

# Overview of the Illinois Laws and Rules for PEs



## Preface

The following course is based solely on Illinois State Statutes found on the public web site: [www.ilga.gov](http://www.ilga.gov).

*The database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site soon after they become law.*

*Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect.*

*If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.*

# PROFESSIONS, OCCUPATIONS, AND BUSINESS OPERATIONS

*(Note: All sections listed in this publication are scheduled to be repealed on January 1, 2030, unless otherwise noted)*



# (225 ILCS 325/) Professional Engineering Practice Act of 1989.

## **(225 ILCS 325/1) (from Ch. 111, par. 5201)**

Sec. 1. Declaration of public policy.

The practice of professional engineering in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest.

It is further declared that the practice of professional engineering as defined in this Act merits the confidence of the public, and that only qualified persons shall be authorized to engage in the practice of professional engineering in the State of Illinois.

This Act shall be liberally construed to best carry out this purpose.

(Source: P.A. 86-667.)

## **(225 ILCS 325/2) (from Ch. 111, par. 5202)**

Sec. 2. Short title.

This Act shall be known and may be cited as the Professional Engineering Practice Act of 1989.

(Source: P.A. 86-667.)

## **(225 ILCS 325/3) (from Ch. 111, par. 5203)**

### **Sec. 3. Application of Act; exemptions.**

(a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.

(b) Nothing in this Act shall be construed to prevent the regular and customary practice of a private alarm contractor licensed pursuant to the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(c) Nothing in this Act shall be construed to prevent a fire sprinkler contractor licensed under the Fire Sprinkler Contractor Licensing Act from providing fire protection system layout documents.

For the purpose of this subsection (c), "fire protection system layout documents" means layout drawings, catalog information on standard products, and other construction data that provide detail on the location of risers, cross mains, branch lines, sprinklers, piping per applicable standard, and hanger locations.

Fire protection system layout documents serve as a guide for fabrication and installation of a fire sprinkler system.

(d) A building permit for a building that requires a fire suppression system shall not be issued without the submission of a technical submission prepared and sealed by a licensed design professional.

Fire protection system layout documents do not require an engineering seal if prepared by a technician who holds a valid NICET level 3 or 4 certification in fire protection technology, automatic sprinkler system layout.

An authority having jurisdiction may not accept fire protection system layout documents in lieu of technical submissions. Fire protection system layout documents may be submitted as supporting documents to supplement technical submissions.

However, in the event the fire protection system layout documents materially alter the technical submissions, the authority having jurisdiction shall return both the fire protection layout documents and technical submissions to the licensed design professional for review.

(e) Nothing in this Act shall prevent:

(1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.

(2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the professional engineer for the project.

(3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.

(4) Services performed by employees of a business organization engaged in utility, telecommunications, industrial, or manufacturing operations, or by employees of laboratory research affiliates of such business organization that are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.

(5) Inspection, maintenance and service work done by employees of the State of Illinois, any political subdivision thereof or any municipality.

(6) The activities performed by those ordinarily designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily

performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.

(7) The activities performed by a person ordinarily

designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant that is under such person's immediate supervision.

(8) The services, for private use, of contractors or

owners in the construction of engineering works or the installation of equipment.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/4) (from Ch. 111, par. 5204)**

### Sec. 4. Definitions. As used in this Act:

(a) "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit.

(a-5) "Approved engineering curriculum" means an engineering curriculum or program of 4 academic years or more that meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department.

(c) "Department" means the Department of Financial and Professional Regulation.

(d) "Design professional" means an architect, structural engineer, or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) (Blank).

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge. The Department may further define this term by rule.

(f-5) "Email address of record" means the designated email address of record by the Department in the applicant's application file or the licensee's license file as maintained by the Department's licensure maintenance unit.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the



Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Department's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials to be used in, administration of construction contracts for, or site observation of, an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials,

practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself or herself out as able to perform any service which is recognized as professional engineering practice.

**Examples of the practice of professional engineering include, but are not limited to:**

transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; land development; stormwater detention, retention, and conveyance, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989; irrigation works; aircraft and airports; traffic engineering; waterworks, piping systems, sewers, sewage disposal works, storm sewer, sanitary sewer and water system modeling; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil and rock classification, geology and geohydrology, incidental to the practice of professional engineering; geohydrological investigations, migration pathway analysis (including evaluation of building and site elements), soil and groundwater management zone analysis and design; energy analysis, environmental risk assessments, corrective action plans, design, remediation, protection plans and systems, hazardous waste mitigation and control, and environmental control or remediation systems; recognition, measurement, evaluation and control of environmental systems and emissions; control systems, evaluation and design of engineered barriers, excluding structures defined under Section 5 of the Structural Engineering Practice Act of 1989; modeling of pollutants in water, soil, and air; engineering surveys of sites, facilities, and topography specific to a design project, not including

land boundary establishment; automated building management systems; control or remediation systems; computer controlled or integrated systems; automatic fire notification and suppression systems; investigation and assessment of indoor air inhalation exposures and design of abatement and remediation systems; or the provision of professional engineering site observation of the construction of works and engineering systems.

In the performance of any of the foregoing functions, a licensee shall adhere to the standards of professional conduct enumerated in 68 Ill. Adm. Code 1380.300.

Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.

Nothing in this Section shall preclude an employee from acting under the direct supervision or responsible charge of a licensed professional engineer.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4-year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including, but not limited to, physics and chemistry.

In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means the rules adopted pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(t-5) "Secretary" means the Secretary of Financial and Professional Regulation.

(u) "Site observation" means visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/4.5)**

### **Sec. 4.5. Address of record; email address of record.**

All applicants and licensees shall:

(1) provide a valid address and email address to

the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for licensure or renewal of a license; and

(2) inform the Department of any change of

address of record or email address of record within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/5) (from Ch. 111, par. 5205)**

### **Sec. 5. Powers and duties of the Department.**

The Department shall exercise, subject to the provisions of this Act, the following functions, powers, and duties:

(a) Authorize examinations to ascertain the fitness

and qualifications of applicants for licensure and pass upon the qualifications and fitness of applicants for licensure by endorsement.

(b) Adopt rules required for the administration of

this Act.

(c) Conduct hearings on proceedings to refuse to

issue or renew, restore, revoke, or suspend licenses or place on probation or reprimand persons or entities licensed under the provisions of this Act.

(d) Issue licenses to those who meet the requirements

of this Act.

(e) Adopt rules as to what shall constitute a

professional engineering or related science curriculum.

(f) Adopt rules for what constitutes professional

engineering experience.

(g) Maintain membership in the National Council of

Examiners for Engineering and Surveying and participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council.

(h) Adopt rules for standards of professional

conduct.

(i) Obtain written recommendations from the Board

regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the adoption of the rules affecting these matters.

Upon the issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or adoption of rules, the Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for the action in the final decision or order.

The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(i) Post on the Department's website, a newsletter describing the most recent changes in this Act and the rules adopted under this Act and containing information of any final disciplinary action that has been ordered under this Act since the date of the last newsletter.

(j) Review such applicant qualifications to sit for the examination or for licensure as the Board designates pursuant to Section 7 of this Act.

(k) Conduct investigations related to possible violations of this Act.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/6) (from Ch. 111, par. 5206)**

### **Sec. 6. Board.**

(a) The Secretary shall appoint a Professional Engineering Board. The Board shall consist of 10 members who shall serve in an advisory capacity to the Secretary.

All shall be residents of Illinois. 9 members shall (i) currently hold a valid professional engineering license in Illinois and shall have held the license under this Act for the previous 10-year period and (ii) have not been disciplined within the last 10-year period under this Act.

In addition to the 9 professional engineers, there shall be one public member. The public member shall be a voting member and shall not be licensed under this Act or any other design profession licensing Act that the Department administers.

(b) Board members shall serve 5-year terms and until their successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the professional engineering profession.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

(g) Six members shall constitute a quorum. A quorum is required for Board decisions.



(h) The Secretary may remove any member of the Board for misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials. The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

(i) Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the response of the Board and any recommendations made therein.

(j) Members of the Board shall not be liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

(k) Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/7) (from Ch. 111, par. 5207)**

### **Sec. 7. Powers and duties of the Board.**

Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

- (a) The Board shall hold at least 3 regular meetings each year.
- (b) The Board shall annually elect a chairperson and a vice chairperson who shall be Illinois licensed professional engineers.
- (c) The Board, upon request by the Department, may make a curriculum evaluation to approve a professional engineer program, a non-approved engineering program, and related science curriculum and submit to the Secretary a written recommendation of acceptability of a curriculum.
- (d) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.
- (e) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule.
- (f) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, informal conferences, and formal evidentiary hearings.
- (g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department except for those applicant qualifications that the Board designates as routinely acceptable.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/8) (from Ch. 111, par. 5208)**

### **Sec. 8. Applications for licensure.**

(a) Applications for original licenses shall be made to the Department in writing on forms or electronically as prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.

All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as a professional engineer or engineer intern.

The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with rules adopted by the Department.

(b) Applicants have 3 years from the date of application to complete the application process.

If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/8.5)**

### **Sec. 8.5. Social Security Number on license application.**

In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

(Source: P.A. 97-400, eff. 1-1-12.)

## **(225 ILCS 325/9) (from Ch. 111, par. 5209)**

### **Sec. 9. Examinations.**

(a) The Department shall authorize examinations of applicants for a license under this Act at such times and places as it may determine by rule. The examinations shall be of a character to give a fair test of the qualifications of the applicant to practice as a professional engineer or engineer intern.

(b) Applicants for examination are required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(c) If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/10) (from Ch. 111, par. 5210)**

### **Sec. 10. Minimum standards for licensure as professional engineer.**

(a) To qualify for licensure as a professional engineer, each applicant shall be:

(1) a graduate of an approved engineering curriculum

of at least 4 years who submits acceptable evidence to the Board of an additional 4 years or more of experience in engineering work of a grade and character that indicate that the individual may be competent to practice professional engineering, and who has passed an examination in the fundamentals of engineering as defined by rule and an examination in the principles and practice of engineering as defined by rule. Upon submitting an application with proof of passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(2) a graduate of a non-approved engineering

curriculum or a related science curriculum of at least 4 years and which meets the requirements as set forth by rule by submitting an application to the Department for its review and approval, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who has passed an examination in the fundamentals of engineering as defined by rule and an examination in the principles and practice of engineering as defined by rule. Upon submitting the application with proof of passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(3) an Illinois engineer intern, by application and

payment of the required fee, may then take an examination in the principles and practice of engineering as defined by rule. If the applicant passes that examination and submits evidence to the Board that meets the experience qualification of paragraph (1) or

(2), the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.

(b) Allowable experience for licensure shall commence at the date of the baccalaureate degree, except for experience gained while the applicant is a part-time student taking fewer than 12 hours per semester or 8 hours per quarter to earn the degree concurrent with the full-time engineering experience.

(c) When considering an applicant's qualifications for licensure under this Act, the Department may take into consideration whether an applicant has engaged in conduct or actions that would constitute a violation of the Standards of Professional Conduct for this Act as provided by administrative rules.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/11) (from Ch. 111, par. 5211)**

Sec. 11. Minimum standards for examination for enrollment as engineer intern.

Each of the following is considered a minimum standard that an applicant must satisfy to qualify for enrollment as an engineer intern:

- (a) A graduate of an approved engineering curriculum of at least 4 years, who has passed an examination in the fundamentals of engineering as defined by rule, shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or
- (b) An applicant in the last year of an approved engineering curriculum who passes an examination in the fundamentals of engineering as defined by rule and furnishes proof that the applicant graduated within a 12-month period following the examination shall be enrolled as an engineer intern, if the applicant is otherwise qualified; or
- (c) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and which meets the requirements as set forth by rule by submitting an application to the Department for its review and approval, who submits acceptable evidence to the Board of an additional 4 years or more of progressive experience in engineering work, and who has passed an examination in the fundamentals of engineering as defined by rule shall be enrolled as an engineer intern, if the applicant is otherwise qualified.

(Source: P.A. 101-310, eff. 8-9-19.)



## **(225 ILCS 325/12) (from Ch. 111, par. 5212)**

Sec. 12. Educational credits or teaching as equivalent of experience.

(a) After earning an acceptable baccalaureate degree as required by paragraph (1) or (2) of subsection (a) of Section 10 in engineering or related science and upon completion of a Master's degree in engineering, the applicant may receive one year of experience credit.

Upon completion of a Ph.D. in engineering, an applicant may receive an additional year experience credit for a maximum of 2 years.

(b) Teaching engineering subjects in an engineering college at a rank of instructor or above is considered experience in engineering.

(c) (Blank).

(Source: P.A. 101-310, eff. 8-9-19.)

**(225 ILCS 325/13) (from Ch. 111, par. 5213)**



**Sec. 13. After graduation courses.**

To complete acceptable educational requirements, an applicant may use course work successfully taken after the applicant's non-approved engineering baccalaureate degree or related science baccalaureate degree, as provided in the rules.

(Source: P.A. 89-61, eff. 6-30-95.)

## **(225 ILCS 325/14) (from Ch. 111, par. 5214)**

### Sec. 14. Seal.



Every professional engineer shall have a reproducible seal, which may be computer generated, the imprint of which shall contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois".

Any reproducible stamp heretofore authorized under the laws of this State for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act.

The engineer shall be responsible for his or her seal and signature as defined by rule. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer.

The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards.

The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/15) (from Ch. 111, par. 5215)**



### Sec. 15. Technical submissions.

(a) Technical submissions are the designs, drawings, and specifications that establish the scope of the professional engineering project, the standard of quality for materials, workmanship, equipment, and constructions systems, and the studies and other technical reports and calculations prepared in the course of the practice of professional engineering.

All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date.

The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal.

(b) All technical submissions intended for use in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence.

Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal ordinances in such submissions.

In recognition that professional engineers are licensed for the protection of the public, health, safety, and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.

(c) No officer, board, commission, or other public entity that receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of a professional engineer that do not bear the seal and signature of a professional engineer licensed under this Act.

(d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work.

A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the professional engineer who originally sealed and signed the technical submissions.

(e) The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible.

The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

(Source: P.A. 101-310, eff. 8-9-19.)

## (225 ILCS 325/16) (from Ch. 111, par. 5216)



### Sec. 16. Display of license.

Every holder of a license under this Act shall display the license in a conspicuous place in his or her principal office, place of business, or place of employment.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/17) (from Ch. 111, par. 5217)**

Sec. 17. Renewal, reinstatement, or restoration of license; persons in military service.

(a) The expiration date and renewal period for each professional engineer license issued under this Act shall be set by the Department by rule. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee.

(b) A professional engineer who has permitted his or her license to expire or has had his or her license placed on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee as determined by rule.

(c) A professional engineer whose license has expired while engaged

(1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training, or

(2) in training or education under the supervision of the United States before induction into the military service, may have the license restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if within 2 years after termination other than by dishonorable discharge of such service, training, or education and the Department is furnished with satisfactory evidence that the licensee has been so engaged in the practice of professional engineering and that such service, training, or education has been so terminated.

(d) The enrollment of an engineer intern does not expire.

(e) Any person who has been duly licensed as a professional engineer by the Department and who chooses to deactivate or not renew his or her license may use the title "Professional Engineer, Retired".

Those persons using the title "Professional Engineer, Retired" may request restoration to active status under the applicable provisions of Sections 17, 17.5, and 18 of this Act.

The use of the title "Professional Engineer, Retired" shall not constitute representation of current licensure. Any person without an active license shall not be permitted to practice engineering as defined in this Act.

Nothing in this Section shall be construed to require the Department to issue any certificate, credential, or other document indicating that a person has been granted the title, "Professional Engineer, Retired". (Source: P.A. 101-310, eff. 8-9-19.)



## **(225 ILCS 325/17.5)**

### **Sec. 17.5. Continuing education.**

The Department may adopt rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements.

The requirements of this Section apply to any person seeking renewal or restoration under Section 17 of this Act. For the purposes of this Act, continuing education shall also be known as professional development.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/18) (from Ch. 111, par. 5218)**

### **Sec. 18. Inactive status.**

A person licensed under this Act who notifies the Department, in writing on forms prescribed by the Department, may place his or her license on inactive status and shall be excused from payment of renewal fees until the Department is notified in writing of that person's desire to resume active status.

Any professional engineer whose license is in inactive status shall not practice professional engineering in the State of Illinois.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/19) (from Ch. 111, par. 5219)**

### **Sec. 19. Endorsement.**

(a) The Department may, upon application in writing on forms or electronically accompanied by the required fee, issue a license as a professional engineer to an applicant already licensed under the laws of another state, the District of Columbia, a territory of the United States, or a party to the North American Free Trade Agreement if the requirements for licensure in that jurisdiction were, at the time of original licensure, substantially equivalent to the requirements then in force in this State.

(b) If the accuracy of any submitted documentation or relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking licensure may be required to provide additional information.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed during the 3-year time frame, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/20) (from Ch. 111, par. 5220)**

### Sec. 20. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department.

(c) All the fees and fines collected as authorized under this Act shall be deposited into the Design Professionals Administration and Investigation Fund.

Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/20.5)**

### **Sec. 20.5. Returned checks; fines.**

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

The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license.

The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification.

If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department.

The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/20.10)**

### **Sec. 20.10. Unlicensed practice; violation; civil penalty.**

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a professional engineer or engineer intern without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department.

The civil penalty shall be assessed by the Department after a hearing is held in accordance with this Act regarding the provision of a hearing for the discipline of a licensee.

(b) A firm or business that offers design services under this Act without being registered as a professional design firm or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with this Act regarding the provision of a hearing for the discipline of a licensee.

(c) The Department may investigate any actual, alleged, or suspected unlicensed activity.

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

(e) A person or entity not licensed or registered under this Act that has violated any provision of this Act or its rules is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for a second and subsequent offenses.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/21)**

Sec. 21. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/22) (from Ch. 111, par. 5222)**

Sec. 22. Advertising.

Any person licensed under this Act may advertise the availability of professional services in the media or on the premises where such professional services are rendered as permitted by law, if such advertising is truthful and not misleading.

(Source: P.A. 86-667.)

## **(225 ILCS 325/23) (from Ch. 111, par. 5223)**

### **Sec. 23. Professional design firm registration.**

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to practice professional engineering.

Any business, including a Professional Service Corporation, that includes within its stated purposes or practices, or holds itself out as available to practice, professional engineering shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional engineering services to the public.

Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm.

Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

"Illinois licensed design professional" means a person who holds an active license as a professional engineer under this Act, as an architect under the Illinois Architecture Practice Act of 1989, or as a structural engineer under the Structural Engineering Practice Act of 1989.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of professional engineering activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional engineering in Illinois.



No individual whose license to practice professional engineering in this State is currently in a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person

designated as the managing agent in responsible charge of the practice of professional engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors,

in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the

professional design firm provides professional engineering services to the public; and

(4) a list of all assumed names of the business.

Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal

period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the professional design firm shall notify the Department of this fact in writing, by regular mail or email, within 10 business days of such termination.

Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent.

If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30-day period.

If the professional design firm has not notified the Department in writing, by regular mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular mail or email to the last known address of the business.

If the professional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections 21 and 24 for the unlicensed practice of professional engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on

the same grounds as disciplinary action against a licensed professional engineer.

All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/24) (from Ch. 111, par. 5224)**

### Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or renew a license or registration, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 per violation, with regard to any license issued under this Act, for any one or a combination of the following reasons:

(1) Material misstatement in furnishing information to the Department.

(2) Negligence, incompetence, or misconduct in the practice of professional engineering.

(3) Failure to comply with any provisions of this Act or any of its rules.

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act.

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment.

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of professional engineering.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

(8) Failing to provide information in response to a

written request made by the Department within 60 days after receipt of such written request.

(9) Engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual or excessive use or abuse of drugs

defined in law as controlled substances, of alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety.

(11) A finding by the Department that an applicant or

licensee has failed to pay a fine imposed by the Department.

(12) A finding by the Department that the licensee,

after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms.

(13) Inability to practice the profession with

reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability.

(14) Discipline by another state, territory, foreign

country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act.

(15) The making of any willfully false oath or

affirmation in any matter or proceeding where an oath or affirmation is required by this Act.

(16) Using or attempting to use an expired, inactive,

suspended, or revoked license or the certificate or seal of another or impersonating another licensee.

(17) Directly or indirectly giving to or receiving

from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered.

(18) Signing or affixing the professional

engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the professional engineer or under the professional engineer's supervision and control.

(19) Making a statement pursuant to the

Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department.

The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or applicant.

No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department.

The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to

the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under his or her license.

(b) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary that the registrant be allowed to resume practice.

(c) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 100-872, eff. 8-14-18; 101-310, eff. 8-9-19.)

## **(225 ILCS 325/25) (from Ch. 111, par. 5225)**

### **Sec. 25. Injunction; cease and desist order.**

(a) If any person or entity violates the provisions of this Act, the Secretary, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney of the county in which the violation is alleged to have occurred, may petition the circuit court for an order enjoining such violation or for an order enforcing compliance with this Act.

Upon the filing of a verified petition, the court may issue a temporary restraining order, without bond, and may preliminarily and permanently enjoin such violation.

If it is established that such person or other entity has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) (Blank).

(c) (Blank)

(d) Whenever in the opinion of the Department, any person or entity violates any provision of this Act, the Department may issue a notice to show cause why an order to cease and desist should not be entered against that person or entity.

The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 101-310, eff. 8-9-19.)



## **(225 ILCS 325/26) (from Ch. 111, par. 5226)**

### **Sec. 26. Investigations; notice and hearing.**

(a) The Department may investigate the actions of any applicant or of any person or entity holding or claiming to hold a license or registration under this Act.

(b) Before the initiation of a formal complaint, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. If a subcommittee has not been formed, the matter shall proceed through the process as stated in subsection (c) of this Section.

(c) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date set for the hearing,

(i) notify in writing the applicant or licensee of the charges made and the time and place for the hearing on the charges,

(ii) direct the applicant or licensee to file a written answer to the charges under oath within 20 days after the service of the notice, and

(iii) inform the applicant or licensee that failure to file a written answer to the charges will result in a default being entered against the applicant or licensee.

(d) Written or electronic notice, and any notice in the subsequent proceeding, may be served by personal delivery, by email, or by mail to the applicant or licensee at his or her address of record or email address of record.

(e) At the time and place fixed in the notice, the Board or hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any statement, testimony, evidence, and argument as may be pertinent to the charges or to their defense.

The Board or hearing officer may continue the hearing from time to time.

(f) In case the licensee or applicant, after receiving the notice, fails

to file an answer, the license or application may, in the discretion of the Secretary, having first received the recommendation of the Board, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including limiting the scope, nature, or extent of the person's practice or imposition of a fine, without hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/27) (from Ch. 111, par. 5227)**

### **Sec. 27. Record of proceedings.**

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings at the hearing of any case in which a license may be revoked or suspended or in which a licensee may be placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the license when a disciplinary action is authorized under this Act and its rules.

The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, the report of the Board, and the orders of the Department shall be the record of the proceedings.

The record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/27.5)**

### **Sec. 27.5. Subpoenas; depositions; oaths.**

(a) The Department has the power to subpoena documents, books, records, or other materials, to bring before it any person, and to take testimony either orally or by deposition, or take written interrogatories, or any combination thereof, with the same fees and mileage and in the same manner prescribed in civil cases in courts of this State.

(b) The Secretary, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/28) (from Ch. 111, par. 5228)**

### **Sec. 28. Compelling testimony.**

Any circuit court may, upon application of the Department or its designee or of the applicant or registrant against whom proceedings under Section 26 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 86-667.)

## **(225 ILCS 325/29) (from Ch. 111, par. 5229)**

### **Sec. 29. Hearing; motion for rehearing.**

(a) The Board or hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the licensee.

At the conclusion of the hearing, the Board or hearing officer shall present to the Secretary a written report of its findings of fact, conclusions of law, and recommendations.

If the Board fails to present its report, the applicant or licensee may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.

(b) At the conclusion of the hearing, a copy of the Board or hearing officer's report shall be served upon the applicant or licensee, either personally or as provided in this Act for the service of the notice of hearing.

Within 20 calendar days after such service, the applicant or licensee may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing.

The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the Board or hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 calendar day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order contrary to the report. The

Secretary shall notify the Board on any such deviation and shall specify with particularity the reasons for such action in the final order.

(d) Whenever the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/30)**

Sec. 30. (Repealed).

(Source: P.A. 86-667. Repealed by P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/31)**

Sec. 31. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-310, eff. 8-9-19.)



## **(225 ILCS 325/31.5)**

### **Sec. 31.5. Confidentiality.**

All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed.

The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department.

Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person.

A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/32) (from Ch. 111, par. 5232)**

### **Sec. 32. Hearing officer.**

Notwithstanding any provision in this Act, the Secretary has the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license or discipline a licensee.

The Board may have at least one member present at any hearing conducted by the hearing officer. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and to the Secretary.

If the Secretary disagrees in any regard with the report of the Board or hearing officer, the Secretary may issue an order in contravention thereof, following the procedures set forth in Section 7. The Secretary shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for said action.

(Source: P.A. 101-310, eff. 8-9-19.)

**(225 ILCS 325/33) (from Ch. 111, par. 5233)**

Sec. 33. Order or certified copy; Prima facie proof.

An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary, shall be prima facie proof:

- (a) That such signature is the genuine signature of the Secretary;
- (b) That such Secretary is duly appointed and qualified; and
- (c) That the Board and the members thereof are qualified to act.

(Source: P.A. 96-626, eff. 8-24-09.)

## **(225 ILCS 325/34) (from Ch. 111, par. 5234)**

### **Sec. 34. Restoration from disciplinary status.**

(a) At any time after the successful completion of a term of probation, suspension, or revocation of any license under this Act, the Department may restore the license to the licensee upon the written recommendation of the Board, unless after an investigation and a hearing, the Department determines that restoration is not in the public interest.

(b) Where circumstances of suspension or revocation so indicate, the Department may require an examination of the licensee prior to restoring his or her license.

(c) No person whose license has been revoked as authorized in this Act may apply for restoration of that license until such time as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(d) A license that has been suspended or revoked shall be considered nonrenewed for purposes of restoration and a licensee restoring his or her license from suspension or revocation must comply with the requirements for restoration as set forth in Section 17 and any related rules adopted.

(Source: P.A. 101-310, eff. 8-9-19.)

### **(225 ILCS 325/35) (from Ch. 111, par. 5235)**

#### **Sec. 35. Surrender of license.**

Upon the revocation or suspension of any license, the registrant shall immediately surrender the license or licenses to the Department and, if the registrant fails to do so, the Department has the right to seize the license.

(Source: P.A. 86-667.)

### **(225 ILCS 325/36) (from Ch. 111, par. 5236)**

#### **Sec. 36. Temporary suspension of a license.**

The Secretary may temporarily suspend the license of a professional engineer without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 26 of this Act, if the Secretary finds that evidence in the Secretary's possession indicates that a professional engineer's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary temporarily suspends the license of a professional engineer without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred.

(Source: P.A. 96-626, eff. 8-24-09.)

## **(225 ILCS 325/37) (from Ch. 111, par. 5237)**

### **Sec. 37. Administrative review.**

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of the Administrative Review Law and all rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court or file any answer in court or to otherwise appear in any court in a judicial review proceeding until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department.

(d) Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

(e) During the pendency and hearing of any and all judicial proceedings incident to a disciplinary action, the sanctions imposed upon the accused by the Department shall remain in full force and effect.

(Source: P.A. 101-310, eff. 8-9-19.)

### **(225 ILCS 325/38)**

Sec. 38. (Repealed).

(Source: P.A. 86-667. Repealed by P.A. 101-310, eff. 8-9-19.)

### **(225 ILCS 325/39)**

Sec. 39. (Repealed).

(Source: P.A. 92-145, eff. 1-1-02. Repealed by P.A. 101-310, eff. 8-9-19.)

### **(225 ILCS 325/40)**

Sec. 40. (Repealed).

(Source: P.A. 89-61, eff. 6-30-95. Repealed by P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/41) (from Ch. 111, par. 5241)**

Sec. 41. Violation; political subdivisions, county, city or town; construction without professional engineer.

It is unlawful for the State or any of its political subdivisions, or any county, city or town to engage in the construction of any public work involving professional engineering unless the engineering plan, specifications, and estimates have been prepared by, and the construction is executed under, the guidance of a professional engineer licensed under this Act.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/42)**

Sec. 42. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/43)**

Sec. 43. (Repealed).

(Source: P.A. 96-626, eff. 8-24-09. Repealed by P.A. 101-310, eff. 8-9-19.)



## **(225 ILCS 325/44) (from Ch. 111, par. 5244)**

Sec. 44. Fund; appropriations; investments; audits. Moneys deposited into the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Illinois Architecture Practice Act, and the Structural Engineering Practice Act of 1989.

The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 2105-75 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited into the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited into the Fund. All fines and penalties under Sections 21 and 24 shall be deposited into the Design Professionals Administration and Investigation Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit report open to inspection by any interested person.

The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/45) (from Ch. 111, par. 5245)**

Sec. 45. Illinois Administrative Procedure Act;  
application.

The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the registrant has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded.

For the purpose of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the address of record or emailed to the email address of record.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/46) (from Ch. 111, par. 5246)**

### Sec. 46. Home rule.

The regulation and licensing of professional engineers is an exclusive power and function of the State. Pursuant to subsection (h) of Section 6 of Article VII of the Illinois Constitution, a home rule unit may not regulate or license the occupation of professional engineer.

This section is a denial and limitation of home rule powers and functions.

(Source: P.A. 98-756, eff. 7-16-14.)

**(225 ILCS 325/47) (from Ch. 111, par. 5247)**

Sec. 47. Practice of structural engineering or architecture.

(a) No professional engineer may practice structural engineering as defined in the Structural Engineering Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

(b) No professional engineer may practice architecture as defined in the Illinois Architecture Practice Act of 1989 unless he or she is licensed under the provisions of that Act.

(Source: P.A. 101-310, eff. 8-9-19.)

**(225 ILCS 325/48) (from Ch. 111, par. 5248)**

**Sec. 48. Construction of Act; existing injunctions.**

The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under the Illinois Professional Engineering Act, approved July 20, 1945, as amended, which prohibits unlicensed practice of professional engineering or prohibits or requires any other conduct in connection with the practice of professional engineering shall not be invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act.

(Source: P.A. 101-310, eff. 8-9-19.)

## **(225 ILCS 325/49) (from Ch. 111, par. 5249)**

### **Sec. 49.**

All licenses and enrollments in effect on December 31, 1989 and issued pursuant to the Illinois Professional Engineering Act, approved July 20, 1945, as amended, are reinstated for the balance of the term for which last issued.

All rules and regulations in effect on December 31, 1989 and promulgated pursuant to the Illinois Professional Engineering Act, approved July 20, 1945, as amended, shall remain in full force and effect on the effective date of this Act without being promulgated again by the Department, except to the extent any such rule or regulation is inconsistent with any provision of this Act.

(Source: P.A. 86-667.)