

1 AN ACT concerning the regulation of professions.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.12 as follows:

6 (5 ILCS 80/4.12) (from Ch. 127, par. 1904.12)
7 Sec. 4.12. The following Acts are repealed December 31,
8 2001:

9 The Professional Boxing and Wrestling Act.

10 The Interior Design Profession Title Act.

11 ~~The Detection of Deception Examiners Act.~~

12 The Water Well and Pump Installation Contractor's License
13 Act.

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

15 Section 10. The Regulatory Sunset Act is amended by
16 adding Section 4.22 as follows:

17 (5 ILCS 80/4.22 new)

18 Sec. 4.22. Act repealed on January 1, 2012. The
19 following Act is repealed on January 1, 2012:

20 The Detection of Deception Examiners Act.

21 Section 15. The Detection of Deception Examiners Act is
22 amended by changing Sections 1, 11, 17, 18, 22, 23, 24, 25,
23 26.1, 29, and 30 and adding Sections 7.2 and 7.3 as follows:

24 (225 ILCS 430/1) (from Ch. 111, par. 2401)

25 Sec. 1. Definitions. As used in this Act, unless the
26 context otherwise requires: "Detection of Deception
27 Examination", hereinafter referred to as "Examination" means

1 any examination in which a device or instrument is used to
2 test or question individuals for the purpose of evaluating
3 truthfulness or untruthfulness.

4 "Examiner" means any person licensed under this Act.

5 "Person" includes any natural person, partnership,
6 association, corporation or trust.

7 "Department" means the Department of Professional
8 Regulation of the State of Illinois.

9 "Director" means the Director of Professional Regulation
10 of the State of Illinois.

11 ~~"Committee" means the--Detection--of--Deception--Examiner~~
12 ~~Committee-provided-for-in-this-Act.~~

13 "Him" means both the male and female gender.

14 (Source: P.A. 85-1209.)

15 (225 ILCS 430/7.2 new)

16 Sec. 7.2. Detection of Deception Examiners Act
17 Coordinator. The Director shall appoint a Detection of
18 Deception Examiners Act Coordinator to assist the Department
19 in the administration of this Act. The Detection of
20 Deception Examiners Act Coordinator shall be a person
21 licensed under this Act and shall have no less than 10 years
22 of experience as an Illinois licensed Detection of Deception
23 Examiner. The Detection of Deception Examiners Act
24 Coordinator shall perform such administrative functions on a
25 full or part-time basis as may be delegated to him or her by
26 the Director, including, but not limited to, revision of the
27 licensing examination and review of the training and
28 qualifications of applicants from a jurisdiction outside of
29 Illinois.

30 Whenever the Director is satisfied that substantial
31 justice has not been done in an examination, he may order a
32 re-examination by the same or other examiners.

1 (225 ILCS 430/7.3 new)
 2 Sec. 7.3. Appointment of a Hearing Officer. The
 3 Director has the authority to appoint an attorney, licensed
 4 to practice law in the State of Illinois, to serve as a
 5 Hearing Officer in any action for refusal to issue or renew a
 6 license or to discipline a license. The Hearing Officer has
 7 full authority to conduct the hearing. The appointed
 8 Detection of Deception Coordinator may attend hearings and
 9 advise the Hearing Officer on technical matters involving
 10 Detection of Deception examinations.

11 (225 ILCS 430/11) (from Ch. 111, par. 2412)
 12 Sec. 11. Qualifications for licensure as an examiner. A
 13 person is qualified to receive a license as an examiner:

14 A. Who establishes that he is a person of good moral
 15 character; and

16 B. Who has passed an examination approved by the
 17 Department conducted-by-the-Examiner-Committee,-or-under-its
 18 supervision, to determine his competency to obtain a license
 19 to practice as an examiner; and

20 C. Who has had conferred upon him an academic degree, at
 21 the baccalaureate level, from an accredited college or
 22 university; and

23 D. Who has satisfactorily completed 6 months of study in
 24 detection of deception, as prescribed by rule.

25 Conviction of a misdemeanor involving moral turpitude or
 26 a felony may be considered, but shall not be determinative,
 27 in determining whether an applicant is of good moral
 28 character.

29 (Source: P.A. 82-200.)

30 (225 ILCS 430/17) (from Ch. 111, par. 2418)
 31 Sec. 17. Complaints; investigations. The Department may
 32 upon its own motion and shall, upon the verified complaint in

1 writing of any person setting forth facts which if proved
2 would constitute grounds for refusal, suspension or
3 revocation of a license under this Act, investigate the
4 actions of any applicant or of any person or persons holding
5 or claiming to hold a license. The Department shall, before
6 refusing to issue and before suspension or revocation of a
7 license, at least 30 days prior to the date set for the
8 hearing, notify in writing the applicant for, or holder of, a
9 license of the nature of the charges and that a hearing will
10 be held on the date designated. The Department shall direct
11 the applicant or licensee to file a written answer with to
12 the Department Board under oath within 20 days after the
13 service of the notice and inform the applicant or licensee
14 that failure to file an answer will result in default being
15 taken against the applicant or licensee and that the license
16 or certificate may be suspended, revoked, placed on
17 probationary status, or other disciplinary action may be
18 taken, including limiting the scope, nature or extent of
19 practice, as the Director may deem proper. In case the person
20 fails to file an answer after receiving notice, his or her
21 license or certificate may, in the discretion of the
22 Department, be suspended, revoked, or placed on probationary
23 status, or the Department may take whatever disciplinary
24 action deemed proper, including limiting the scope, nature,
25 or extent of the person's practice or the imposition of a
26 fine, without a hearing, if the act or acts charged
27 constitute sufficient grounds for such action under this Act.
28 The hearing shall determine whether the applicant or holder,
29 hereinafter called the respondent is privileged to hold a
30 license, and shall afford the respondent an opportunity to be
31 heard in person or by counsel in reference thereto. Written
32 notice may be served by delivery of the same personally to
33 the respondent at the address of his last notification to the
34 Department. At the time and place fixed in the notice, the

1 Department Committee shall proceed to hear the charges and
 2 both the respondent and Department complainant shall be
 3 accorded ample opportunity to present in person or by counsel
 4 such statements, testimony, evidence and argument as may be
 5 pertinent to the charges or to their defense. The Department
 6 Committee may continue the hearing from time to time. ~~If the~~
 7 ~~Committee shall not be sitting at the time and place fixed in~~
 8 ~~the notice or at the time and place to which the hearing~~
 9 ~~shall have been continued, the Director shall continue the~~
 10 ~~hearing for a period not to exceed 30 days, unless extended~~
 11 ~~by stipulation of both parties.~~

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

13 (225 ILCS 430/18) (from Ch. 111, par. 2419)

14 Sec. 18. Stenographer; transcript; Hearing Officer
 15 Committee report. The Department, at its expense, shall
 16 provide a stenographer to take down the testimony and
 17 preserve a record of all proceedings at the hearing of any
 18 case involving the refusal to issue or the suspension or
 19 revocation of a license. The notice of hearing, complaint and
 20 all other documents in the nature of pleadings and written
 21 motions filed in the proceedings, the transcript of
 22 testimony, the report of the Hearing Officer Committee and
 23 orders of the Department shall be the records of the
 24 proceedings. The Department shall furnish a transcript of the
 25 record to any person or persons interested in the hearing
 26 upon the payment of the fee required under Section 2105-115
 27 of the Department of Professional Regulation Law (20 ILCS
 28 2105/2105-115).

29 At the conclusion of the hearing, the Hearing Officer
 30 shall make findings of fact, conclusions of law, and
 31 recommendations, separately stated, and submit them to the
 32 Director and to all parties to the proceeding.

33 The Hearing Officer's findings of fact, conclusions of

1 law, and recommendations shall be served upon the licensee in
 2 a similar fashion as service of the notice of formal charges.
 3 Within 20 days after the service, any party to the proceeding
 4 may present to the Director a motion, in writing, specifying
 5 the particular grounds for a rehearing.

6 The Director, following the time allowed for filing a
 7 motion for rehearing, shall review the Hearing Officer's
 8 findings of fact, conclusions of law, and recommendations and
 9 any subsequently filed motions. After review of the
 10 information, the Director may hear oral arguments and
 11 thereafter shall issue the order. The report of findings of
 12 fact, conclusions of law, and recommendations of the Hearing
 13 Officer shall be the basis for the Department's order. If
 14 the Director finds that substantial justice was not done, the
 15 Director may issue an order in contravention of the Hearing
 16 Officer's recommendations. The Director shall promptly
 17 provide a written explanation to all parties to the
 18 proceeding of any disagreement with the Hearing Officer's
 19 recommendations. In--any-case-involving-the-refusal-to-issue
 20 or-the-suspension-or-revocation-of-a-license, a copy--of--the
 21 Committee's-report-shall-be-served-upon-the-respondent-by-the
 22 Department,--either--personally-or-by-registered-or-certified
 23 mail-as-provided-in-this-Act-for-the-service-of-the-notice-of
 24 hearing.-Within-20-days-after--service,--the--respondent--may
 25 present---to--the--Department--a--motion--in--writing--for--a
 26 rehearing,--which--shall--specify--the--particular--grounds--for
 27 rehearing.-If-no-motion-for-rehearing-is-filed,--then-upon-the
 28 expiration-of-the-time-specified-for-filing-a-motion,--or-if-a
 29 motion-for-rehearing-is-denied,--then-upon-denial-the-Director
 30 may--enter-an-order-in-accordance-with-recommendations-of-the
 31 Committee.-If-the--respondent--shall--order--and--pay--for--a
 32 transcript--of-the-record-within-the-time-for-filing-a-motion
 33 for-rehearing,--the-20-day-period-within-which-a-motion-may-be
 34 filed-shall-commence-upon-the-delivery-of-the--transcript--to

1 ~~the respondent.~~

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (225 ILCS 430/22) (from Ch. 111, par. 2423)

4 Sec. 22. Regulations; forms. The Director, ~~on the~~
5 ~~recommendation of the Committee,~~ may issue regulations,
6 consistent with the provisions of this Act, for the
7 administration and enforcement thereof and may prescribe
8 forms which shall be issued in connection therewith.

9 (Source: Laws 1963, p. 3300.)

10 (225 ILCS 430/23) (from Ch. 111, par. 2424)

11 Sec. 23. Action or counterclaim. No action or
12 counterclaim shall be maintained by any person in any court
13 in this State with respect to any agreement or services for
14 which a license is required by this Act or to recover the
15 agreed price or any compensation under any such agreement, or
16 for such services for which a license is required by this Act
17 without alleging and proving ~~providing~~ that such person had a
18 valid license at the time of making such agreement or doing
19 such work.

20 (Source: Laws 1963, p. 3300.)

21 (225 ILCS 430/24) (from Ch. 111, par. 2425)

22 Sec. 24. Injunctions; cease and desist orders. If any
23 person violates a the provision of this Act, the Director
24 may, in the name of the People of the State of Illinois,
25 through the Attorney General of the State of Illinois, apply,
26 in the circuit court, for an order enjoining such violation
27 or for an order enforcing compliance with this Act. Upon the
28 filing of a verified complaint in such court, the court or
29 any judge thereof, if satisfied by affidavit or otherwise
30 that such person has violated this Act, may enter a temporary
31 restraining order or preliminary injunction, without notice

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

7 The Department may conduct hearings and issue cease and
 8 desist orders with respect to persons who engage in
 9 activities prohibited by this Act. Any person in violation
 10 of a cease and desist order entered by the Department shall
 11 be subject to all of the remedies provided by law and, in
 12 addition, shall be subject to a civil penalty payable to the
 13 party injured by the violation in an amount up to \$10,000.

14 (Source: P.A. 83-334.)

15 (225 ILCS 430/25) (from Ch. 111, par. 2426)

16 Sec. 25. Order or certified copy; prima facie proof. An
 17 order or a certified copy thereof, over the seal of the
 18 Department and purporting to be signed by the Director, shall
 19 be prima facie proof that:

20 (a) the signature is the genuine signature of the
 21 Director; and

22 (b) the Director is duly appointed and qualified;
 23 and

24 ~~(c) the Committee and the members thereof are~~
 25 ~~qualified to act.~~

26 (Source: P.A. 91-357, eff. 7-29-99.)

27 (225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

28 Sec. 26.1. Returned checks; fines. Any person who
 29 delivers a check or other payment to the Department that is
 30 returned to the Department unpaid by the financial
 31 institution upon which it is drawn shall pay to the
 32 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. 87-1031.)

25 (225 ILCS 430/29) (from Ch. 111, par. 2430)

26 Sec. 29. Restoration of license. At any time after the
27 suspension or revocation of any license, the Department may
28 restore it to the accused person, upon the written
29 recommendation of the Committee.

30 (Source: Laws 1963, p. 3300.)

31 (225 ILCS 430/30) (from Ch. 111, par. 2431)

32 Sec. 30. An applicant who is an Examiner, licensed under

1 the laws of another state or territory of the United States,
2 may be issued a license without examination by the
3 Department, in its discretion, upon payment of a fee as set
4 by rule of \$50.00, and the production of satisfactory proof:
5 ;

6 (a) that he is of good moral character; and

7 (b) that the requirements for the licensing of Examiners
8 in such particular state or territory of the United States
9 were, at the date of licensing, substantially equivalent to
10 the requirements then in force in this State.

11 (Source: P.A. 82-200.)

12 (225 ILCS 430/7 rep.)

13 Section 20. The Detection of Deception Examiners Act is
14 amended by repealing Section 7.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.