



# Illinois– Laws, Rules and Ethics for Professional Engineers

Three (3) Continuing Education Hours  
Course #IL101

Approved Continuing Education for Licensed Professional Engineers

*EZ-pdh.com*  
*Ezekiel Enterprises, LLC*  
*301 Mission Dr. Unit 571*  
*New Smyrna Beach, FL 32170*  
*800-433-1487*  
*helpdesk@ezpdh.com*



## **Course Description:**

The Illinois Laws, Rules and Ethics course satisfies 3 of the 30 hours of professional development required for Illinois licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Illinois.

## **Objectives:**

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of Illinois.

Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the IL state laws and board rules.

## **Grading:**

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successfully pass and complete the course.

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# ILLINOIS COMPILED STATUTES

## 225 ILCS 325 PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

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### **225 ILCS 325/1 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.

### **225 ILCS 325/2 Sec. 2. Short title.**

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

### **225 ILCS 325/3 Sec. 3. Application of the 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.

## **225 ILCS 325/4 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.

## **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.

**225 ILCS 325/5 Sec. 5. Powers and duties of the Department.**

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.

## **225 ILCS 325/6 Sec. 6. Composition, qualifications and terms of the 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.

### **225 ILCS 325/7 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.

## **225 ILCS 325/8 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.

## **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.

## **225 ILCS 325/9 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.

## **225 ILCS 325/10 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.

### **225 ILCS 325/11 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:

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.

### **225 ILCS 325/12 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).

### **225 ILCS 325/13 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.

### **225 ILCS 325/14 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.

### **225 ILCS 325/15 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.

### **225 ILCS 325/16 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.

### **225 ILCS 325/17 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".

## **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.

### **225 ILCS 325/18 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.

### **225 ILCS 325/19 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.

### **225 ILCS 325/20 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.

### **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.

### **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.

*225 ILCS 325/21 Sec. 21. (Repealed)*

### **225 ILCS 325/22 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.

### **225 ILCS 325/23 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.

## **225 ILCS 325/24 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.

### **225 ILCS 325/25 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.

### **225 ILCS 325/26 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.

## **225 ILCS 325/27 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.

### **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.

### **225 ILCS 325/28 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.

### **225 ILCS 325/29 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.

*225 ILCS 325/30 Sec. 30. Repealed.*

*225 ILCS 325/31 Sec. 31. Repealed.*

### **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.

### **225 ILCS 325/32 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.

### **225 ILCS 325/33 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.

### **225 ILCS 325/34 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.

**225 ILCS 325/35 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.

**225 ILCS 325/36 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.

**225 ILCS 325/37 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.



*225 ILCS 325/38 Sec. 38. Repealed.*

*225 ILCS 325/39 Sec. 39. Repealed.*

*225 ILCS 325/40 Sec. 40. Repealed.*

### **225 ILCS 325/41 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.

*225 ILCS 325/42 Sec. 42. Repealed.*

*225 ILCS 325/43 Sec. 43. Repealed.*

### **225 ILCS 325/44 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.

### **225 ILCS 325/45 Sec. 45. 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.

### **225 ILCS 325/46 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.

### **225 ILCS 325/47 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.

**225 ILCS 325/48 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.

**225 ILCS 325/49 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.)

# ILLINOIS ADMINISTRATIVE CODE

## TITLE 68, CHAPTER VII, SUBCHAPTER b: PART 1380 THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

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### **Section 1380.210 Approved Engineering Program**

a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall, upon the recommendation of the State Board of Professional Engineers (the Board), approve an engineering program as reputable and in good standing if it meets the following minimum criteria:

1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering.

2) Faculty

A) The faculty shall have a sufficient number of full-time, or full-time equivalent, instructors to make certain that the educational obligations to the student are fulfilled. A program at the basic level shall have no fewer than 3 full-time faculty members whose primary commitment is to that program. If an institution relies on part-time faculty members, it shall demonstrate that, in addition to the commitment of at least 3 full-time equivalent faculty members, effective mechanisms are in place to provide adequate levels of student advising and faculty interaction, and faculty control over the curriculum.

B) The faculty shall have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions. Other evidence of faculty capability includes non-academic engineering experience, experience in teaching, ability to communicate effectively, participation in professional, scientific and other learned societies, licensure as a professional engineer and an interest in students' curricular activities.

C) Teaching loads shall allow time for research and professional development activities. Stimulation of students' minds requires faculty

involvement in scientific and technological development and in instructional innovation.

3) Curriculum

A) The curriculum shall include at least 4 academic years leading to the awarding of the baccalaureate degree while providing integration of the educational experience with the ability to apply the knowledge gained to the identification and solution of practical problems.

B) The overall curriculum shall include a minimum of 120 semester hours or their equivalent (e.g., 180 quarter hours) and shall include at least the following subjects:

Mathematics (beyond trigonometry) – 15 hours.

Physics and Chemistry – 15 hours.

Engineering Sciences – 30 hours.

Engineering Design – 15 hours.

Humanities/Social Sciences – 15 hours.

C) Mathematics shall be beyond trigonometry, and include differential and integral calculus, and differential equations at the baccalaureate level. Mathematics shall also include, but shall not be limited to, the study of probability, statistics, numerical analysis and advanced calculus. Courses in computer usage and/or programming shall not be used to satisfy the mathematics requirement.

D) Engineering sciences have their roots in mathematics and basic sciences but carry the knowledge toward creative application. Such subjects include, but are not limited to, mechanics, thermodynamics, electric and electronic circuits, material science and other subjects depending upon the engineering discipline.

E) Engineering design involves the conversion of resources to predetermined objectives. Course requirements shall include the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation which develop student creativity through open-ended problems and consideration of alternative solutions. The inclusion of realistic constraints, such as economic factors, safety, aesthetics, ethics and social impact is appropriate. Examples of subjects in these areas

include design of circuits, machines, power networks, process equipment and systems and water treatment.

F) Humanities and social sciences are, respectively, the branches of knowledge that concern man and his culture, and that concern individual relationships in and to society. Examples of subjects in these areas are philosophy, history, literature, fine arts, religion, sociology, psychology, political science, economics and foreign languages (other than a student's native language). Non-traditional courses might include social responsibility and professional ethics. Subjects such as accounting and management may be acceptable engineering electives, but do not satisfy the objectives of this area.

G) Laboratory experience is essential to an engineering education at both theoretical and practical levels.

H) Computer-based experience shall be included in the program of each student. The program shall include technical computations, problem solving, data acquisition and usage, process control and computer-assisted design. The student shall have access to computational facilities in order to integrate these techniques into the program.

I) The program shall require that the student demonstrate competency in both written and oral communication.

J) An understanding of ethical, social, economic and safety considerations shall be included in the engineering program.

K) For those institutions that elect to prepare a student to enter the profession at the advanced level, the curriculum shall satisfy the criteria set forth in this Section at the basic level, and shall include at least one year of additional study. That year shall include at least  $\frac{2}{3}$  of a year of advanced mathematics, basic sciences, engineering sciences and engineering design. Of this component, at least  $\frac{1}{3}$  of a year shall be devoted to engineering design. The program shall be designed toward a meaningful individual course of study and include thesis, research and/or special projects.

#### 4) Facilities

A) The laboratory facilities shall reflect the requirements of the offered educational program. The laboratory should provide for individual project work by the students and the faculty. The facilities shall be

equipped with instruments and scientific equipment of a kind and quality to ensure the effective functioning of the laboratory.

B) The libraries in support of the engineering program shall be both technical and nontechnical, to include books, journals and other reference material for collateral reading in connection with the instructional and research programs and professional work. The library collection shall reflect the existence of an active acquisition policy; this policy shall include specific acquisitions on the request and recommendation of the faculty of the engineering program. There shall be computer-accessible information centers and inter-library loan services for both books and journals. The library collections, whether centralized or decentralized, shall be readily available for use with the assistance of trained library staff, or through an open-stack arrangement, or both.

C) There shall be computer facilities accessible to the engineering students and faculty.

5) The institution shall maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

b) In determining whether a baccalaureate degree program should be approved, the Division shall take into consideration but not be bound by accreditation by the Accreditation Board for Engineering and Technology (ABET).

c) The Division, upon the recommendation of the Board, has determined that domestic baccalaureate degree engineering programs accredited by the Engineering Accreditation Commission of ABET meet the minimum criteria set forth in subsection (a) for an approved engineering program and are, therefore, approved, subject to review.

1) The Division, upon the recommendation of the Board, has determined that foreign degrees approved by ABET must have a National Council of Examiners for Engineering and Surveying (NCEES) course-by-course evaluation to determine if the requirements of subsection (a)(3) have been satisfied.

2) The Division, upon the recommendation of the Board, has determined that the signed Mutual Recognition Program agreement between ABET and the Canadian Engineering Accrediting Board (CEAB) of the Canadian Council of Professional Engineers (CCPE) is considered to have met the minimum criteria as equivalent to the ABET accredited programs and are, therefore, approved, subject to review.

- 3) The Division, upon the recommendation of the Board, does not recognize ABET "substantially equivalent" programs as meeting the minimum criteria set forth in subsection (a) for an approved engineering program and are, therefore, not approved.
  
- d) The Division, upon the recommendation of the Board, has withdrawn program approval of the following programs accredited by the Engineering Accreditation Commission of ABET. Subsequent to notification, the Board reviewed the programs and determined that they do not meet the requirements of this Section and are, therefore, no longer approved. An applicant graduating from any of the following programs will have his or her transcript reviewed on a case-by-case basis to determine if he or she meets Illinois requirements:
  - 1) Purdue University: Geomatic Engineering
  - 2) California State, Fresno: Civil and Geomatic Engineering and Construction, Major in Geomatics
  - 3) Ohio State: Geomatic Engineering
  - 4) New Mexico State: Surveying Engineering
  - 5) Ferris State University: Surveying Engineering
  - 6) University of Maine: Surveying Engineering Technology
  
- e) Withdrawal of Program Approval
  - 1) The following are grounds for withdrawal of approval of an engineering program or a program leading to a degree in basic engineering.
    - A) Non-compliance with any provisions of the Professional Engineering Practice Act of 1989 [225 ILCS 325] (the Act);
    - B) Non-compliance with any provision of this Part;
    - C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
    - D) Failure to continue to meet the criteria of an approved program as set out in this Section.
  
  - 2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a



program on the part of any licensee, it shall refer such matter to appropriate Division personnel for any disciplinary action which might be appropriate under the Act.

3) A program whose approval is being reconsidered by the Division shall be given 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

f) Evaluation of Newly Submitted Programs

1) An educational institution with a baccalaureate degree program that has not been evaluated will cause to be forwarded to the Division documentation concerning the criteria in this Section.

2) Once the Division has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Board will evaluate the program based on all documentation received from the school and any additional information the Division has received that will enable the Board to evaluate the program based on the criteria specified in this Section.

### **Section 1380.220 Definition of Degree in a Non-approved Engineering Program or a Related Science Curriculum**

a) The educational institution shall be legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering or related science.

b) A degree from a non-approved engineering program or a related science curriculum is a four-year program resulting in a baccalaureate degree which shall include a minimum of 120 semester hours or their equivalent (e.g., 180 quarter hours) and shall include at least the following subjects for the noted semester hours or their equivalent:

1) A Baccalaureate Degree in Engineering from a Non-approved Engineering Program

Mathematics (beyond trigonometry, including a sequence in differential and integral calculus) – 15 hours.

Physics and Chemistry – 15 hours.

Additional Sciences – 10 hours.

Engineering Sciences and/or Design – 30 hours.

Humanities and/or Social Sciences – 15 hours.

2) Related Science Curriculum (such as a Baccalaureate Degree in Chemistry, Physics, or Mathematics)

Mathematics (beyond trigonometry, including a sequence in differential and integral calculus) – 15 hours.

Physics and Chemistry – 15 hours.

Additional Sciences – 40 hours.

Humanities and/or Social Sciences – 15 hours.

c) The educational curriculum described in subsection (b) shall be evaluated as of the date of the awarding of the baccalaureate degree except as provided in subsection (d). Additional hours required to earn the baccalaureate degree shall provide the laboratory and computer-based experience, the communication skills and the understanding of ethical, social, economic and safety considerations required of an approved engineering program as provided for in Section 1380.210.

d) In evaluating the acceptability of an applicant's baccalaureate degree from a non-approved engineering program or a related science curriculum, the Board shall consider courses taken to attain a graduate degree in engineering and/or additional course credits in mathematics, science or engineering as education, when the course work of an applicant with a baccalaureate degree fails to satisfy the requirements of subsection (a) or (b). Not more than 15 hours may be made up in mathematics and basic sciences. Education considered in this manner shall not also be credited as engineering experience.

e) The Division, upon the recommendation of the Board, has determined that educational credit leading to a degree in engineering technology does not meet the requirements for a non-approved engineering program or a related science curriculum in accordance with this Section.

### **Section 1380.230 Approved Experience**

a) Each application shall be reviewed by the Board to determine whether the applicant has shown evidence that his/her professional experience meets the requirements for licensure as described in this Section. All experience shall have been acquired after receipt of the baccalaureate degree except as provided in subsections (a)(3) and (4).

- 1) Credit for one year of experience shall be given for completion of graduate study resulting in a master's degree in engineering, except as credited under Section 1380.220(d).
  - 2) Credit for two years of experience shall be given for completion of graduate study resulting in a doctor's degree in engineering. The maximum credit for graduate study shall be 2 years, except as credited under Section 1380.220(d).
  - 3) Credit for one year of experience shall be given for a graduate of a university certified cooperative program, which is a supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training.
  - 4) Credit for professional engineering experience earned PRIOR TO receipt of a baccalaureate degree shall be given if the employment is full-time and if the applicant takes eight or more years to earn the degree as a part-time student, as provided for in Section 8(b)(2) of the Act.
  - 5) Experience shall be under the supervision of a licensed professional engineer or a person legally practicing engineering pursuant to Section 3 of the Act who verifies the number of years during which the applicant was doing work at a professional level, and the manner in which the work prepares the applicant for licensure as a professional engineer.
  - 6) Credit for all necessary experience or any remaining experience shall only be given for actual experience in the practice of professional engineering. Experience shall be within the definition of the practice as set forth in Section 4(o) of the Act and shall require the application of technical knowledge and professional engineering principles. In at least the last two years of experience, the applicant shall have had primary responsibility for the engineering activities.
  - 7) Engineering experience that is structural in nature may only be accepted if the experience is under the supervision of a legally practicing engineer.
  - 8) All experience must be verified and submitted on forms available from the Division.
- b) While an applicant may receive either experience credit, education credit or both, he/she may not receive more than one year's total credit for any one year (i.e., overlapping experience and education will be credited to one or the other category but not both).
- c) Experience Requirements

- 1) For a graduate from an approved curriculum
  - A) To be enrolled as an Engineer Intern, no experience is required.
  - B) To be licensed as a Professional Engineer, 4 years of acceptable experience is required.
- 2) For a graduate from a Related Science or non-approved program
  - A) To be enrolled as an Engineer Intern, 4 years of acceptable experience is required.
  - B) To be licensed as a Professional Engineer, 8 years of acceptable experience is required.

### **Section 1380.240 Application for Fundamentals of Engineering Examination**

- a) An applicant who is in the senior year of an approved engineering baccalaureate curriculum may sit for the Fundamentals of Engineering exam (Part I) and then submit the application and required fee, as specified in Section 1380.275, and proof of having graduated within 12 months after sitting for the first exam.
- b) An applicant who is a graduate of an approved engineering baccalaureate curriculum may sit for the Fundamentals of Engineering exam (Part I) and then submit the application and required fee as specified in Section 1380.275.
- c) An applicant who is a graduate from a non-approved engineering program or a related science curriculum shall file an application on forms supplied by the Division as specified in Section 1380.260. The application shall include:
  - 1) An official transcript showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum and verification, on forms completed by the supervisors, of at least 4 years of experience.
    - A) An applicant who has not acquired the experience but meets the minimum educational requirements may sit for the Fundamentals of Engineering exam and submit the acceptable experience after the passage of the exam;
    - B) Applicants who received their education in a foreign country shall have the education evaluated, at their expense. Applicants shall

obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road) Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency with the educational requirements of non-approved engineering program set forth in Section 1380.220(b)(1);

- C) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The evaluation shall be performed by the American Association of Collegiate Registrars (AACRO), 1 Dupont Circle NW, Suite 370, Washington, DC 20036-1110, telephone (202)296-3359;
- 2) The required fee specified in Section 1380.275;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university or on forms provided by the Division;
- 4) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.
- d) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is

expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Division has received certification of graduation, as required by subsection (a)(1)(A). If certification of graduation within one year prior to or after passing the exam is not received, the results of the examination will be voided for Illinois purposes and the examination will have to be retaken in order to be enrolled as an Illinois Engineer Intern or licensed as a Professional Engineer.

e) Upon receipt of the application and all supporting documentation in complete order:

- 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275;
- 2) The files of persons with degrees from a non-approved engineering program or related science curriculum will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275.

### **Section 1380.242 Application for Enrollment as an Engineer Intern by Acceptance of Examination**

- a) An applicant who, in the senior year of an approved baccalaureate curriculum, passed the Fundamentals of Engineering exam (Part I) shall submit an application and the required fee, as specified in Section 1380.275, and proof of having graduated within 12 months after passage of the exam.
- b) An applicant who is a graduate of an approved baccalaureate curriculum and passed the Fundamentals of Engineering exam (Part I) shall submit an application, a transcript and the required fee, as specified in Section 1380.275.
- c) An applicant from a non-approved engineering program or a related science degree who was approved to sit for the exam under Section 1380.240 and has passed the Fundamentals of Engineering exam (Part I) shall submit the required 4 years of acceptable experience.

- d) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of that participation is required with a brief description of the program from the university or on forms provided by the Division.
- e) Certification of Passage of the Fundamentals of Engineering Examination
- 1) Applicants who were manually approved by Illinois to sit for the Fundamentals of Engineering exam through the designated testing company are not required to submit certification.
  - 2) Applicants who were approved to sit for the Fundamentals of Engineering exam in another jurisdiction shall submit certification of passage of the examination from the appropriate state board, including the date of the examination.
- f) Upon receipt of the application and all supporting documentation in complete order:
- 1) Persons with degrees from an approved engineering program will be enrolled as an Illinois Engineer Intern.
  - 2) Persons with degrees from a non-approved engineering program or related science curriculum whose 4 years of acceptable experience is reviewed and approved by the Board, based on the criteria specified in Section 1380.230, shall be enrolled as a Illinois Engineer Intern.
- g) Applicants will be deferred enrollment as an Illinois Engineer Intern if:
- 1) Persons with degrees from an approved engineering program did not graduate within 12 months after passage of the Fundamentals of Engineering exam (Part I). Those applicants will be required to re-take the exam in order to be enrolled as an Illinois Engineer Intern.
  - 2) Persons with degrees from a non-approved engineering program or related science curriculum whose 4 years of experience is reviewed and not approved by the Board, based on the criteria specified in Section 1380.230, shall be deferred enrollment as a Illinois Engineer Intern until their experience meets the requirements.

## **Section 1380.245 Application for the Principles and Practice of Engineering Exam (Part II)**

- a) Applicant Enrolled as an Illinois Engineer Intern

- 1) An applicant who is a graduate of an approved baccalaureate curriculum may sit for the Principles and Practice of Engineering exam (Part II), and having passed, may then submit the application specified in Section 1380.250, verification of employment and the required fee specified in Section 1380.275.
  - 2) An applicant who is a graduate of a non-approved baccalaureate curriculum who was approved under Section 1380.240 may sit for the Principles and Practice of Engineering exam (Part II) and having passed, may then submit the application specified in Section 1380.250, verification of employment and the required fee specified in Section 1380.275.
- b) Persons Who Were Certified or Enrolled as an Engineer Intern or Engineer-in-Training in Another State or Territory
- 1) The applicant shall submit certification of the required enrollment from the appropriate state board, including the date of the examination.
  - 2) The applicant shall submit an official transcript showing the degree conferred.
  - 3) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).
  - 4) For applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English:
    - A) Proof of passage of:
      - i) the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the



- speaking module and a total minimum integrated score of 88; or
- ii) the Test of English as a Foreign Language (TOEFL) with a minimum score of 550, or 213 on the computer-based test, and the Test of Spoken English (TSE) with a minimum of score of 50.
- B) In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.
- 5) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The course-by-course evaluation shall be performed by the American Association of Collegiate Registrars & Admissions Officers (AACRAO), 1 Dupont Circle NW, Suite 520, Washington DC 20036-1110, telephone (202) 293-9161.
- 6) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education as specified in Sections 1380.210 and 1380.220. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, the examination filing deadline and the required examination fee provided for in Section 1380.275.
- c) Applicant Not Enrolled as an Engineer Intern
- 1) An applicant who is a graduate of an approved curriculum may sit for the Principles and Practice of Engineering exam (Part II) and then submit the application specified in Section 1380.250, verification of employment, and the required fee specified in Section 1380.275.
  - 2) An applicant for examination as a professional engineer who is not enrolled or certified as an Illinois Engineer Intern and is not a graduate from an approved curriculum shall file an application on forms supplied by the Division as specified in Section 1380.260. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

## A) Education

- i) A degree from a non-approved Engineering Program or Related Science Curriculum and a completed transcript showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum.
- ii) Applicants who received their engineering education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).
- iii) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The course-by-course evaluation shall be performed by the American Association of Collegiate Registrars & Admissions Officers (AACRAO), 1 Dupont Circle NW, Suite 520, Washington DC 20036-1110, telephone (202) 293-9161.
- iv) For applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English:
  - Proof of passage of:
    - the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88; or

- the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50.
  - In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English. However, any applicant who subsequently earned a post-graduate degree in engineering from an accredited educational institution in the United States or its territories shall not be subject to this requirement.
- B) The required fee specified in Section 1380.275.
- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education as specified in Sections 1380.210 and 1380.220. Once the application has been approved, those persons will be notified of their eligibility to register for Part I and/or Part II of the examination, the examination filing deadline, and the required examination fee as provided for in Section 1380.275

### **Section 1380.250 Application for Licensure as a Professional Engineer by Acceptance of Examination**

- a) An applicant shall have passed the Fundamentals of Engineering (Part I) and the Principles and Practice of Engineering (Part II) examinations in compliance with Sections 1380.240 and 1380.245.
- 1) Applicants who were manually approved by Illinois to sit for both the Fundamentals of Engineering exam and the Principles and Practice of Engineering exam through the Illinois designated testing company are not required to submit certification.
  - 2) Applicants who were approved to sit for the Fundamentals of Engineering exam and/or the Principles and Practice of Engineering exam in another jurisdiction shall submit certification from the appropriate state board, including the date of each examination.
- b) An applicant shall have acquired all experience required by Section 1380.230 prior to review by the Division.

c) An applicant for licensure as a professional engineer shall file an application on forms supplied by the Division. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

1) Experience

A) An applicant graduating from an approved baccalaureate degree program must submit 4 years of acceptable experience in compliance with Section 1380.230.

B) An applicant graduating from a related science or non-approved baccalaureate degree program must submit 8 years of acceptable experience in compliance with Section 1380.230.

C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of that participation with a brief description of the program from the university or on forms provided by the Division.

2) The required fee specified in Section 1380.275.

d) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be reviewed by the Division for evaluation of the required experience as specified in Section 1380.230. Upon submitting an application with proof of passing both examinations, and acceptable experience, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.

e) Applicants will be deferred licensure as a Professional Engineer if:

1) Applicants with degrees from a non-approved engineering program or related science curriculum whose 8 years of experience is reviewed and not approved by the Board, based on the criteria specified in Section 1380.230, shall be deferred licensure as a Illinois Professional Engineer until the experience meets the requirements.

2) Applicants whose applications were submitted more than 3 years previously and were not complete (passage of exams and acceptable experience) must submit a new application and fee for review once the experience is complete.

### **Section 1380.260 Examination**

a) Examinations may be given in various formats, and different submittal dates apply depending on the examination format. For examinations administered in paper

form in October and April, there is an examination assignment cutoff date that varies depending on the actual date of the examination. For examinations administered in the spring, receipt of the applications after November 15 for the April exam or, for examinations administered in the fall, after May 15 for the October examination, may not provide sufficient time for required credentials to arrive at the Department and be reviewed by the Board prior to the exam assignment cutoff date. If this occurs, the applicant will be approved to sit for a later examination if all requirements are met. For examinations administered continuously in a computer-based format, there is no deadline for submittal of the application and the applicant, if approved to sit for the exam, will be allowed to test for three years after date of receipt of the application by the Department. For the computer based examinations, there will be four windows in a year, with a maximum of three attempts in any calendar year, and no more than one attempt in a window.

b) The examination for licensure as a professional engineer shall be divided into two Parts. If an applicant wishes only to be enrolled as an Engineer Intern, and if he or she otherwise qualifies under Section 1380.240, he or she shall be required to take only Part I of the examination.

- 1) Part I – Fundamentals of Engineering Examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of an engineering education.
- 2) Part II – Principles and practice of Engineering Examination shall consist of problems or other examining techniques relating to designs in or to the practice of professional engineering as described in Section 4(o) of the Act.

c) The examination administered by the Division shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content, length and method of administration shall be as determined by periodic evaluations of the test specifications by NCEES.

d) Part I of the examination will be waived for an applicant who is licensed as a structural engineer and who received such license by passing the fundamentals of engineering examination administered under the Structural Engineering Licensing Act of 1989 [225 ILCS 340].

e) The scoring of the examinations and determination of scores shall be as approved by NCEES. Separate scores shall be given for Part I and Part II and shall be reported as pass or fail.

- f) An applicant who sits for both Parts I and II of the examination and passes only Part I shall be eligible to be enrolled as an Engineer Intern.
- g) Retake of Examination
- 1) Applicants shall be required to retake only the Parts on which a passing score was not achieved.
  - 2) *If an applicant neglects, fails without an approved excuse, or refuses to take the next available examination offered for licensure under this Act within 3 years after filing the application, the fee paid by the applicant shall be forfeited and the application denied. 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 (Section 9(b) of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided in subsection (h).*
- h) Successful scores of previously passed Parts of the examination shall be accepted for the purposes of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes, the most recent score on a Part shall be the score of record. In no circumstances shall the Division accept a previous passing score on a Part for an applicant whose score of record is a failing score.
- i) A candidate who fails an examination may not review his/her examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted for paper examinations but no retabulation of a computer based examination is allowed.
- j) If an applicant has failed an examination, the examination may not be waived for licensure

### **Section 1380.270 Restoration**

- a) A licensee seeking restoration of a license which has expired for 5 years or less shall have the license restored upon application to the Division and payment of the required fee specified in Section 1380.275 and proof of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application.
- b) A licensee seeking restoration of a license which has been placed on inactive status for 5 years or less shall have his or her certificate restored upon application to

the Division and payment of the current renewal fee specified in Section 1380.275 and proof of successful completion of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application.

c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division for review by the Board, together with proof of successful completion of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application and the fee required by Section 1380.275. The licensee shall also submit either:

1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;

2) An affidavit attesting to military service as provided in Section 17 of the Act;

3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or

4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:

A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;

B) Lawfully practicing professional engineering as an employee of a governmental agency; or

C) Teaching professional engineering in a college or university or educational programs.

d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17 of the Act will be required to pay only the current renewal fee.

e) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Division because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his or her license will be requested to:

- 1) provide such information as may be necessary and/or
  - 2) appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director), an applicant shall have his or her license restored or will be notified of the reason for the denial of such application for restoration.
- f) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

### **Section 1380.275 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
  - 1) The fee for application for a license as a professional engineer is \$100.
  - 2) The application fee for a certificate of enrollment as an engineer intern is \$20.
  - 3) The application fee for a certificate of registration as a professional design firm is \$75.
  - 4) In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and 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.
- b) Renewal Fees
  - 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
  - 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1380.310(c)).
- c) General Fees



- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20 plus any fee charged by the testing service.
  - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
  - 6) The fee for a roster of persons licensed as professional engineers or engineer interns in this State shall be the actual cost of producing the roster.
- d) Additional Fees
- 1) 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 fee of \$50.
  - 2) If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fee for a returned check, an additional fee of \$100 shall be imposed.
  - 3) The fees imposed by this Section are in addition to any other discipline provided under the Act for unlicensed practice or practice on a nonrenewed license. The Division will notify the person that fees shall be paid to the Department by certified check or money order within 30 calendar days after the notification.
  - 4) If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Division will automatically terminate the license or certificate or deny the application without hearing.

- 5) If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Division for restoration or issuance of the license or certificate and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application.
- 6) The Director may waive the fees due under this Section in individual cases when the Director finds that the fees would be unreasonable or unnecessarily burdensome.

### **Section 1380.280 Endorsement**

- a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Division, together with:
  - 1) The required fee specified in Section 1380.275.
  - 2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.
  - 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
    - B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of the examinations; and
    - C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
  - 4) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.
  - 5) In lieu of the documentation specified in subsections (a)(2) and (5), an applicant may submit a current NCEES Council Record.

6) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction after January 1, 1996 shall have the education evaluated, at their expense. Applicants shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).

7) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.

8) The Division may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he or she has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

9) Acceptable Experience: Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, shall be considered in compliance with the experience requirements of Section 10 of the Act:

A) Under Section 10(a) of the Act, at least 4 years of acceptable experience after receipt of the baccalaureate degree, or

B) Under Section 10(b) of the Act, at least 8 years of acceptable experience after receipt of the baccalaureate degree.

10) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.

b) The Division shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this State.

c) When the accuracy of any submitted documentation listed in subsection (a), or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to provide such information as may be necessary and appear for an oral interview before the Board.

1) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(6).

2) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements, may be required to submit the proof of TOEFL-iBT as set forth in subsection (a)(7).

d) The Division shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.240 and/or Section 1380.245.

### **Section 1380.285 Inactive Status**

a) Any licensed professional engineer who notifies the Division in writing on forms prescribed by the Division may elect to place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the Division in writing of his or her desire to resume active status.

b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1380.270 of this Part.

c) Any licensed professional engineer whose license is on inactive status shall not practice engineering in the State of Illinois. Practicing or offering to practice on a license which is on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 24 of the Act.

## **Section 1380.290 Professional Design Firm**

a) Persons who desire to practice professional engineering in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) shall, in accordance with Section 23 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

1) For Corporations or Professional Service Corporations (registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12]):

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional.

B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or certificate of authority shall designate that the corporation is authorized to provide professional engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.

C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in Illinois. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.

D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

2) For Partnerships:

## A) General

- i) A copy of the signed and dated partnership agreement authorizing the partnership to provide professional engineering services. The agreement shall contain the name of the partnership, its business address and the names of all general partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution of the general partners designating a regular full-time employee of the partnership who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in this State. The license number of the managing agent shall be included in the resolution.
- iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

## B) Limited Partnership

- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide professional engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed professional engineer in this State as the managing agent in charge of the professional engineering services. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.
- iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

- iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.
- 3) For Limited Liability Companies or Limited Liability Partnerships:
- A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed and the license number of each design professional who is a member or partner.
  - B) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in this State. The license number of the managing agent shall also be included in the resolution.
  - C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.
  - D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
  - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 4) For Sole Proprietorships with an Assumed Name:
- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the professional engineer who owns and operates the business.
  - B) A letter or certificate from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides engineering services.
- 6) The fee required in Section 1380.275.

b) A professional design firm may designate more than one managing agent in charge of professional engineering activities. However, a licensee designated as the managing agent may not serve as a managing agent for more than one corporation, professional service corporation, limited liability company/partnership or partnership doing business in Illinois.

c) Upon receipt of the documents listed in subsection (a) and review of the application, the Division shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of professional engineering or notify the applicant of the reason for the denial of the application.

d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship shall be responsible for notifying the Division within 30 days after any changes in:

1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;

2) The licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and

3) An assumed name.

e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Division, in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the Division, has 30 days to notify the Division of the name and license number of the professional engineer licensed in Illinois who is the newly designated managing agent.

f) Any failure to notify the Division as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 23 of the Act will subject the corporation, limited liability company or partnership to the loss of its registration to practice professional engineering in Illinois.

g) Sole Proprietorships. A sole proprietorship who is conducting or transacting business under the real name of the professional engineer who has an active Illinois license will not be required to file an application and comply with the requirements set forth in this Section. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4).



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

h) In addition to the seal requirements in Section 14 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Division.

### **Section 1380.295 Seal Requirements**

Every licensed professional engineer shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name, the license number of the professional engineer, and the words "Licensed Professional Engineer of Illinois". A professional engineer shall seal all documents prepared by or under the direct supervision and control of the professional engineer. Any document that bears the name of a professional design firm, rather than bearing the name of the individual licensed professional engineer responsible for the document, shall be deemed an invalid seal. The individual licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the document bearing an original signature, or a signature generated by a computer.

### **Section 1380.296 Acts Constituting the Practice of Professional Engineering Pursuant to Section 4 of the Act**

a) The term "technical submissions" is defined by the Board as including, but not limited to, documents submitted for approval to any authority having jurisdiction, and means designs, drawings and specifications that establish the standards of quality for materials, workmanship and equipment and the construction systems, studies and other technical reports prepared in the course of a design professional's practice.

b) Design/Build

The design/build project delivery process is a method whereby an entity signs a single contract to provide a combination of professional engineering and construction services.

c) The design/build entity will not be required to register as a professional design firm pursuant to Section 23 of the Act only if the services in the design/build project delivery process are provided by the entity in accordance with the following:

1) A professional engineer licensed or a professional design firm registered in Illinois independently contracts with the entity and participates substantially in all material aspects of the offering and providing of services relating to any bid process, contract negotiations, design, consultation, development, preparation

and coordination of technical submissions, and verification of adherence to technical submissions and completion.

- 2) At the time of offering services, a written disclosure shall be given to the client by the entity identifying the licensed professional engineer who will be engaged by and is contractually responsible to the entity offering design/build project services.
  - 3) The entity agrees that the licensed professional engineer will have direct supervision of the professional engineering work and the engineering services will not be terminated on the project without immediate replacement by another licensed professional engineer mutually agreed to by the client and the entity.
- d) A design/build entity shall not offer to provide or provide professional engineering services, unless the design/build entity is an Illinois licensed professional engineer or professional design firm. Offering to provide professional engineering services shall include, but shall not necessarily be limited to, any tender of engineering services either independently or in combination with construction services by any sign, card, advertisement or other device that might indicate to the public that the entity is entitled to provide engineering services.

### **Section 1380.300 Standards of Professional Conduct**

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of professional engineering, the following Standards of Professional Conduct shall be binding on every person holding a license as a professional engineer and on all corporations authorized to practice professional engineering in this State.

- a) **Professional Responsibility.** Licensees shall be responsive to the needs of clients and employers, but shall hold paramount life, health, property and the welfare of the public.
  - 1) Licensees shall at all times recognize that their primary obligation is to protect the life, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the life, health, property or welfare of the public is endangered, they shall notify their client or employer and such authority(ies) as may be appropriate (which may include the Division or other law enforcement agencies).
  - 2) Licensees shall approve and seal only those designs prepared by them or under their direct supervision and found to be safe for the public health, property and welfare. In circumstances where a licensee in responsible charge of the work is unavailable to complete the work in instances such as death, incapacity, termination of employment or relocation, a successor licensee may

take responsible charge by performing all professional services, including design criteria, recalculations, code research and compliance, and any other necessary and appropriate changes, in order to complete the project. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

3) Licensees shall not reveal confidential facts, data or information obtained in a professional capacity without the prior consent of the client, except as authorized or required by law.

4) Licensees shall not permit the use of their name or firm's name, nor shall they be associated in business ventures with persons or firms which they have reason to believe to be engaging in fraudulent or dishonest business practices.

5) Licensees having knowledge of any alleged violation of any of this Part shall cooperate with the Division, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.

b) **Competence.** Licensees shall perform services only in areas of their competence.

1) Licensees shall undertake assignments only when qualified by education and experience in the specific technical field of engineering involved.

2) Licensees shall not affix their signature or seal to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared by them or under their direct supervisory control.

3) Licensees may accept an assignment outside of their fields of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that all other phases of the project will be performed by registrants qualified in those phases.

c) **Professional Integrity.** Licensees shall issue professional statements in an objective and truthful manner.

1) Licensees shall be completely objective and truthful in all professional reports, statements or testimony.

2) Licensees may express publicly a professional opinion on technical subjects only when it is founded upon adequate knowledge of the facts and a background of competence in the subject matter.

- 3) A licensee, when acting as a representative of an individual or organization, shall issue no statements, criticisms, or arguments on engineering matters without first prefacing such comments by explicitly identifying on whose behalf the comments will be made. When the licensee is acting as a consultant, expressing a professional opinion, such opinion shall be prefaced by complete personal identification as a consultant, without necessarily naming the client. Such licensee shall reveal any personal interest in the matter.
- d) Conflict of Interest. Licensees shall act in professional matters for each employer or client as faithful agents or trustees and shall avoid conflicts of interest.
- 1) Licensees shall conscientiously avoid conflicts of interest with their employers or clients. Whenever conflicts of interest appear unavoidable; however, licensees shall disclose promptly to their employers or clients any business association, interest or circumstance which may influence judgment or quality of services.
  - 2) Licensees shall not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project unless the licensee makes full disclosure and receives consent of all interested parties.
  - 3) Licensees shall not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products except when the licensee is a known employee or agent of the supplier.
  - 4) Licensees shall not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer or other party dealing with the licensee's employer or client in connection with work for which the licensee is responsible.
  - 5) Licensees in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organization.
  - 6) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their firm or organization serves as a member.
- e) Employment Solicitation. Licensees shall avoid improper solicitation of professional employment.

- 1) Licensees shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure professional assignments.
- 2) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent or purpose of enhancing their qualifications and/or their work.

### **Section 1380.305 Professional Engineer Complaint Committee**

- a) The Professional Engineer Complaint Committee of the State Board of Professional Engineers authorized by Sections 7 and 26 of the Act shall be composed of 2 members the State Board of Professional Engineers, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.
- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c). The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, Land Surveyors Examining Board and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each case file.
- c) The Complaint Committee shall have the following duties and functions:
  - 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial which begins the formal proceedings.
  - 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
  - 3) To recommend that a case file be closed.

- 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
  - 5) To refer the case file to Prosecutions for review and action.
  - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the Division may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Division.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the State Board of Professional Engineers. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the State Board of Professional Engineers or the Complaint Committee.
- g) Disqualification of a State Board of Professional Engineers member.
- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
  - 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h) An informal conference is the procedure established by the Division that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both

parties. Informal conferences shall be conducted by a Division attorney and shall include a member or members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

### **Section 1380.310 Renewals**

- a) Every license issued to an individual under the Act shall expire on November 30 of each odd numbered year. Beginning with the November 30, 2005 renewal and every renewal thereafter, a licensed professional engineer shall comply with the professional development hours specified in Section 1380.325 of this Part. The holder of a license may renew such license for a two-year period during the month preceding the expiration date thereof by paying the fee required by Section 1380.275.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd-numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee.
- d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 24 of the Act.

### **Section 1380.320 Granting Variances**

- a) The Director may grant variances from this Part in individual cases when he or she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons for granting the variance, at the next meeting of the Board.

## Section 1380.325 Professional Development

The professional development required as a condition for license renewal under the Professional Engineering Act of 1989 is set forth in this Section. All professional engineers shall meet these requirements.

- a) Professional Development Hours Requirements
  - 1) Beginning with the November 30, 2005 renewal and every renewal thereafter, in order to renew a license as a professional engineer, a licensee shall be required to complete 30 professional development hours (PDH) relevant to the practice of professional engineering. Failure to comply with these requirements may result in non-renewal of the professional engineer's license or other disciplinary action, or both.
  - 2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.
  - 3) One professional development hour shall equal a minimum of 50 minutes of instruction or participation. If a program is taken that awards continuing education units (CEU) rather than professional development hours, one CEU equals 10 professional development hours of class in an approved continuing education course.
  - 4) A renewal applicant shall not be required to comply with the professional development requirements for the first renewal of an Illinois license.
  - 5) Professional engineers licensed in Illinois but residing and practicing in other states shall comply with the professional development requirements set forth in this Section.
  - 6) Professional development units used to satisfy the professional development requirements of another jurisdiction may be applied to fulfill the professional development requirements of the State of Illinois if they are substantially equivalent.
- b) Professional Development Activities shall include, but not be limited to:
  - 1) Successful completion of a college or university course in the area of professional engineering, related sciences and engineering ethics. One semester hour completed shall equal 15 PDHs and one quarter hour shall equal 10 PDHs;
  - 2) Successful completion of professional engineering courses or programs in which professional development hours are earned;



- 3) Active participation and successful completion of professional engineering programs, seminars, tutorials, workshops, short courses, on-line or in-house courses. Credit will be given for self study courses only if an examination has been completed by the licensee and graded by the sponsor;
  - 4) Attending program presentations at related technical or professional meetings;
  - 5) Teaching or instructing. Teaching credit is valid for teaching a course or seminar for the first time only. Two PDHs will be earned for every hour of teaching. This does not apply to faculty in the performance of their regularly assigned duties;
  - 6) Authoring papers or articles that appear in nationally circulated journals or trade magazines or presented to a university, professional society or organization. 10 PDHs per paper or presentation, but not both, are allowed for this activity;
  - 7) Receiving a patent within the renewal period. Ten PDHs may be earned per patent;
  - 8) Active participation on a committee or holding an office in a professional or technical society. Two PDHs will be awarded per committee membership or office held. A maximum of 8 PDHs may be accepted per prerenewal period.
- c) All professional development programs, activities or courses shall:
- 1) Contribute to the advancement, extension or enhancement of the professional skills and/or scientific knowledge of the licensee in practice of professional engineering;
  - 2) Foster the enhancement of general or specialized practice and values of professional engineering, related sciences and engineering ethics;
  - 3) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- d) It shall be the responsibility of a licensee to maintain a record of PDHs for 6 years that includes, but is not limited to, the following:
- 1) The name and address of the sponsor or provider, the number of hours attended in each program, the date and place of the program and a certificate of attendance; or

- 2) A log of activities that includes the date and number of hours claiming as PDHs, a brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation; or
  - 3) Transcripts or records of professional development hours maintained by an acceptable provider as set forth in subsection (e).
- e) Acceptable providers for structured educational activities shall include, but not be limited to:
- 1) National Council of Examiners for Engineering and Surveying (NCEES);
  - 2) National Society of Professional Engineers (NSPE);
  - 3) Illinois Society of Professional Engineers (ISPE);
  - 4) American Council of Engineering Companies of Illinois (ACEC-IL);
  - 5) Technical or professional societies or organizations relating to professional engineering, such as the American Society of Civil Engineers (ASCE);
  - 6) Colleges, universities or other educational institutions;
  - 7) Other technical or professional societies or organizations including manufacturers.
- f) The Division shall not pre-approve individual courses or programs.
- g) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the professional development requirements set forth in this Section.
  - 2) The Division may require additional evidence demonstrating compliance with the CE requirements as set forth in subsection (d). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin

formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

- h) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with PDH requirements, the Division shall restore the license upon payment of the required fee as provided in Section 1380.275.
- i) Waiver of PDH Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these PDH requirements shall file with the Division a renewal application along with the required fee set forth in Section 1380.275, a statement setting forth the facts concerning non-compliance and request for waiver of the PDH requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of PDH requirements for the renewal period for which the applicant has applied.
  - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the PDH requirements during the applicable prerenewal period because of:
    - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
    - B) An incapacitating illness documented by a statement from a currently licensed physician;
    - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
    - D) Any other similar extenuating circumstances.
  - 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

## **Section 1380.APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement**

- a) July 20, 1945. The Illinois Professional Engineering Act became effective on July 20, 1945. Prior to that date, there was no legal requirement in Illinois governing the practice of Professional Engineering or requiring registration of engineers.
- b) July 20, 1946. That date terminated registration under the "Grandfather Clause," which exempted Illinois residents engaged in the practice of Professional Engineering from examination, unless affected by service in the armed forces of the United States including the Merchant Marine. Thereafter, full examination was required except as indicated under subsections (c) and (d).
- c) November 20, 1946. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were eligible for registration by examination of their record of education, experience, and substantiating evidence. Written examination was not required.
- d) July 20, 1950. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were required to take only Part II of the written examination for registration.
- e) Applicants originally licensed in New York or Pennsylvania prior to January 1, 1965, shall have their twelve-hour examination accepted for endorsement based on prior agreement.
- f) January 1, 1974. Prior to that date, an EIT applicant was eligible for examination upon proof of at least 4 years of study, training and experience.
- g) January 1, 1978. Prior to that date, an applicant who qualified with 8 years of combined education and experience would be admitted to the full examination.
- h) January 1, 1990. After this date, sequencing of exams is not required. The Principles and Practice of Engineering and the Fundamentals of Engineering exams may be taken in any sequence, pursuant to Alvin B. Groves vs. the Department of Professional Regulation.
- i) January 1, 1990 to January 1, 1994. An applicant seeking waiver of the fundamentals of engineering examination pursuant to Section 12(c) of the Act shall hold a doctoral degree from a graduate engineering program approved in accordance with Section 1380.210(f) and shall have demonstrated a broad knowledge of the fundamentals of engineering by successfully completing course work including 10 of the following subjects:
  - 1) Calculus

- 2) Differential Equations
- 3) Chemistry
- 4) Physics
- 5) Statics
- 6) Dynamics
- 7) Materials Science or Structure of Matter
- 8) Mechanics of Materials
- 9) Electrical Circuits
- 10) Fluid Mechanics
- 11) Thermodynamics
- 12) Engineering Economics

j) January 1, 1996. Proof of completion of the Test of English as a Foreign Language (TOEFL) with a score of 550 and Test of Spoken English (TSE) with a score of 50 for all applicants applying who graduated from an engineering program outside the United States or its territories and whose first language is not English.

k) October 30, 2006. Engineering Credentials Evaluation International (ECEI) ceased evaluating credentials. The Board approved The Center for Professional Engineering Credentials (CPEES) as the only engineering evaluation service.

l) August 6, 2009. CPEES changed its name to NCEES Credentials Evaluations service.

m) August 24, 2009. The Act change allows the exams to be taken prior to completion of experience. Endorsement of those applicants who took the P&P in other jurisdictions prior to completion of the experience required (4 years/8 years) in Illinois is allowed, but the experience before licensing in Illinois is still required.

# Code of Ethics

## Preamble

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Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

## I. Fundamental Canons

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Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

## II. Rules of Practice

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1. Engineers shall hold paramount the safety, health, and welfare of the public.
  - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
  - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.

- 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
  - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
  - 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
  - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
- 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
  - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
  - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
- 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
  - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
  - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.
  - 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
  - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
  - 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
  - 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
  - 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.
5. Engineers shall avoid deceptive acts.
  - 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.
  - 2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.



### III. Professional Obligations

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1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
  - 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
  - 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
  - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
  - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
  - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
  - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
  - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
  - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
  - 4) Engineers are encouraged to adhere to the principles of sustainable development; in order to protect the environment for future generations.
3. Engineers shall avoid all conduct or practice that deceives the public.
  - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
  - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
  - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
  - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
  - 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
  - 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
  - 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
  - 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
  - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
  - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
  - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
  - 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
- 1) Engineers shall conform with state registration laws in the practice of engineering.
  - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
  - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
  - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
  - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
  - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses,

reading in the technical literature, and attending professional meetings and seminars.

# References

Illinois Department of Financial and Professional Regulation: Professional Engineering - Homepage

<http://www.idfpr.com/profs/ProfEngineer.asp>

Illinois Compiled Statutes: 225 ILCS 325 Professional Engineering Practice Act of 1989, (225 ILCS 325/1 to 225 ILCS 325/49)

<http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1344&ChapAct=225%26nbsp%3BILCS%26nbsp%3B325%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIO NS&ActName=Professional+Engineering+Practice+Act+of+1989%2E>

Illinois Administrative Code: Title 68, Chapter VII, Subchapter B, Part 1380 The Professional Engineering Practice Act Of 1989, (1380.210 to 1380.325)

<http://www.ilga.gov/commission/jcar/admincode/068/06801380sections.html>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>