A.T.", "C.A.T.",
20 "A.T.C.", "A.C.T.", or "I.A.T.L." after his or her name, unless
21 licensed under this Act.

22 Nothing in this Act shall be construed as preventing or
23 restricting the practice, services, or activities of:

24 (1) Any person licensed or registered in this State by
25 any other law from engaging in the profession or occupation

1 for which he or she is licensed or registered.

2 (2) Any person employed as an athletic trainer by the
3 Government of the United States, if such person provides
4 athletic training solely under the direction or control of
5 the organization by which he or she is employed.

6 (3) Any person pursuing a course of study leading to a
7 degree or certificate in athletic training at an accredited
8 educational program if such activities and services
9 constitute a part of a supervised course of study involving
10 daily personal or verbal contact at the site of supervision
11 between the athletic training student and the licensed
12 athletic trainer who plans, directs, advises, and
13 evaluates the student's athletic training clinical
14 education. The supervising licensed athletic trainer must
15 be on-site where the athletic training clinical education
16 is being obtained. A person meeting the criteria under this
17 paragraph (3) must be designated by a title which clearly
18 indicates his or her status as a student or trainee.

19 (4) (Blank).

20 (5) The practice of athletic training under the
21 supervision of a licensed athletic trainer by one who has
22 applied in writing to the Department for licensure and has
23 complied with all the provisions of Section 9 except the
24 passing of the examination to be eligible to receive such
25 license. This temporary right to act as an athletic trainer
26 shall expire 3 months after the filing of his or her

1 written application to the Department; when the applicant
2 has been notified of his or her failure to pass the
3 examination authorized by the Department; when the
4 applicant has withdrawn his or her application; when the
5 applicant has received a license from the Department after
6 successfully passing the examination authorized by the
7 Department; or when the applicant has been notified by the
8 Department to cease and desist from practicing, whichever
9 occurs first. This provision shall not apply to an
10 applicant ~~In no event shall this exemption extend to any~~
11 ~~person for longer than 3 months. Anyone who has previously~~
12 ~~failed the examination, or who fails the examination during~~
13 ~~this 3-month period, shall immediately cease practice as an~~
14 ~~athletic trainer and shall not engage in the practice of~~
15 ~~athletic training again until he or she passes the~~
16 ~~examination.~~

17 (6) Any person in a coaching position from rendering
18 emergency care on an as needed basis to the athletes under
19 his or her supervision when a licensed athletic trainer is
20 not available.

21 (7) Any person who is an athletic trainer from another
22 state or territory of the United States or another nation,
23 state, or territory acting as an athletic trainer while
24 performing his or her duties for his or her respective
25 non-Illinois based team or organization, so long as he or
26 she restricts his or her duties to his or her team or

1 organization during the course of his or her team's or
2 organization's stay in this State. For the purposes of this
3 Act, a team shall be considered based in Illinois if its
4 home contests are held in Illinois, regardless of the
5 location of the team's administrative offices.

6 (8) The practice of athletic training by persons
7 licensed in another state who have applied in writing to
8 the Department for licensure by endorsement. This
9 temporary right to act as an athletic trainer shall expire
10 6 months after the filing of his or her written application
11 to the Department; upon the withdrawal of the application
12 for licensure under this Act; upon delivery of a notice of
13 intent to deny the application from the Department; or upon
14 the denial of the application by the Department, whichever
15 occurs first. ~~for no longer than 6 months or until~~
16 ~~notification has been given that licensure has been granted~~
17 ~~or denied, whichever period of time is lesser.~~

18 (9) The practice of athletic training by one who has
19 applied in writing to the Department for licensure and has
20 complied with all the provisions of Section 9. This
21 temporary right to act as an athletic trainer shall expire
22 6 months after the filing of his or her written application
23 to the Department; upon the withdrawal of the application
24 for licensure under this Act; upon delivery of a notice of
25 intent to deny the application from the Department; or upon
26 the denial of the application by the Department, whichever

1 occurs first. ~~for no longer than 6 months or until~~
2 ~~notification has been given that licensure has been granted~~
3 ~~or denied, whichever period of time is lesser.~~

4 (10) The practice of athletic training by persons
5 actively licensed as an athletic trainer in another state
6 or territory of the United States or another country, or
7 currently certified by the ~~National Athletic Trainers~~
8 ~~Association~~ Board of Certification, ~~Inc.,~~ or its successor
9 entity, at a special athletic tournament or event conducted
10 by a sanctioned amateur athletic organization, including,
11 but not limited to, the Prairie State Games and the Special
12 Olympics, for no more than 14 days. This shall not include
13 contests or events that are part of a scheduled series of
14 regular season events.

15 (11) Athletic trainer aides from performing patient
16 care activities under the on-site supervision of a licensed
17 athletic trainer. These patient care activities shall not
18 include interpretation of referrals or evaluation
19 procedures, planning or major modifications of patient
20 programs, administration of medication, or solo practice
21 or event coverage without immediate access to a licensed
22 athletic trainer.

23 (12) Persons or entities practicing the specified
24 occupations set forth in subsection (a) of, and pursuant to
25 a licensing exemption granted in subsection (b) or (d) of,
26 Section 2105-350 of the Department of Professional

1 Regulation Law of the Civil Administrative Code of
2 Illinois, but only for so long as the 2016 Olympic and
3 Paralympic Games Professional Licensure Exemption Law is
4 operable.

5 (Source: P.A. 96-7, eff. 4-3-09.)

6 (225 ILCS 5/5) (from Ch. 111, par. 7605)

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

8 Sec. 5. Administration of Act; rules and forms ~~Licensure~~
9 ~~Rules and Forms~~ ~~Reports~~.

10 (a) The Department shall exercise the powers and duties
11 prescribed by the Civil Administrative Code of Illinois for the
12 administration of Licensure Acts and shall exercise such other
13 powers and duties necessary for effectuating the purposes of
14 this Act.

15 (b) The Secretary ~~Director~~ may promulgate rules consistent
16 with the provisions of this Act for the administration and
17 enforcement thereof, and for the payment of fees connected
18 therewith, and may prescribe forms which shall be issued in
19 connection therewith. The rules may ~~shall~~ include standards and
20 criteria for licensure, certification, and ~~for~~ professional
21 conduct and discipline. The Department may ~~shall~~ consult with
22 the Board in promulgating rules. ~~Notice of proposed rulemaking~~
23 ~~shall be transmitted to the Board, and the Department shall~~
24 ~~review the Board's response and any recommendations made~~
25 ~~therein. The Department shall notify the Board in writing with~~

1 ~~proper explanation of deviations from the Board's~~
2 ~~recommendations and responses.~~

3 (c) The Department may at any time seek the advice and the
4 expert knowledge of the Board on any matter relating to the
5 administration of this Act.

6 (d) (Blank). ~~The Department shall issue a quarterly report~~
7 ~~to the Board of the status of all complaints related to the~~
8 ~~profession filed with the Department.~~

9 (Source: P.A. 89-216, eff. 1-1-96.)

10 (225 ILCS 5/6) (from Ch. 111, par. 7606)

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

12 Sec. 6. Board ~~Athletic Training Board~~ ~~Appointment~~
13 ~~Membership~~ ~~Term~~ ~~Duties~~. The Secretary ~~Director~~ shall
14 appoint an Illinois Board of Athletic Trainers as follows: 7
15 persons who shall be appointed by and shall serve in an
16 advisory capacity to the Secretary ~~Director~~. Two members must
17 be licensed physicians in good standing in this State; 4
18 members must be licensed athletic trainers in good standing,
19 and actively engaged in the practice or teaching of athletic
20 training in this State; and 1 member must be a public member
21 who is not licensed under this Act, or a similar Act of another
22 jurisdiction, and is not a provider of athletic health care
23 service.

24 Members shall serve 4 year terms and until their successors
25 are appointed and qualified. No member shall be reappointed to

1 the Board for more than 2 consecutive terms. Appointments to
2 fill vacancies shall be made in the same manner as original
3 appointments, for the unexpired portion of the vacated term.

4 ~~The membership of the Board should reasonably reflect~~
5 ~~representation from the geographic areas in this State.~~

6 The Secretary shall have the authority to remove or suspend
7 any member of the Board for cause at any time before the
8 expiration of his or her term. The Secretary shall be the sole
9 arbiter of cause ~~Director may terminate the appointment of any~~
10 ~~member for cause~~ which in the opinion of the Secretary ~~Director~~
11 reasonably justifies such termination.

12 The Secretary ~~may~~ ~~Director~~ ~~shall~~ consider the
13 recommendation of the Board on questions involving standards of
14 professional conduct, discipline, and qualifications of
15 candidates and license holders under this Act.

16 Four members of the Board shall constitute a quorum. A
17 quorum is required for all Board decisions. Members of the
18 Board have no liability in any action based upon any
19 disciplinary proceeding or other activity performed in good
20 faith as a member of the Board. Members of the Board shall be
21 reimbursed for all legitimate, necessary, and authorized
22 expenses incurred in attending the meetings of the Board, from
23 funds appropriated for that purpose.

24 (Source: P.A. 94-246, eff. 1-1-06.)

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

2 Sec. 7. Applications for original licensure. Applications
3 for original licensure shall be made to the Department in
4 writing on forms prescribed by the Department and shall be
5 accompanied by the required fee, which shall not be returnable.
6 Any such application shall require such information as in the
7 judgment of the Department will enable the Department to pass
8 on the qualifications of the applicant for licensure.
9 Applicants have 3 years from the date of application to
10 complete the application process. If the process has not been
11 completed within 3 years, the application shall be denied, the
12 fee forfeited, and the applicant must reapply and meet the
13 requirements in effect at the time of reapplication.

14 ~~The applicant is entitled to licensure as an athletic~~
15 ~~trainer if he or she possesses the qualifications set forth in~~
16 ~~Section 9 hereof, and satisfactorily completes the examination~~
17 ~~administered by the National Athletic Trainers Association~~
18 ~~Board of Certification, Inc.~~

19 (Source: P.A. 89-216, eff. 1-1-96.)

20 (225 ILCS 5/7.5 new)

21 Sec. 7.5. Social Security Number on license application. In
22 addition to any other information required to be contained in
23 the application, every application for an original license
24 under this Act shall include the applicant's Social Security
25 Number, which shall be retained in the Department's records

1 pertaining to the license. As soon as practical, the Department
2 shall assign a customer's identification number to each
3 applicant for a license. Every application for a renewal or
4 restored license shall require the applicant's customer
5 identification number.

6 (225 ILCS 5/8) (from Ch. 111, par. 7608)

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

8 Sec. 8. Examinations. If an applicant neglects, fails, or
9 refuses to take an examination or fails to pass an examination
10 for licensure under this Act within 3 years after filing his or
11 her application, the application shall be denied. The applicant
12 may thereafter make a new application accompanied by the
13 required fee; however, the applicant shall meet all
14 requirements in effect at the time of subsequent application
15 before obtaining licensure. ~~However, such applicant may~~
16 ~~thereafter file a new application accompanied by the required~~
17 ~~fee.~~

18 The Department may employ ~~engage the National Athletic~~
19 ~~Trainers Association Board of Certification, Inc. as~~
20 consultants for the purposes of preparing and conducting
21 examinations.

22 (Source: P.A. 89-216, eff. 1-1-96.)

23 (225 ILCS 5/9) (from Ch. 111, par. 7609)

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

1 Sec. 9. Qualifications for licensure ~~Educational and~~
2 ~~Professional Requirements~~. A person ~~having the qualifications~~
3 ~~prescribed in this Section~~ shall be qualified for licensure ~~to~~
4 ~~receive a license~~ as an athletic trainer if he or she fulfills
5 all of the following:

6 (a) Has graduated from a curriculum in athletic
7 training accredited by the Commission on Accreditation of
8 Athletic Training Education (CAATE) ~~Joint Review Committee~~
9 ~~on Athletic Training (JRC-AT) of the Commission on~~
10 ~~Accreditation of Allied Health Education Programs~~
11 ~~(CAAHEP)~~, its successor entity, or its equivalent, as
12 approved by the Department.

13 (b) Gives proof of current certification, on the date
14 of application, in cardiopulmonary resuscitation (CPR) and
15 automated external defibrillators (AED) ~~CPR/AED~~ for ~~the~~
16 Healthcare Providers and Professional Rescuers or its
17 equivalent based on American Red Cross or American Heart
18 Association standards.

19 **(b-5) Has graduated** ~~and graduation~~ from a 4 year
20 accredited college or university.

21 (c) Has passed an examination approved by the
22 Department to determine his or her fitness for practice as
23 an athletic trainer, or is entitled to be licensed without
24 examination as provided in Sections 7 and 8 of this Act.

25 ~~The Department may request a personal interview of an~~
26 ~~applicant before the Board to further evaluate his or her~~

1 ~~qualifications for a license.~~

2 ~~An applicant has 3 years from the date of his or her~~
3 ~~application to complete the application process. If the process~~
4 ~~has not been completed in 3 years, the application shall be~~
5 ~~denied, the fee forfeited, and the applicant must reapply and~~
6 ~~meet the requirements in effect at the time of reapplication.~~

7 (Source: P.A. 94-246, eff. 1-1-06.)

8 (225 ILCS 5/10) (from Ch. 111, par. 7610)

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

10 Sec. 10. Expiration and License expiration; renewal;
11 continuing education requirement. The expiration date and
12 renewal period for ~~of~~ licenses issued under this Act shall be
13 set by rule. As a condition for renewal of a license, licensees
14 shall be required to complete continuing education in athletic
15 training in accordance with rules established by the
16 Department. ~~Licenses shall be renewed according to procedures~~
17 ~~established by the Department and upon payment of the renewal~~
18 ~~fee established herein and proof of completion of approved~~
19 ~~continuing education relating to the performance and practice~~
20 ~~of athletic training. The number of hours required and their~~
21 ~~composition shall be set by rule.~~

22 (Source: P.A. 94-246, eff. 1-1-06.)

23 (225 ILCS 5/11) (from Ch. 111, par. 7611)

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

1 Sec. 11. Inactive licenses; restoration. Any athletic
2 trainer who notifies the Department in writing on forms
3 prescribed by the Department, may elect to place his or her
4 license on an inactive status and shall, subject to rules of
5 the Department, be excused from payment of renewal fees until
6 he or she notifies the Department in writing of his or her
7 desire to resume active status.

8 Any athletic trainer requesting restoration from inactive
9 status shall be required to pay the current renewal fee, shall
10 demonstrate compliance with continuing education requirements,
11 if any, and shall be required to restore his or her license as
12 provided in Section 12.

13 Any athletic trainer whose license is in expired or
14 inactive status shall not practice athletic training in the
15 State of Illinois.

16 (Source: P.A. 89-216, eff. 1-1-96.)

17 (225 ILCS 5/12) (from Ch. 111, par. 7612)

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

19 Sec. 12. Restoration of expired licenses. An athletic
20 trainer who has permitted his or her license registration to
21 expire or who has had his or her license on inactive status may
22 have his or her license restored by making application to the
23 Department and filing proof acceptable to the Department of his
24 or her fitness to have his or her license restored, ~~including~~
25 ~~sworn evidence certifying to active practice in another~~

1 ~~jurisdiction satisfactory to the Department~~ and by paying the
2 required fees ~~restoration fee~~. Proof of fitness may include
3 sworn evidence certifying active lawful practice in another
4 jurisdiction.

5 If the athletic trainer has not maintained an active
6 practice in another jurisdiction satisfactory to the
7 Department, the Department shall determine, by an evaluation
8 program established by rule, ~~with the advice of the Board~~ his
9 or her fitness for restoration of the license and shall
10 establish procedures and requirements for restoration ~~to~~
11 ~~resume active status and may require the athletic trainer to~~
12 ~~complete a period of evaluated clinical experience and may~~
13 ~~require successful completion of an examination.~~

14 Any athletic trainer whose license has been expired for
15 more than 5 years may have his or her license restored by
16 making application to the Department and filing proof
17 acceptable to the Department of his or her fitness to have his
18 or her license restored, including sworn evidence certifying to
19 active practice in another jurisdiction and by paying the
20 required restoration fee. However, any athletic trainer whose
21 license has expired while he or she has been engaged (1) in the
22 federal service in active duty with the Army of the United
23 States, the United States Navy, the Marine Corps, the Air
24 Force, the Coast Guard, or the State Militia called into the
25 service or training of the United States of America, or (2) in
26 training or education under the supervision of the United

1 States preliminary to induction into the military service, may
2 have his or her license restored without paying any lapsed
3 renewal fees or restoration fee, if within 2 years after
4 termination of such service, training, or education, other than
5 by dishonorable discharge, he or she furnished the Department
6 with an affidavit to the effect that he or she has been so
7 engaged and that his or her service, training, or education has
8 been so terminated.

9 (Source: P.A. 89-216, eff. 1-1-96.)

10 (225 ILCS 5/13) (from Ch. 111, par. 7613)

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

12 Sec. 13. Endorsement. The Department may, at its
13 discretion, license as an athletic trainer, without
14 examination, on payment of the required fee, an applicant for
15 licensure who is an athletic trainer registered or licensed
16 under the laws of another jurisdiction ~~state~~ if the
17 requirements pertaining to athletic trainers in such
18 jurisdiction ~~state~~ were at the date of his or her registration
19 or licensure substantially equal to the requirements in force
20 in Illinois on that date or equivalent to the requirements of
21 this Act. ~~If the requirements of that state are not~~
22 ~~substantially equal to the Illinois requirements, or if at the~~
23 ~~time of application the state in which the applicant has been~~
24 ~~practicing does not regulate the practice of athletic training,~~
25 ~~and the applicant began practice in that state prior to January~~

1 ~~1, 2004, a person having the qualifications prescribed in this~~
2 ~~Section may be qualified to receive a license as an athletic~~
3 ~~trainer if he or she:~~

4 ~~(1) has passed an examination approved by the~~
5 ~~Department to determine his or her fitness for practice as~~
6 ~~an athletic trainer; and~~

7 ~~(2) gives proof of current certification, on the date~~
8 ~~of application, in CPR/AED for the Healthcare Professional~~
9 ~~or equivalent based on American Red Cross or American Heart~~
10 ~~Association standards.~~

11 ~~The Department may request a personal interview of an~~
12 ~~applicant before the Board to further evaluate his or her~~
13 ~~qualifications for a license.~~

14 Applicants have 3 years from the date of application to
15 complete the application process. If the process has not been
16 completed in 3 years, the application shall be denied, the fee
17 forfeited and the applicant must reapply and meet the
18 requirements in effect at the time of reapplication.

19 (Source: P.A. 94-246, eff. 1-1-06.)

20 (225 ILCS 5/14) (from Ch. 111, par. 7614)

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

22 Sec. 14. Fees; returned checks. The fees for administration
23 and enforcement of this Act, including but not limited to
24 original licensure, renewal, and restoration shall be set by
25 rule. The fees shall be non-refundable.

1 Any person who delivers a check or other payment to the
2 Department that is returned to the Department unpaid by the
3 financial institution upon which it is drawn shall pay to the
4 Department, in addition to the amount already owed to the
5 Department, a fine of \$50.

6 The fines imposed by this Section are in addition to any
7 other discipline provided under this Act for unlicensed
8 practice or practice on a nonrenewed license. The Department
9 shall notify the person that payment of fees and fines shall be
10 paid to the Department by certified check or money order within
11 30 calendar days of the notification. If, after the expiration
12 of 30 days from the date of the notification, the person has
13 failed to submit the necessary remittance, the Department shall
14 automatically terminate the license or certificate or deny the
15 application, without hearing. If, after termination or denial,
16 the person seeks a license or certificate, he or she shall
17 apply to the Department for restoration or issuance of the
18 license or certificate and pay all fees and fines due to the
19 Department. The Department may establish a fee for the
20 processing of an application for restoration of a license or
21 certificate to pay all expenses of processing this application.
22 The Secretary ~~Director~~ may waive the fines due under this
23 Section in individual cases where the Secretary ~~Director~~ finds
24 that the fines would be unreasonable or unnecessarily
25 burdensome.

26 (Source: P.A. 92-146, eff. 1-1-02.)

1 (225 ILCS 5/16) (from Ch. 111, par. 7616)

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

3 Sec. 16. Grounds for discipline ~~Refusal to issue,~~
4 ~~suspension, or revocation of license.~~

5 (1) The Department may refuse to issue or renew, or may
6 revoke, suspend, place on probation, reprimand, or take other
7 disciplinary action as the Department may deem proper,
8 including fines not to exceed \$10,000 ~~\$5,000~~ for each
9 violation, with regard to any licensee for any one or
10 combination of the following:

11 (A) Material misstatement in furnishing information to
12 the Department;

13 (B) Violations ~~Negligent or intentional disregard~~ of
14 this Act, or of the rules or regulations promulgated
15 hereunder;

16 (C) Conviction of or plea of guilty to any crime under
17 the Criminal Code of 2012 or the laws of any jurisdiction
18 of the United States ~~or any state or territory thereof~~ that
19 is (i) a felony, (ii) a misdemeanor, an essential element
20 of which is dishonesty, or (iii) of any crime that is
21 directly related to the practice of the profession;

22 (D) Fraud or Making any misrepresentation in applying
23 for or procuring a license under this Act, or in connection
24 with applying for renewal of a license under this Act ~~for~~
25 ~~the purpose of obtaining registration, or violating any~~

1 ~~provision of this Act;~~

2 (E) Professional incompetence or gross negligence;

3 (F) Malpractice;

4 (G) Aiding or assisting another person, firm,
5 partnership, or corporation in violating any provision of
6 this Act or rules;

7 (H) Failing, within 60 days, to provide information in
8 response to a written request made by the Department;

9 (I) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public;

12 (J) Habitual or excessive use or abuse ~~intoxication or~~
13 ~~addiction to the use of drugs~~ defined in law as controlled
14 substances, alcohol, or any other substance that results in
15 the inability to practice with reasonable judgment, skill,
16 or safety;

17 (K) Discipline by another state, unit of government,
18 government agency, the District of Columbia, territory, or
19 foreign nation, if at least one of the grounds for the
20 discipline is the same or substantially equivalent to those
21 set forth herein;

22 (L) Directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership, or association
24 any fee, commission, rebate, or other form of compensation
25 for any professional services not actually or personally
26 rendered. Nothing in this subparagraph (L) affects any bona

1 fide independent contractor or employment arrangements
2 among health care professionals, health facilities, health
3 care providers, or other entities, except as otherwise
4 prohibited by law. Any employment arrangements may include
5 provisions for compensation, health insurance, pension, or
6 other employment benefits for the provision of services
7 within the scope of the licensee's practice under this Act.
8 Nothing in this subparagraph (L) shall be construed to
9 require an employment arrangement to receive professional
10 fees for services rendered;

11 (M) A finding by the Department that the licensee after
12 having his or her license disciplined ~~placed on~~
13 ~~probationary status~~ has violated the terms of probation;

14 (N) Abandonment of an athlete;

15 (O) Willfully making or filing false records or reports
16 in his or her practice, including but not limited to false
17 records filed with State agencies or departments;

18 (P) Willfully failing to report an instance of
19 suspected child abuse or neglect as required by the Abused
20 and Neglected Child Reporting Act;

21 (Q) Physical illness, including but not limited to
22 deterioration through the aging process, or loss of motor
23 skill that results in the inability to practice the
24 profession with reasonable judgment, skill, or safety;

25 (R) Solicitation of professional services other than
26 by permitted institutional policy;

1 (S) The use of any words, abbreviations, figures or
2 letters with the intention of indicating practice as an
3 athletic trainer without a valid license as an athletic
4 trainer under this Act;

5 (T) The evaluation or treatment of ailments of human
6 beings other than by the practice of athletic training as
7 defined in this Act or the treatment of injuries of
8 athletes by a licensed athletic trainer except by the
9 referral of a physician, podiatric physician, or dentist;

10 (U) Willfully violating or knowingly assisting in the
11 violation of any law of this State relating to the use of
12 habit-forming drugs;

13 (V) Willfully violating or knowingly assisting in the
14 violation of any law of this State relating to the practice
15 of abortion;

16 (W) Continued practice by a person knowingly having an
17 infectious communicable or contagious disease;

18 (X) Being named as a perpetrator in an indicated report
19 by the Department of Children and Family Services pursuant
20 to the Abused and Neglected Child Reporting Act and upon
21 proof by clear and convincing evidence that the licensee
22 has caused a child to be an abused child or neglected child
23 as defined in the Abused and Neglected Child Reporting Act;

24 (Y) (Blank) ~~Failure to file a return, or to pay the~~
25 ~~tax, penalty, or interest shown in a filed return, or to~~
26 ~~pay any final assessment of tax, penalty, or interest, as~~

1 ~~required by any tax Act administered by the Illinois~~
2 ~~Department of Revenue, until such time as the requirements~~
3 ~~of any such tax Act are satisfied; or~~

4 (Z) Failure to fulfill continuing education
5 requirements; ~~as prescribed in Section 10 of this Act.~~

6 (AA) Allowing one's license under this Act to be used
7 by an unlicensed person in violation of this Act;

8 (BB) Practicing under a false or, except as provided by
9 law, assumed name;

10 (CC) Promotion of the sale of drugs, devices,
11 appliances, or goods provided in any manner to exploit the
12 client for the financial gain of the licensee;

13 (DD) Gross, willful, or continued overcharging for
14 professional services;

15 (EE) Mental illness or disability that results in the
16 inability to practice under this Act with reasonable
17 judgment, skill, or safety; or

18 (FF) Cheating on or attempting to subvert the licensing
19 examination administered under this Act.

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the fine
22 or in accordance with the terms set forth in the order imposing
23 the fine.

24 (2) The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

1 Code operates as an automatic suspension. Such suspension will
2 end only upon a finding by a court that the licensee ~~athletic~~
3 ~~trainer~~ is no longer subject to involuntary admission or
4 judicial admission and issuance of ~~issues~~ an order so finding
5 and discharging the licensee ~~athlete;~~ and ~~upon the~~
6 ~~recommendation of the Board to the Director that the licensee~~
7 ~~be allowed to resume his or her practice.~~

8 (3) The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, to pay the tax, penalty, or interest shown in a filed
12 return, or to pay any final assessment of tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (4) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any individual who
21 is licensed under this Act or any individual who has applied
22 for licensure to submit to a mental or physical examination or
23 evaluation, or both, which may include a substance abuse or
24 sexual offender evaluation, at the expense of the Department.
25 The Department shall specifically designate the examining
26 physician licensed to practice medicine in all of its branches

1 or, if applicable, the multidisciplinary team involved in
2 providing the mental or physical examination and evaluation.
3 The multidisciplinary team shall be led by a physician licensed
4 to practice medicine in all of its branches and may consist of
5 one or more or a combination of physicians licensed to practice
6 medicine in all of its branches, licensed chiropractic
7 physicians, licensed clinical psychologists, licensed clinical
8 social workers, licensed clinical professional counselors, and
9 other professional and administrative staff. Any examining
10 physician or member of the multidisciplinary team may require
11 any person ordered to submit to an examination and evaluation
12 pursuant to this Section to submit to any additional
13 supplemental testing deemed necessary to complete any
14 examination or evaluation process, including, but not limited
15 to, blood testing, urinalysis, psychological testing, or
16 neuropsychological testing.

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to provide to the
19 Department any and all records, including business records,
20 that relate to the examination and evaluation, including any
21 supplemental testing performed. The Department may order the
22 examining physician or any member of the multidisciplinary team
23 to present testimony concerning this examination and
24 evaluation of the licensee or applicant, including testimony
25 concerning any supplemental testing or documents relating to
26 the examination and evaluation. No information, report,

1 record, or other documents in any way related to the
2 examination and evaluation shall be excluded by reason of any
3 common law or statutory privilege relating to communication
4 between the licensee or applicant and the examining physician
5 or any member of the multidisciplinary team. No authorization
6 is necessary from the licensee or applicant ordered to undergo
7 an evaluation and examination for the examining physician or
8 any member of the multidisciplinary team to provide
9 information, reports, records, or other documents or to provide
10 any testimony regarding the examination and evaluation. The
11 individual to be examined may have, at his or her own expense,
12 another physician of his or her choice present during all
13 aspects of the examination.

14 Failure of any individual to submit to a mental or physical
15 examination or evaluation, or both, when directed, shall result
16 in an automatic suspension without hearing, until such time as
17 the individual submits to the examination. If the Department
18 finds a licensee unable to practice because of the reasons set
19 forth in this Section, the Department shall require the
20 licensee to submit to care, counseling, or treatment by
21 physicians approved or designated by the Department as a
22 condition for continued, reinstated, or renewed licensure.

23 When the Secretary immediately suspends a license under
24 this Section, a hearing upon such person's license must be
25 convened by the Department within 15 days after the suspension
26 and completed without appreciable delay. The Department shall

1 have the authority to review the licensee's record of treatment
2 and counseling regarding the impairment to the extent permitted
3 by applicable federal statutes and regulations safeguarding
4 the confidentiality of medical records.

5 Individuals licensed under this Act who are affected under
6 this Section shall be afforded an opportunity to demonstrate to
7 the Department that they can resume practice in compliance with
8 acceptable and prevailing standards under the provisions of
9 their license.

10 (5) The Department shall deny a license or renewal
11 authorized by this Act to a person who has defaulted on an
12 educational loan or scholarship provided or guaranteed by the
13 Illinois Student Assistance Commission or any governmental
14 agency of this State in accordance with paragraph (5) of
15 subsection (a) of Section 2105-15 of the Department of
16 Professional Regulation Law of the Civil Administrative Code of
17 Illinois.

18 (6) In cases where the Department of Healthcare and Family
19 Services has previously determined a licensee or a potential
20 licensee is more than 30 days delinquent in the payment of
21 child support and has subsequently certified the delinquency to
22 the Department, the Department may refuse to issue or renew or
23 may revoke or suspend that person's license or may take other
24 disciplinary action against that person based solely upon the
25 certification of delinquency made by the Department of
26 Healthcare and Family Services in accordance with paragraph (5)

1 of subsection (a) of Section 2105-15 of the Department of
2 Professional Regulation Law of the Civil Administrative Code of
3 Illinois.

4 (Source: P.A. 98-214, eff. 8-9-13.)

5 (225 ILCS 5/17) (from Ch. 111, par. 7617)

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

7 Sec. 17. Violations; injunction; cease and desist order
8 ~~Violations — Injunction — Cease and desist order.~~

9 (a) If any person violates a ~~the~~ provision of this Act, the
10 Secretary ~~Director~~ may, in the name of the People of the State
11 of Illinois, through the Attorney General of the State of
12 Illinois or the State's Attorney of the county in which the
13 violation is alleged to have occurred, petition for an order
14 enjoining such violation or for an order enforcing compliance
15 with this Act. Upon the filing of a verified petition in such
16 court, the court may issue a temporary restraining order,
17 without notice or bond, and may preliminarily and permanently
18 enjoin such violation, and if it is established that such
19 person has violated or is violating the injunction, the court
20 may punish the offender for contempt of court. Proceedings
21 under this Section shall be in addition to, and not in lieu of,
22 all other remedies and penalties provided by this Act.

23 (b) If any person shall hold himself or herself out in a
24 manner prohibited by this Act, any interested party or any
25 person injured thereby may, in addition to the Secretary

1 ~~Director~~, petition for relief as provided in subsection (a) of
2 this Section.

3 (c) Whenever in the opinion of the Department any person
4 violates any provision of this Act, the Department may issue a
5 rule to show cause why an order to cease and desist should not
6 be entered against him or her. The rule shall clearly set forth
7 the grounds relied upon by the Department and shall provide a
8 period of 7 days from the date of the rule to file an answer to
9 the satisfaction of the Department. Failure to answer to the
10 satisfaction of the Department shall cause an order to cease
11 and desist to be issued forthwith.

12 (Source: P.A. 84-1080.)

13 (225 ILCS 5/17.5)

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

15 Sec. 17.5. Unlicensed practice; violation; civil penalty.

16 (a) In addition to any other penalty provided by law, any
17 ~~Any~~ person who practices, offers to practice, attempts to
18 practice, or holds oneself out to practice as a licensed
19 athletic trainer without being licensed under this Act shall,
20 in addition to any other penalty provided by law, pay a civil
21 penalty to the Department in an amount not to exceed \$10,000
22 ~~\$5,000~~ for each offense as determined by the Department. The
23 civil penalty shall be assessed by the Department after a
24 hearing is held in accordance with the provisions set forth in
25 this Act regarding the provision of a hearing for the

1 discipline of a licensee.

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

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty or
6 in accordance with the order imposing the civil penalty. The
7 order shall constitute a judgment and may be filed and
8 execution had thereon in the same manner as any judgment from
9 any court of record.

10 (Source: P.A. 94-246, eff. 1-1-06.)

11 (225 ILCS 5/18) (from Ch. 111, par. 7618)

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

13 Sec. 18. Investigations; notice and hearing. The
14 Department may investigate the actions of any applicant or of
15 any person or persons holding or claiming to hold a license.
16 The Department shall, before refusing to issue or to renew a
17 license or disciplining a registrant, at least 30 days prior to
18 the date set for the hearing, notify in writing the applicant
19 or licensee ~~for, or holder of, a license~~ of the nature of the
20 charges and the time and place that a hearing will be held on
21 the charges ~~date designated~~. The Department shall direct the
22 applicant or licensee to file a written answer ~~to the Board~~
23 under oath within 20 days after the service of the notice ~~and~~
24 ~~inform the applicant or licensee that failure to file an answer~~
25 ~~will result in default being taken against the applicant or~~

1 ~~licensee and that the license or certificate may be suspended,~~
2 ~~revoked, placed on probationary status, or other disciplinary~~
3 ~~action may be taken, including limiting the scope, nature, or~~
4 ~~extent of practice, as the Director may deem proper. Written~~
5 ~~notice may be served by personal delivery or certified or~~
6 ~~registered mail to the respondent at the address of his or her~~
7 ~~last notification to the Department.~~ In case the person fails
8 to file an answer after receiving notice, his or her license or
9 certificate may, in the discretion of the Department, be
10 suspended, revoked, or placed on probationary status, or the
11 Department may take whatever disciplinary action deemed
12 proper, including limiting the scope, nature, or extent of the
13 person's practice or the imposition of a fine, without a
14 hearing, if the act or acts charged constitute sufficient
15 grounds for such action under this Act. At the time and place
16 fixed in the notice, the Department Board shall proceed to hear
17 the charges, and the parties or their counsel shall be accorded
18 ample opportunity to present such statements, testimony,
19 evidence, and argument as may be pertinent to the charges or to
20 their defense. The Department Board may continue a hearing from
21 time to time. The written notice and any notice in the
22 subsequent proceeding may be served by registered or certified
23 mail to the licensee's address of record.

24 (Source: P.A. 89-216, eff. 1-1-96.)

1 Sec. 18.5. Confidentiality. All information collected by
2 the Department in the course of an examination or investigation
3 of a licensee or applicant, including, but not limited to, any
4 complaint against a licensee filed with the Department and
5 information collected to investigate any such complaint, shall
6 be maintained for the confidential use of the Department and
7 shall not be disclosed. The Department may not disclose the
8 information to anyone other than law enforcement officials,
9 other regulatory agencies that have an appropriate regulatory
10 interest as determined by the Secretary, or a party presenting
11 a lawful subpoena to the Department. Information and documents
12 disclosed to a federal, State, county, or local law enforcement
13 agency shall not be disclosed by the agency for any purpose to
14 any other agency or person. A formal complaint filed against a
15 licensee by the Department or any order issued by the
16 Department against a licensee or applicant shall be a public
17 record, except as otherwise prohibited by law.

18 (225 ILCS 5/19) (from Ch. 111, par. 7619)

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

20 Sec. 19. Record of proceedings ~~Stenographer — Transcript.~~
21 The Department, at its expense, shall preserve a record of all
22 proceedings at the formal hearing of any case ~~involving the~~
23 ~~refusal to issue or renew a license or the discipline of a~~
24 ~~licensee~~. The notice of hearing, complaint and all other
25 documents in the nature of pleadings and written motions filed

1 in the proceedings, the transcript of testimony, the report of
2 the Board and order of the Department shall be the record of
3 such proceeding. Any licensee who is found to have violated
4 this Act or who fails to appear for a hearing to refuse to
5 issue, restore, or renew a license or to discipline a licensee
6 may be required by the Department to pay for the costs of the
7 proceeding. These costs are limited to costs for court
8 reporters, transcripts, and witness attendance and mileage
9 fees. All costs imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the fine
11 or in accordance with the terms set forth in the order imposing
12 the fine.

13 (Source: P.A. 89-216, eff. 1-1-96.)

14 (225 ILCS 5/19.5 new)

15 Sec. 19.5. Subpoenas; oaths. The Department may subpoena
16 and bring before it any person and may take the oral or written
17 testimony of any person or compel the production of any books,
18 papers, records, or any other documents that the Secretary or
19 his or her designee deems relevant or material to an
20 investigation or hearing conducted by the Department with the
21 same fees and mileage and in the same manner as prescribed by
22 law in judicial procedure in civil cases in courts of this
23 State.

24 The Secretary, the designated hearing officer, any member
25 of the Board, or a certified shorthand court reporter may

1 administer oaths at any hearing which the Department conducts.
2 Notwithstanding any other statute or Department rule to the
3 contrary, all requests for testimony or production of documents
4 or records shall be in accordance with this Act.

5 (225 ILCS 5/20) (from Ch. 111, par. 7620)

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

7 Sec. 20. Attendance of witnesses; contempt ~~Compelling~~
8 ~~testimony~~. Any circuit court may, upon application of the
9 Department or its designee or of the applicant or licensee
10 against whom proceedings pursuant to Section 20 of this Act are
11 pending, enter an order requiring the attendance of witnesses
12 and their testimony, and the production of documents, papers,
13 files, books, and records in connection with any hearing or
14 investigation. The court may compel obedience to its order by
15 proceedings for contempt.

16 (Source: P.A. 89-216, eff. 1-1-96.)

17 (225 ILCS 5/21) (from Ch. 111, par. 7621)

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

19 Sec. 21. Findings of Board ~~and recommendations~~. At the
20 conclusion of the hearing the Board shall present to the
21 Secretary ~~Director~~ a written report of its findings of fact,
22 conclusions of law, and recommendations. The report shall
23 contain a finding of whether or not the accused person violated
24 this Act or failed to comply with the conditions required in

1 this Act. The Board shall specify the nature of the violation
2 or failure to comply, and shall make its recommendations to the
3 Secretary Director.

4 The report of findings of fact, conclusions of law, and
5 recommendations of the Board shall be the basis for the
6 Department's order refusing to issue, restore, or renew a
7 license, or otherwise disciplining a licensee. If ~~of refusal or~~
8 for the granting of licensure unless the Secretary disagrees
9 with the report of Director shall determine that the Board,
10 report is contrary to the manifest weight of the evidence, in
11 which case the Secretary Director may issue an order in
12 contravention of the Board report. The finding is not
13 admissible in evidence against the person in a criminal
14 prosecution brought for the violation of this Act, but the
15 hearing and finding are not a bar to a criminal prosecution
16 brought for the violation of this Act.

17 (Source: P.A. 89-216, eff. 1-1-96.)

18 (225 ILCS 5/22) (from Ch. 111, par. 7622)

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

20 Sec. 22. Report of Board; motion for rehearing ~~Rehearing~~.

21 In any case involving the refusal to issue or renew a license
22 or the discipline of a licensee, a copy of the Board's report
23 shall be served upon the respondent by the Department, ~~either~~
24 ~~personally or~~ as provided in this Act for the service of the
25 notice of hearing. Within 20 days after such service, the

1 respondent may present to the Department a motion in writing
2 for a rehearing, which motion shall specify the particular
3 grounds therefor. If no motion for rehearing is filed, then
4 upon the expiration of the time specified for filing such a
5 motion, or if a motion for rehearing is denied, then upon such
6 denial the Secretary ~~Director~~ may enter an order in accordance
7 with recommendations of the Board except as provided in Section
8 23 of this Act. If the respondent shall order from the
9 reporting service, and pay for a transcript of the record
10 within the time for filing a motion for rehearing, the 20 day
11 period within which such a motion may be filed shall commence
12 upon the delivery of the transcript to the respondent.

13 (Source: P.A. 89-216, eff. 1-1-96.)

14 (225 ILCS 5/23) (from Ch. 111, par. 7623)

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

16 Sec. 23. Rehearing ~~Director~~ ~~Rehearing~~. Whenever the
17 Secretary ~~Director~~ is satisfied that substantial justice has
18 not been done in the revocation or suspension of a license or
19 refusal to issue or renew a license, the Secretary ~~Director~~ may
20 order a rehearing by the same or other examiners.

21 (Source: P.A. 89-216, eff. 1-1-96.)

22 (225 ILCS 5/24) (from Ch. 111, par. 7624)

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

24 Sec. 24. Hearing officer appointment. The Secretary

1 ~~Director~~ shall have the authority to appoint any attorney duly
2 licensed to practice law in the State of Illinois to serve as
3 the hearing officer in any action for refusal to issue or
4 renew a license, or for the taking of disciplinary action
5 against a license ~~discipline of a licensee~~. The hearing officer
6 shall have full authority to conduct the hearing. The hearing
7 officer shall report his or her findings of fact, conclusions
8 of law, and recommendations to the Board and the Secretary
9 ~~Director~~. The Board shall have 90 ~~60~~ days from receipt of the
10 report to review the report of the hearing officer and present
11 its ~~their~~ findings of fact, conclusions of law and
12 recommendation to the Secretary ~~Director~~. If the Board fails to
13 present its report within the 90 ~~60~~ day period, the Secretary
14 ~~may~~ ~~Director shall~~ issue an order based on the report of the
15 hearing officer. If the Secretary ~~Director~~ determines that the
16 Board's report is contrary to the manifest weight of the
17 evidence, he or she may issue an order in contravention of the
18 Board's report.

19 (Source: P.A. 89-216, eff. 1-1-96.)

20 (225 ILCS 5/25) (from Ch. 111, par. 7625)

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

22 Sec. 25. Order or certified copy; prima ~~thereof~~ ~~Prima~~
23 facie proof. An order or a certified copy thereof, over the
24 seal of the Department and purporting to be signed by the
25 Secretary ~~Director~~, shall be prima facie proof:

1 (a) That such signature is the genuine signature of the
2 Secretary ~~Director~~;

3 (b) That such Secretary ~~Director~~ is duly appointed and
4 qualified;

5 (c) (Blank) ~~That the Board and the members thereof are~~
6 ~~qualified to act.~~

7 (Source: P.A. 84-1080.)

8 (225 ILCS 5/26) (from Ch. 111, par. 7626)

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

10 Sec. 26. Restoration of ~~suspended or revoked~~ license from
11 discipline. At any time after the successful completion of a
12 term of indefinite probation, suspension or revocation of any
13 license, the Department may restore the license to the
14 licensee, unless, after an investigation and a hearing, the
15 Secretary determines that restoration is not in the public
16 interest or that the licensee has not been sufficiently
17 rehabilitated to warrant the public trust. No person or entity
18 whose license, certificate, or authority has been revoked as
19 authorized in this Act may apply for restoration of that
20 license, certificate, or authority until such time as provided
21 for in the Civil Administrative Code of Illinois ~~it to the~~
22 ~~accused person upon the written recommendation of the Board~~
23 ~~unless, after an investigation and a hearing, the Board~~
24 ~~determines that restoration is not in the public interest.~~

25 (Source: P.A. 89-216, eff. 1-1-96.)

1 (225 ILCS 5/27) (from Ch. 111, par. 7627)

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

3 Sec. 27. Surrender of license. Upon the revocation or
4 suspension of any license, the licensee shall forthwith
5 surrender the license or licenses to the Department, and if he
6 or she fails to do so, the Department shall have the right to
7 seize the license.

8 (Source: P.A. 89-216, eff. 1-1-96.)

9 (225 ILCS 5/28) (from Ch. 111, par. 7628)

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

11 Sec. 28. Summary ~~Temporary~~ suspension of a license. The
12 Secretary ~~Director~~ may summarily ~~temporarily~~ suspend the
13 license of an athletic trainer without a hearing,
14 simultaneously with the institution of proceedings for a
15 hearing provided for in Section 20 of this Act, if the
16 Secretary ~~Director~~ finds that evidence ~~in his or her possession~~
17 indicates that an athletic trainer's continuation in practice
18 would constitute an imminent danger to the public. In the event
19 that the Secretary ~~Director~~ suspends, summarily ~~temporarily~~,
20 the license of an athletic trainer without a hearing, a hearing
21 shall be commenced ~~by the Board must be held~~ within 30 days
22 after such suspension has occurred and shall be concluded as
23 expeditiously as possible.

24 (Source: P.A. 89-216, eff. 1-1-96.)

1 (225 ILCS 5/29) (from Ch. 111, par. 7629)

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

3 Sec. 29. Administrative review; venue ~~review~~—Venue. All
4 final administrative decisions of the Department are subject to
5 judicial review pursuant to the provisions of the
6 "Administrative Review Law", ~~as now or hereafter amended~~ and
7 all rules adopted pursuant thereto. The term "administrative
8 decision" is defined as in Section 3-101 of the Code of Civil
9 Procedure.

10 Proceedings for judicial review shall be commenced in the
11 circuit court of the county in which the party applying for
12 review ~~relief~~ resides; but if the party is not a resident of
13 this State, the venue shall be in Sangamon County.

14 (Source: P.A. 84-1080.)

15 (225 ILCS 5/30) (from Ch. 111, par. 7630)

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

17 Sec. 30. Certifications of record; costs. The Department
18 shall not be required to certify any record to the Court or
19 file any answer in court or otherwise appear in any court in a
20 judicial review proceeding, unless and until the Department has
21 received from the plaintiff payment of the costs of furnishing
22 and certifying the record, which costs shall be determined by
23 the Department. Exhibits shall be certified without cost ~~there~~
24 ~~is filed in the court, with the complaint, a receipt from the~~

1 ~~Department acknowledging payment of the costs of furnishing and~~
2 ~~certifying the record.~~ Failure on the part of the plaintiff to
3 file a receipt in court ~~Court~~ shall be grounds for dismissal of
4 the action.

5 (Source: P.A. 87-1031.)

6 (225 ILCS 5/31) (from Ch. 111, par. 7631)

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

8 Sec. 31. Criminal penalties ~~Violations~~. Any person who is
9 found to have violated any provision of this Act is guilty of a
10 Class A misdemeanor for a first offense. On conviction of a
11 second or subsequent offense, the violator shall be guilty of a
12 Class 4 felony.

13 (Source: P.A. 84-1080.)

14 Section 15. The Illinois Roofing Industry Licensing Act is
15 amended by changing Sections 2, 2.1, 3, 3.5, 4.5, 5, 5.1, 5.5,
16 6, 7, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9a, 9.10,
17 9.14, 9.15, 10, 10a, 11 and 11.5, and by adding Sections 11.6,
18 11.7, 11.8, 11.9, and 11.10 as follows:

19 (225 ILCS 335/2) (from Ch. 111, par. 7502)

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

21 Sec. 2. Definitions. As used in this Act, unless the
22 context otherwise requires:

23 (a) "Licensure" means the act of obtaining or holding a

1 license issued by the Department as provided in this Act.

2 (b) "Department" means the Department of Financial and
3 Professional Regulation.

4 (c) "Secretary Director" means the Secretary Director of
5 Financial and Professional Regulation.

6 (d) "Person" means any individual, partnership,
7 corporation, business trust, limited liability company, or
8 other legal entity.

9 (e) "Roofing contractor" is one who has the experience,
10 knowledge and skill to construct, reconstruct, alter, maintain
11 and repair roofs and use materials and items used in the
12 construction, reconstruction, alteration, maintenance and
13 repair of all kinds of roofing and waterproofing as related to
14 roofing, all in such manner to comply with all plans,
15 specifications, codes, laws, and regulations applicable
16 thereto, but does not include such contractor's employees to
17 the extent the requirements of Section 3 of this Act apply and
18 extend to such employees.

19 (f) "Board" means the Roofing Advisory Board.

20 (g) "Qualifying party" means the individual filing as a
21 sole proprietor, partner of a partnership, officer of a
22 corporation, trustee of a business trust, or party of another
23 legal entity, who is legally qualified to act for the business
24 organization in all matters connected with its roofing
25 contracting business, has the authority to supervise roofing
26 installation operations, and is actively engaged in day to day

1 activities of the business organization.

2 "Qualifying party" does not apply to a seller of roofing
3 materials or services when the construction, reconstruction,
4 alteration, maintenance, or repair of roofing or waterproofing
5 is to be performed by a person other than the seller or the
6 seller's employees.

7 (h) "Limited roofing license" means a license made
8 available to contractors whose roofing business is limited to
9 roofing residential properties consisting of 8 units or less.

10 (i) "Unlimited roofing license" means a license made
11 available to contractors whose roofing business is unlimited in
12 nature and includes roofing on residential, commercial, and
13 industrial properties.

14 (j) "Seller of services or materials" means a business
15 entity primarily engaged in the sale of tangible personal
16 property at retail.

17 (k) "Building permit" means a permit issued by a unit of
18 local government for work performed within the local
19 government's jurisdiction that requires a license under this
20 Act.

21 (l) "Address of record" means the designated address
22 recorded by the Department in the applicant's or licensee's
23 application file or license file as maintained by the
24 Department's licensure maintenance unit. It is the duty of the
25 applicant or licensee to inform the Department of any change of
26 address, and those changes must be made either through the

1 Department's website or by contacting the Department.

2 (Source: P.A. 96-624, eff. 1-1-10; 97-965, eff. 8-15-12.)

3 (225 ILCS 335/2.1) (from Ch. 111, par. 7502.1)

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

5 Sec. 2.1. Administration of Act; rules and forms. ~~The~~
6 ~~Department may exercise the following powers and duties subject~~
7 ~~to the provisions of this Act.~~

8 (a) The Department shall exercise the powers and duties
9 prescribed by the Civil Administrative Code of Illinois for the
10 administration of licensing Acts and shall exercise such other
11 powers and duties necessary for effectuating the purposes of
12 this Act ~~To prescribe forms of application for certificates of~~
13 ~~registration.~~

14 (b) The Secretary may adopt rules consistent with the
15 provisions of this Act for the administration and enforcement
16 of this Act and for the payment of fees connected with this Act
17 and may prescribe forms that shall be issued in connection with
18 this Act. The rules may include, but not be limited to, the
19 standards and criteria for licensure and professional conduct
20 and discipline and the standards and criteria used when
21 determining fitness to practice. The Department may consult
22 with the Board in adopting rules ~~To pass upon the~~
23 ~~qualifications of applicants for certificates of registration~~
24 ~~and issue certificates of registration to those found to be fit~~
25 ~~and qualified.~~

1 (c) The Department may, at any time, seek the advice and
2 the expert knowledge of the Board on any matter relating to the
3 administration of this Act ~~To conduct hearings on proceedings~~
4 ~~to revoke, suspend or otherwise discipline or to refuse to~~
5 ~~issue or renew certificates of registration.~~

6 (d) (Blank) ~~To formulate rules and regulations when~~
7 ~~required for the administration and enforcement of this Act.~~

8 (Source: P.A. 89-387, eff. 1-1-96.)

9 (225 ILCS 335/3) (from Ch. 111, par. 7503)

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

11 Sec. 3. Application for license.

12 (1) To obtain a license, an applicant must indicate if the
13 license is sought for a sole proprietorship, partnership,
14 corporation, business trust, or other legal entity and whether
15 the application is for a limited or unlimited roofing license.
16 If the license is sought for a sole proprietorship, the license
17 shall be issued to the sole proprietor who shall also be
18 designated as the qualifying party. If the license is sought
19 for a partnership, corporation, business trust, or other legal
20 entity, the license shall be issued in the company name. A
21 company must designate one individual who will serve as a
22 qualifying party. The qualifying party is the individual who
23 must take the examination required under Section 3.5. The
24 company shall submit an application in writing to the
25 Department on a form containing the information prescribed by

1 the Department and accompanied by the fee fixed by the
2 Department. The application shall include, but shall not be
3 limited to:

4 (a) the name and address of the person designated as
5 the qualifying party responsible for the practice of
6 professional roofing in Illinois;

7 (b) the name of the sole proprietorship and its sole
8 proprietor, the name of the partnership and its partners,
9 the name of the corporation and its officers, shareholders,
10 and directors, the name of the business trust and its
11 trustees, or the name of such other legal entity and its
12 members;

13 (c) evidence of compliance with any statutory
14 requirements pertaining to such legal entity, including
15 compliance with the Assumed Business Name Act; and any laws
16 ~~pertaining to the use of fictitious names, if a fictitious~~
17 ~~name is used; if the business is a sole proprietorship and~~
18 ~~doing business under a name other than that of the~~
19 ~~individual proprietor, the individual proprietor must list~~
20 ~~all business names used for that proprietorship.~~

21 (d) a signed irrevocable uniform consent to service of
22 process form provided by the Department.

23 (1.5) (Blank). ~~A certificate issued by the Department~~
24 ~~before the effective date of this amendatory Act of the 91st~~
25 ~~General Assembly shall be deemed a license for the purposes of~~
26 ~~this Act.~~

1 (2) An applicant for a license must submit satisfactory
2 evidence that:

3 (a) he or she has obtained public liability and
4 property damage insurance in such amounts and under such
5 circumstances as may be determined by the Department;

6 (b) he or she has obtained Workers' Compensation
7 insurance for roofing covering his or her employees or is
8 approved as a self-insurer of Workers' Compensation in
9 accordance with Illinois law;

10 (c) he or she has an unemployment insurance employer
11 account number issued by the Department of Employment
12 Security, and he or she is not delinquent in the payment of
13 any amount due under the Unemployment Insurance Act;

14 (d) he or she has submitted a continuous bond to the
15 Department in the amount of \$10,000 for a limited license
16 and in the amount of \$25,000 for an unlimited license; and

17 (e) a qualifying party has satisfactorily completed
18 the examination required under Section 3.5.

19 (3) It is the ongoing responsibility of the licensee to
20 provide to the Department notice in writing of any changes in
21 the information required to be provided on the application.

22 (4) (Blank). ~~All roofing contractors must designate a~~
23 ~~qualifying party and otherwise achieve compliance with this Act~~
24 ~~no later than July 1, 2003 or his or her license will~~
25 ~~automatically expire on July 1, 2003.~~

26 (5) Nothing in this Section shall apply to a seller of

1 roofing materials or services when the construction,
2 reconstruction, alteration, maintenance, or repair of roofing
3 or waterproofing is to be performed by a person other than the
4 seller or the seller's employees.

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

10 (Source: P.A. 98-838, eff. 1-1-15.)

11 (225 ILCS 335/3.5)

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

13 Sec. 3.5. Examinations ~~Examination~~.

14 (a) The Department shall authorize examinations for
15 applicants for initial licensure ~~licenses~~ at the time and place
16 it may designate. The examinations shall be of a character to
17 fairly test the competence and qualifications of applicants to
18 act as roofing contractors. Each applicant for limited licenses
19 shall designate a qualifying party who shall take an
20 examination, the technical portion of which shall cover
21 residential roofing practices. Each applicant for an unlimited
22 license shall designate a qualifying party who shall take an
23 examination, the technical portion of which shall cover
24 residential, commercial, and industrial roofing practices.
25 Both examinations shall cover Illinois jurisprudence as it

1 relates to roofing practice.

2 (b) An applicant for a limited license or an unlimited
3 license or a qualifying party designated by an applicant for a
4 limited license or unlimited license shall pay, either to the
5 Department or the designated testing service, a fee established
6 by the Department to cover the cost of providing the
7 examination. Failure ~~of the individual scheduled~~ to appear for
8 the examination on the scheduled date at the time and place
9 specified, after the applicant's ~~his or her~~ application for
10 examination has been received and acknowledged by the
11 Department or the designated testing service, shall result in
12 forfeiture of the examination fee.

13 (c) The qualifying party for an applicant for a new license
14 must have passed an examination authorized by the Department
15 before 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; 96-624, eff. 1-1-10.)

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 ~~There~~ is a common ownership of at least 25%
4 of each licensed entity for which the person acts as a
5 qualifying party; or.

6 (2) the ~~The~~ same person acts as a qualifying party for
7 one 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) Upon the loss of ~~In the event that~~ a qualifying party
11 who is not replaced ~~is terminated or terminating his or her~~
12 ~~status as qualifying party of a licensee,~~ the qualifying party
13 or and the licensee, or both, shall notify the Department ~~of~~
14 ~~that fact in writing. Thereafter, the licensee shall notify the~~
15 ~~Department~~ of the name and address of the newly designated
16 qualifying party. The newly designated qualifying party must
17 take and pass the examination prescribed in Section 3.5 of this
18 Act; ~~however, a newly designated qualifying party is exempt~~
19 ~~from the examination requirement until January 1, 2012 if he or~~
20 ~~she has acted in the capacity of a roofing contractor for a~~
21 ~~period of at least 15 years for the licensee for which he or~~
22 ~~she seeks to be the qualifying party.~~ These requirements shall
23 be met in a timely manner as established by rule of the
24 Department.

25 (c) A qualifying party that is accepted by the Department
26 shall have the authority to act for the licensed entity in all

1 matters connected with its roofing contracting business and to
2 supervise roofing installation operations. This authority
3 shall not be deemed to be a license for purposes of this Act.

4 (d) Designation of a qualifying party by an applicant under
5 this Section and Section 3 is subject to acceptance by the
6 Department. The Department may refuse to accept a qualifying
7 party (i) for failure to qualify as required under this Act and
8 the rules adopted under this Act or (ii) after making a
9 determination that the designated party has a history of acting
10 illegally, fraudulently, incompetently, or with gross
11 negligence in the roofing or construction business.

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

22 If acceptance of a qualifying party is suspended or revoked
23 for action or inaction that constitutes a violation of this Act
24 or the rules adopted under this Act, the Department may in
25 addition take such other disciplinary or non-disciplinary
26 action as it may deem proper, including imposing a fine on the

1 qualifying party, not to exceed \$10,000 for each violation.

2 All administrative decisions of the Department under this
3 subsection (e) are subject to judicial review pursuant to
4 Section 9.7 of this Act. An order taking action against a
5 qualifying party shall be deemed a final administrative
6 decision of the Department for purposes of Section 9.7 of this
7 Act.

8 (Source: P.A. 96-624, eff. 1-1-10.)

9 (225 ILCS 335/5) (from Ch. 111, par. 7505)

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

11 Sec. 5. Display of license number; building permits;
12 advertising.

13 (a) Each State licensed roofing contractor shall affix the
14 roofing contractor license number and the licensee's name, as
15 it appears on the license, to all ~~of his or her~~ contracts and
16 bids. In addition, the official issuing building permits shall
17 affix the roofing contractor license number to each application
18 for a building permit and on each building permit issued and
19 recorded.

20 (a-3) A municipality or a county that requires a building
21 permit may not issue a building permit to a roofing contractor
22 unless that contractor has provided sufficient proof of current
23 licensure ~~that he or she is licensed currently~~ as a roofing
24 contractor by the State. Holders of an unlimited roofing
25 license may be issued permits for residential, commercial, and

1 industrial roofing projects. Holders of a limited roofing
2 license are restricted to permits for work on residential
3 properties consisting of 8 units or less.

4 (a-5) A person who knowingly, in the course of applying for
5 a building permit with a unit of local government, provides the
6 roofing license number or name of a roofing contractor whom
7 that person ~~he or she~~ does not intend to have perform the work
8 on the roofing portion of the project commits identity theft
9 under paragraph (8) of subsection (a) of Section 16-30 of the
10 Criminal Code of 2012.

11 (a-10) A building permit applicant must present a
12 government-issued identification along with the building
13 permit application. Except for the name of the individual, all
14 other personal information contained in the government-issued
15 identification shall be exempt from disclosure under
16 subsection (c) of Section 7 of the Freedom of Information Act.
17 The official issuing the building permit shall maintain the
18 name and identification number, as it appears on the
19 government-issued identification, in the building permit
20 application file. It is not necessary that the building permit
21 applicant be the qualifying party. This subsection shall not
22 apply to a county or municipality whose building permit process
23 occurs through electronic means.

24 (b) (Blank).

25 (c) Every holder of a license shall display it in a
26 conspicuous place in the licensee's ~~his or her~~ principal

1 office, place of business, or place of employment.

2 (d) No person licensed under this Act may advertise
3 services regulated by this Act unless that person includes in
4 the advertisement the roofing contractor license number and the
5 licensee's name, as it appears on the license. Nothing
6 contained in this subsection requires the publisher of
7 advertising for roofing contractor services to investigate or
8 verify the accuracy of the license number provided by the
9 licensee.

10 (e) A person who advertises services regulated by this Act
11 who knowingly (i) fails to display the license number and the
12 licensee's name, as it appears on the license, in any manner
13 required by this Section, (ii) fails to provide a publisher
14 with the correct license number as required by subsection (d),
15 or (iii) provides a publisher with a false license number or a
16 license number of another person, or a person who knowingly
17 allows the licensee's ~~his or her~~ license number to be displayed
18 or used by another person to circumvent any provisions of this
19 Section, is guilty of a Class A misdemeanor with a fine of
20 \$1,000, and, in addition, is subject to the administrative
21 enforcement provisions of this Act. Each day that an
22 advertisement runs or each day that a person knowingly allows
23 the licensee's ~~his or her~~ license to be displayed or used in
24 violation of this Section constitutes a separate offense.

25 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;
26 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; 97-965, eff. 8-15-12;

1 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

2 (225 ILCS 335/5.1)

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

4 Sec. 5.1. Commercial vehicles. Any entity offering
5 services regulated by the Roofing Industry Licensing Act shall
6 affix the roofing contractor license number and the licensee's
7 name, as it appears on the license, on all commercial vehicles
8 used in offering such services. An entity in violation of this
9 Section shall be subject to a \$250 civil penalty. This Section
10 may be enforced by local code enforcement officials employed by
11 units of local government as it relates to roofing work being
12 performed within the boundaries of their jurisdiction. For
13 purposes of this Section, "code enforcement official" means an
14 officer or other designated authority charged with the
15 administration, interpretation, and enforcement of codes on
16 behalf of a municipality or county. If the alleged violation
17 has been corrected prior to or on the date of the hearing
18 scheduled to adjudicate the alleged violation, the violation ~~it~~
19 shall be dismissed.

20 (Source: P.A. 97-235, eff. 1-1-12.)

21 (225 ILCS 335/5.5)

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

23 Sec. 5.5. Contracts. A roofing contractor, when signing a
24 contract, must provide a land-based phone number and a street

1 address other than a post office box at which the roofing
2 contractor ~~he or she~~ may be contacted.

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

4 (225 ILCS 335/6) (from Ch. 111, par. 7506)

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

6 Sec. 6. Expiration and renewal; inactive status;
7 restoration; ~~renewal~~.

8 (a) The expiration date and renewal period for each
9 certificate of registration issued under this Act shall be set
10 by the Department by rule.

11 (b) A licensee who has permitted his or her license to
12 expire or whose license is on inactive status may have his or
13 her license restored by making application to the Department in
14 the form and manner prescribed by the Department.

15 (c) A licensee who notifies the Department in writing on
16 forms prescribed by the Department may elect to place his or
17 her license on inactive status and shall, subject to rules of
18 the Department, be excused from payment of renewal fees until
19 he or she notifies the Department in writing of his or her
20 desire to resume active status.

21 (d) A licensee whose license expired while he or she was
22 (1) on active duty with the Armed Forces of the United States
23 or the State Militia called into service or training or (2) in
24 training or education under the supervision of the United
25 States preliminary to induction into the military service, may

1 have his or her license renewed or restored without paying any
2 lapsed renewal fees if, within 2 years after termination of
3 such service, training, or education, except under conditions
4 other than honorable, he or she furnishes the Department with
5 satisfactory evidence to the effect that he or she has been so
6 engaged and that his or her service, training, or education has
7 been so terminated.

8 (e) A roofing contractor whose license is expired or on
9 inactive status shall not practice under this Act in the State
10 of Illinois.

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

12 (225 ILCS 335/7) (from Ch. 111, par. 7507)

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

14 Sec. 7. Fees. The fees for the administration and
15 enforcement of this Act, including, but not limited to,
16 original certification, renewal, and restoration of a license
17 issued under this Act, shall be set by rule. The fees shall be
18 nonrefundable. ~~(1) The initial application fee for a~~
19 ~~certificate shall be fixed by the Department by rule. (2) All~~
20 ~~other fees not set forth herein shall be fixed by rule. (3)~~
21 ~~(Blank). (4) (Blank). (5) (Blank). (6) All fees, penalties, and~~
22 ~~finances collected under this Act shall be deposited into the~~
23 ~~General Professions Dedicated Fund and shall be appropriated to~~
24 ~~the Department for the ordinary and contingent expenses of the~~
25 ~~Department in the administration of this Act.~~

1 (Source: P.A. 94-254, eff. 7-19-05.)

2 (225 ILCS 335/9) (from Ch. 111, par. 7509)

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

4 Sec. 9. Licensure requirement.

5 (1) It is unlawful for any person to engage in the business
6 or act in the capacity of or hold himself, ~~or~~ herself, or
7 itself out in any manner as a roofing contractor without having
8 been duly licensed under the provisions of this Act.

9 (2) No work involving the construction, reconstruction,
10 alteration, maintenance or repair of any kind of roofing or
11 waterproofing may be done except by a roofing contractor
12 licensed under this Act.

13 (3) Sellers of roofing services may subcontract the
14 provision of those roofing services only to roofing contractors
15 licensed under this Act.

16 (4) All persons performing roofing services under this Act
17 shall be licensed as roofing contractors, except for those
18 persons who are deemed to be employees under Section 10 of the
19 Employee Classification Act of a licensed roofing contractor.

20 (Source: P.A. 98-838, eff. 1-1-15.)

21 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

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

23 Sec. 9.1. Grounds for disciplinary action.

24 (1) The Department may refuse to issue or to renew, or may

1 revoke, suspend, place on probation, reprimand or take other
2 disciplinary or non-disciplinary action as the Department may
3 deem proper, including fines not to exceed \$10,000 for each
4 violation, with regard to any license for any one or
5 combination of the following ~~causes~~:

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

7 (b) conviction or plea of guilty or nolo contendere, and
8 finding of guilt, jury verdict, or entry of judgment or
9 sentencing of any crime, including, but not limited to,
10 convictions, preceding sentences of supervision,
11 conditional discharge, or first offender probation, under
12 the laws of any jurisdiction of the United States ~~or any~~
13 ~~state or territory thereof~~ that is (i) a felony or (ii) a
14 misdemeanor, an essential element of which is dishonesty or
15 that is directly related to the practice of the profession;

16 (c) Fraud or making any misrepresentation in applying
17 for or procuring ~~for the purpose of obtaining~~ a license
18 under this Act, or in connection with applying for renewal
19 of a license under this Act;

20 (d) professional incompetence or gross negligence in
21 the practice of roofing contracting, prima facie evidence
22 of which may be a conviction or judgment in any court of
23 competent jurisdiction against an applicant or licensee
24 relating to the practice of roofing contracting or the
25 construction of a roof or repair thereof that results in
26 leakage within 90 days after the completion of such work;

1 (e) (blank);

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

4 (g) failing, within 60 days, to provide information in
5 response to a written request made by the Department ~~which~~
6 ~~has been sent by certified or registered mail to the~~
7 ~~licensee's last known address;~~

8 (h) engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public;

11 (i) habitual or excessive use or abuse of controlled
12 substances, as defined by the Illinois Controlled
13 Substances Act, alcohol, or any other substance that
14 ~~addiction to alcohol, narcotics, stimulants or any other~~
15 ~~chemical agent or drug which~~ results in the inability to
16 practice with reasonable judgment, skill, or safety;

17 (j) discipline by another state, unit of government, or
18 government agency, the District of Columbia, a territory,
19 ~~U.S. jurisdiction~~ or a foreign nation, if at least one of
20 the grounds for the discipline is the same or substantially
21 equivalent to those set forth in this Section;

22 (k) directly or indirectly giving to or receiving from
23 any person, firm, corporation, partnership, or association
24 any fee, commission, rebate, or other form of compensation
25 for any professional services not actually or personally
26 rendered;

1 (1) a finding by the Department that the licensee,
2 after having his or her license disciplined, ~~placed on~~
3 ~~probationary status~~ has violated the terms of the
4 discipline ~~probation~~;

5 (m) a finding by any court of competent jurisdiction,
6 either within or without this State, of any violation of
7 any law governing the practice of roofing contracting, if
8 the Department determines, after investigation, that such
9 person has not been sufficiently rehabilitated to warrant
10 the public trust;

11 (n) willfully making or filing false records or reports
12 in the practice of roofing contracting, including, but not
13 limited to, false records filed with the State agencies or
14 departments ~~a finding that licensure has been applied for~~
15 ~~or obtained by fraudulent means~~;

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

19 (p) gross and willful overcharging for professional
20 services including filing false statements for collection
21 of fees or monies for which services are not rendered;

22 (q) (blank); ~~failure to file a return, or to pay the~~
23 ~~tax, penalty or interest shown in a filed return, or to pay~~
24 ~~any final assessment of tax, penalty or interest, as~~
25 ~~required by any tax Act administered by the Illinois~~
26 ~~Department of Revenue, until such time as the requirements~~

1 ~~of any such tax Act are satisfied;~~

2 (r) (blank); ~~the Department shall deny any license or~~
3 ~~renewal under this Act to any person who has defaulted on~~
4 ~~an educational loan guaranteed by the Illinois State~~
5 ~~Scholarship Commission; however, the Department may issue~~
6 ~~a license or renewal if the person in default has~~
7 ~~established a satisfactory repayment record as determined~~
8 ~~by the Illinois State Scholarship Commission;~~

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

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

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

1 ~~Board to the Director that the licensee be allowed to~~
2 ~~resume professional practice;~~

3 (w) advertising in any manner that is false,
4 misleading, or deceptive;

5 (x) taking undue advantage of a customer, which results
6 in the perpetration of a fraud;

7 (y) performing any act or practice that is a violation
8 of the Consumer Fraud and Deceptive Business Practices Act;

9 (z) engaging in the practice of roofing contracting, as
10 defined in this Act, with a suspended, revoked, or
11 cancelled license;

12 (aa) treating any person differently to the person's
13 detriment because of race, color, creed, gender, age,
14 religion, or national origin;

15 (bb) knowingly making any false statement, oral,
16 written, or otherwise, of a character likely to influence,
17 persuade, or induce others in the course of obtaining or
18 performing roofing contracting services;

19 (cc) violation of any final administrative action of
20 the Secretary;

21 (dd) allowing the use of his or her roofing license by
22 an unlicensed roofing contractor for the purposes of
23 providing roofing or waterproofing services; or

24 (ee) (blank); ~~aiding or assisting another person in~~
25 ~~violating any provision of this Act or its rules,~~
26 ~~including, but not limited to, Section 9 of this Act.~~

1 (ff) cheating or attempting to subvert a licensing
2 examination administered under this Act; or

3 (gg) use of a license to permit or enable an unlicensed
4 person to provide roofing contractor services.

5 (2) The determination by a circuit court that a license
6 holder is subject to involuntary admission or judicial
7 admission, as provided in the Mental Health and Developmental
8 Disabilities Code, operates as an automatic suspension. Such
9 suspension will end only upon a finding by a court that the
10 patient is no longer subject to involuntary admission or
11 judicial admission, an order by the court so finding and
12 discharging the patient, and the recommendation of the Board to
13 the Director that the license holder be allowed to resume his
14 or her practice.

15 (3) The Department may refuse to issue or take disciplinary
16 action concerning the license of any person who fails to file a
17 return, to pay the tax, penalty, or interest shown in a filed
18 return, or to pay any final assessment of tax, penalty, or
19 interest as required by any tax Act administered by the
20 Department of Revenue, until such time as the requirements of
21 any such tax Act are satisfied as determined by the Department
22 of Revenue.

23 (4) In enforcing this Section, the Department, upon a
24 showing of a possible violation, may compel any individual who
25 is licensed under this Act or any individual who has applied
26 for licensure to submit to a mental or physical examination or

1 evaluation, or both, which may include a substance abuse or
2 sexual offender evaluation, at the expense of the Department.
3 The Department shall specifically designate the examining
4 physician licensed to practice medicine in all of its branches
5 or, if applicable, the multidisciplinary team involved in
6 providing the mental or physical examination and evaluation.
7 The multidisciplinary team shall be led by a physician licensed
8 to practice medicine in all of its branches and may consist of
9 one or more or a combination of physicians licensed to practice
10 medicine in all of its branches, licensed chiropractic
11 physicians, licensed clinical psychologists, licensed clinical
12 social workers, licensed clinical professional counselors, and
13 other professional and administrative staff. Any examining
14 physician or member of the multidisciplinary team may require
15 any person ordered to submit to an examination and evaluation
16 pursuant to this Section to submit to any additional
17 supplemental testing deemed necessary to complete any
18 examination or evaluation process, including, but not limited
19 to, blood testing, urinalysis, psychological testing, or
20 neuropsychological testing.

21 (5) The Department may order the examining physician or any
22 member of the multidisciplinary team to provide to the
23 Department any and all records, including business records,
24 that relate to the examination and evaluation, including any
25 supplemental testing performed. The Department may order the
26 examining physician or any member of the multidisciplinary team

1 to present testimony concerning this examination and
2 evaluation of the licensee or applicant, including testimony
3 concerning any supplemental testing or documents relating to
4 the examination and evaluation. No information, report,
5 record, or other documents in any way related to the
6 examination and evaluation shall be excluded by reason of any
7 common law or statutory privilege relating to communication
8 between the licensee or applicant and the examining physician
9 or any member of the multidisciplinary team. No authorization
10 is necessary from the licensee or applicant ordered to undergo
11 an evaluation and examination for the examining physician or
12 any member of the multidisciplinary team to provide
13 information, reports, records, or other documents or to provide
14 any testimony regarding the examination and evaluation. The
15 individual to be examined may have, at his or her own expense,
16 another physician of his or her choice present during all
17 aspects of the examination.

18 (6) Failure of any individual to submit to mental or
19 physical examination or evaluation, or both, when directed,
20 shall result in an automatic suspension without hearing until
21 such time as the individual submits to the examination. If the
22 Department finds a licensee unable to practice because of the
23 reasons set forth in this Section, the Department shall require
24 the licensee to submit to care, counseling, or treatment by
25 physicians approved or designated by the Department as a
26 condition for continued, reinstated, or renewed licensure.

1 (7) When the Secretary immediately suspends a license under
2 this Section, a hearing upon such person's license must be
3 convened by the Department within 15 days after the suspension
4 and completed without appreciable delay. The Department shall
5 have the authority to review the licensee's record of treatment
6 and counseling regarding the impairment to the extent permitted
7 by applicable federal statutes and regulations safeguarding
8 the confidentiality of medical records.

9 (8) Licensees affected under this Section shall be afforded
10 an opportunity to demonstrate to the Department that they can
11 resume practice in compliance with acceptable and prevailing
12 standards under the provisions of their license.

13 (9) The Department shall deny a license or renewal
14 authorized by this Act to a person who has defaulted on an
15 educational loan or scholarship provided or guaranteed by the
16 Illinois Student Assistance Commission or any governmental
17 agency of this State in accordance with paragraph (5) of
18 subsection (a) of Section 2105-15 of the Department of
19 Professional Regulation Law of the Civil Administrative Code of
20 Illinois.

21 (10) In cases where the Department of Healthcare and Family
22 Services has previously determined a licensee or a potential
23 licensee is more than 30 days delinquent in the payment of
24 child support and has subsequently certified the delinquency to
25 the Department, the Department may refuse to issue or renew or
26 may revoke or suspend that person's license or may take other

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services in accordance with paragraph (5)
4 of subsection (a) of Section 2105-15 of the Department of
5 Professional Regulation Law of the Civil Administrative Code of
6 Illinois.

7 The changes to this Act made by this amendatory Act of 1997
8 apply only to disciplinary actions relating to events occurring
9 after the effective date of this amendatory Act of 1997.

10 (Source: P.A. 95-303, eff. 1-1-08; 96-1324, eff. 7-27-10.)

11 (225 ILCS 335/9.2) (from Ch. 111, par. 7509.2)

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

13 Sec. 9.2. Record ~~Stenographer; record~~ of proceedings. The
14 Department, at its expense, shall ~~provide a stenographer to~~
15 ~~take down the testimony and~~ preserve a record of all
16 proceedings at the formal hearing of any case initiated
17 ~~pursuant to this Act, the rules for the administration of this~~
18 ~~Act, or any other Act or rules relating to this Act and~~
19 ~~proceedings for restoration of any license issued under this~~
20 ~~Act~~. The notice of hearing, complaint, answer, and all other
21 documents in the nature of pleadings and written motions and
22 responses filed in the proceedings, the transcript of the
23 testimony, all exhibits admitted into evidence, the report of
24 the hearing officer, the Board's findings of fact, conclusions
25 of law, and recommendations to the Director, and the order of

1 the Department shall be the record of the proceedings. Any
2 licensee who is found to have violated this Act or who fails to
3 appear for a hearing to refuse to issue, restore, or renew a
4 license or to discipline a licensee may be required by the
5 Department to pay for the costs of the proceeding. These costs
6 are limited to costs for court reporters, transcripts, and
7 witness attendance and mileage fees. All costs imposed under
8 this Section shall be paid within 60 days after the effective
9 date of the order imposing the fine. ~~The Department shall~~
10 ~~furnish a transcript of the record to any person interested in~~
11 ~~the hearing upon payment of the fee required under Section~~
12 ~~2105-115 of the Department of Professional Regulation Law (20~~
13 ~~ILCS 2105/2105-115).~~

14 (Source: P.A. 91-239, eff. 1-1-00; 91-950, eff. 2-9-01.)

15 (225 ILCS 335/9.3) (from Ch. 111, par. 7509.3)

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

17 Sec. 9.3. Attendance of witnesses; contempt. Any circuit
18 court may, upon application of the Department or its designee
19 or of the applicant or licensee against whom proceedings are
20 pending, ~~enter an order requiring~~ the attendance ~~of witnesses~~
21 and ~~their~~ testimony of witnesses, and the production of
22 relevant documents, papers, files, books and records in
23 connection with any hearing or investigation. The court may
24 compel obedience to its order by proceedings for contempt.

25 (Source: P.A. 86-615.)

1 (225 ILCS 335/9.4) (from Ch. 111, par. 7509.4)

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

3 Sec. 9.4. Subpoenas; oaths. The Department has power to
4 subpoena and bring before it any person in this State and to
5 take the oral or written testimony ~~either orally or by~~
6 ~~deposition or both~~, or to compel the production of any books,
7 papers, records, subpoena documents, exhibits, or other
8 materials that the Secretary or his or her designee deems
9 relevant or material to an investigation or hearing conducted
10 by the Department, with the same fees and mileage and in the
11 same manner as prescribed by law in judicial proceedings in
12 civil cases in ~~circuit~~ courts of this State.

13 The Secretary, the designated hearing officer, Director
14 ~~and~~ any member of the ~~Roofing Advisory Board,~~ or a certified
15 shorthand court reporter may have power to administer oaths to
16 witnesses at any hearing that the Department conducts ~~or~~
17 ~~Roofing Advisory Board is authorized by law to conduct.~~
18 Notwithstanding any other statute or Department rule to the
19 contrary, all requests for testimony or production of documents
20 or records shall be in accordance with this Act. Further, the
21 ~~Director has power to administer any other oaths required or~~
22 ~~authorized to be administered by the Department under this Act.~~
23 (Source: P.A. 91-950, eff. 2-9-01.)

24 (225 ILCS 335/9.5) (from Ch. 111, par. 7509.5)

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

2 Sec. 9.5. Findings of fact, conclusions of law, and
3 recommendations of the Board; rehearing order. The Board shall
4 have 90 days after receipt of the report of the hearing officer
5 to review the report and present their findings of fact,
6 conclusions of law, and recommendations to the Secretary. If
7 the Board fails to present its findings of fact, conclusions of
8 law, and recommendations within the 90-day period, the
9 Secretary may issue an order based on the report of the hearing
10 officer. If the Secretary disagrees with the recommendation of
11 the Board or hearing officer, then the Secretary may issue an
12 order in contravention of the recommendation. In any case
13 involving the refusal to issue or renew or the taking of
14 disciplinary action against a license, a copy of the Board's
15 findings of fact, conclusions of law, and recommendations shall
16 be served upon the respondent by the Department as provided in
17 this Act for the service of the notice of hearing. Within 20
18 days after such service, the respondent may present to the
19 Department a motion in writing for a rehearing, which motion
20 shall specify the particular grounds therefor. If no motion for
21 rehearing is filed, then upon the expiration of the time
22 specified for filing such a motion or, if a motion for
23 rehearing is denied, then upon such denial the Secretary may
24 enter an order in accordance with recommendations of the Board.
25 If the respondent shall order from the reporting service, and
26 pays for a transcript of the record within the time for filing

1 a motion for rehearing, the 20-day period within which such a
2 motion may be filed shall commence upon the delivery of the
3 transcript to the respondent. Whenever the Secretary is
4 satisfied that substantial justice has not been done in the
5 revocation or suspension of, or the refusal to issue or renew,
6 a license, the Secretary may order a rehearing by the hearing
7 officer.

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

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

1 ~~Section 9.2, the time elapsing thereafter and before the~~
2 ~~transcript is ready for delivery to him or her shall not be~~
3 ~~counted as part of the 20 days.~~

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

10 ~~If the Director issues an order in contravention of the~~
11 ~~findings of fact, conclusions of law, and recommendations to~~
12 ~~the Director, the Director 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 ~~Director within 30 days of the Director's entry of the order.~~

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

17 (225 ILCS 335/9.6) (from Ch. 111, par. 7509.6)

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

19 Sec. 9.6. Summary Temporary suspension pending hearing.
20 The Secretary Director may summarily temporarily suspend a the
21 license issued under this Act of a roofing contractor without a
22 hearing, simultaneously with the institution of proceedings
23 for a hearing provided for in this Act, if the Secretary
24 Director finds that evidence ~~in his or her possession~~ indicates
25 that continuation in practice would constitute an imminent

1 danger to the public. In the event that the Secretary summarily
2 ~~Director temporarily~~ suspends a license without a hearing, a
3 hearing by the Department shall be commenced ~~held~~ within 30
4 days after such suspension has occurred and shall be concluded
5 as expeditiously as possible.

6 (Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

7 (225 ILCS 335/9.7) (from Ch. 111, par. 7509.7)

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

9 Sec. 9.7. All final administrative decisions of the
10 Department are subject to judicial review pursuant to the
11 Administrative Review Law, ~~as amended,~~ and all its rules
12 adopted pursuant thereto. The term "administrative decision"
13 is defined as in Section 3-101 of the Code of Civil Procedure.
14 Proceedings for judicial review shall be commenced in the
15 circuit court of the county in which the party applying for
16 review resides, except that, if the party is not a resident of
17 this State, the venue shall be Sangamon County.

18 (Source: P.A. 86-615.)

19 (225 ILCS 335/9.8) (from Ch. 111, par. 7509.8)

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

21 Sec. 9.8. Criminal penalties. Any person who is found to
22 have violated any provision of this Act is guilty of a Class A
23 misdemeanor for the first offense. On conviction of a second or
24 subsequent offense the violator is guilty of a Class 4 felony.

1 Each day of violation constitutes a separate offense.

2 (Source: P.A. 89-387, eff. 1-1-96.)

3 (225 ILCS 335/9.9a)

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

5 Sec. 9.9a. Certification of record; costs. The Department
6 shall not be required to certify any record to the court, to
7 file an answer in court, or to otherwise appear in any court in
8 a judicial review proceeding, unless and until the Department
9 has received from the plaintiff payment of the costs of
10 furnishing and certifying the record, which costs shall be
11 determined by the Department ~~there is filed in the court, with~~
12 ~~the complaint, a receipt from the Department acknowledging~~
13 ~~payment of the costs of furnishing and certifying the record.~~
14 Failure on the part of the plaintiff to file the receipt in
15 court is grounds for dismissal of the action.

16 (Source: P.A. 89-387, eff. 1-1-96.)

17 (225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

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

19 Sec. 9.10. Returned checks; fines. Any person who delivers
20 a check or other payment to the Department that is returned to
21 the Department unpaid by the financial institution upon which
22 it is drawn shall pay to the Department, in addition to the
23 amount already owed to the Department, a fine of \$50. The fines
24 imposed by this Section are in addition to any other discipline

1 provided under this Act for unlicensed practice or practice on
2 a nonrenewed license. The Department shall notify the person
3 that payment of fees and fines shall be paid to the Department
4 by certified check or money order within 30 calendar days of
5 the notification. If, after the expiration of 30 days from the
6 date of the notification, the person has failed to submit the
7 necessary remittance, the Department shall automatically
8 terminate the license or deny the application, without hearing.
9 If, after termination or denial, the person seeks a license,
10 that person ~~he or she~~ shall apply to the Department for
11 restoration or issuance of the license and pay all the
12 application fees as set by rule. The Department may establish a
13 fee for the processing of an application for restoration of a
14 license to pay all expenses of processing this application. The
15 Director may waive the fines due under this Section in
16 individual cases where the Director finds that the fines would
17 be unreasonable or unnecessarily burdensome.

18 (Source: P.A. 91-950, eff. 2-9-01; 92-146, eff. 1-1-02; 92-651,
19 eff. 7-11-02.)

20 (225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)

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

22 Sec. 9.14. Appointment of hearing officer. The Secretary
23 ~~Director~~ has the authority to appoint any attorney duly
24 licensed to practice law in the State of Illinois to serve as
25 the hearing officer for any action for refusal to issue or

1 renew a license, for discipline of a licensee for sanctions for
2 unlicensed practice, for restoration of a license, or for any
3 other action for which findings of fact, conclusions of law,
4 and recommendations are required pursuant to Section 9.5 of
5 this Act. The hearing officer shall have full authority to
6 conduct the hearing and shall issue his or her findings of
7 fact, conclusions of law, and recommendations to the Board
8 pursuant to Section ~~Sections~~ 9.5 of this Act.

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

10 (225 ILCS 335/9.15) (from Ch. 111, par. 7509.15)

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

12 Sec. 9.15. Investigation; notice; default. The Department
13 may investigate the actions of any applicant or any person or
14 persons holding or claiming to hold a license. The Department
15 shall, before refusing to issue, renew, or discipline a
16 licensee or applicant ~~suspending, revoking, placing on~~
17 ~~probationary status, or taking any other disciplinary action as~~
18 ~~the Department may deem proper with regard to any license, at~~
19 least 30 days prior to the date set for the hearing, notify the
20 applicant or licensee ~~accused~~ in writing of the nature of the
21 ~~any~~ charges made and the time and place for a hearing on the
22 charges. The Department shall direct the applicant or licensee
23 ~~before the hearing officer, direct him or her to file a~~ his
24 written answer to the charges with the hearing officer under
25 oath within 20 ~~30~~ days after the service ~~on him or her~~ of the

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

1 ~~ample opportunity to present such statements, testimony,~~
2 ~~evidence and argument as may be pertinent to the charges or to~~
3 ~~their defense. The Department may continue such hearing from~~
4 ~~time to time. At the discretion of the Director after having~~
5 ~~first received the recommendation of the hearing officer, the~~
6 ~~accused person's license may be suspended, revoked, placed on~~
7 ~~probationary status, or other disciplinary action may be taken~~
8 ~~as the Director may deem proper, including limiting the scope,~~
9 ~~nature, or extent of said person's practice without a hearing,~~
10 ~~if the act or acts charged constitute sufficient grounds for~~
11 ~~such action under this Act.~~

12 (Source: P.A. 90-55, eff. 1-1-98.)

13 (225 ILCS 335/10) (from Ch. 111, par. 7510)

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

15 Sec. 10. Injunctive relief; order to cease and desist
16 ~~Enforcement; petition to court.~~

17 (1) If any person violates the provisions of this Act, the
18 Secretary, Director through the Attorney General of the State
19 of Illinois, or the State's Attorney of any county in which a
20 violation is alleged to have occurred ~~exist~~, may in the name of
21 the People of the State of Illinois petition for an order
22 enjoining such violation or for an order enforcing compliance
23 with this Act. Upon the filing of a verified petition in such
24 court, the court may issue a temporary restraining order,
25 without notice or bond, and may preliminarily and permanently

1 enjoin such violation, and if it is established that such
2 person has violated or is violating the injunction, the Court
3 may punish the offender for contempt of court. Proceedings
4 under this Section shall be in addition to, and not in lieu of,
5 all other remedies and penalties provided by this Act.

6 (2) If any person shall practice as a licensee or hold
7 himself or herself out as a licensee without being licensed
8 under the provisions of this Act, then any person licensed
9 under this Act, any interested party or any person injured
10 thereby may, in addition to the Secretary ~~those officers~~
11 ~~identified in subsection (1) of this Section~~, petition for
12 relief as provided in subsection (1) of this Section ~~therein~~.

13 (3) (Blank).

14 (4) Whenever, in the opinion of the Department, any person
15 violates any provision of this Act, the Department may issue a
16 rule to show cause why an order to cease and desist should not
17 be entered. The rule shall clearly set forth the grounds relied
18 upon by the Department and shall provide a period of 7 days
19 after the date of issuance of the rule to file an answer to the
20 satisfaction of the Department. Failure to answer to the
21 satisfaction of the Department shall cause an order to cease
22 and desist to be issued forthwith. Proceedings under this
23 ~~Section shall be in addition to, and not in lieu of, all other~~
24 ~~remedies and penalties which may be provided by law.~~

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

1 (225 ILCS 335/10a)

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

3 Sec. 10a. Unlicensed practice; violation; civil penalty.

4 (a) In addition to any other penalty provided by law, any
5 ~~Any~~ person who practices, offers to practice, attempts to
6 practice, or holds himself or herself out to practice roofing
7 without being licensed under this Act shall, in addition to any
8 other penalty provided by law, pay a civil penalty to the
9 Department in an amount not to exceed \$10,000 ~~\$5,000~~ for each
10 offense as determined by the Department. The civil penalty
11 shall be assessed by the Department after a hearing is held in
12 accordance with the provisions set forth in this Act regarding
13 the provision of a hearing for the discipline of a licensee.

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

16 (c) The civil penalty shall be paid within 60 days after
17 the effective date of the order imposing the civil penalty. The
18 order shall constitute a judgment and may be filed and
19 execution had thereon in the same manner as any judgment from
20 any court of record.

21 (Source: P.A. 89-387, eff. 1-1-96.)

22 (225 ILCS 335/11) (from Ch. 111, par. 7511)

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

24 Sec. 11. Application of Act.

25 (1) Nothing in this Act limits the power of a municipality,

1 city, ~~or~~ county, or incorporated area to regulate the quality
2 and character of work performed by roofing contractors through
3 a system of permits, fees, and inspections which are designed
4 to secure compliance with and aid in the implementation of
5 State and local building laws or to enforce other local laws
6 for the protection of the public health and safety.

7 (2) Nothing in this Act shall be construed to require a
8 seller of roofing materials or services to be licensed as a
9 roofing contractor when the construction, reconstruction,
10 alteration, maintenance or repair of roofing or waterproofing
11 is to be performed by a person other than the seller or the
12 seller's employees.

13 (3) Nothing in this Act shall be construed to require a
14 person who performs roofing or waterproofing work to his or her
15 own property, or for no consideration, to be licensed as a
16 roofing contractor.

17 (4) Nothing in this Act shall be construed to require a
18 person who performs roofing or waterproofing work to his or her
19 employer's property to be licensed as a roofing contractor,
20 where there exists an employer-employee relationship. Nothing
21 in this Act shall be construed to apply to the installation of
22 plastics, glass or fiberglass to greenhouses and related
23 horticultural structures, or to the repair or construction of
24 farm buildings.

25 (5) Nothing in this Act limits the power of a municipality,
26 city, ~~or~~ county, or incorporated area to collect occupational

1 license and inspection fees for engaging in roofing
2 contracting.

3 (6) Nothing in this Act limits the power of the
4 municipalities, cities, ~~or~~ counties, or incorporated areas to
5 adopt any system of permits requiring submission to and
6 approval by the municipality, city, ~~or~~ county, or incorporated
7 area of plans and specifications for work to be performed by
8 roofing contractors before commencement of the work.

9 (7) Any official authorized to issue building or other
10 related permits shall ascertain that the applicant contractor
11 is duly licensed before issuing the permit. The evidence shall
12 consist only of the exhibition to him or her of current
13 evidence of licensure.

14 (8) This Act applies to any roofing contractor performing
15 work for the State or any municipality, city, county, or
16 incorporated area ~~municipality~~. Officers of the State or any
17 municipality, city, county or incorporated area ~~municipality~~
18 are required to determine compliance with this Act before
19 awarding any contracts for construction, improvement,
20 remodeling, or repair.

21 (9) If an incomplete contract exists at the time of death
22 of a licensee ~~contractor~~, the contract may be completed by any
23 person even though not licensed. Such person shall notify the
24 Department within 30 days after the death of the contractor of
25 his or her name and address. For the purposes of this
26 subsection, an incomplete contract is one which has been

1 awarded to, or entered into by, the licensee ~~contractor~~ before
2 his or her death or on which he or she was the low bidder and
3 the contract is subsequently awarded to him or her regardless
4 of whether any actual work has commenced under the contract
5 before his or her death.

6 (10) The State or any municipality, city, county, or
7 incorporated area ~~municipality~~ may require that bids submitted
8 for roofing construction, improvement, remodeling, or repair
9 of public buildings be accompanied by evidence that that bidder
10 holds an appropriate license issued pursuant to this Act.

11 (11) (Blank).

12 (12) Nothing in this Act shall prevent a municipality,
13 city, county, or incorporated area from making laws or
14 ordinances that are more stringent than those contained in this
15 Act.

16 (Source: P.A. 97-965, eff. 8-15-12.)

17 (225 ILCS 335/11.5)

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

19 Sec. 11.5. Board. The Roofing Advisory Board is created and
20 shall consist of 8 persons, one of whom is a knowledgeable
21 public member and 7 of whom are (i) designated as the
22 qualifying party of a licensed roofing contractor or (ii)
23 legally qualified to act for the business organization on
24 behalf of the licensee in all matters connected with its
25 roofing contracting business, have the authority to supervise

1 roofing installation operations, and actively engaged in
2 day-to-day activities of the business organization for a
3 licensed roofing contractor ~~have been issued licenses as~~
4 ~~roofing contractors by the Department.~~ One of the 7 nonpublic
5 members ~~licensed roofing contractors~~ on the Board shall
6 represent a statewide association representing home builders
7 and another of the 7 nonpublic members ~~licensed roofing~~
8 ~~contractors~~ shall represent an association predominately
9 representing retailers. The public member shall not be licensed
10 under this Act ~~or any other Act the Department administers.~~
11 Each member shall be appointed by the Secretary Director. Five
12 members of the Board shall constitute a quorum. A quorum is
13 required for all Board decisions. ~~Members shall be appointed~~
14 ~~who reasonably represent the different geographic areas of the~~
15 ~~State. A quorum of the Board shall consist of the majority of~~
16 ~~Board members appointed.~~

17 Members of the ~~Roofing Advisory~~ Board shall be immune from
18 suit in any action based upon any disciplinary proceedings or
19 other acts performed in good faith as members of the ~~Roofing~~
20 ~~Advisory~~ Board, unless the conduct that gave rise to the suit
21 was willful and wanton misconduct.

22 The persons appointed shall hold office for 4 years and
23 until a successor is appointed and qualified. ~~The initial terms~~
24 ~~shall begin July 1, 1997. Of the members of the Board first~~
25 ~~appointed, 2 shall be appointed to serve for 2 years, 2 shall~~
26 ~~be appointed to serve for 3 years, and 3 shall be appointed to~~

1 ~~serve for 4 years.~~ No member shall serve more than 2 complete 4
2 year terms.

3 The Secretary shall have the authority to remove or suspend
4 any member of the Board for cause at any time before the
5 expiration of his or her term. The Secretary shall be the sole
6 arbiter of cause.

7 The Secretary ~~Within 90 days of a vacancy occurring, the~~
8 ~~Director~~ shall fill a ~~the~~ vacancy for the unexpired portion of
9 the term with an appointee who meets the same qualifications as
10 the person whose position has become vacant. The Board shall
11 meet annually to elect one member as chairman and one member as
12 vice-chairman. No officer shall be elected more than twice in
13 succession to the same office. The members of the Board shall
14 receive reimbursement for actual, necessary, and authorized
15 expenses incurred in attending the meetings of the Board.

16 (Source: P.A. 94-254, eff. 7-19-05.)

17 (225 ILCS 335/11.6 new)

18 Sec. 11.6. Confidentiality. All information collected by
19 the Department in the course of an examination or investigation
20 of a licensee or applicant, including, but not limited to, any
21 complaint against a licensee filed with the Department and
22 information collected to investigate any such complaint, shall
23 be maintained for the confidential use of the Department and
24 shall not be disclosed. The Department may not disclose the
25 information to anyone other than law enforcement officials,

1 other regulatory agencies that have an appropriate regulatory
2 interest as determined by the Secretary, or a party presenting
3 a lawful subpoena to the Department. Information and documents
4 disclosed to a federal, State, county, or local law enforcement
5 agency shall not be disclosed by the agency for any purpose to
6 any other agency or person. A formal complaint filed against a
7 licensee by the Department or any order issued by the
8 Department against a licensee or applicant shall be a public
9 record, except as otherwise prohibited by law.

10 (225 ILCS 335/11.7 new)

11 Sec. 11.7. Order or certified copy; prima facie proof. An
12 order or a certified copy thereof, over the seal of the
13 Department and purporting to be signed by the Secretary, shall
14 be prima facie proof that:

15 (1) the signature is the genuine signature of the
16 Secretary; and

17 (2) the Secretary is duly appointed and qualified.

18 (225 ILCS 335/11.8 new)

19 Sec. 11.8. Surrender of license. Upon the revocation or
20 suspension of any license, the licensee shall immediately
21 surrender the license or licenses to the Department. If the
22 licensee fails to do so, the Department shall have the right to
23 seize the license.

1 (225 ILCS 335/11.9 new)

2 Sec. 11.9. Suspension of license for failure to pay
3 restitution. The Department, without further process or
4 hearing, shall suspend the license or other authorization to
5 practice of any person issued under this Act who has been
6 certified by court order as not having paid restitution to a
7 person under Section 8A-3.5 of the Illinois Public Aid Code or
8 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
9 the Criminal Code of 2012. A person whose license or other
10 authorization to practice is suspended under this Section is
11 prohibited from practicing until the restitution is made in
12 full.

13 (225 ILCS 335/11.10 new)

14 Sec. 11.10. Citations.

15 (a) The Department may adopt rules to permit the issuance
16 of citations for non-frivolous complaints. The citation shall
17 list the person's name and address, a brief factual statement,
18 the Sections of the Act or rules allegedly violated, the
19 penalty imposed, and, if applicable, the licensee's license
20 number. The citation must clearly state that the person may
21 choose, in lieu of accepting the citation, to request a
22 hearing. If the person does not dispute the matter in the
23 citation with the Department within 30 days after the citation
24 is served, then the citation shall become a final order and
25 shall constitute discipline. The penalty shall be a fine or

1 other conditions as established by rule.

2 (b) The Department shall adopt rules designating
3 violations for which a citation may be issued. Such rules shall
4 designate as citation violations those violations for which
5 there is no substantial threat to the public health, safety,
6 and welfare. Citations shall not be utilized if there was any
7 significant consumer harm resulting from the violation.

8 (c) A citation must be issued within 6 months after the
9 reporting of a violation that is the basis for the citation.

10 (d) Service of a citation may be made by personal service
11 or certified mail to the person at the person's last known
12 address of record or, if applicable, the licensee's address of
13 record.

14 (225 ILCS 335/8 rep.)

15 (225 ILCS 335/9.12 rep.)

16 (225 ILCS 335/10b rep.)

17 Section 20. The Illinois Roofing Industry Licensing Act is
18 amended by repealing Sections 8, 9.12, and 10b.

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