

1 AMENDMENT TO HOUSE BILL 2565

2 AMENDMENT NO. _____. Amend House Bill 2565 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Professional Boxing and Wrestling Act is
5 amended by changing the title of the Act and Sections 0.05,
6 1, 2, 5, 7, 8, 10, 11, 12, 13, 15, 16, 17.7, 17.8, 17.9, 18,
7 19, 19.1, 19.3, 19.4, 23, and 23.1 as follows:

8 (225 ILCS 105/Act title)

9 An Act in relation to professional boxing and-wrestling,
10 creating--a--board,--prescribing--its--powers---and---duties,
11 providing--penalties-for-violation-of-the-provisions-thereof,
12 and-to-amend-an-Act-herein-named.

13 (225 ILCS 105/0.05)

14 Sec. 0.05. Declaration of public policy. Professional
15 boxing and--wrestling in the State of Illinois is hereby
16 declared to affect the public health, safety, and welfare and
17 to be subject to regulation and control in the public
18 interest. It is further declared to be a matter of public
19 interest and concern that boxing and-wrestling, as defined in
20 this Act, merit and receive the confidence of the public and
21 that only qualified persons be authorized to participate in

1 boxing contests and-wrestling-exhibitions in the State of
2 Illinois. This Act shall be liberally construed to best carry
3 out these objects and purposes.

4 (Source: P.A. 91-408, eff. 1-1-00.)

5 (225 ILCS 105/1) (from Ch. 111, par. 5001)

6 Sec. 1. Short title and definitions.

7 (a) This Act may be cited as the Professional Boxing and
8 Wrestling Act.

9 (b) As used in this Act:

10 1. "Department" means the Department of
11 Professional Regulation.

12 2. "Director" means the Director of Professional
13 Regulation.

14 3. "Board" means the State Professional Boxing and
15 Wrestling Board appointed by the Director.

16 4. "License" means the license issued for boxing
17 promoters, contestants, or officials in accordance with
18 this Act.

19 5. (Blank). "Registration"--means-the-registration
20 issued-to-wrestling-promoters--in--accordance--with--this
21 Act.

22 6. "Boxing Contests" include professional boxing
23 matches and exhibitions.

24 7. (Blank). "Wrestling----Exhibitions"----include
25 professional--wrestling--contests,--matches,--events,--and
26 shows.

27 8. (Blank). "Athletic---Events"---include---both
28 professional--boxing--contests-and-professional-wrestling
29 exhibitions.

30 9. "Permit" means the authorization from the
31 Department to a promoter to conduct professional boxing
32 contests or-professional-wrestling-exhibitions.

33 10. "Promoter" means a person who is licensed or

1 registered and who holds a permit to conduct professional
2 boxing contests matches---er--professional--wrestling
3 exhibitions.

4 11. Unless the context indicates otherwise,
5 "person" includes an association, partnership,
6 corporation, gymnasium, or club.

7 12. (Blank). For-the-purposes-of-this-Act-the-term
8 "trainer"--includes--what--is--commonly--referred--to--as
9 "second",-"corner-man",-or-"coach".

10 13. "Ultimate fighting exhibition" has the meaning
11 given by rule adopted by the Department in accordance
12 with Section 7.5.

13 14. "Professional boxer" means a person licensed by
14 the Department who competes for a money prize, purse, or
15 other type of compensation in a boxing contest,
16 exhibition, or match held in Illinois.

17 15. "Judge" means a person licensed by the
18 Department who is at ringside during a boxing match and
19 who has the responsibility of scoring the performance of
20 the participants in the contest.

21 16. "Referee" means a person licensed by the
22 Department who has the general supervision of a boxing
23 contest and is present inside of the ring during the
24 contest.

25 17. "Amateur" means a person who has never received
26 or competed for any purse or other article of value,
27 either for participating in any boxing contest or for the
28 expenses of training therefor, other than a prize that
29 does not exceed \$50 in value.

30 18. "Contestant" means an individual who
31 participates in a boxing contest or-wrestling-exhibition.

32 19. "Second" means a person licensed by the
33 Department who is present at any boxing contest to
34 provide assistance or advice to a boxer during the

1 contest.

2 20. "Matchmaker" means a person licensed by the
3 Department who brings together professional boxers or
4 procures matches or contests for professional boxers.

5 21. "Manager" means a person licensed by the
6 Department who is not a promoter and who, under contract,
7 agreement, or other arrangement with any boxer,
8 undertakes to, directly or indirectly, control or
9 administer the boxing affairs of boxers.

10 22. "Timekeeper" means a person licensed by the
11 Department who is the official timer of the length of
12 rounds and the intervals between the rounds.

13 23. "Purse" means the financial guarantee or any
14 other remuneration for which contestants are
15 participating in a boxing contest.

16 24. "Physician" means a person licensed to practice
17 medicine in all its branches under the Medical Practice
18 Act of 1987.

19 (Source: P.A. 91-408, eff. 1-1-00.)

20 (225 ILCS 105/2) (from Ch. 111, par. 5002)

21 Sec. 2. State Professional Boxing and--Wrestling Board.
22 There is created the State Professional Boxing and-Wrestling
23 Board consisting of 6 persons who shall be appointed by and
24 shall serve in an advisory capacity to the Director. One
25 shall be a physician licensed to practice medicine in all of
26 its branches. Beginning with the next appointment after the
27 effective date of this amendatory Act of the 92nd General
28 Assembly, at least one member shall have experience as a
29 professional boxer. The Director shall appoint each member to
30 serve for a term of 3 years and until his or her successor is
31 appointed and qualified. One member of the board shall be
32 designated as the Chairperson and one member shall be
33 designated as the Vice-chairperson. No member shall be

1 appointed to the Board for a term which would cause
2 continuous service to be more than 9 years. Service prior to
3 January 1, 2000 ~~the-effective-date-of-this-amendatory-Act-of~~
4 ~~the--91st--General--Assembly~~ shall not be considered in
5 calculating length of service on the Board. Each member of
6 the board shall receive compensation for each day he or she
7 is engaged in transacting the business of the board and, in
8 addition, shall be reimbursed for his or her authorized and
9 approved expenses necessarily incurred in relation to such
10 service in accordance with the travel regulations applicable
11 to the Department at the time the expenses are incurred.

12 A majority of the current members appointed shall
13 constitute a quorum.

14 The members of the Board shall be immune from suit in any
15 action based upon any disciplinary proceedings or other acts
16 performed in good faith as members of the Board.

17 The Director may remove any member of the Board for
18 misconduct, incapacity, or neglect of duty. The Director
19 shall reduce to writing any causes for removal.

20 (Source: P.A. 91-408, eff. 1-1-00.)

21 (225 ILCS 105/5) (from Ch. 111, par. 5005)

22 Sec. 5. The Department shall exercise, but subject to
23 the provisions of this Act, the following functions, powers,
24 and duties: (a) to ascertain the qualifications and fitness
25 of applicants for licenses~~7-registrations~~ and permits; (b) to
26 prescribe rules and regulations for the administration of the
27 Act; (c) to conduct hearings on proceedings to refuse to
28 issue, refuse to renew, revoke, suspend, or subject to
29 reprimand licenses~~7-registrations~~ or permits under this Act;
30 and (d) to revoke, suspend, or refuse issuance or renewal of
31 such licenses~~7-registrations~~ or permits.

32 (Source: P.A. 82-522.)

(225 ILCS 105/7) (from Ch. 111, par. 5007)

Sec. 7. In order to conduct a boxing contest ~~match-or wrestling-exhibition~~ in this State, a promoter shall obtain a permit issued by the Department in accordance with this Act and the rules and regulations adopted pursuant thereto. This permit shall authorize one or more contests or exhibitions. A permit issued under this Act is not transferable.

(Source: P.A. 82-522.)

(225 ILCS 105/8) (from Ch. 111, par. 5008)

Sec. 8. Permits.

(a) A promoter who desires to obtain a permit to conduct a boxing contest ~~an--athletic--event~~ shall apply to the Department at least 20 days prior to the event, in writing, on forms furnished by the Department. The application shall be accompanied by the required fee and shall contain at least the following information:

- (1) the names and addresses of the promoter;
- (2) the name of the matchmaker;
- (3) the time and exact location of the boxing contest ~~athletic-event~~;
- (4) the seating capacity of the building where the event is to be held;
- (5) a copy of the lease or proof of ownership of the building where the event is to be held;
- (6) the admission charge or charges to be made; and
- (7) proof of adequate security measures and adequate medical supervision, as determined by Department rule, to ensure the protection of the health and safety of the general public while attending boxing contests ~~athletic---events~~ and the contestants' safety while participating in the events and any other information that the Department may determine by rule in order to issue a permit.

1 (b) After the initial application and within 10 days of
2 a scheduled event, a promoter shall submit to the Department
3 all of the following information:

4 (1) The amount of compensation to be paid to each
5 participant.

6 (2) The names of the contestants.

7 (3) Proof of insurance for not less than \$10,000 for
8 each contestant participating in a boxing contest or
9 exhibition.

10 Insurance required under this subsection shall cover (i)
11 hospital, medication, physician, and other such expenses as
12 would accrue in the treatment of an injury as a result of the
13 boxing contest or exhibition and (ii) payment to the estate
14 of the contestant in the event of his or her death as a
15 result of his or her participation in the boxing contest or
16 exhibition.

17 (c) All boxing promoters shall provide to the
18 Department, at least 24 hours prior to commencement of the
19 event, the amount of the purse to be paid for the event. The
20 Department shall promulgate rules for payment of the purse.

21 (d) The boxing contest shall be held in an area where
22 adequate neurosurgical facilities are immediately available
23 for skilled emergency treatment of an injured boxer. It is
24 the responsibility of the promoter to ensure that the
25 building to be used for the event complies with all laws,
26 ordinances, and regulations in the city, town, or village
27 where the boxing contest athletic-event is to be held. The
28 Department may issue a permit to any promoter who meets the
29 requirements of this Act and the rules. The permit shall only
30 be issued for a specific date and location of a boxing
31 contest an-athletic-event and shall not be transferable. In
32 an emergency, the Department may allow a promoter to amend a
33 permit application to hold a boxing contest an-athletic-event
34 in a different location than the application specifies and

1 may allow the promoter to substitute contestants.

2 (e) The Department shall be responsible for assigning
3 the judge, timekeepers, referees, physician, and medical
4 personnel for a boxing contest. It shall be the
5 responsibility of the promoter to cover the cost of the
6 individuals utilized at a boxing contest an-athletic-event.

7 (Source: P.A. 91-408, eff. 1-1-00.)

8 (225 ILCS 105/10) (from Ch. 111, par. 5010)

9 Sec. 10. Who must be licensed. In order to participate
10 in boxing contests the following persons must each be
11 licensed and in good standing with the Department: (a)
12 promoters, (b) contestants, (c) seconds, (d) referees, (e)
13 judges, (f) managers, (g) matchmakers, and (h) timekeepers.

14 Announcers may participate in boxing contests without
15 being licensed under this Act. It shall be the
16 responsibility of the promoter to ensure that announcers
17 comply with the Act, and all rules and regulations
18 promulgated pursuant to this Act.

19 A licensed promoter may not act as, and cannot be
20 licensed as, a second, boxer, referee, timekeeper, judge, or
21 manager. If he or she is so licensed, he or she must
22 relinquish any of these licenses to the Department for
23 cancellation. A person possessing a valid promoter's license
24 may act as a matchmaker. A-promoter-may-be-licensed-as-a
25 matchmaker-

26 ~~Persons-involved-with-wrestling-exhibitions-shall--supply~~
27 ~~the--Department--with--their-name,-address,-telephone-number,-~~
28 ~~and-social-security-number-and-shall-meet-other--requirements~~
29 ~~as-established-by-rule-~~

30 (Source: P.A. 91-408, eff. 1-1-00.)

31 (225 ILCS 105/11) (from Ch. 111, par. 5011)

32 Sec. 11. Qualifications for license. The Department

1 shall grant licenses to ~~er-register~~ the following persons if
2 the following qualifications are met:

3 (A) An applicant for licensure as a contestant in a
4 boxing contest ~~match~~ must: (1) be 18 years old, (2) be of
5 good moral character, (3) file an application stating the
6 applicant's correct name (and no assumed or ring name may be
7 used unless such name is registered with the Department along
8 with the applicant's correct name), date and place of birth,
9 place of current residence, and a sworn statement that he is
10 not currently in violation of any federal, State or local
11 laws or rules governing boxing, (4) file a certificate of a
12 physician licensed to practice medicine in all of its
13 branches which attests that the applicant is physically fit
14 and qualified to participate in boxing contests ~~match~~, and
15 (5) pay the required fee and meet any other requirements.
16 Applicants over age 35 ~~39~~ who have not competed in a contest
17 within the last 36 months may be required to appear before
18 the Board to determine their fitness to participate in a
19 contest. A picture identification card shall be issued to all
20 boxers licensed by the Department who are residents of
21 Illinois or who are residents of any jurisdiction, state, or
22 country that does not regulate professional boxing. The
23 identification card shall be presented to the Department or
24 its representative upon request at weigh-ins ~~er-contests~~.

25 (B) An applicant for licensure as a boxing referee,
26 judge, manager, second, matchmaker, or timekeeper must: (1)
27 be of good moral character, (2) file an application stating
28 the applicant's name, date and place of birth, and place of
29 current residence along with a certifying statement that he
30 is not currently in violation of any federal, State, or local
31 laws or rules governing boxing, (3) have had satisfactory
32 experience in his field, (4) pay the required fee, and (5)
33 meet any other requirements as determined by rule.

34 (C) An applicant for licensure as a boxing promoter must:

1 (1) be of good moral character, (2) file an application with
 2 the Department stating the applicant's name, date and place
 3 of birth, place of current residence along with a certifying
 4 statement that he is not currently in violation of any
 5 federal, State, or local laws or rules governing boxing, (3)
 6 provide proof of a surety bond of no less than \$5,000 to
 7 cover financial obligations pursuant to this Act, payable to
 8 the Department and conditioned for the payment of the tax
 9 imposed by this Act and compliance with this Act and the
 10 rules promulgated pursuant to this Act, (4) provide a
 11 financial statement, prepared by a certified public
 12 accountant, showing liquid working capital of \$10,000 or
 13 more, or a \$10,000 performance bond guaranteeing payment of
 14 all obligations relating to the promotional activities, and
 15 (5) pay the required fee and meet any other requirements.

16 ~~(D)---An---applicant---for---registration---as---a---wrestling~~
 17 ~~promoter---must---(1)---be---of---good---moral---character,---(2)---file---an~~
 18 ~~application---with---the---Department---stating---the---applicant's---name,~~
 19 ~~date---and---place---of---birth,---and---place---of---current---residence---along~~
 20 ~~with---a---certifying---statement---that---he---is---not---currently---in~~
 21 ~~violation---of---any---federal,---State,---or---local---laws---or---rules~~
 22 ~~governing---wrestling,---(3)---provide---a---surety---bond---of---no---less~~
 23 ~~than---\$10,000---to---cover---financial---obligations---pursuant---to---this~~
 24 ~~Act,---payable---to---the---Department---and---conditioned---for---the~~
 25 ~~payment---of---the---tax---imposed---by---this---Act---and---compliance---with~~
 26 ~~this---Act---and---the---rules---promulgated---pursuant---to---this---Act,---(4)~~
 27 ~~provide---a---financial---statement,---prepared---by---a---certified---public~~
 28 ~~accountant,---showing---liquid---working---capital---of---\$10,000---or~~
 29 ~~more,---or---a---\$10,000---performance---bond---guaranteeing---payment---of~~
 30 ~~all---obligations---relating---to---the---promotional---activities,---and~~
 31 ~~(5)---pay---the---required---fee---and---meet---any---other---requirements.~~

32 In determining good moral character, the Department may
 33 take into consideration any violation of any of the
 34 provisions of Section 16 of this Act and any felony

1 conviction of the applicant, but such a conviction shall not
2 operate as a bar to licensure. No license issued under this
3 Act is transferable.

4 The Department may issue temporary licenses and
5 registrations as provided by rule.

6 (Source: P.A. 90-655, eff. 7-30-98; 91-408, eff. 1-1-00.)

7 (225 ILCS 105/12) (from Ch. 111, par. 5012)

8 Sec. 12. Boxing contests. Each boxing contestant shall
9 be examined before entering the ring and immediately after
10 each contest by a physician licensed to practice medicine in
11 all of its branches. The physician shall determine, prior to
12 the contest, if each contestant is physically fit to engage
13 in the contest. After the contest the physician shall examine
14 the contestant to determine possible injury. If the
15 contestant's physical condition so indicates, the physician
16 shall recommend to the Department immediate medical
17 suspension. The physician may, at any time during the
18 contest, stop the contest to examine a boxer, and terminate
19 the contest when, in the physician's opinion, continuing the
20 contest could result in serious injury to the boxer. The
21 physician shall certify to the condition of the contestant in
22 writing, over his signature on blank forms provided by the
23 Department. Such reports shall be submitted to the Department
24 in a timely manner. The physician shall be paid by the
25 promoter a fee fixed by the Department. No boxing contest
26 shall be held unless a physician licensed to practice
27 medicine in all of its branches is in attendance.

28 No contest shall be allowed to begin unless at least one
29 physician and 2 trained paramedics or 2 nurses who are
30 trained to administer emergency medical care are present.

31 No contest shall be more than 12 rounds in length. The
32 rounds shall not be more than 3 minutes each with a one
33 minute interval between them, and no boxer shall be allowed

1 to participate in more than 12 rounds within 72 consecutive
2 hours. At each boxing contest there shall be a referee in
3 attendance who shall direct and control the contest. The
4 referee, before each contest, shall learn the name of the
5 contestant's chief second and shall hold the chief second
6 responsible for the conduct of his assistant during the
7 progress of the contest match.

8 There shall be 2 judges in attendance who shall render a
9 decision at the end of each contest match. The decision of
10 the judges, taken together with the decision of the referee,
11 is final; or, 3 judges shall score the contest match with the
12 referee not scoring. The method of scoring shall be set
13 forth in rules.

14 Judges, referees, or timekeepers for contests shall be
15 assigned by the Department. The Department or its
16 representative shall have discretion to declare a prize,
17 remuneration, or purse or any part of it belonging to the
18 contestant withheld if in the judgment of the Department or
19 its representative the contestant is not honestly competing.
20 The Department shall have the authority to prevent a contest
21 or exhibition from being held and shall have the authority to
22 stop a fight for noncompliance with any part of this Act or
23 rules or when, in the judgment of the Department, or its
24 representative, continuation of the event would endanger the
25 health, safety, and welfare of the contestants or spectators.
26 (Source: P.A. 91-408, eff. 1-1-00.)

27 (225 ILCS 105/13) (from Ch. 111, par. 5013)

28 Sec. 13. Tickets; tax. Tickets to boxing contests
29 ~~athletic--events~~, other than a boxing contest ~~an-athletic~~
30 ~~event~~ conducted at premises with an indoor seating capacity
31 of more than 17,000, shall be printed in such form as the
32 Department shall prescribe. A certified inventory of all
33 tickets printed for any boxing contest event shall be mailed

1 to the Department by the promoter not less than 7 days before
2 the boxing contest event. The total number of tickets printed
3 shall not exceed the total seating capacity of the premises
4 in which the boxing contest event is to be held. No tickets
5 of admission to any boxing contest event, other than a boxing
6 contest an-athletic--event conducted at premises with an
7 indoor seating capacity of more than 17,000, shall be sold
8 except those declared on an official ticket inventory as
9 described in this Section.

10 A promoter who conducts a boxing contest an-athletic
11 event under this Act, other than a boxing contest an-athletic
12 event conducted at premises with an indoor seating capacity
13 of more than 17,000, shall, within 24 hours after a boxing
14 contest such-event: (1) furnish to the Department a written
15 report verified by the promoter or his authorized designee
16 showing the number of tickets sold for the boxing contest or
17 the actual ticket stubs and the amount of the gross proceeds
18 thereof; and (2) pay to the Department a tax of 10% of the
19 first \$500,000 of gross receipts from the sale of admission
20 tickets, to be placed in the General Revenue Fund.

21 (Source: P.A. 90-580, eff. 5-21-98; 91-408, eff. 1-1-00.)

22 (225 ILCS 105/15) (from Ch. 111, par. 5015)

23 Sec. 15. Inspectors. The Director may appoint boxing
24 inspectors to assist the Department staff in the
25 administration of the Act. Inspectors appointed by the
26 Director must include persons who have experience as a
27 professional boxer. Each boxing inspector Such-inspectors
28 appointed by the Director shall receive compensation for each
29 day he or she is they--are engaged in the transacting of
30 business of the Department. Each inspector shall carry a card
31 issued by the Department to authorize him or her to act in
32 such capacity. The inspector or inspectors shall supervise
33 each contest event to ensure that the provisions of the Act

1 are strictly enforced. The inspectors shall also be present
2 at the counting of the gross receipts and shall immediately
3 deliver to the Department the official box office statement
4 as required by Section 13.

5 (Source: P.A. 91-408, eff. 1-1-00.)

6 (225 ILCS 105/16) (from Ch. 111, par. 5016)

7 Sec. 16. Discipline and sanctions.

8 (a) The Department may refuse to issue a permit,
9 registration, or license, refuse to renew, suspend, revoke,
10 reprimand, place on probation, or take such other
11 disciplinary action as the Department may deem proper,
12 including the imposition of fines not to exceed \$5,000 for
13 each violation, with regard to any license or registration
14 for any one or any combination of the following reasons:

15 (1) gambling, betting or wagering on the result of
16 or a contingency connected with a boxing contest an
17 athletic-event or permitting such activity to take place;

18 (2) participating in or permitting a sham or fake
19 boxing contest;

20 (3) holding the boxing contest athletic-event at
21 any other time or place than is stated on the permit
22 application;

23 (4) permitting any contestant other than those
24 stated on the permit application to participate in a
25 boxing contest an-athletic-event, except as provided in
26 Section 9;

27 (5) violation or aiding in the violation of any of
28 the provisions of this Act or any rules or regulations
29 promulgated thereto;

30 (6) violation of any federal, State or local laws
31 of the United States or other jurisdiction governing
32 boxing contests athletic--events or any regulation
33 promulgated pursuant thereto;

- 1 (7) charging a greater rate or rates of admission
2 than is specified on the permit application;
- 3 (8) failure to obtain all the necessary permits,
4 registrations, or licenses as required under this Act;
- 5 (9) failure to file the necessary bond or to pay
6 the gross receipts tax as required by this Act;
- 7 (10) engaging in dishonorable, unethical or
8 unprofessional conduct of a character likely to deceive,
9 defraud or harm the public, or which is detrimental to
10 honestly conducted boxing contests athletic-events;
- 11 (11) employment of fraud, deception or any unlawful
12 means in applying for or securing a permit or license,
13 ~~or~~-registration under this Act;
- 14 (12) permitting a physician making the physical
15 examination to knowingly certify falsely to the physical
16 condition of a contestant;
- 17 (13) permitting contestants of widely disparate
18 weights or abilities to engage in boxing contests
19 athletic-events;
- 20 (14) boxing while under medical suspension in this
21 State or in any other state, territory or country;
- 22 (15) physical illness, including, but not limited
23 to, deterioration through the aging process, or loss of
24 motor skills which results in the inability to
25 participate in boxing contests athletic--events with
26 reasonable judgment, skill, or safety;
- 27 (16) allowing one's license or permit,~~--or~~
28 ~~registrati~~on issued under this Act to be used by another
29 person;
- 30 (17) failing, within a reasonable time, to provide
31 any information requested by the Department as a result
32 of a formal or informal complaint;
- 33 (18) professional incompetence;
- 34 (19) failure to file a return, or to pay the tax,

1 penalty or interest shown in a filed return, or to pay
2 any final assessment of tax, penalty or interest, as
3 required by any tax Act administered by the Illinois
4 Department of Revenue, until such time as the
5 requirements of any such tax Act are satisfied;

6 (20) holding or promoting an ultimate fighting
7 exhibition, or participating in an ultimate fighting
8 exhibition as a promoter, contestant, referee, judge,
9 scorer, manager, trainer, announcer, or timekeeper;

10 (21) habitual or excessive use or addiction to
11 alcohol, narcotics, stimulants, or any other chemical
12 agent or drug that results in an inability to participate
13 in an event; or

14 (22) failure to stop a contest or exhibition when
15 requested to do so by the Department.

16 (b) The determination by a circuit court that a licensee
17 is subject to involuntary admission or judicial admission as
18 provided in the Mental Health and Developmental Disabilities
19 Code operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the licensee is no
21 longer subject to involuntary admission or judicial
22 admission, issuance of an order so finding and discharging
23 the licensee, and upon the recommendation of the Board to the
24 Director that the licensee be allowed to resume his or her
25 practice.

26 (c) In enforcing this Section, the Board, upon a showing
27 of a possible violation, may compel any individual licensed
28 ~~or-registered~~ to practice under this Act, or who has applied
29 for licensure ~~or-registration~~ pursuant to this Act, to submit
30 to a mental or physical examination, or both, as required by
31 and at the expense of the Department. The examining
32 physicians or clinical psychologists shall be those
33 specifically designated by the Board. The Board or the
34 Department may order the examining physician or clinical

1 psychologist to present testimony concerning this mental or
2 physical examination of the licensee, ~~registrant~~, or
3 applicant. No information shall be excluded by reason of any
4 common law or statutory privilege relating to communications
5 between the licensee, ~~registrant~~, or applicant and the
6 examining physician or clinical psychologist. Eye
7 examinations may be provided by a licensed and certified
8 therapeutic optometrist. The individual to be examined may
9 have, at his or her own expense, another physician of his or
10 her choice present during all aspects of the examination.
11 Failure of any individual to submit to a mental or physical
12 examination, when directed, shall be grounds for suspension
13 of a license until such time as the individual submits to the
14 examination if the Board finds, after notice and hearing,
15 that the refusal to submit to the examination was without
16 reasonable cause.

17 (d) If the Board finds an individual unable to practice
18 because of the reasons set forth in this Section, the Board
19 shall require the individual to submit to care, counseling,
20 or treatment by physicians or clinical psychologists approved
21 or designated by the Board, as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure
23 ~~or registration~~, or in lieu of care, counseling, or
24 treatment, the Board may recommend to the Department to file
25 a complaint to immediately suspend, revoke, or otherwise
26 discipline the license ~~or registration~~ of the individual. Any
27 individual whose license ~~or registration~~ was granted pursuant
28 to this Act, or continued, reinstated, renewed, disciplined,
29 or supervised, subject to such conditions, terms, or
30 restrictions, who shall fail to comply with such conditions,
31 terms, or restrictions, shall be referred to the Director for
32 a determination as to whether the individual shall have his
33 or her license ~~or registration~~ suspended immediately, pending
34 a hearing by the Board.

1 (Source: P.A. 91-408, eff. 1-1-00.)

2 (225 ILCS 105/17.7)

3 Sec. 17.7. Restoration of suspended or revoked license or
4 registration. At any time after the suspension or revocation
5 of a license, the Department may restore it to the licensee
6 or registrant upon the written recommendation of the Board,
7 unless after an investigation and a hearing the Board
8 determines that restoration is not in the public interest.

9 (Source: P.A. 91-408, eff. 1-1-00.)

10 (225 ILCS 105/17.8)

11 Sec. 17.8. Surrender of license or registration. Upon
12 the revocation or suspension of a license or registration,
13 the licensee or registrant shall immediately surrender his or
14 her license or registration to the Department. If the
15 licensee or registrant fails to do so, the Department has the
16 right to seize the license or registration.

17 (Source: P.A. 91-408, eff. 1-1-00.)

18 (225 ILCS 105/17.9)

19 Sec. 17.9. Summary suspension of a license or
20 registration. The Director may summarily suspend a license or
21 registration without a hearing if the Director finds that
22 evidence in the Director's possession indicates that the
23 continuation of practice would constitute an imminent danger
24 to the public or the individual involved. If the Director
25 summarily suspends the license or registration without a
26 hearing, a hearing must be commenced within 30 days after the
27 suspension has occurred and concluded as expeditiously as
28 practical.

29 (Source: P.A. 91-408, eff. 1-1-00.)

30 (225 ILCS 105/18) (from Ch. 111, par. 5018)

1 Sec. 18. Investigations; notice and hearing. The
2 Department may investigate the actions of any applicant or of
3 any person or persons promoting or participating in a contest
4 ~~or--exhibition~~ or any person holding or claiming to hold a
5 license ~~or--registration~~. The Department shall, before
6 revoking, suspending, placing on probation, reprimanding, or
7 taking any other disciplinary action under this Act, at least
8 30 days before the date set for the hearing, (i) notify the
9 accused in writing of the charges made and the time and place
10 for the hearing on the charges, (ii) direct him or her to
11 file a written answer to the charges with the Board under
12 oath within 20 days after the service on him or her of the
13 notice, and (iii) inform the accused that, if he or she fails
14 to answer, default will be taken against him or her or that
15 his or her license ~~or--registration~~ may be suspended, revoked,
16 or placed on probationary status or that other disciplinary
17 action may be taken with regard to the license ~~or~~
18 ~~registration~~, including limiting the scope, nature, or extent
19 of his or her practice, as the Department may consider
20 proper. At the time and place fixed in the notice, the Board
21 shall proceed to hear the charges, and the parties or their
22 counsel shall be accorded ample opportunity to present any
23 pertinent statements, testimony, evidence, and arguments. The
24 Board may continue the hearing from time to time. In case the
25 person, after receiving the notice, fails to file an answer,
26 his or her license ~~or--registration~~ may, in the discretion of
27 the Department, be suspended, revoked, or placed on
28 probationary status or the Department may take whatever
29 disciplinary action considered proper, including limiting the
30 scope, nature, or extent of the person's practice or the
31 imposition of a fine, without a hearing, if the act or acts
32 charged constitute sufficient grounds for that action under
33 this Act. The written notice may be served by personal
34 delivery or by certified mail to the address specified by the

1 accused in his or her last notification with the Department.
2 (Source: P.A. 91-408, eff. 1-1-00.)

3 (225 ILCS 105/19) (from Ch. 111, par. 5019)

4 Sec. 19. Findings and recommendations. At the conclusion
5 of the hearing, the Board shall present to the Director a
6 written report of its findings, conclusions of law, and
7 recommendations. The report shall contain a finding of
8 whether the accused person violated this Act or its rules or
9 failed to comply with the conditions required in this Act or
10 its rules. The Board shall specify the nature of any
11 violations or failure to comply and shall make its
12 recommendations to the Director. In making recommendations
13 for any disciplinary actions, the Board may take into
14 consideration all facts and circumstances bearing upon the
15 reasonableness of the conduct of the accused and the
16 potential for future harm to the public including, but not
17 limited to, previous discipline of the accused by the
18 Department, intent, degree of harm to the public and
19 likelihood of harm in the future, any restitution made by the
20 accused, and whether the incident or incidents contained in
21 the complaint appear to be isolated or represent a continuing
22 pattern of conduct. In making its recommendations for
23 discipline, the Board shall endeavor to ensure that the
24 severity of the discipline recommended is reasonably related
25 to the severity of the violation.

26 The report of findings of fact, conclusions of law, and
27 recommendation of the Board shall be the basis for the
28 Department's order refusing to issue, restore, or renew a
29 license ~~or registration~~, or otherwise disciplining a licensee
30 ~~or---registrant~~. If the Director disagrees with the
31 recommendations of the Board, the Director may issue an order
32 in contravention of the Board recommendations. The Director
33 shall provide a written report to the Board on any

1 disagreement and shall specify the reasons for the action in
2 the final order. The finding is not admissible in evidence
3 against the person in a criminal prosecution brought for a
4 violation of this Act, but the hearing and finding are not a
5 bar to a criminal prosecution brought for a violation of this
6 Act.

7 (Source: P.A. 91-408, eff. 1-1-00.)

8 (225 ILCS 105/19.1) (from Ch. 111, par. 5019.1)

9 Sec. 19.1. Appointment of a hearing officer. The
10 Director has the authority to appoint any attorney duly
11 licensed to practice law in the State of Illinois to serve as
12 the hearing officer in any action for refusal to issue,
13 restore, or renew a license ~~or certificate of registration~~ or
14 discipline of a licensee ~~or registrant~~. The hearing officer
15 has full authority to conduct the hearing. The hearing
16 officer shall report his or her findings of fact, conclusions
17 of law, and recommendations to the Board and the Director.
18 The Board shall have 60 days from receipt of the report to
19 review the report of the hearing officer and present its
20 findings of fact, conclusions of law and recommendations to
21 the Director. If the Board fails to present its report
22 within the 60 day period, the Director may issue an order
23 based on the report of the hearing officer. If the Director
24 determines that the Board's report is contrary to the
25 manifest weight of the evidence, he may issue an order in
26 contravention of the recommendation. The Director shall
27 promptly provide a written report of the Board on any
28 deviation and shall specify the reasons for the action in the
29 final order.

30 (Source: P.A. 91-408, eff. 1-1-00.)

31 (225 ILCS 105/19.3)

32 Sec. 19.3. Compelling testimony. Any circuit court, upon

1 application of the Department, designated hearing officer, or
 2 the applicant or, licensee, ~~or registrant~~ against whom
 3 proceedings under this Act are pending, may enter an order
 4 requiring the attendance of witnesses and their testimony and
 5 the production of documents, papers, files, books, and
 6 records in connection with any hearing or investigation. The
 7 court may compel obedience to its order by proceedings for
 8 contempt.

9 (Source: P.A. 91-408, eff. 1-1-00.)

10 (225 ILCS 105/19.4)

11 Sec. 19.4. Director; rehearing. Whenever the Director
 12 believes that justice has not been done in the revocation,
 13 suspension, refusal to issue, restore, or renew a license ~~or~~
 14 registration, or other discipline of an applicant or
 15 licensee, ~~or registrant~~, he or she may order a rehearing by
 16 the same or other examiners.

17 (Source: P.A. 91-408, eff. 1-1-00.)

18 (225 ILCS 105/23) (from Ch. 111, par. 5023)

19 Sec. 23. Fees. The fees for the administration and
 20 enforcement of this Act including, but not limited to,
 21 original licensure ~~or registration~~, renewal, and restoration
 22 shall be set by rule. The fees shall not be refundable.

23 {Blank}.

24 (Source: P.A. 91-357, eff. 7-29-99; 91-408, eff. 1-1-00;
 25 revised 8-27-99.)

26 (225 ILCS 105/23.1) (from Ch. 111, par. 5023.1)

27 Sec. 23.1. Returned checks; fines. Any person who
 28 delivers a check or other payment to the Department that is
 29 returned to the Department unpaid by the financial
 30 institution upon which it is drawn shall pay to the
 31 Department, in addition to the amount already owed to the

1 Department, a fine of \$50. ~~If the check or other payment was~~
2 ~~for a renewal or issuance fee and that person practices~~
3 ~~without paying the renewal fee or issuance fee and the fine~~
4 ~~due, an additional fine of \$100 shall be imposed.~~ The fines
5 imposed by this Section are in addition to any other
6 discipline provided under this Act for unlicensed practice or
7 practice on a nonrenewed license. The Department shall notify
8 the person that payment of fees and fines shall be paid to
9 the Department by certified check or money order within 30
10 calendar days of the notification. If, after the expiration
11 of 30 days from the date of the notification, the person has
12 failed to submit the necessary remittance, the Department
13 shall automatically terminate the license ~~or certificate~~ or
14 deny the application, without hearing. If, after termination
15 or denial, the person seeks a license ~~or certificate~~, he or
16 she shall apply to the Department for restoration or issuance
17 of the license ~~or certificate~~ and pay all fees and fines due
18 to the Department. The Department may establish a fee for the
19 processing of an application for restoration of a license ~~or~~
20 ~~certificate~~ to pay all expenses of processing this
21 application. The Director may waive the fines due under this
22 Section in individual cases where the Director finds that the
23 fines would be unreasonable or unnecessarily burdensome.
24 (Source: P.A. 86-615; 87-1031.)

25 Section 10. The Regulatory Sunset Act is amended by
26 changing Section 4.12 and adding Section 4.22 as follows:

27 (5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)
28 Sec. 4.12. The following Acts are repealed December 31,
29 2001:
30 ~~The Professional Boxing and Wrestling Act.~~
31 The Interior Design Profession Title Act.
32 The Detection of Deception Examiners Act.

1 The Water Well and Pump Installation Contractor's License
2 Act.

3 (Source: P.A. 86-1404; 86-1475; 87-703.)

4 (5 ILCS 80/4.22 new)

5 Sec. 4.22. The Professional Boxing Act.

6 Section 99. Effective date. This Act takes effect
7 January 1, 2002.".