

PROFESSIONS AND OCCUPATIONS
(225 ILCS 335/) Illinois Roofing Industry Licensing Act.

(225 ILCS 335/1) (from Ch. 111, par. 7501)

(Section scheduled to be repealed on January 1, 2016)

Sec. 1. Legislative purpose. It is hereby declared to be the public policy of this State that, in order to safeguard the life, health, property, and public welfare of its citizens, the business of roofing construction, reconstruction, alteration, maintenance and repair is a matter affecting the public interest, and any person desiring to obtain a license to engage in the business as herein defined shall be required to establish his or her qualifications to be licensed as herein provided.

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

(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(Section scheduled to be repealed on January 1, 2016)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 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. 95-303, eff. 1-1-08.)

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

(Section scheduled to be repealed on January 1, 2016)

Sec. 2.1. The Department may exercise the following powers and duties subject to the provisions of this Act:

(a) To prescribe forms of application for certificates of registration.

(b) To pass upon the qualifications of applicants for certificates of registration and issue certificates of registration to those found to be fit and qualified.

(c) To conduct hearings on proceedings to revoke, suspend or otherwise discipline or to refuse to issue or renew certificates of registration.

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

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

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

(Section scheduled to be repealed on January 1, 2016)

Sec. 3. Application for license.

(1) To obtain a license, an applicant must indicate if the license is sought for a sole proprietorship, partnership, corporation, business trust, or other legal entity and whether the application is for a limited or unlimited roofing license. If the license is sought for a sole proprietorship, the license shall be issued to the proprietor who shall also be designated as the qualifying party. If the license is sought for a partnership, corporation, business trust, or other legal entity, the license shall be issued in the company name. A company must designate one individual who will serve as a qualifying party. The qualifying party is the individual who must take the examination required under Section 3.5. The company shall submit an application in writing to the Department on a form containing the information prescribed by the Department and accompanied by the fee fixed by the Department. The application shall include, but shall not be limited to:

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

(b) the name of the proprietorship and its proprietor, the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its

members;

(c) evidence of compliance with any statutory requirements pertaining to such legal entity, including compliance with any laws pertaining to the use of fictitious names, if a fictitious name is used; if the business is a sole proprietorship and doing business under a name other than that of the individual proprietor, the individual proprietor must list all business names used for that proprietorship.

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

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

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

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

(c) he or she has an Illinois Unemployment Insurance employer identification number or has proof of application to the Illinois Department of Labor for such an identification number;

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

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

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

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

(5) Nothing in this Section shall 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.

(6) Applicants have 3 years from the date of application to complete the application process. If the application 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 335/3.2)

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

Sec. 3.2. Bond. Before issuing or renewing a license, the

Department shall require each applicant or licensee to file and maintain in force a surety bond, issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois. The bond shall be continuous in form, unless terminated by the insurance company. An insurance company may terminate a bond and avoid further liability by filing a 60-day notice of termination with the Department and, at the same time, sending the notice to the roofing contractor. A license shall be cancelled without hearing on the termination date of the roofing contractor's bond, unless a new bond is filed with the Department to become effective at the termination date of the prior bond. If a license has been cancelled without hearing under this Section, the license shall be reinstated upon showing proof of compliance with this Act.

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

(225 ILCS 335/4) (from Ch. 111, par. 7504)

Sec. 4. (Repealed).

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

(225 ILCS 335/4.5)

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

Sec. 4.5. Duties of qualifying party; replacement. While engaged as or named as a qualifying party for a licensee, no person may be the named qualifying party for any other licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:

(1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party.

(2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary.

"Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.

In the event that a qualifying party is terminated or terminating his or her status as qualifying party of a licensee, the qualifying party and the licensee shall notify the Department of that fact in writing. Thereafter, the licensee shall notify the Department of the name and address

of the newly designated qualifying party. The newly designated qualifying party must take the examination prescribed in Section 3.5 of this Act. These requirements shall be met in a timely manner as established by rule of the Department.
(Source: P.A. 91-950, eff. 2-9-01.)

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

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

Sec. 5. Display of license number; advertising.

(a) Each State licensed roofing contractor shall affix the license number of his or her license to all of his or her contracts and bids. In addition, the official issuing building permits shall affix the roofing contractor license number to each application for a building permit and on each building permit issued and recorded.

(b) In addition, every roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, on all commercial vehicles used as part of his or her business as a roofing contractor.

(c) Every holder of a license shall display it in a conspicuous place in his or her principal office, place of business, or place of employment.

(d) No person licensed under this Act may advertise services regulated by this Act unless that person includes in the advertisement his or her license number. Nothing contained in this subsection requires the publisher of advertising for roofing contractor services to investigate or verify the accuracy of the license number provided by the licensee.

(e) A person who advertises services regulated by this Act who knowingly (i) fails to display the license number in any manner required by this Section, (ii) fails to provide a publisher with the correct license number as required by subsection (d), or (iii) provides a publisher with a false license number or a license number of another person, or a person who knowingly allows his or her license number to be displayed or used by another person to circumvent any provisions of this Section, is guilty of a Class A misdemeanor with a fine of \$1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an advertisement runs or each day that a person knowingly allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

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

(225 ILCS 335/5.5)

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

Sec. 5.5. Contracts. A roofing contractor, when signing a contract, must provide a land-based phone number and a street address other than a post office box at which he or she may be contacted.

(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.

(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.

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

(225 ILCS 335/7) (from Ch. 111, par. 7507)
(Section scheduled to be repealed on January 1, 2016)
Sec. 7. Fees.

(1) The initial application fee for a certificate shall be fixed by the Department by rule.

(2) All other fees not set forth herein shall be fixed by rule.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) All fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

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

(225 ILCS 335/8) (from Ch. 111, par. 7508)
(Section scheduled to be repealed on January 1, 2016)
Sec. 8. Public records.

(1) All information required by the Department of any applicant for licensure shall be a public record, except financial information.

(2) If a licensee changes his or her name style, address or employment from that which appears on his or her current license, he or she shall notify the Department of the change within 30 days after it occurs.

(3) All public records of the Department, when duly certified by the Director, shall be received as prima facie evidence in any State administrative or judicial proceedings.

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

(225 ILCS 335/9) (from Ch. 111, par. 7509)
(Section scheduled to be repealed on January 1, 2016)
Sec. 9. Licensure requirement.

(1) It is unlawful for any person to engage in the business or act in the capacity of or hold himself or herself out in any manner as a roofing contractor without having been

duly licensed under the provisions of this Act.

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

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

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

(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 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 is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty or that is directly related 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);

(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 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;

(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. 95-303, eff. 1-1-08.)

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

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

Sec. 9.2. Stenographer; record of proceedings. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings initiated pursuant to this Act, the rules for the administration of this Act, or any other Act or rules relating to this Act and proceedings for restoration of any license issued under this Act. The notice of hearing, complaint, answer, and all other documents in the nature of pleadings and written motions and responses filed in the proceedings, the transcript of the testimony, all exhibits admitted into evidence, the report of the hearing officer, the Board's findings of fact, conclusions of law, and recommendations to the Director, and the order shall be the record of the proceedings. The Department shall furnish a transcript of the record to any person interested in the hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).

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

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

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

Sec. 9.3. Any circuit court may, upon application of the Department or its designee or of the applicant or licensee against whom proceedings 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. 86-615.)

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

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

Sec. 9.4. The Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition or both, or to subpoena documents, exhibits, or other materials with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director and any member of the Roofing Advisory Board have power to administer oaths to witnesses at any hearing that the Department or Roofing Advisory Board is authorized by law to conduct. Further, the Director has power to administer any other oaths required or authorized to be administered by the Department under this Act.

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

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

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

Sec. 9.5. Findings of fact, conclusions of law, and recommendations; order. Within 60 days of the Department's receipt of the transcript of any hearing that is conducted pursuant to this Act or the rules for its enforcement or any other statute or rule requiring a hearing under this Act or the rules for its enforcement, or for any hearing related to restoration of any license issued pursuant to this Act, the hearing officer shall submit his or her written findings and recommendations to the Roofing Advisory Board. The Roofing Advisory Board shall review the report of the hearing officer and shall present its findings of fact, conclusions of law, and recommendations to the Director by the date of the Board's second meeting following the Board's receipt of the hearing officer's report.

A copy of the findings of fact, conclusions of law, and recommendations to the Director shall be served upon the accused person, either personally or by registered or certified mail. Within 20 days after service, the accused person may present to the Department a written motion for a rehearing, which shall state the particular grounds therefor. If the accused person orders and pays for a transcript pursuant to Section 9.2, the time elapsing thereafter and before the transcript is ready for delivery to him or her shall not be counted as part of the 20 days.

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

If the Director issues an order in contravention of the

findings of fact, conclusions of law, and recommendations to the Director, the Director shall notify the Board in writing with an explanation for any deviation from the Board's findings of fact, conclusions of law, and recommendations to the Director within 30 days of the Director's entry of the order.

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

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

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

Sec. 9.6. Temporary suspension. The Director may temporarily suspend the license of a roofing contractor without a hearing, simultaneously with the institution of proceedings for a hearing provided for in this Act, if the Director finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. In the event that the Director temporarily suspends a license without a hearing, a hearing by the Department shall be held within 30 days after such suspension has occurred.

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

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

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

Sec. 9.7. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law, as amended, and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

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

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

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

Sec. 9.8. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense the violator is guilty of a Class 4 felony. Each day of violation constitutes a separate offense.

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

(225 ILCS 335/9.9) (from Ch. 111, par. 7509.9)

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

Sec. 9.9. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that 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 licensee 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 Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

(Source: P.A. 88-45.)

(225 ILCS 335/9.9a)

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

Sec. 9.9a. Certification of record; costs. The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

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

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

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

Sec. 9.10. 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 the application fees as set by rule. The Department may establish a fee for the processing of an application for restoration to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

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

(225 ILCS 335/9.11) (from Ch. 111, par. 7509.11)
Sec. 9.11. (Repealed).
(Source: P.A. 86-615. Repealed by 89-387, eff. 1-1-96.)

(225 ILCS 335/9.12) (from Ch. 111, par. 7509.12)
(Section scheduled to be repealed on January 1, 2016)
Sec. 9.12. Nothing in this Act shall prevent counties, cities, or incorporated areas from making laws or ordinances that are more stringent than those contained in this Act.
(Source: P.A. 86-615.)

(225 ILCS 335/9.13) (from Ch. 111, par. 7509.13)
Sec. 9.13. (Repealed).
(Source: P.A. 86-615. Repealed by 89-387, eff. 1-1-96.)

(225 ILCS 335/9.14) (from Ch. 111, par. 7509.14)
(Section scheduled to be repealed on January 1, 2016)
Sec. 9.14. The Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any action for refusal to issue or renew a license, for discipline of a licensee for sanctions for unlicensed practice, for restoration of a license, or for any other action for which findings of fact, conclusions of law, and recommendations are required pursuant to Section 9.5 of this Act. The hearing officer shall have full authority to conduct the hearing and shall issue his or her findings of fact and recommendations to the Board pursuant to Sections 9.5 of this Act.
(Source: P.A. 91-950, eff. 2-9-01.)

(225 ILCS 335/9.15) (from Ch. 111, par. 7509.15)
(Section scheduled to be repealed on January 1, 2016)
Sec. 9.15. Investigation; notice; default. The Department may investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing on the charges before the hearing officer, direct him or her to file his written answer with the hearing officer under oath within 30 days after the service on him or her of such notice, and inform him or her that if he or she

fails to file such answer default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper, taken. This written notice may be served by personal delivery or certified or registered mail to the Department. In case the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department may continue such hearing from time to time. At the discretion of the Director after having first received the recommendation of the hearing officer, the accused person's license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken as the Director may deem proper, including limiting the scope, nature, or extent of said person's practice without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(Source: P.A. 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).

(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. 95-303, eff. 1-1-08.)

(225 ILCS 335/10a)

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

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

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice roofing without being licensed 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 \$5,000 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 the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

(c) 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 judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

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

(225 ILCS 335/10b)

(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.

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

(225 ILCS 335/11) (from Ch. 111, par. 7511)
(Section scheduled to be repealed on January 1, 2016)
Sec. 11. Application of Act.

(1) Nothing in this Act limits the power of a municipality, city or county to regulate the quality and character of work performed by roofing contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of State and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this Act shall be construed to require a seller of roofing materials or services to be licensed as a roofing contractor 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.

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

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

(5) Nothing in this Act limits the power of a municipality, city, or county to collect occupational license and inspection fees for engaging in roofing contracting.

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

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

(8) This Act applies to any roofing contractor performing work for the State or any county or municipality. Officers of the State or any county or municipality are required to determine compliance with this Act before awarding any contracts for construction, improvement, remodeling, or repair.

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

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

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

(11) A municipality that requires a building permit or a county that requires a building permit may not issue a building permit to a roofing contractor unless that contractor has provided sufficient proof that he or she is licensed currently as a roofing contractor by the State of Illinois. (Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

(225 ILCS 335/11.5)

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

Sec. 11.5. The Roofing Advisory Board is created and shall consist of 8 persons, one of whom is a knowledgeable public member and 7 of whom have been issued licenses as roofing contractors by the Department. One of the 7 licensed roofing contractors on the Board shall represent a statewide association representing home builders and another of the 7 licensed roofing contractors shall represent an association predominately representing retailers. The public member shall not be licensed under this Act or any other Act the Department administers. Each member shall be appointed by the Director. Members shall be appointed who reasonably represent the different geographic areas of the State. A quorum of the Board shall consist of the majority of Board members appointed.

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

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years. No member shall serve more than 2 complete 4 year terms.

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

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

(225 ILCS 335/12) (from Ch. 111, par. 7512)

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

Sec. 12. This Act shall be known and may be cited as the
"Illinois Roofing Industry Licensing Act".

(Source: P.A. 83-1513.)