

THE PRIVATE DETECTIVE, PRIVATE ALARM, PRIVATE SECURITY, AND LOCKSMITH LICENSING LAW (Amended)

(446/1. Short title) Section 1. Short title. This Act may be cited as the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/5. Definitions) Section 5. Definitions. In this Act:

"Board" means the Illinois Private Detective, Private Alarm, Private Security, and Locksmith Board.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Person" means a natural person.

"Locksmith" means a person who has received a license under this Act and who engages in the practice of locksmithing as defined in this Act.

"Locksmith agency" means any person, firm, association, or corporation that engages in the locksmith business and that employs one or more persons in conducting the business.

"The practice of locksmithing" includes, but is not limited to, the servicing, installing, originating first keys, re-coding, manipulation, or bypassing of mechanical or electronic locking devices at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Public member" means a person who is not a licensee or a relative of a licensee, or who is not an employer or an employee of a licensee. The term "relative" shall be determined by rules of the Department.

"In-charge" means the individual licensee whose name and license number appear on a certificate of registration for a detective, private security contractor, private alarm contractor, or locksmith agency is a full-time executive employee or owner who assumes full responsibility for all employees of the agency and for their directed actions, and assumes full responsibility for maintaining all records required by this Act or rule of the Department and is responsible for otherwise assuring compliance with this Act. Records shall be maintained at a location in Illinois and the address of the location filed with the Department and accessible to Department representatives in accordance with Section 115 of this Act. This does not relieve any person, firm, association, or corporation licensed as an agency under this Act from also assuming full responsibility for compliance with this Act. It is the responsibility of the licensee in charge to notify the Department, in writing within 10 days, when the licensee terminates his or her in charge relationship with an agency.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and has been found to be employable by an agency certified under this Act.

"Branch office" means any business location removed from the place of business for which an agency license has been issued.

(446/10. Legislative intent) Section 10. Legislative intent. The intent of the General Assembly in enacting this statute is to regulate persons and businesses licensed under this Act for the protection of the public. These practices are declared to be practices affecting the public health, safety, and welfare and subject to State regulation. This Act shall be construed to best carry out these purposes.

(446/15. Requirement of license) Section 15. Requirement of license.

(a) It is unlawful for any person to act as a private detective, private security contractor, private alarm contractor, or locksmith, or to advertise or assume to act as any one of these, or to use any other title implying that the person is engaged in any of these practices unless licensed by the Department.

(b) It is unlawful for a firm, association, or corporation to act as an agency certified under this Act, to advertise or assume to act as a certified agency, or to use any other title implying that the firm, association, or corporation is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless certified by the Department.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/20. Violation - Injunctive relief - Service) Section 20. Violation; injunctive relief; service. The practice of a private detective, private security contractor, private alarm contractor, private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency by any person, firm, association, or corporation that has not been issued a license or certificate by the Department, or whose license or certificate has been suspended, revoked, or not renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance.

The Director, in the name of the People, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person, firm, association, or corporation that has not been issued a license or certificate or whose license or certificate has been suspended, revoked, or not renewed, from practicing a licensed activity. Upon the filing of a verified petition in court, the court, if satisfied by affidavit or otherwise that the person, firm, association, or corporation is or has been practicing in violation of this Act may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in other civil cases. If it is established the defendant has been or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from further activity. In case of violation of any injunctive order or judgement entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Injunctive proceedings shall be in addition to all penalties and other remedies under this Act.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/25. Failure to file tax return) Section 25. Failure to file tax return. The Department may refuse to issue or may suspend the license of any person, firm, association, or corporation that fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(446/30. Exemptions) Section 30. Exemptions. This Act does not apply to:

(1) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either. However, any person who offers his or her services as a private detective or private security contractor, or any title when similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, is subject to this Act and its licensing requirements.

(6) Any person, watchman, or guard employed exclusively and regularly by one employer in connection with the affairs of that employer only and there exists an employer/employee relationship.

(7) Any law enforcement officer, as defined in the Illinois Police Training Act, who has successfully completed the requirements of basic law enforcement and firearms training as prescribed by the Illinois Law Enforcement Training Standards Board, employed by an employer in connection with the affairs of that employer, provided he or she is exclusively employed by the employer during the hours or times he or she is scheduled to work for that employer, and there exists an employer and employee relationship.

(10) Nothing in this Act prohibits any of the following:

(A) Servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers, as long as they do

not hold themselves out to the public as locksmiths.

(B) Police, fire, or other municipal employees from opening a lock in an emergency situation, as long as they do not hold themselves out to the public as locksmiths.

(C) Any merchant or retail or hardware store from duplicating keys, from installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices or from selling locks or similar security accessories not prohibited from sale by the State of Illinois, as long as they do not hold themselves out to the public as locksmiths.

(D) The installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling, as long as they do not hold themselves out to the public as locksmiths.

(E) The employees of towing services, repossessors, or auto clubs from opening automotive locks in the normal course of their duties, as long as they do not hold themselves out to the public as locksmiths. Additionally, this Act shall not prohibit employees of towing services from opening motor vehicle locks to enable a vehicle to be moved without towing, provided that the towing service does not hold itself out to the public, by yellow page advertisement, through a sign at the facilities of the towing service, or by any other advertisement, as a locksmith.

(F) The practice of locksmithing by students in the course of study in programs approved by the Department, provided that the students do not hold themselves out to the public as locksmiths.

(G) Servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer, as long as they do not hold themselves out to the public as locksmiths.

(H) The provision of any of the products or services in the practice of locksmithing as identified in Section 5 of this Act by a business licensed by the State of Illinois as a private alarm contractor or private alarm contractor agency, as long as the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency.

(I) Any maintenance employee of a property management company at a multi-family residential building from servicing, installing, repairing, or opening locks for tenants as long as the maintenance employee does not hold himself or herself out to the public as a locksmith.

(11) A person, firm, or corporation engaged in fire protection engineering, including the design, testing, and inspection of fire protection systems.

(12) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(13) The practice of structural engineering as defined in the Structural Engineering Licensing Act of 1989.

(14) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(15) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice.

(16) This Act does not prohibit any persons legally regulated in this State under any other Act from engaging in the practice for which they are licensed, provided that they do not represent themselves by any title prohibited by this Act. Amended by P.A. 88-535, Section 19, effective January 26, 1994; P.A. 89-366, Section 197, effective January 1, 1996; P.A. 90-0436, effective January 1, 1998.

(446/40. Home Rule preemption) Section 40. Home Rule preemption. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, the power to regulate the private detective, private security, private alarm, or locksmith business shall be exercised exclusively by the State and may not be exercised by any unit of local government, including home rule units.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/45. Board - Membership - Terms - Removal - Compensation) Section 45. Board; membership; terms; removal; compensation.

(a) The Board shall consist of 11 members appointed by the Director, 3 of whom shall be licensed private detectives, 2 of whom shall be licensed private security contractors, 2 of whom shall be licensed private alarm contractors, 2 of whom shall be licensed locksmiths, one of whom shall be a public member who is not licensed or registered under this Act or a similar Act of another jurisdiction and who has no connection with a business licensed under this Act, and one of whom shall represent the interests of employees who are registered under this Act. Each member shall be a resident of Illinois. Each licensed member shall have a minimum of 5 years experience as a licensee in the professional area in which the person is licensed and be in good standing and actively engaged in that profession. In making Board appointments, the Director shall give consideration to the recommendations by members of the profession and by professional organizations. The membership shall reasonably reflect representation from geographic areas in this State.

(b) Members shall serve 4 year terms and may serve until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Members of the previous board in office on the effective date of this Act shall serve for the duration of their term and may be appointed for one additional term under this Act.

(c) A member of the Board may be removed from office for just cause. A member subject to formal disciplinary proceedings shall disqualify himself or herself from Board business until the charge is resolved. A member also shall disqualify himself or herself from any matter on which the member may not objectively make a decision.

(d) Members shall receive compensation as set by law. Each member shall also receive reimbursement as set by the Governors Travel Control Board for expenses incurred in carrying out the duties as a Board member.

(e) A majority of Board members then appointed constitutes a quorum. A majority vote of the quorum is required for a Board decision.

(f) The Board may elect a chairman and other officers it considers necessary.

(g) Board members are not liable for any of their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those involving willful, wanton, or intentional misconduct.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/50. Powers and duties of Department) Section 50. Powers and duties of Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise all other powers and duties vested in this Act.

(b) The Director shall promulgate rules for the administration and enforcement of this Act. The Director may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall include standards and criteria for registration, certification, professional conduct, and discipline. The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board, and the Department shall review the Board's response and any recommendations. The Department shall notify the Board with proper explanation of any deviations from the Board's recommendations and responses.

(c) The Board shall propose additions or modifications to administrative rules to the Director whenever a majority of the members of the Board believe the rules are deficient for the proper administration of this Act.

(d) The Board shall have any other powers as may be required to carry out the provisions of this Act.

(446/55. Regulation of licensed persons) Section 55. Regulation of licensed persons. It is the intent of the General Assembly that the regulation of all those licensed under this Act is the responsibility of the Department. The expertise of those on the Board is considered essential to decisions that affect the regulation of those licensed under this Act in

the interest of carrying out the police power of the State.

(446/60. Personnel - Investigators) Section 60. Personnel; investigators. The Director may employ, in conformity with the Personnel Code, professional, technical, investigative, or clerical help on either a full or part-time basis, as may be necessary for the enforcement of this Act. Each investigator shall have a minimum of 2 years investigative experience out of the preceding 5 years.

No investigator may hold an active license issued under this Act nor may any investigator have any fiduciary interest in any business licensed under this Act. This prohibition, however, does not prohibit the investigator from holding stock in a publicly traded business licensed or regulated under this Act provided the investigator does not hold more than 5% of the stock of the business.

Any person licensed under this Act who is employed in any capacity by the Department shall surrender his or her license to the Department for the duration of employment with the Department. The license holder is responsible for maintaining his or her license in good standing and shall pay one-quarter of the required renewal fees. However, while employed by the Department the license holder is not required to maintain the insurance coverage specified in Section 75 of this Act.

(446/65. Rules and regulations) Section 65. Rules and regulations. The Department may make reasonable rules relating to this Act.

(446/70. Licensure classifications) Section 70. Licensure classifications. The classes of individual licenses are:

- (a) Private detective.
- (b) Private security contractor.
- (c) Private alarm contractor.
- (d) Locksmith.

The classes of business certification are:

- (e) Private detective agency.
- (f) Private security contractor agency.
- (g) Private alarm contractor agency.
- (h) Locksmith agency.

(i) Agency branch office license.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/75. Qualifications for licensure and agency certification) Section 75. Qualifications for licensure and agency certification.

(d) Locksmith. A person is qualified to receive a license as a locksmith if he or she meets all of the following requirements:

- (1) Is at least 18 years of age.
- (2) Has not violated any provisions of Section 120 of this Act.
- (3) Has not been convicted in any jurisdiction of any felony or at least 10 years have expired from the time of discharge from any sentence imposed for a felony.

(4) Is of good moral character. Good moral character is a continuing requirement of licensure. Convictions of crimes not listed in paragraph (3) of subsection (d) of this Section may be used in determining moral character, but do not operate as an absolute bar to licensure.

(5) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease unless a court has since declared him or her to be competent.

(6) Is not suffering from habitual drunkenness or from narcotic addiction or dependence.

(7) Has not been dishonorably discharged from the armed services of the United States.

(8) Has passed an examination authorized by the Department in the theory and practice of the profession.

(9) Has submitted to the Department proof of insurance sufficient for the individual's business circumstances. The Department, with input from the Board, shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure. Failure to maintain insurance shall result in the cancellation of the license by the Department. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the insurance of his or her employer.

(h) Licensed locksmith agency. Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume full responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a certificate as a Locksmith Agency to any of the following:

(1) An individual who submits an application in writing and who is a licensed locksmith under this Act.

(2) A firm or association that submits an application in writing and certifies that all of the members of the firm or association are licensed locksmiths under this Act.

(3) A duly incorporated or registered corporation or limited liability company allowed to do business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency, provided that at least one officer or executive employee of a corporation or one member of a limited liability company is licensed as a locksmith under this Act, and provided that person agrees in writing on a form acceptable to the Department to assume full responsibility for the operation of the agency and the directed actions of the agency's employees, and further provided that all unlicensed officers and directors of the corporation or members of the limited liability company are determined by the Department to be persons of good moral character.

An individual licensed locksmith operating under a business name other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing.

An applicant for licensure as a locksmith agency shall submit to the Department proof of insurance sufficient for the agency's business circumstances. The Department shall promulgate rules specifying minimum insurance requirements. This insurance requirement is a continuing requirement for licensure.

No licensed locksmith may be the licensed locksmith responsible for the operation of more than one agency except for any individual who submits proof to the Department that, on the effective date of this amendatory Act of 1995, he or she is actively responsible for the operations of more than one agency. A licensed private alarm contractor who is responsible for the operation of a licensed private alarm contractor agency and who is a licensed locksmith may also be the licensed locksmith responsible for the operation of a locksmith agency.

Upon written request by a representative of an agency within 10 days after the loss of a responsible licensed locksmith of an agency, because of the death of that individual or because of the unanticipated termination of the employment of that individual, the Department shall issue a temporary permit allowing the continuing operation of a previously

licensed locksmith agency. No temporary permit shall be valid for more than 90 days. An extension for an additional 90 days may be granted by the Department for good cause shown and upon written request by a representative of the agency. No more than 2 extensions may be granted to any agency. No temporary permit shall be issued to any agency due to the loss of the responsible locksmith because of disciplinary action by the Department.

(i) Any licensed agency that operates a branch office as defined in this Act shall apply for a branch office license. Amended by P.A. 89-85, Section 5, effective January 1, 1996; P.A. 89-366, Section 197, effective January 1, 1996; P.A. 89-626, Article 2, Section 2-56, effective August 9, 1996; P.A. 90-0436, effective January 1, 1998.

(446/77. Necessity for licensure of locksmith agencies - Grandfather provision) Section 77. Necessity for licensure of locksmith agencies; grandfather provision.

(a) On or after January 1, 1997, no person shall practice as a locksmith and no business entity shall operate as a locksmith agency without first applying for and obtaining a license for that purpose from the Department.

(b) Applications must be accompanied by the required fee.

(c) In lieu of the examination given to other applicants for licensure, the Director may issue a license to an individual who presents proof to the Director that he or she was actively engaged as a locksmith or as a supervisor, manager, or administrator of a locksmith business for 3 years out of the 5 years immediately preceding January 1, 1996 and meets all other requirements of this Act.

(d) The application for a license without examination shall be made to the Director within 2 years after the effective date of this amendatory Act of 1995.

Added by P.A. 89-366, Section 197, effective January 1, 1996.

(446/80. Employee requirements) Section 80. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a Permanent Employee Registration Card. The holder of an agency certificate issued under this Act, known in this Act as "employer", may employ in the conduct of his or her business employees under the following provisions:

(a) No person shall be issued a permanent employee registration card who:

(1) Is under 18 years of age.

(2) Is under 21 years of age if the services will include being armed.

(3) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state other than a minor traffic offense. The Department shall promulgate rules for procedures by which those circumstances shall be determined and that afford the applicant due process of law.

(4) Has had a license or permanent employee registration card refused, denied, suspended, or revoked under this Act.

(5) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.

(6) Has been dishonorably discharged from the armed services of the United States.

(b) No person may be employed by a private detective agency, private security contractor agency, or private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(1) The person's full name, age, and residence address.

(2) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

- (3) That the person has not had a license or employee registration refused, revoked, or suspended under this Act.
- (4) Any conviction of a felony or misdemeanor.
- (5) Any declaration of incompetency by a court of competent jurisdiction that has not been restored.
- (6) Any dishonorable discharge from the armed services of the United States.
- (7) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall submit to the Department with the applicable fees, on fingerprint cards furnished by the Department, 2 complete sets of fingerprints that are verified to be those of the applicant. If an applicant's fingerprint cards are returned to the Department as unclassifiable by the screening agency, the applicant has 90 days after notification is sent by the Department to submit additional fingerprint cards taken by a different technician to replace the unclassifiable fingerprint cards.

The Department shall notify the submitting licensed agency within 10 days of the applicant's fingerprint cards are returned to the Department as unclassifiable. However, instead of submitting fingerprint cards, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, a full-time peace officer or an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by one's employer, of his or her full-time employment as a peace officer. "Peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws are considered peace officers.

(d) Upon receipt of the verified fingerprint cards, the Department shall cause the fingerprints to be compared with fingerprints of criminals now or hereafter filed with the Illinois Department of State Police. The Department may also cause the fingerprints to be checked against the fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State. The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The Department shall notify the submitting licensed agency within 10 days upon the issuance of or intent to deny the permanent employee registration card. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department. Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (g) of this Section.

(e) Within 5 days of the receipt of the application materials, the Department shall institute an investigation for a criminal record by checking the applicant's name with immediately available criminal history information systems.

(f) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

- (1) A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.
- (2) The employee's statement specified in subsection (b) of this Section.
- (3) All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.
- (4) In the case of former employees, the employee identification card of that person issued under subsection (g) of this Section.

(5) Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active Firearm Owners Identification Card and a copy of an active Firearm Authorization Card.

(6) Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the a record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

(7) The Department may, by rule, prescribe further record requirements.

(g) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency certification number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(h) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself, or to fail to exercise diligence in resubmitting replacement fingerprints for those employees who have had original fingerprint submissions returned as unclassifiable.

(i) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(j) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(k) No agency may employ any person under this Act unless:

(1) The person possesses a valid permanent employee registration card; or

(2) The agency:

(i) on behalf of each person completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint card and fees;

(ii) exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card; and

(iii) maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

(l) Failure by an agency to submit the application, fees, and fingerprints specified in this Section before scheduling the person for work shall result in a fine, in an amount up to \$1,000, or other disciplinary action being imposed against the agency. Failure to maintain and submit the specified rosters is grounds for discipline under this Act.

(m) No person may be employed under this Section in any capacity if:

(i) The person while so employed is being paid by the United States or any political subdivision for the time so

employed in addition to any payments he or she may receive from the employer.

(ii) The person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed except as provided in Section 30.

(n) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/82. Customer identification - Record retention) Section 82. Customer identification; record retention.

(a) A locksmith who opens a residence or commercial establishment or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, shall document the street address where the work was performed on a work order form. The locksmith shall also document the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting the work be done and obtain the signature of that person on the work order form. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency.

(b) A locksmith who opens a motor vehicle for another, whether or not for compensation, shall document on a work order form the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency.

Added by P.A. 89-366, Section 197, effective January 1, 1996.

(446/85. Unlawful acts) Section 85. Unlawful acts. It is unlawful for a licensee under this Act or any employee of a certified agency:

(1) Upon termination of employment by an agency, for whatever reason, to fail to return immediately upon demand or within 72 hours of termination of employment any firearm issued by the employer and the Firearm Authorization Card issued to the employee by the agency.

(2) Upon termination of employment by an agency, for whatever reason, to fail to return immediately upon demand or within 72 hours of termination of employment any uniform, badge, identification card, or equipment issued to the employee by the agency.

(3) To falsify his or her employee statement as defined in this Act.

(4) To have a badge, shoulder patch, or any other identification that contains the words "law enforcement". Further, no license holder or employee of a licensed agency shall in any manner imply that the person is an employee or agent of a governmental agency, display a badge or identification card, emblem, or uniform citing the words police, sheriff, highway patrol, trooper, or law enforcement.

(446/90. Application for license - Forms) Section 90. Application for license; forms.

(a) Each application for a license to practice under this Act shall be in writing and signed by the applicant on forms provided by the Department.

(b) Application for a license without examination shall be made in accordance with provisions of Section 100.

(446/95. Examination of applicants - Forfeiture of fee) Section 95. Examination of applicants; forfeiture of fee.

(a) Applicants for licensure shall be examined as provided under this Section if they are qualified to be examined under this Act. All applicants who are admitted to the examination shall be evaluated upon the same standards as others being examined for the respective license.

(b) Examination for licensure shall be at such time and place as the Department may determine, but shall be given at least twice a year.

(c) Examinations shall test the minimum amount of knowledge and skill needed to perform the duties set forth in the definition of the license and be in the interest of protection of the public. The Department may contract with a testing service for the preparation and conduct of the examination.

(d) If an applicant neglects, fails, or refuses to take an examination under this Act within one year after filing his or her application, the fee paid by the applicant shall be forfeited. However, an applicant may after the one year period make a new application for examination, accompanied by the required fee. If an applicant fails to pass an examination within 3 years after filing an application, the application shall be denied. However, an applicant may after the 3 year period make a new application.

(446/100. Licensure by endorsement) Section 100. Licensure by endorsement. The Department shall promulgate rules for licensure by endorsement and without examination and may license under this Act without examination, on payment of the required fee, an applicant who is registered under the laws of another state or territory, or of another country, if the requirements for registration in the jurisdiction in which the applicant was licensed were, at the date of his or her registration, substantially equal to the requirements then in force in this State and that state, territory, or country has similar rules for licensure by endorsement.

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 forfeited, and the applicant must apply and meet the requirements in effect at the time of reapplication.

Amended by P.A. 89-366, Section 197, effective January 1, 1996.

(446/105. Issuance of license - Renewal - Fees) Section 105. Issuance of license; renewal; fees.

(a) The Department shall, upon the applicant's satisfactory completion of the requirements authorized under this Act, and upon receipt of the requisite fees, issue the appropriate license and wallet card showing the name and business location of the licensee and the dates of issuance and expiration, and containing a photograph of the licensee provided to the Department that is not more than one year old as of the date of application for licensure and reflects any recent appearance changes.

(b) An applicant may upon satisfactory completion of requirements authorized under this Act, and upon receipt of requisite fees related to the application and testing for licensure under this Act, elect to defer the issuance of the applicant's initial license for a period not longer than 6 years. Any applicant who fails to request issuance of their initial license or agency certificate and remit the fees associated with that license within 6 years shall be required to resubmit an applicant for licensure together with all required fees.

(c) The expiration date, renewal period, and conditions for renewal and restoration of each license, agency certificate of registration, permanent employee registration card, and firearm authorization card issued under this Act shall be set by rule of the Department. The holder may renew the license, agency certificate of registration, permanent employee registration card, or firearm authorization card during the month preceding its expiration by paying the required fee and by meeting those conditions that the Department may specify. Any license holder who notifies the Department in writing, on forms prescribed by the Department, may elect to place his or her license on an inactive status for a period of no longer than 6 years and shall, subject to the rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of a desire to resume active status. Practice while on inactive status constitutes unlicensed practice. A nonrenewed license that has lapsed for less than 6 years may be restored upon payment of a \$50 restoration fee plus all lapsed renewal fees. A license that has lapsed for more than 6 years may be restored by paying the required fees specified in this Section and by providing evidence of competence to resume practice satisfactory to the Department and the Board, which may include passage of the written

examination. All restoration fees and lapsed renewal fees shall be waived for an applicant whose license lapsed while on active duty in the military provided application for restoration is made within one year after discharge from the service.

(d) The nonrefundable fees are as follows:

- (1) The filing fee for the first examination is \$25 plus the cost of determining an applicant's eligibility and of providing the examination; subsequent examination fees shall be the cost of the examination; the fee for the examination shall be paid to the Department or its designee.
- (2) The initial issuance of any individual license or agency certificate shall be \$500.
- (3) The initial issuance of a branch office certificate is \$200.
- (4) The license issued to an applicant licensed in another state or foreign country on the basis of endorsement is \$500.
- (5) The triennial renewal of any individual license or agency certificate is \$450.
- (6) The triennial renewal of a branch office certificate is \$200.
- (7) The reinstatement of a license that has been lapsed for less than 6 years is \$50, plus all lapsed renewal fees.
- (8) The restoration of a lapsed license that has been lapsed for more than 6 years is \$100, plus all lapsed renewal fees.
- (9) The issuance of a duplicate license, agency certificate of registration, permanent employee registration card, certification of completion of 20-Hour Basic Training, Certification of Firearm Training, Firearm Authorization Card, or a certificate issued for a change of name or address other than during the renewal period is \$25.
- (10) The issuance of a permanent employee registration card is \$55; the triennial renewal of the card is \$45.
- (11) The issuance of a firearm authorization card is \$55.
- (12) The triennial renewal for a Firearm Authorization Card is \$45; reissuance of a Firearm Authorization Card to an agency that has changed its name is \$10.00.
- (13) For processing a fingerprint card by the State Police the fee is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.
- (14) For review and verification of the scoring of an examination administered by the Department, \$20 plus any actual fees charged by the testing service.
- (15) For a roster of licensees or registrants the fee shall be the cost of producing a roster.
- (16) The fee for issuance of certification of a license record shall be \$20.
- (17) The fee for issuance and renewal of an armed proprietary security force registration is \$20.
- (18) The fee for reinstatement of a license from inactive status that has lapsed for a period less than 6 years shall be the same as the current renewal fee.

(446/110. Checks or orders to Department dishonored because of insufficient funds - Fines) Section 110. Checks or orders to Department dishonored because of insufficient funds; 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. 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 fine due, an additional fine of \$100 shall be imposed. 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 certificate, or deny the application without hearing. If after termination or denial, the person seeks a license or certificate, the person shall apply to the Department for restoration or issuance of the license or certificate 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 or certificate to recover all expenses of processing of this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(446/115. Reporting information to Department - Display of license - Duplicate or new licenses - Inspection of facilities) Section 115. Reporting information to Department; display of license; duplicate or new licenses; inspection of facilities.

(a) As a condition of renewal of a license, each licensee shall report information pertaining to the licensee's practice location, practice status as active or inactive, proof of continued insurance coverage or its equivalent, and any other data as determined by rule to be reasonably related to the administration of a licensure system in the interest of public safety. Licensees shall report the information as a condition of renewal, except that a change in home or office address, or a change of licensee in charge, shall be reported within 10 days of when it occurs.

(b) Upon renewal, every licensee shall report to the Department every instance during the licensure period before the report in which the quality of professional services was the subject of legal action that resulted in a settlement or verdict in excess of \$10,000.

(c) Each licensee shall prominently display his or her license to practice at each place from which the practice is being performed. If more than one location is used, branch office certificates shall be issued upon payment of the fee.

(d) If a license, permanent employee registration card, firearm authorization card, or agency certificate is lost, a duplicate shall be issued upon satisfactory proof to the Department of such loss together with the payment of the required fee.

If a licensee wishes to change his or her name, the Department shall issue a license in the new name upon satisfactory proof that the change was done in accordance with the law and payment of the required fee in accordance with Section 105.

(e) Each licensee shall permit his or her facilities and personnel or employee files to be audited or inspected at reasonable times with 24 hours notice and in a reasonable manner by representatives of the Department.

(446/117. Advertisement; penalties) Section 117. Advertisement; penalties.

(a) No licensee providing services regulated by this Act may knowingly advertise those services without including his or her license number in the advertisement. Nothing contained in this Section requires the publisher of advertising for such services to verify the accuracy of the license number provided by the advertiser.

(b) A licensee who advertises services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business as required under Section 115, (ii) fails to provide a publisher with the correct license number, or (iii) provides a publisher with a false license number or a license number of a person or agency other than the person or agency doing the advertising, or a licensee who knowingly allows his or her license number to be displayed or used to allow another person or agency to circumvent any provision of this Section, is guilty of a Class A misdemeanor. Each day a licensee fails to display his or her license as required under Section 115 and each day an advertisement runs or a licensee allows his or her license to be displayed or used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided for in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary sanction and civil penalty provisions of this Act.

Added by P.A. 90-60, effective July 3, 1997.

(446/120. Disciplinary sanctions - Submission to physical or mental examination - Suspension or revocation of

permanent employee registration card) Section 120. Disciplinary sanctions; submission to physical or mental examination; suspension or revocation of permanent employee registration card.

(a) The Department may refuse to issue, renew or restore, or may suspend or revoke any license, registration or card, or may place on probation, reprimand, or fine, not to exceed \$1,500 for each violation and not to exceed \$5,000 for each subsequent violation, or take any other disciplinary action the Department may deem appropriate in accordance with Section 130 to any person, corporation, or partnership licensed or registered under this Act for any of the following reasons:

- (1) Fraud or material deception in the obtaining or renewing of a license.
- (2) Professional incompetence as manifested by poor standards of service.
- (3) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- (4) Conviction in this State or another state of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, conviction of a misdemeanor an essential element of which is dishonesty, or conviction of any crime that is directly related to professional practice.
- (5) Performing any services in a grossly negligent manner or permitting any of a licensee's registered employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.
- (6) Continued practice although the licensee has become unfit to practice his or her profession due to any of the following:
 - (i) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice with reasonable judgement, skill, or safety.
 - (ii) Mental disability; the entry of an order of judgement by a circuit court that a licensee is in need of mental treatment or is incompetent constitutes mental disability.
 - (iii) Addiction to or severe dependency upon alcohol or drugs which may endanger the public by impairing the licensee's ability to practice; if the Department has reasonable cause to believe that a licensee is addicted to or dependent upon alcohol or drugs that may endanger the public, the Department may require the licensee to undergo an examination to determine the addiction or dependency.
- (7) Directly or indirectly willfully receiving compensation for any professional services not actually rendered.
- (8) Willfully deceiving or defrauding the member of the public being serviced.
- (9) Failure to account for or remit any monies or documents coming into the licensee's possession that belong to others.
- (10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth within this Act.
- (11) Making differential treatment against any person to that person's detriment because of race, color, creed, sex, religion, or national origin.
- (12) Engaging in false or misleading advertising.
- (13) Aiding, assisting or willingly permitting another person to violate any provision of this Act or rules.
- (14) Purporting to be licensee in charge of an agency without active participation in agency operations.

(15) Performing and charging for services without having authorization to do so from the member of the public being serviced.

(16) Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.

(17) Violation of any disciplinary order placed on a licensee by the Department.

(18) Failure to comply with any provision of this Act or the rules promulgated under this Act.

(19) Conducting an agency without a currently valid certificate.

(20) Improper revealing of confidential information, except as may be required by law, including, but not limited to information made available by the Secretary of State under Section 2-123 of the Illinois Vehicle Code.

(21) Failure to make available to the Department, upon request, any books, records, or forms required under this Act; or failing, within 30 days, to respond to a written request for information from the Department, or failure to provide employment or experience information to the Department regarding an applicant for licensure.

(22) Failure to make available to the Department, at the time of request, any indicia of licensure or registration issued under this Act.

(b) The Department may order a licensee to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(c) Failure to comply with a Department order to submit to a physical or mental examination shall render a license liable to the summary suspension procedures described in Section 135.

(d) Individuals registered as employees under this Act, under the provisions of Section 80, shall be subject to disciplinary sanctions under this Act and shall act in accordance with this Act and any rules promulgated under this Act. The procedures in this Act for disciplining a licensee shall be followed in taking action against a registrant.

(e) The Department may order a registrant to submit to a reasonable physical or mental examination if the registrant's mental or physical capacity to work safely is at issue in a disciplinary proceeding.

(f) The Department shall seek to achieve consistency in the application of the foregoing sanctions and consent orders.

(446/125. Complaints reported to Department) Section 125. Complaints reported to Department. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the Department.

(446/130. Formal charges against licensee - Hearing - Rehearing - Public record) Section 130. Formal charges against licensee; hearing; rehearing; public record.

(a) Following the investigative process, the Department may file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that are the basis of the charge and which are specific enough to enable the licensee to defend himself or herself.

(b) Each licensee, whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of that formal charge at least 30 days before the date of the hearing. The hearing shall be presided over by a Board member or by a hearing officer authorized by the Department. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified mail, return receipt requested, to the licensee at the licensee's last known address as listed with the Department.

(c) The notice of formal charge shall consist at a minimum of the following information:

- (1) The time, place, and date of the hearing.
 - (2) That the licensee shall appear personally at the hearing and may be represented by counsel.
 - (3) That the licensee has the right to produce witnesses and evidence in his or her behalf and has the right to cross-examine witnesses and evidence produced against himself or herself.
 - (4) That the hearing could result in disciplinary action being taken against his or her license.
 - (5) That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy.
 - (6) That a Board member or a hearing officer authorized by the Department shall preside at the hearing and following the conclusion of that hearing shall make findings of fact, conclusions of law, and recommendations, separately stated, to the Director as to what disciplinary action, if any, should be imposed on the licensee.
 - (7) The Department or the Board may continue the hearing.
 - (8) That the licensee shall file a written answer to the Board under oath within 20 days after the service of the notice, and that if the licensee fails to file an answer default will be taken and the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may consider proper. In case the licensee, after receiving notice, fails to file an answer, that person's license or certificate may in the discretion of the Director, having received first the recommendation of the Board, be suspended, revoked, or placed on probationary status; or the Director may take whatever disciplinary action is considered under this Act, including limiting the scope, nature, or extent of the person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.
- (d) The Board or the hearing officer authorized by the Department shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. At the conclusion of the hearing, the Board shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Director and to all parties to the proceeding.

The Board's findings of fact, conclusions of law, and recommendations shall be served upon the licensee in a similar fashion as service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may present to the Director a motion, in writing, specifying the particular grounds for a rehearing.

- (e) The Director, following the time allowed for filing a motion for rehearing, shall review the Board's findings of fact, conclusions of law, and recommendations, and any subsequently filed motions. After review of the information the Director may hear oral arguments and thereafter shall issue the order. The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order. If the Director finds that substantial justice was not done, the Director may issue an order in contravention of the Board's recommendations. The Director shall provide the Board with a written explanation of any deviation, and shall specify with particularity the reasons for the action. The finding of the Board and the Director are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act.
- (f) All proceedings under this Section are matters of public record and shall be preserved.
- (g) Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the Department and upon failure to do so, the Department shall seize the same.

(446/135. Temporary suspension) Section 135. Temporary suspension. The Director may temporarily suspend a licensee without a hearing, simultaneously with the initiation of proceedings for a hearing provided for in Section 130 of this Act, if the Director finds that evidence in his or her possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends the license of a licensee without a hearing, a hearing by the Board shall be held within 30 days after the suspension has occurred.

(446/140. Disposition by consent order) Section 140. Disposition by consent order. Disposition may be made of any

formal complaint by consent order between the Department and the licensee, but the Board must be apprised of the full consent order at the next regular business meeting and the Board shall submit its view of the consent order to the Department.

(446/145. Restoration of license after disciplinary proceedings) Section 145. Restoration of license after disciplinary proceedings. The Department shall reinstate any license to good standing under this Act, upon recommendation to the Director, after a hearing before the Board or hearing officer authorized by the Department. The Department shall be satisfied that the applicant's renewed practice is not contrary to the public interest.

(446/150. Cease and desist orders) Section 150. Cease and desist orders. The Department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order entered by the Department is subject to all of the remedies provided by law and, in addition, is subject to a civil penalty payable to the party injured by the violation.

(446/155. Penalties) Section 155. Penalties.

(a) In addition to any other penalty provided by law, any person who violates Section 15 of this Act or any other provision of this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions set forth in Sections 130, 135, 140, 160 and 170.

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

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

(446/160. Subpoena power - Contempt - Record of proceedings - Surrender of license - Publication of records) Section 160. Subpoena power; contempt; record of proceedings; surrender of license; publication of records.

(a) The Department may subpoena and bring before it any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as in civil cases. The Director and any member of the Board, or hearing officer approved by the Director, may administer oaths at any hearing the Board or Department is authorized to conduct.

(b) Any circuit court, upon the application of the licensee, the Department, or the Board, may order the attendance of witnesses and the production of relevant books and papers before the Board in any hearing under this Act. The court may compel obedience to its order by proceedings for contempt.

(c) The Department, at its expense, shall provide a stenographer to preserve a record of all proceedings at a hearing if a license may be revoked, suspended, placed on probationary status, or other disciplinary action is taken. The notice of hearing, the complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department constitute the record of the proceedings. The Department shall furnish a transcript of the record to any interested person upon payment of the costs of copying and transmitting the record.

(446/165. Administrative review) Section 165. Administrative review. All final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The 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 Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Costs shall be computed at the cost of preparing the record. Exhibits shall be certified without cost. Failure on the part of the licensee to file a receipt in court is grounds for dismissal of the action. During all judicial proceedings incident to a disciplinary action, the sanctions imposed upon a licensee by the

Department shall remain in effect, unless the court feels justice requires a stay of the order.

(446/170. Prima Facie proof) Section 170. Prima facie proof. An order of revocation, suspension, or placing the license on probationary status, or other formal disciplinary action as the Department may consider proper, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director, is prima facie proof that:

- (1) the signature is that of the Director;
- (2) the Director is qualified to act; and
- (3) the members of the Board are qualified to act.

This proof may be rebutted.

(446/175. Rosters) Section 175. Rosters. The Department shall, upon request, publish a list of the names and addresses of all licensees under this Act.

(446/190. Violations and penalties) Section 190. Violations and penalties.

(a) Any person who violates any of the following provisions shall be guilty of a Class 4 misdemeanor. Any person who commits a second or subsequent violation is guilty of a Class 4 felony:

- (1) The practice of, or attempted practice of, or holding out as available to practice as a private detective, private security contractor, private alarm contractor, or locksmith without a license.
- (2) Operation of or attempt to operate a private detective, private security contractor, private alarm contractor, or locksmith agency without the appropriate valid certificate.
- (3) The obtaining of or the attempting to obtain a license, practice, or business, or any other thing of value by fraudulent representation.
- (4) Permitting, directing, or authorizing any person in one's employ or under one's direction or supervision to work or serve as a licensee if that individual does not possess an appropriate valid license.

Whenever a licensee is convicted of a felony related to the above violations in any jurisdiction, the clerk of the court shall report the conviction to the Department. The Department shall immediately revoke any license as a private detective, private security contractor, private alarm contractor, or locksmith held by a licensee convicted of a felony under this Section. The individual may not again be eligible for licensure under this Act until at least 10 years have elapsed since the completion of any sentence imposed as a result of the felony conviction. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and upon conviction may be punished accordingly.

Any person who violates any other provisions of the Act shall be guilty of a Class A misdemeanor for the first offense. Second or subsequent offenses shall be Class 4 felonies.

(b) Should the Department become aware of any individual suspected of violating any of the provisions of subsection (a) of Section 120, the Department shall investigate the individual. If the investigation indicates that the individual is or was violating the law, it shall refer the information to the State's Attorney of the county in which the activity is believed to be occurring or to have occurred, and to any other criminal investigative or prosecutorial bodies or offices that have or may have jurisdiction over the activity.

(446/195. Confidential information - Violation) Section 195. Confidential information; violation. Any person who has been or is an employee of a licensee under this Act shall not divulge to any person, other than his or her employer, except as required by law or at his employer's direction, any confidential information acquired by him or her during his or her employment of any nature whatsoever. Any employee who violates this Section or any employee who files false papers or reports to his or her employer is guilty of a Class A misdemeanor.

(446/200. Deposit of fees and fines) Section 200. Deposit of fees and fines. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

(446/205. Rights and obligations) Section 205. Rights and obligations. All rights and obligations incurred and any actions commenced under the Private Detective, Private Alarm and Private Security Act of 1983 shall not be impaired by the enactment of this Act. Rules adopted under the Private Detective, Private Alarm and Private Security Act of 1983, unless clearly inconsistent with the provisions of this Act, shall remain in effect until amended or rescinded.

All licenses issued under the Private Detective, Private Alarm and Private Security Act of 1983 are valid and are subject to the same authority of the Department to revoke or suspend them as licenses issued under this Act.

(446/299. Effective date) Section 299. This Act takes effect January 1, 1994.