

AN ACT concerning regulation.

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

Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 3.5, 6, 9.1, and 10 and by adding Section 10b as follows:

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

(Section scheduled to be repealed on January 1, 2016)

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

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

(b) "Department" means the Department of Professional Regulation.

(c) "Director" means the Director of Professional Regulation.

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

(e) "Roofing contractor" is one ~~whose services are unlimited in the roofing trade and~~ who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the

construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

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

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

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

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

(i) "Unlimited roofing license" means a license made

available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(Source: P.A. 90-55, eff. 1-1-98; 91-950, eff. 2-9-01.)

(225 ILCS 335/3.5)

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

Sec. 3.5. Examination.

(a) The Department shall authorize examinations for applicants for initial licenses at the time and place it may designate. The examinations shall be of a character to fairly test the competence and qualifications of applicants to act as roofing contractors. Each applicant for limited licenses shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential roofing practices. Each applicant for an unlimited license shall designate a qualifying party who shall take an examination, the technical portion of which shall cover residential, commercial, and industrial roofing practices.

(b) An applicant for a limited license or an unlimited license or a qualifying party designated by an applicant for a limited license or unlimited license shall pay, either to the Department or the designated testing service, a fee established by the Department to cover the cost of providing the examination. Failure of the individual scheduled to appear for the examination on the scheduled date at the time and place

specified after his or her application for examination has been received and acknowledged by the Department or the designated testing service shall result in forfeiture of the examination fee.

(c) A person who has a license as described in subsection (1.5) of Section 3 is exempt from the examination requirement of this Section, so long as (1) the license continues to be valid and is renewed before expiration and (2) the person is not newly designated as a qualifying party after July 1, 2003. The qualifying party for an applicant for a new license must have passed an examination authorized by the Department before the Department may issue a license.

(d) The application for a license as a corporation, business trust, or other legal entity submitted by a sole proprietor who is currently licensed under this Act and exempt from the examination requirement of this Section shall not be considered an application for initial licensure for the purposes of this subsection (d) if the sole proprietor is named in the application as the qualifying party and is the sole owner of the legal entity. Upon issuance of a license to the new legal entity, the sole proprietorship license is terminated.

The application for initial licensure as a partnership, corporation, business trust, or other legal entity submitted by a currently licensed partnership, corporation, business trust, or other legal entity shall not be considered an application

for initial licensure for the purposes of this subsection (d) if the entity's current qualifying party is exempt from the examination requirement of this Section, that qualifying party is named as the new legal entity's qualifying party, and the majority of ownership in the new legal entity remains the same as the currently licensed entity. Upon issuance of a license to the new legal entity under this subsection (d), the former license issued to the applicant is terminated.

(e) An applicant has 3 years after the date of his or her application to complete the application process. If the process has not been completed within 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. 91-950, eff. 2-9-01.)

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

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

Sec. 6. Expiration; restoration; renewal of license.

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

(b) A licensee who has permitted his or her license to expire or whose license is on inactive status may have his or her license restored by making application to the Department in the form and manner prescribed by the Department. (1) Licenses

~~shall expire biennially at midnight on June 30 of each odd-numbered year.~~

~~(2) Failure to renew the license prior to the expiration thereof shall cause the license to become nonrenewed and it shall be unlawful thereafter for the licensee to engage, offer to engage, or hold himself or herself out as engaging, in roofing contracting business under the license unless and until the license is restored or reissued as defined by rule.~~

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

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

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

Sec. 9.1. Grounds for disciplinary action. The Department may refuse to issue or to renew, 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 ~~\$1,000~~ for each violation, with regard to any license for any one or combination of the following causes:

(a) violation of this Act or its rules;

(b) conviction or plea of guilty or nolo contendere of any crime under the laws of the United States or any state or territory thereof that U.S. jurisdiction which is (i) a felony or (ii) ~~which is~~ a misdemeanor, an essential element of which is dishonesty, ~~or that is of any crime which~~ directly related ~~relates~~ to the practice of the profession;

(c) making any misrepresentation for the purpose of obtaining a license;

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

(e) (blank); ~~gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction;~~

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

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

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

(i) habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety;

(j) discipline by another U.S. jurisdiction or foreign

nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section;

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

(l) a finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation;

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

(n) a finding that licensure has been applied for or obtained by fraudulent means;

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

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

(q) failure to file a return, or 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 Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied;

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

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

(t) physical or mental disability, including deterioration through the aging process or loss of abilities and skills that result in an inability to practice the profession with reasonable judgment, skill, or safety;

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

(v) the determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding

by a court that the licensee 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 Director that the licensee be allowed to resume professional practice;

(w) advertising in any manner that is false, misleading, or deceptive;~~i-~~

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

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

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

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

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

(cc) violation of any final administrative action of the Secretary.

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

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

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

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

Sec. 10. Enforcement; petition to court.

(1) If any person violates the provisions of this Act, the Director through the Attorney General of Illinois, or the State's Attorney of any county in which a violation is alleged to exist, may in the name of the People of the State of Illinois petition for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court.

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

(3) (Blank). ~~Whenever the Department has reason to believe that any person has violated the licensing requirements of this~~

~~Act by practicing, offering to practice, attempting to practice, or holding himself or herself out to practice roofing without being licensed under this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. 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.~~

(4) Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties which may be provided by law.

(Source: P.A. 90-55, eff. 1-1-98; 91-950, eff. 2-9-01.)

(225 ILCS 335/10b new)

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

Sec. 10b. Unlicensed practice; order to cease and desist.  
Whenever the Department has reason to believe that any person has violated the licensing requirements of this Act by practicing, offering to practice, attempting to practice, or holding himself or herself out to practice roofing without being licensed under this Act, the Department may issue an order to cease and desist such practice without a hearing. The order must clearly set forth the grounds relied upon by the Department and provide notice that any individual or entity

receiving the order may petition the Department for a hearing within a period of 21 days after the date of the order. Any hearing held pursuant to this Section must be in accordance with the hearing provisions set forth in this Act. Should any person or entity that is issued an order to cease and desist pursuant to this Section continue or again practice, offer to practice, attempt to practice, or hold himself or herself out to practice roofing without being licensed under this Act, the Department may seek injunctive relief, impose a civil penalty in accordance with this Act, or take any other action allowed under this Act. Any order to cease and desist issued pursuant to this Section shall be considered prima facie evidence of a violation in any proceeding conducted pursuant to Section 10a of this Act.