

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments were published in the September 25, 2009 Illinois Register. The 45 day comment period will end November 9, 2009.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

1) Heading of the Part: Structural Engineering Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1480

3) Section Number: Proposed Action:

1480.110	Amendment
1480.120	Amendment
1480.130	Amendment
1480.135	Amendment
1480.140	Amendment
1480.150	Amendment
1480.160	Amendment
1480.170	Amendment
1480.175	Amendment
1480.180	Amendment
1480.185	Amendment
1480.190	Amendment
1480.195	Amendment
1480.200	Amendment
1480.205	Amendment
1480.210	Amendment
1480.215	Amendment
1480.220	Amendment

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- 4) Statutory Authority: Structural Engineering Practice Act of 1989 [225 ILCS 340]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is primarily clean-up. Section 1480.110 provides clarification and increases the possible credit that may be granted for post-graduate degrees towards the experience requirement. It also clarifies procedures for the review of application files. Section 1480.175 clarifies which examinations would meet the seismic requirements and provides an additional means of meeting the seismic requirements. Acceptable activities for continuing education are also clarified. The Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) has been added as an acceptable alternative for applicants educated in a foreign country. The amendment makes various non-substantive changes, including changing references throughout the entire Part from “Department” to “Division” to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Other obsolete language is also being removed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax #: 217/557-4451

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All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing structural engineering services.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Structural engineering skills are required for licensure.

14) Regulatory Agenda on which this rulemaking was summarized: January 2009

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING PRACTICE ACT OF 1989

Section

1480.10	Statutory Authority (Repealed)
1480.20	Licensure (Repealed)
1480.30	Approved Education Qualifications (Repealed)
1480.40	Approved Experience Qualifications (Repealed)
1480.45	Renewals (Renumbered)
1480.50	Restoration of Expired Certificate (Repealed)
1480.60	Granting Variances (Renumbered)
1480.110	Approved Structural Engineering Curriculum
1480.120	Definition of Degree in Related Science
1480.130	Approved Experience
1480.135	Application for Enrollment as a Structural Engineer Intern by Examination
1480.140	Application for Licensure by Examination
1480.150	Examination
1480.160	Restoration
1480.170	Endorsement
1480.175	Seismic Design Requirement
1480.180	Inactive Status
1480.185	Continuing Education
1480.190	Renewals
1480.195	Fees
1480.200	Professional Design Firm
1480.205	Acts Constituting the Practice of Structural Engineering Pursuant to Section 5 of the Act
1480.210	Standards of Professional Conduct
1480.215	Structural Engineer Complaint Committee
1480.220	Granting Variances

AUTHORITY: Implementing the Structural Engineering Practice Act of 1989 [225 ILCS 340] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

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SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993; amended at 18 Ill. Reg. 14751, effective September 19, 1994; amended at 19 Ill. Reg. 2309, effective February 14, 1995; amended at 19 Ill. Reg. 16081, effective November 17, 1995; amended at 21 Ill. Reg. 13844, effective October 1, 1997; amended at 24 Ill. Reg. 639, effective December 31, 1999; amended at 24 Ill. Reg. 13734, effective August 28, 2000; amended at 26 Ill. Reg. 12271, effective July 24, 2002; emergency amendment at 27 Ill. Reg. 12114, effective July 14, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18990, effective December 5, 2003; amended at 33 Ill. Reg. _____, effective _____.

Section 1480.110 Approved Structural Engineering Curriculum

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Divisionthe "Department") shall, upon the recommendation of the Structural Engineering Board (the "Board") approve an applicant's engineering or architecture curriculum if the degree is from an educational institution that is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering or architecture.
- b) The curriculum shall be at least 4 academic years, lead to the awarding of the baccalaureate degree, and provide integration of the educational experience with the ability to apply the knowledge gained to the identification and solution of practical problems.
- c) The curriculum of each applicant shall include a minimum of 18 semester hours of courses in the analysis, behavior, and design of structural elements and systems. These courses may include, but not be limited to:
 - 1) Structural analysis courses such as determinate and indeterminate structures and stability; and

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- 2) A minimum of 9 semester hours are required in structural design courses that may include structural steel, reinforced concrete, prestressed concrete, foundation, masonry and wood engineering.
- 3) Courses such as mechanics (statics and dynamics), mechanics of materials, properties of materials, and soil mechanics shall not be included in the minimum 18 semester hours.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.120 Definition of Degree in Related Science

- a) A Degree in Related Science is a four-year curriculum resulting in a baccalaureate degree:
 - 1) from an Accreditation Board for Engineering and Technology (ABET) engineering program; or
 - 2) that includes the indicated minimum number of semester hours in at least the following subjects:

Mathematics (beyond trigonometry) – 15 hours.
Basic Sciences (Physics and Chemistry) – 15 hours.
Additional Sciences and/or Engineering Sciences – 30 hours.
- b) In evaluating the acceptability of an applicant's related science curriculum of a baccalaureate degree, 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). 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.
- c) The ~~Division~~ Department shall not accept educational courses in engineering technology as meeting the requirements for basic engineering or related science in accordance with this Section.
- d) Mathematics shall be beyond trigonometry, and include differential and integral calculus, and differential equations at the baccalaureate level. Mathematics may also include, but not be limited to, the study of probability, statistics, numerical

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analysis, and advanced calculus. Courses in computer usage and/or programming may not be used to satisfy the mathematics requirement.

- e) Basic sciences shall include basic physics and chemistry, and may also include life sciences, earth sciences, and/or advanced physics and chemistry, as appropriate to the engineering discipline being studied.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.130 Approved Experience

- a) Every application shall be reviewed by the Board to determine whether the applicant's experience meets the requirements described in this Section. Approved experience, other than in accordance with subsection (a)(3), shall have been acquired after receipt of the baccalaureate degree.
- 1) Credit for Graduate Study:
- A) One ~~1~~-year of experience shall be given for completion of graduate study resulting in a master's ~~or doctor's~~ degree with an emphasis in structural engineering. The course of study shall include a minimum of 8 semester hours, or their equivalent (e.g., 12 quarter hours), of structural analysis, behavior or design courses.
- B) One year of experience shall be given for completion of graduate study resulting in a doctoral degree with an emphasis in structural engineering, and a course of study that includes a minimum of 8 semester hours, or their equivalent (e.g., 12 quarter hours), of structural analysis, behavior or design courses beyond a master's degree. Two years of experience shall be given for completion of graduate study resulting in a doctoral degree with an emphasis in structural engineering, and a course of study that includes a minimum of 16 semester hours, or their equivalent (e.g., 24 quarter hours), of structural analysis, behavior or design courses without a master's degree.
- 2) The maximum credit for graduate study shall be 2 years ~~1 year~~.
- 3) Credit for structural engineering experience shall be given for a graduate of a university certified cooperative program that is a supervised industrial

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or field experience of at least one calendar year ~~that which~~ alternates with periods of full-time academic training. ~~Supervision~~ ~~Such supervision~~ shall be by a U.S. licensed engineer legally practicing structural engineering.

- A) A maximum of one year of experience credit may be given for one year or more of actual work experience acquired through participation in a university cooperative program;
 - B) Applicants claiming credit for participation in the university cooperative program shall submit an official transcript from the university reflecting the university credit for completion of the program; and
 - C) All experience shall be structural engineering experience and must be verified, on forms provided by the ~~Division~~ ~~Department~~, by the supervising engineer.
- 4) Credit for all required experience or any remaining experience as set forth in Section 1480.140 shall be given for actual experience in the practice of structural engineering under the employ or immediate supervision of an ~~licensed~~ ~~engineer~~ legally practicing structural engineering. ~~The~~ ~~Such~~ experience shall require the application of technical knowledge and structural engineering principles.
- 5) Each applicant shall submit evidence of at least 2 years of engineering experience in a position of responsible charge while in the employ of or under the immediate personal supervision of a licensed engineer legally practicing structural engineering. In this category the applicant shall have directed the work, with responsibility for the successful accomplishment of the work, including demonstrated capability of making independent technical decisions to fulfill a structural engineering duty and being accountable for the performance of those duties.
- 6) Credit for a maximum of 3 years of the experience required for licensure shall be given for the full-time teaching of upper division junior/senior courses or graduate courses in structural engineering as a part of, or in conjunction with, an approved engineering curriculum as set forth in Section 1480.110. An academic year of full-time teaching (2 semesters, or 3 quarters) at a level of assistant professor, or higher, shall be considered equivalent to 6 months of the experience required for licensure. This

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teaching experience shall be fully documented, and certified by an affidavit from the department chairman, or dean, of the engineering curriculum involved. Applicants qualifying under this subsection are exempt from the requirement of subsection (a)(5) ~~of this Section~~.

- b) While an applicant may receive either experience credit, education credit, teaching credit, or a combination of these, such applicant shall not receive more than one year's total credit for any one year (i.e., overlapping experience, education or teaching shall be credited to only one category).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.135 Application for Enrollment as a Structural Engineer Intern by Examination

- a) An applicant for enrollment as a structural engineer intern ~~an Structural Engineer Intern~~ shall file an application on forms supplied by the Division ~~Department~~ by November 15 for the spring examination or by May 15 for the fall examination.

1) The application shall include:

A)1) Either:

i)A) Proof of a ~~A~~ degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. Official college transcript showing all coursework completed and conferral of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; or

ii)B) Proof of ~~A~~ degree in a related science as set forth in Section 1480.120. Official college transcript showing all coursework completed and conferral of a bachelor of science degree in a related science; and completed experience verification forms ~~form(s)~~, indicating the required 4 years of approved experience;

B)2) The required fee specified in Section 1480.195;

C)3) For an applicant claiming credit for participation in a cooperative

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program, as described in Section 1480.130(a)(3), certification of such participation, with a brief description of the program, from the university and verification of supervision;

- D)4) ~~A complete work history indicating all employment since receipt of a baccalaureate degree;~~ 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) ~~with a minimum score of 550 or 213 on the TOEFL computer-based test~~ and the Test of Spoken English (TSE) ~~with a minimum score of 50~~; for applicants who apply after January 1, 1997, 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. The minimum acceptable scores are 550 for the paper TOEFL and 50 for the paper TSE, or 213 for the computer-based TOEFL and TSE combination, or 88 for the Internet-based TOEFL iBT with a minimum score of 26 on the speaking module;
- 2)6) An applicant shall have acquired the experience required by subsection (a)(1)(B) this Section after conferral of the degree and prior to applying to the Division~~Department~~;
- 3)7) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from Engineering Credentials Evaluation International (ECEI), ~~244 East Lombard Street #357, Baltimore, Maryland,~~ NCEES Engineering and Surveying Credentials Evaluations, 10305 NW 41st Street, Suite 223, Miami FL 33178-24202. The Board will review all transcripts and the evaluation submitted to the Division~~Department~~ to determine if the education meets the requirements set forth in this Section and 68 Ill. Adm. Code~~Section~~ 1270.15.
- b) Upon receipt of the application and all supporting documentation in complete order, ~~all:~~ 1) ~~Persons with degrees from an engineering program that has been reviewed and approved by the Board will be reviewed by the Board and notified of their eligibility to register for the Fundamentals of Engineering Examination.~~ 2) ~~The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required education and experience~~

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based on the criteria specified in Sections 1480.110 and 1480.130. Once the applications have been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering Examination, the examination filing deadline and the required examination fee as provided for in Section 1480.195.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.140 Application for Licensure by Examination

- a) Applicant ~~Enrolled~~~~enrolled~~ as a Structural Engineer Intern or Engineer Intern
 - 1) An applicant shall have acquired all experience required by Section 1480.130 prior to making application to the ~~Division~~~~Department~~.
 - 2) An applicant for licensure as a structural engineer who is enrolled as a ~~structural engineer intern~~~~Structural Engineer Intern~~ or ~~engineer intern~~~~Engineer Intern~~ shall file an application on forms supplied by the ~~Division~~~~Department~~ by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:
 - A) Experience verification forms completed by the supervisor, indicating the required 4 years of experience earned. For ~~engineer interns~~~~Engineer Interns~~ enrolled with a degree in a related science, experience verification forms shall be completed for the entire 8 years of required experience as set forth in Section 1480.130.
 - B) For persons who were certified or enrolled as an ~~engineer intern~~~~Engineer Intern~~ or ~~engineer~~~~Engineer~~-in-training in Illinois or another state or territory:
 - i) A certification of ~~such~~-enrollment from the appropriate state board, including the date of the examination; and
 - ii) Official college transcripts showing coursework completed and degree received.
 - C) The required fee specified in Section 1480.195.

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- D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1480.130(a)(3), certification of ~~such~~ participation with a brief description of the program, from the university and verification of supervision.
 - E) ~~A complete work history indicating all employment since receipt of a baccalaureate degree and verification of supervision.~~
- b) Applicant Not Enrolled~~not enrolled~~ as a Structural Engineer Intern or an Engineer Intern
- 1) An applicant shall have acquired all experience as required in Section 1480.130 prior to making application to the Division~~Department~~.
 - 2) An applicant for registration as a structural engineer who is not enrolled or certified as a Structural Engineer Intern shall file an application on forms supplied by the Division~~Department~~ by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 9 of the Act, the following:
 - A) Verification of experience indicating the approved experience as set forth in Section 1480.130 ~~of this Part~~;
 - B) Certification of education of one of the following:
 - i) A degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110. An official transcript of educational credit showing receipt of a baccalaureate degree from an approved structural engineering or architecture curriculum as set forth in Section 1480.110; an official transcript of educational credit; and completed experience certification forms indicating the required 4 years of approved experience, except as provided in subsection (c) of this Section; or
 - ii) A degree in a related science as set forth in Section 1480.120. An official transcript of educational credit showing receipt of a bachelor of science degree in a related science; an official transcript of educational credit; and

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completed experience certification forms, indicating the required 8 years of approved experience;

- C) ~~A complete work history, on forms provided by the Department, indicating all employment since receipt of a baccalaureate degree; and D) The required fee specified in Section 1480.195.~~
- c) If an applicant has ever been licensed to practice engineering in another jurisdiction, certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the following:
- 1) The date of issuance of the applicant's license and the current status of ~~the~~such license;
 - 2) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
 - 3) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
- d) Applicants not enrolled as a structural engineer intern in Illinois who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from Engineering Credentials Evaluation International (ECEI), ~~211 East Lombard Street #357, Baltimore, Maryland~~ or Center for Professional Engineering Education Services (CPEES), 10305 NW 41st St., Suite 223, Miami, Florida 33178-2120. The Board will review all transcripts and the evaluation submitted to the ~~Division~~Department to determine if the education meets the requirements set forth in Sections 1480.110 and 1480.120.
- e) Applicants not enrolled as a structural engineer intern in Illinois shall submit proof~~Proof~~ of passage of the Test of English as a Foreign Language (TOEFL) ~~with a minimum score of 550 or 213 on the TOEFL computer-based test and the Test of Spoken English (TSE) with a minimum score of 50,~~ for applicants who apply after January 1, 1997, who graduated from a structural engineering, architecture or related science 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 structural engineering, architecture or related science program from which

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the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL and 50 for the paper TSE, or 213 for the computer-based TOEFL and TSE combination, or 88 for the Internet-based TOEFL iBT with a minimum score of 26 on the speaking module.

- f) 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 and experience as specified in ~~Section~~ Section 1480.110 and 1480.130. Once the application has been approved, those persons will be notified of their eligibility to register for the Fundamentals of Engineering, Structural I and Structural II examinations, the examination filing deadline and the required examination fee as provided for in Section 1480.195.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.150 Examination

- a) The examination for licensure as a structural engineer shall be divided into 3 Parts~~parts~~.
- 1) Fundamentals of Engineering. This examination shall be 8 hours in duration and 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 engineering.
 - 2) Structural I Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.
 - 3) Structural II Examination. This examination shall be 8 hours in duration and shall consist of problems or other examining techniques relating to designs in structural engineering, including seismic design. Such problems may include, but not be limited to, bridges, buildings, foundations, and seismic and lateral forces.
- b) The examination administered by the ~~Division~~Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the

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test specifications by NCEES.

- c) The scoring of the examinations and determination of scores shall be as approved by NCEES.
- d) Separate scores shall be given for the Fundamentals of Engineering, Structural I and Structural II. All scores shall be graded as pass or fail. Once an applicant fails a Part of the examination, that Part shall not be waived.
- e) Candidates ~~who fail an examination~~ may not review their 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.
- f) Retake of Examination:
 - 1) Applicants shall be required to retake only the Part on which a passing score was not achieved.
 - 2) If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, 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, ~~thesuch~~ applicant may thereafter make a new application for examination, accompanied by the required fee (Section ~~1480.19510 of the Act~~). New applications shall include proof of meeting the qualifications for examination in effect at the time of ~~thesuch~~ new application except as provided for in subsection (f).
- g) Successful scores of previously passed Parts of the examination shall be accepted for the purpose 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~~Department accept a previous passing score on a Part for an applicant whose score of record is a failing score.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1480.160 Restoration

- a) A licensee seeking restoration of ~~his~~ license ~~that~~ which has expired for less than 5 years shall have the license restored upon application to the ~~Division~~Department, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, and payment of the required fee specified in Section 1480.195.
- b) A licensee seeking restoration of a license ~~that~~ which has been placed on inactive status for less than 5 years shall have the license restored upon application to the ~~Division~~Department, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, and payment of the current renewal fee specified in Section 1480.195.
- 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~~Department for review by the Board ~~and~~, proof of 30 hours of continuing education completed in accordance with Section 1480.185 within 2 years prior to application, together with the fee required by Section 1480.195. The licensee shall also submit ~~either~~:
 - 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. ~~The~~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 ~~the~~said active practice;
 - 2) An affidavit attesting to military service, as provided in Section 14 of the Act;
 - 3) Proof of passage of ~~the NCEES Structural II examination~~Part II of the ~~examination provided in (see Section 1480.150)~~ within the 5 years preceding restoration; or
 - 4) Other evidence of continued competence in structural engineering, ~~including~~shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed structural engineer ~~as determined by the Board~~;

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- B) Lawfully practicing structural engineering as an employee of a governmental agency;
 - C) Teaching structural engineering in a college or university; ~~or~~
 - D) Performing structural engineering research; or
 - E) Attendance at educational programs in structural engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.
- d) Any person seeking restoration of a license within 2 years after discharge from military service ~~pursuant to (see Section 14 of the Act)~~ will be required to pay only the current renewal fee.
- e) A restoration applicant shall meet the requirement for seismic design set forth in Section 1480.175.
- f) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience required by subsection (c)(4) ~~above~~ is questioned by the ~~Division~~Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of ~~his~~ license shall be requested to:
- 1) Provide ~~such~~ information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~the~~such relevance or sufficiency 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 Division of Professional Regulation (Director) with the authority delegated by the Secretary, an applicant shall have the license restored or shall be notified of the reason for the denial of ~~the~~such application for restoration.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.170 Endorsement

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- a) Any person who holds an unexpired certificate of registration or license to practice structural engineering, issued under the laws of another state or territory and who desires to become licensed by endorsement shall file an application, on forms provided by the ~~Division~~Department, together with:
- 1) 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 (i.e., a separate written 16 hour structural engineering examination and the Fundamentals of Engineering examination), including certification of education, and verification of experience;
 - 2) A certification by the jurisdiction of original licensure and certification 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 examinations by which the applicant was licensed in that jurisdiction and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any disciplinary action taken ~~or pending~~ against the applicant;
 - 3) If the qualifications of the applicant at the time of original licensure did not meet the requirements for licensure in this State at that time, the applicant may submit additional certifications of other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure;
 - 4) ~~A complete work history, on forms provided by the Department, indicating all employment since receipt of the baccalaureate degree;~~ 5) The required fee set forth in Section 1480.195;
 - ~~5) 6)~~ Applicants who received their education in a foreign country and who were originally licensed after January 1, 1997 shall have the education evaluated at their expense. Applicants shall obtain the forms from

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Engineering Credentials Evaluation International (ECEI), ~~211 East Lombard Street #357~~, Baltimore, Maryland, or NCEES Engineering and Surveying Credentials Evaluations, 10305 NW 41st Street, Suite 223, Miami FL 33178-21202. The Board will review all transcripts and the evaluation submitted to the ~~Division~~Department to determine if the education meets the requirements set forth in Section 1480.110 and 1480.120; and

- ~~6)7)~~ Proof of passage of 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 were originally licensed in another jurisdiction after January 1, 1997, who graduated from a structural engineering, architecture or related science program outside the United States or its territories and whose first language is not English. In order to determine whose first language is English, the applicant shall submit verification from the school that the structural engineering, architecture or related science program from which the applicant graduated was taught in English. The minimum acceptable scores are 550 for the paper TOEFL and 50 for the paper TSE, or 213 for the computer-based TOEFL and TSE combination, or 88 for the internet-based TOEFL iBT with a minimum score of 26 on the speaking module.
- b) An endorsement applicant shall meet the requirements for seismic design set forth in Section 1480.175.
- c) The ~~Division~~Department 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 curriculum, has achieved special honors or awards, has had numerous articles published in professional journals, has participated in the writing of textbooks relating to structural engineering, and any other attribute ~~which~~ the Board accepts as evidence that ~~the~~such applicant has outstanding and proven ability in the practice of structural engineering.
- d) In order to provide background in structural engineering experience, an applicant licensed as a structural engineer in another state or territory, and who has met all previously stated requirements may be requested to appear before the Board for an oral interview at which questions will be asked to determine the applicant's qualifications and knowledge of structural engineering (see Section 1480.160(e)).

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Specifically, questions may explore the applicant's knowledge concerning the design of concrete, structural steel, timber, masonry and foundations and analysis procedures, design codes, materials and recommended practices for design and construction.

- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the ~~Division~~Department 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:
- 1) Provide information as may be necessary;
 - 2) Appear for oral interviews before the Board; and/or
 - 3) ~~If Applicants who were~~ licensed prior to January 1, 1997, upon review of the educational requirements, ~~may be required to have~~ his or her~~their~~ education evaluated at his or her~~their~~ expense as set forth in subsection (a)(~~5~~6).
- f) The ~~Division~~Department 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. After review of the application, the ~~Division~~Department shall either issue a license by endorsement to the applicant or notify ~~the~~such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement shall automatically be reviewed under the provisions of Section 1480.140.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.175 Seismic Design Requirement

All restoration or endorsement applicants applying for licensure pursuant to Sections 1480.160 and 1480.170 must submit satisfactory evidence of knowledge in seismic design at the time of application ~~or at the first renewal of the license.~~

- a) The seismic design requirement can be satisfied by passage of one of the following:

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- 1) The NCEES Structural II examination beginning with the April 2004 administration;
 - 2) The NCEES Structural II PM examination administered by Illinois from April 1991 through October 2003;
 - 3) The NCEES Structural II PM examination administered by all other jurisdictions from April 1993 through October 2003;
 - 4) The Western States Structural Examination administered from Spring 1993 to Fall 2003.
 - 5) Satisfactory completion of a Board approved course of instruction dealing with seismic design that is part of an approved engineering curriculum. The licensee shall submit the course title and catalog course description to the Board for approval prior to taking the course. Evidence of completion shall be a college transcript. Audited courses are not acceptable;
 - 6) Satisfactory completion of a Board approved professional seminar dealing with seismic design and involving a minimum of 16 contact hours (1.6 continuing education units or ~~one~~ semester hour of university credit) of lectures. Evidence of completion shall be by means of a valid certificate of completion signed by the providers of the seminar or an official transcript from the university. Audited courses are not acceptable. A 15 contact hour course may be substituted, in which case, the applicant shall also submit a short essay to be reviewed by the Board on Illinois seismic conditions and requirements; or
 - 7) Evidence that the licensee has taught a Board approved professional seminar or course dealing with seismic design that is part of an approved engineering curriculum or has conducted significant research into the problems of seismic resistance of structures and published the results of the significant research.
- b) Evidence of passage of one of the examinations identified in subsections (a)(1) through (4) shall be submitted by the licensee and may be a copy of the licensee's pass notice.
- c) The Board shall utilize, but not be limited to, the following standards when approving a course or seminar in subsection (a):

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- 1) Effects of earthquakes on buildings or bridges;
- 2) Structural standards and specifications for buildings or bridges;
- 3) Concepts in structural dynamics;
- 4) Seismic loading, including seismicity;
- 5) Seismic response analysis; and
- 6) Seismic design concepts, including concrete, steel, other structural materials and foundations.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.180 Inactive Status

- a) Any licensed structural engineer who notifies the ~~Division~~Department in writing on forms prescribed by the ~~Division~~Department 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~~Department in writing of ~~his~~ desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1480.160 ~~of this Part~~.
- c) Any licensed structural engineer whose license is on inactive status shall not practice engineering in the State of Illinois. Practicing or offering to practice on a license ~~that~~which is on inactive status shall be considered unlicensed activity and shall be grounds for discipline ~~under~~pursuant to Section 20 of the Act.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.185 Continuing Education

The continuing education required as a condition for license renewal under ~~the~~this Act is set forth in this Section. All structural engineers shall meet these requirements.

- a) Continuing Education Requirements

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- 1) Beginning with the November 30, 2004 renewal and for every renewal thereafter, renewal applicants shall complete 30 hours of Continuing Education (CE) relevant to the practice of structural engineering during each prerenewal period. The prerenewal period is the 24 months preceding the expiration date of the license. Failure to comply with these requirements may result in non-renewal of the structural engineer's license or other disciplinary action, or both.
 - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 3) Structural engineers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section. Continuing education credit hours used to satisfy the CE requirements of another state and meeting the requirements of this Section may be submitted toward fulfillment of the CE requirements of the State of Illinois.
 - 4) The minimum length of the technical portion of any single CE activity is one~~one~~ hour. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 5) Nontechnical portions of a program, such as receptions, dinners, etc., do not qualify for credit as CE.
- b) Activities for which CE credit may be earned are as follows:
- 1) Course work relevant to structural engineering completed at an accredited college or university. One semester credit hour of course work is equivalent to 15 hours of CE and one quarter credit hour of course work is equivalent to 10 hours of CE.
 - 2) A maximum of 10 CE credit hours per prerenewal period may be earned for the completion of a self-administered course. Each self-administered course shall include an examination that will be graded by the sponsor.
 - 3) Successful completion of continuing education courses. Credit for courses will be based on one CE credit hour for each hour of attendance.

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- 4) A maximum of 10 CE credit hours per prerenewal period may be earned for attending in-house courses. Credit for in-house courses will be based on one CE credit for each hour of attendance. For courses presented in-house by outside individuals, see subsection (b)(3).
 - 5) Attending workshops or professional or technical meetings, conventions or conferences. Attendance at qualifying programs, professional and/or technical society meetings will earn CE credits for the actual time of each program. Visiting exhibitor booths or similar activities shall not qualify for CE credit.
 - 6) Teaching or presenting in the activities described in subsections (b)(1) through (5). CE credit will be applied at the rate of 3 hours for every hour taught, and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
 - 7) Authoring published papers, articles or books. The preparation of each published paper or book chapter dealing with structural engineering may be claimed as 10 hours of CE credit.
 - 8) Two hours ~~per committee membership~~ of CE credit may be earned by active participation on a committee in a professional or technical society ~~per committee membership~~. A maximum of 10 CE credit hours earned through participation on committees~~total~~ will be accepted per prerenewal period.
- c) All programs or courses shall:
- 1) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of structural engineering;
 - 2) Foster the enhancement of general or specialized practice and values of structural engineering;
 - 3) Be developed and presented by persons with education and/or experience in the subject matter of the program; and
 - 4) Specify the course objectives, course content and teaching methods to be used.

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- d) Acceptable providers for programs or course activities shall include, but not be limited to:
- 1) Technical or professional societies or organizations relating to structural engineering; ~~or~~
 - 2) Colleges, universities or other accredited educational institutions; or
 - 3) Providers of services or products used by or specified by structural engineers.
- e) It shall be the responsibility of a licensee to maintain a record of CE for ~~45~~ years after the renewal that includes the following:
- 1) The name and address of the sponsor or presenter;
 - 2) A brief statement of the subject matter, printed program schedules, registration receipts or other proof of participation;
 - 3) The number of hours attended in each program;
 - 4) The date and place of the program; or
 - 5) Certificate of attendance, transcript or records of CE credits maintained by an acceptable provider of continuing education or a records administrator, or log of activities that include activities for CE credit not given by a CE provider.
- f) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The ~~Division~~Department may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. ~~The~~Such additional documentation will be required in the context of a ~~Division~~Department audit.

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- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified 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].
- g) The ~~Division~~Department may conduct random audits to verify compliance with continuing education requirements.
- h) ~~Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Department may restore the license upon payment of the required fee.~~ i) Waiver of CE Requirements
 - 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application, the required renewal fee, a statement setting forth the facts concerning ~~the~~such non-compliance, ~~and a request for waiver of the CE requirements on the basis of these facts, and proof of CE that was completed during the prerenewal period.~~ The applicant may request an interview with the Board at the time of the waiver request. If the ~~Division~~Department, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the ~~Division~~Department shall waive enforcement of ~~the CE~~such requirements for the renewal period for which the applicant has applied.
 - 2) If an interview with the Board is requested at the time the request for ~~such~~ waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of ~~the~~such interview by certified mail, return receipt requested.
 - 3) Extreme hardship shall be determined by the Board on an individual basis and be defined as an inability to devote sufficient hours to fulfilling the CE 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;

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- B) An incapacitating medical condition~~illness~~, documented by 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 (i.e., family illness and prolonged hospitalization).
- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this subsection (h)~~Section~~, shall be deemed to be in good standing and may practice until the Division's~~Department's~~ final decision on the waiver has been made.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.190 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each even-numbered year. The holder of a license may renew ~~the~~such license during the month preceding the expiration date by completing the continuing education requirements in accordance with Section 1480.185 and paying the required fee set forth in Section 1480.195.
- b) It is the responsibility of each licensee to notify the Division~~Department~~ of any change of address. Failure to receive a renewal form from the Division~~Department~~ shall not constitute an excuse for failure to pay the renewal fee or 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 ~~the~~such license may renew that license for a 2-year period during the month preceding the expiration date ~~thereof~~ by paying the required fee ~~and submitting a current listing of structural engineers licensed in Illinois that are employed by the firm.~~
- d) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline under~~pursuant to~~ Section 20 of the Act.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.195 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 structural engineer is \$100. ~~In~~ addition, applicants for an examination shall be required to pay the examination fee, 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.
 - 2) The application fee for a license as a structural engineer intern is \$50.
 - 3) The application fee for a certificate of registration as a professional design firm is \$75.
- b) Renewal Fees-
 - 1) The fee for the renewal of a structural engineer 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 1480.190(c)).
- c) General Fees-
 - 1) The fee for the restoration of a license other than from inactive status is \$20 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

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changes on ~~Division~~Department 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 tabulation of the score of an examination administered by the ~~Division~~Department 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 structural engineers or structural engineer interns in this State shall be the actual cost of producing the roster.
- d) All of the fees collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund.
- e) 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~~Department shall notify the person that payment of 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~~Department shall automatically terminate the license or certificate or deny the application, without hearing.

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- 5) If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the ~~Division~~Department for restoration or issuance of the license or certificate and pay all fees due to the ~~Division~~Department. The ~~Division~~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 ~~in which~~where the Director finds that the fees would be unreasonable or unnecessarily burdensome.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.200 Professional Design Firm

- a) Persons who desire to practice structural 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 19 of the Act, file an application with the ~~Division~~Department on forms provided by the ~~Division~~Department, 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

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Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide structural engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain 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 ~~has is an~~ active Illinois licensed-structural engineer license as the managing agent in charge of the structural engineering activities in Illinois. The Illinois license number of the structural 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 structural 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 adopted by the general partners designating a regular full-time employee of the partnership who ~~has is an~~ active Illinois licensed-structural engineer license as the managing agent in charge of the structural engineering activities in this State. The license number of the managing agent shall be included in the resolution.

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- 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~~partnership~~
- i) A signed and dated copy of the partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide structural 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 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 has is an active Illinois licensed structural engineer license in this State. The Illinois license number of the structural 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 and the license number of each design professional who is a member or partner.

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- B) A copy of the resolution of the members' or partners' operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.
 - C) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who is an Illinois licensed structural engineer as the managing agent in charge of the structural engineering activities in this State. The license number of 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 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 structural 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 in Illinois at which the corporation, professional service corporation, limited liability company or partnership, partnership or sole proprietorship provides structural engineering services.
- 6) The fee required in Section 1480.195.
- b) A professional design firm may designate more than one managing agent in charge of structural 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

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company/partnership, or partnership doing business in Illinois, except when an entity is created as a joint venture of 2 or more professional design firms for a specific project. The managing agents designated by the professional design firms may be designated as the managing agents for the participating firms in the joint venture.

- c) Upon receipt of the ~~above~~ documents required by subsection (a) and review of the application, the ~~Division~~Department shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of structural 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~~Department 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 structural engineer members of the board of directors; and
 - 3) An assumed name.
- e) Each corporation, limited liability company/partnership, professional service corporation or partnership shall be responsible for notifying the ~~Division~~Department 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~~Department, has 30 days to notify the ~~Division~~Department of the name and license number of the structural engineer licensed in Illinois who is the newly designated managing agent.
- f) Any failure to notify the ~~Division~~Department as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to continue to comply with the requirements of Section 19 of the Act will subject the

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corporation, limited liability company or partnership to the loss of its registration to practice structural engineering in Illinois.

- g) Sole Proprietorships. Any sole proprietorship owned and operated by a structural engineer who has an active Illinois license is exempt from the registration requirements of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4) with the Division~~Department~~. A sole proprietorship shall notify the Division~~Department~~ of all assumed name changes. Any sole proprietorship not owned and operated by an Illinois licensed structural engineer shall be prohibited from offering structural 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~~Department~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.205 Acts Constituting the Practice of Structural Engineering Pursuant to Section 5 of the Act

- a) Design/Build. The design/build project delivery process is a method whereby an entity signs a single contract to provide a combination of professional design services and construction services. As used in this Section, design/build does not refer to contractual requirements for a subcontractor to retain a structural engineer to provide services related to performance of the contract.
- b) A design/build entity shall not offer to provide or provide structural engineering services, unless registered as a professional design firm or unless it complies with subsection (~~a-c~~)(3). Offering to provide structural 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.
- c) The design/build entity will not be required to register as a professional design firm pursuant to Section 19 of the Act only if the structural engineering services in the design/build project delivery process are provided by the entity in accordance with the following:

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- 1) A structural 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 structural 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 structural engineer will have direct supervision of the structural engineering design work. The entity also agrees that the engineering services will not be terminated on the project without replacement within 30 days by another licensed structural engineer.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.210 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 structural engineering, the following Standards of Professional Conduct shall be binding on every person holding a license as a structural engineer and on all corporations and partnerships authorized to practice structural engineering in this Statestate.

- 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 authorityauthority(s) as may be

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appropriate (which may include the ~~Division~~Department or other law enforcement agencies).

- 2) Licensees shall approve and seal only those designs reviewed or prepared by them, and found to be safe for the public health, property and welfare.
 - 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~~Department, 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 or reviewed 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 licensees 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 structural engineering reports, statements or testimony.

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- 2) Licensees may express publicly a professional opinion on technical ~~subjects~~ ~~subject(s)~~ 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 structural engineering matters without first prefacing ~~those~~ ~~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. ~~The~~ ~~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 of 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 ~~that~~ ~~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 shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their firm or

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organization serves as a member. Conversely, licensees serving as members, advisors or employees of a governmental body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services solicited or provided by them or their organization.

- 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 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.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.215 Structural Engineer Complaint Committee

- a) The Structural Engineer Complaint Committee of the Structural Engineering Board, authorized by Sections 8 and 22 of the Act, shall be composed of 2 members of the Structural Engineering Board, 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) ~~below~~. The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the Land Surveyors Examining Board and the State Board of Professional Engineers to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

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- 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~~Department 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~~Department.

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- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Structural Engineering Board. 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 Structural Engineering Board or the Complaint Committee.
- g) Disqualification of a Structural Engineering Board ~~Member~~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~~Department 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~~Department attorney and shall include a ~~member~~member(s) of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1480.220 Granting Variances

- a) The Director may grant variances from ~~this Part~~these rules in individual cases ~~when where~~ 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

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- 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 ~~a~~ such variance, and the reasons for granting the variance ~~therefor~~, at the next meeting of the Board.

(Source: Amended at 33 Ill. Reg. _____, effective _____)