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AGENCIES



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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
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50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill Adm. Code 121
- 3) Section Number: 121.63 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking increases the Limited Utility Standard to \$177, the Single Utility Standard to \$37, and the Telephone Standard to \$28. These changes are the result of the annual review of the Food Stamp Program standards required by Food and Nutrition Service regulations. The Food and Nutrition Service has approved these increased utility allowances.
- 6) Published Studies or Reports, and Sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.1	Amendment	30 Ill. Reg. 17194; 11/03/06
121.8	New Section	30 Ill. Reg. 16173; 10/13/06
121.10	Amendment	30 Ill. Reg. 17194; 11/03/06
121.125	Amendment	30 Ill. Reg. 17194; 11/03/06

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

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NOTICE OF PROPOSED AMENDMENT

within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory agenda on which this rulemaking was summarized: July 2006

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
FOOD STAMPS

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- 121.2 Time Limitations on the Disposition of an Application
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121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA – Categorical Eligibility

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- 121.81 Initiation of Administrative Fraud Hearing (Repealed)
- 121.82 Definition of Fraud (Renumbered)
- 121.83 Notification To Applicant Households (Renumbered)
- 121.84 Disqualification Upon Finding of Fraud (Renumbered)
- 121.85 Court Imposed Disqualification (Renumbered)
- 121.90 Monthly Reporting and Retrospective Budgeting (Repealed)
- 121.91 Monthly Reporting (Repealed)
- 121.92 Budgeting
- 121.93 Issuance of Food Stamp Benefits
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- 121.95 Restoration of Lost Benefits
- 121.96 Uses For Food Coupons
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121.225	Meeting the Work Requirement with the Illinois Works Component (Repealed)
121.226	Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October

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16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17

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Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill.

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Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. _____, effective _____.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

- a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly food stamp income.
- b) **Earned Income Deduction.** Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.
- c) **Standard Deduction.** The standard deduction for a household size of one through three persons is \$134. The standard deduction for a household size of four persons is \$139. The standard deduction for a household size of five persons is \$162. For households of six or more persons, the standard deduction is \$186.
- d) **Dependent Care Deduction**
 - 1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.84).

- 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$200 per month for each child under age 2 and \$175 per month for each other dependent household member.
- e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.
- f) Shelter Costs Deduction
- 1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e) of this Section have been made. The shelter deduction shall not exceed \$417.
 - 2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2005) and Section 121.61, there is no limit on the amount of the excess shelter deduction.
 - 3) Shelter costs include only the following:
 - A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);
 - B) property taxes, State and local assessments and insurance on the structure itself; and
 - C) utility costs, as described in subsection (g) of this Section.
 - 4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:
 - A) the household intends to return to the home;

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- B) the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and
 - C) the home is not leased or rented during the absence of the household.
- 5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.
- g) Utility Costs
- 1) Utility costs include:
 - A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;
 - B) basic service fee for one telephone (including tax on the basic fee) of \$2827; and
 - C) fees charged by the utility provider for initial installation.
 - 2) Utility deposits are not considered to be utility costs.
 - 3) A standard must be used if the household is billed for utilities. See Section 121.63(g)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of \$299. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of \$177465. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of \$3732. If only a separately-billed telephone expense is claimed, the basic telephone allowance of \$2827 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

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- 4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.
- 5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2005)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.
- 6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Program (89 Ill. Adm. Code 109) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2005)). Households who receive, apply for, or anticipate applying for a Low Income Energy Assistance Program (IHEAP) (89 Ill. Adm. Code 109) payment during the 12-month period, beginning with the date of the food stamp application, shall be allowed the air conditioning/heating standard (7 CFR 273.9). The provisions of subsection (f)(3) of this Section are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.
- 7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.
- h) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2005) and Section 121.61. The medical expenses incurred by the qualifying household member which are over \$35 will be deducted, if the expenses will not be reimbursed by insurance or a third party.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Home Health Agency Code
- 2) Code Citation: 77 Ill. Adm. Code 245
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
245.25	Amendment
245.50	Amendment
245.55	New
- 4) Statutory Authority: Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Home Health Agency Code regulates home health agencies, including staffing, home health aide training, licensure, and violations. The proposed amendments are being undertaken to implement Public Act 94-429, which added a new Section to the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55] regulating vaccinations.

Section 245.25 (Incorporated and Referenced Materials) is being amended to update the list of federal regulations, federal guidelines, and State statutes listed in the Section.

Subsection (b) of Section 245.50 (Services) is being amended to conform to amendments adopted November 23, 2005 (29 Ill. Reg. 20003) that extended the time limit for obtaining physicians' or podiatrists' signatures to 30 days after modification of a medical plan of treatment or change in medication. The proposed amendment establishes a 30-day time limit to obtain a physician's signature on a plan of treatment. Other new language in Section 245.50 helps implement P.A. 94-429.

A new Section is being added, Section 245.55 (Vaccinations) that implements the new statutory requirement for annual administration of influenza and pneumococcal vaccinations by home health agencies.

The heading of the Part is being changed to the Illinois Home Health, Home Services, and Home Nursing Agency Code to conform to the Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: rules@idph.state.il.us
- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Home health agencies
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules require regulated entities to document whether annual influenza and pneumococcal vaccinations were administered to clients and patients or whether the vaccinations were arranged, refused, or medically contraindicated.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245

ILLINOIS HOME HEALTH, HOME SERVICES, AND HOME NURSING AGENCY CODE |

SUBPART A: GENERAL PROVISIONS

Section

- 245.10 Purpose
- 245.20 Definitions
- 245.25 Incorporated and Referenced Materials

SUBPART B: OPERATIONAL REQUIREMENTS

Section

- 245.30 Organization and Administration
- 245.40 Staffing and Staff Responsibilities
- 245.50 Services
- 245.55 Vaccinations |
- 245.60 Annual Financial Statement
- 245.70 Home Health Aide Training
- 245.72 Health Care Worker Background Check

SUBPART C: LICENSURE PROCEDURES

Section

- 245.80 Licensure Required
- 245.90 License Application
- 245.100 Provisional License
- 245.110 Inspections and Investigations
- 245.120 Violations
- 245.130 Adverse Licensure Actions
- 245.140 Penalties and Fines
- 245.150 Hearings

AUTHORITY: Implementing and authorized by the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55].

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SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill. Reg. 17213, effective November 1, 2000; amended at 25 Ill. Reg. 6379, effective May 1, 2001; amended at 26 Ill. Reg. 11241, effective July 15, 2002; amended at 28 Ill. Reg. 3487, effective February 9, 2004; amended at 28 Ill. Reg. 8094, effective May 26, 2004; amended at 29 Ill. Reg. 20003, effective November 28, 2005; amended at 31 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 245.25 Incorporated and Referenced Materials

- a) The following federal regulations are incorporated by reference in this Part and apply only to Medicare certified agencies:
Department of Health and Human Services, Health Care Financing Administration, Medicare Program Conditions of Participation for Home Health Agencies (42 CFR 484.1 through ~~484.55484.40~~), ~~October 1, 2005.~~~~59 Federal Register 65482-65498, December 20, 1994.~~
- b) The following guidelines of a federal agency are incorporated by reference in this Part:
Department of Health and Human Services, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, General Recommendations on Immunization, February 8, 2002.
- c)b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations in this Part refer to the regulations, guidelines, or standards on the date specified and do not include any ~~amendments or editions~~additions or deletions subsequent to the date specified.

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d)e) The following State statutes are referenced in this Part:

- 1) Administrative Review Law [735 ILCS 5/Art. III]
- 2) Business Corporation Act of ~~1983~~1938 [805 ILCS 5]
- 3) Illinois Administrative Procedure Act [5 ILCS 100]
- 4) ~~Illinois Nursing Act of 1987~~ Nursing and Advanced Practice Nursing Act [225 ILCS 65]
- 5) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- 6) Illinois Physical Therapy Act [225 ILCS 90]
- 7) Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
- 8) Local Records Act [50 ILCS 205]
- 9) Medical Practice Act of 1987 [225 ILCS 60]

e)d) The following State rules are referenced in this Part:

- 1) Department of Public Health, Certified Local Health Department Code (77 Ill. Adm. Code 600)
- 2) Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Amended at 31 Ill. Reg. _____, effective _____)

SUBPART B: OPERATIONAL REQUIREMENTS

Section 245.50 Services

- a) Services Provided
 - 1) Each agency shall provide skilled nursing service and at least one other home health service on a part-time or intermittent basis. The basic skilled

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nursing service shall be provided directly by agency staff. Other home health services may be provided by agency staff directly or through a contractual purchase of services. Additional skilled specialty nursing services and use of additional nursing staff to meet changes in caseload may be provided by contract. All services shall be provided in accordance with the orders of the patient's physician or podiatrist, under a plan of treatment established by such physician or podiatrist, and under the supervision of agency staff.

- 2) The agency shall state in writing what services will be provided directly and what services will be provided under contractual arrangements.
- 3) Services provided under contractual arrangements shall be through a written agreement that includes but is not limited to the following:
 - A) Services to be provided.
 - B) Provision for adherence to all applicable agency policies and personnel requirements, including requirements for initial health evaluations and employee health policies.
 - C) Designation of full responsibility for agency control over contracted services.
 - D) Procedures for submitting clinical and progress notes.
 - E) Charges for contracted services.
 - F) Statement of responsibility of liability and insurance coverage.
 - G) Period of time in effect.
 - H) Date and signatures of appropriate authorities.
 - I) Provision for termination.
- b) Acceptance of Patients. Patient acceptance and discharge policies shall include but not be limited to the following:
 - 1) Persons shall be accepted for health service on a part-time or intermittent basis upon a plan of treatment established by the patient's physician or

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podiatrist. This plan shall be in writing within 14 days after acceptance and signed by the physician within 30 days from the start of care date.

- 2) Prior to acceptance, the person shall be informed of the agency's charges for the various services that it offers.
 - 3) No person shall be refused service because of age, race, color, sex, marital status, national origin or source of payment. An agency is not required to accept a patient whose source of payment is less than the cost of the service.
 - 4) Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence.
 - 5) When services are to be terminated by the home health agency, the patient is to be notified three working days in advance of the date of termination, stating the reason for termination. This information shall be documented in the clinical record. When indicated, a plan shall be developed or a referral made for any continuing care.
 - 6) Services shall not be terminated until such time as the registered nurse, the appropriate therapist, or both, in consultation with the patient's physician or podiatrist, deem it appropriate or arrangements are made for continuing care.
- c) Plan of Treatment
- 1) Skilled nursing and other home health services shall be in accordance with a plan based on the patient's diagnosis and assessment of the patient's immediate and long-range needs and resources. The plan of treatment is established in consultation with the home health services team, which includes the patient's physician or podiatrist, pertinent members of the agency staff, the patient and members of the patient's family. The plan of treatment shall include:
 - A) Diagnoses.
 - B) Functional limitations and rehabilitation potential.
 - C) Expected outcomes for the patient.

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- D) The patient's physician's or podiatrist's regimen of:
- i) Medications;
 - ii) Treatments;
 - iii) Activity;
 - iv) Diet;
 - v) Specific procedures deemed essential for the health and safety of the patient;
 - vi) Mental status;
 - vii) Frequency of visits;
 - viii) Equipment required; ~~and~~
 - ix) Instructions for timely discharge or referral; ~~and-~~
 - x) Assessed need for influenza and pneumococcal vaccinations.
- E) The patient's physician's or podiatrist's signature and date.
- 2) Consultation with the patient's physician or podiatrist on any modifications in the plan of treatment deemed necessary shall be documented, and the patient's physician's or podiatrist's signature shall be obtained within 30 days after any modification of the medical plan of treatment.
 - 3) The plan shall be reviewed by the home health services team every 62 days or more often should the patient's condition warrant.
 - 4) An updated plan of treatment shall be given to the patient's physician or podiatrist for review, for any necessary revisions, and for signature every 62 days or more often as indicated.
- d) Patient Care Plan

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- 1) Home health services from members of the agency staff as well as those under contractual arrangements shall be given in accordance with the plan of treatment and the patient care plan. The patient care plan shall be written by appropriate members of the home health services team based upon the plan of treatment and an assessment of the patient's needs, resources, family and environment. The initial assessment is to be made by a registered nurse. Assessment by other members of the health services team shall be made on orders of the patient's physician or podiatrist or by request of a registered nurse. In those circumstances where the patient's physician has ordered only therapy services, the appropriate therapist (physical therapist or speech-language pathologist) may perform the initial assessment.
- 2) The patient care plan shall be updated as often as the patient's condition indicates. The plan shall be maintained as a permanent part of the patient's record. The patient care plan shall indicate:
 - A) Patient problems.
 - B) Patient's goals, family's goals, service goals.
 - C) Service approaches to modify or eliminate problems.
 - D) The staff responsible for a given element of service.
 - E) Anticipated outcome of service approach with an estimated time frame for completion.
 - F) Potential for discharge from service.
- e) Clinical Records. Each patient shall have a clinical record, identifiable for home health services and maintained by the agency in accordance with accepted professional standards. Clinical records shall contain:
 - 1) Appropriate identifying information for the patient, household members and caretakers, medical history and current findings.
 - 2) A plan of treatment signed by the patient's physician or podiatrist.
 - 3) A patient care plan developed by the home health services team that is in

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accord with the patient's physician's or podiatrist's plan of treatment.

- 4) A medication list with dates reviewed, revised and date sent to the patient's physician or podiatrist.
- 5) Initial and periodic patient assessments by the registered nurse, which include documentation of the patient's functional status and eligibility for service.
- 6) Assessments made by other members of the home health services team.
- 7) Signed and dated clinical notes for each contact, which are written the day of service and incorporated into the patient's clinical record at least weekly.
- 8) Reports on all patient home health care conferences.
- 9) Reports of contacts with the patient's physician or podiatrist by patient and staff.
- 10) Indication of supervision of home health services by the supervising nurse, a registered nurse, or other members of the home health services team.
- 11) Written summary reports sent to the patient's physician or podiatrist every 62 days containing home health services provided, the patient's status, recommendations for revision of the plan of treatment and the need for continuation or termination of services noted.
- 12) Written and signed confirmation of the patient's physician's or podiatrist's interim verbal orders.
- 13) A discharge summary giving a brief review of service, patient status, reason or reasons for discharge and plans for post discharge needs of the patient. A discharge summary may suffice as documentation to close the patient record for one-time visits and short-term or event-focused or diagnosis-focused interventions. The discharge summary need not be a separate piece of paper and may be incorporated into the routine summary reports already furnished to the physician.
- 14) A copy of appropriate patient transfer information, when requested, if the patient is transferred to another health facility or health agency.

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- 15) Each agency shall have a written policy on records procedures and shall retain records for a minimum of five years beyond the last date of service provided. These procedures may include that the agency will utilize and maintain faxed copies of records from licensed professionals, rather than original records, provided that the faxed copies will be maintained on nonthermal paper and that the original records will be maintained for a period of five years by the professional who originated the records. If that professional is providing services through a contract with the agency, then the contract must include that the original records must be maintained for a period of five years by the professional.
 - 16) Those agencies which are subject to the Local Records Act should note that *except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained.* (Section 7 of the Local Records Act [50 ILCS 205/7])
 - 17) Each agency shall have a written policy and procedure for the protection of confidentiality of patient records, which explains the use of records, removal of records and release of information.
- f) Drugs and Biologicals. The agency shall have written policies governing the supervision and administration of drugs and biologicals, which shall include but not be limited to the following:
- 1) All orders for medications to be given shall be dated and signed by the patient's physician or podiatrist.
 - 2) Drugs and treatments are administered by agency staff only as ordered by the physician, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per agency policy developed in consultation with a physician and after an assessment of the patient.
 - 3) All orders for medications shall contain the name of the drug, dosage, frequency, method or site of injection and permission from the patient's physician or podiatrist if the patient, the patient's family, or both are to be taught to give medications.
 - 4) The agency's physician or podiatrist or registered nurse shall check all

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medicines a patient may be taking to identify possible ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindicated medications and shall promptly report any problem to the patient's physician or podiatrist.

~~5)4~~ All verbal orders for medication or change in medication orders shall be taken by the registered nurse, written, and signed by the patient's physician or podiatrist within 30 days.

~~6)5~~ When any experimental drug, sera, allergenic desensitizing agent, penicillin or any other potentially hazardous drug is administered, the registered nurse administering such drugs shall have an emergency plan and any drugs and devices that may be necessary in the event of a drug reaction.

- g) Evaluation. The home health agency shall have written policies and shall make an overall evaluation of the agency's total program at least once a year. This evaluation shall be made by the Professional Advisory Group (or a committee of this group), home health agency staff, consumers, or representation from professional disciplines that are participating in the provision of home health services. The evaluation shall consist of an overall policy and administrative review and a clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective and efficient. Results of the evaluation shall be reported to and acted upon by those responsible for the operation of the agency and maintained separately as administrative records.
- h) Policy and Administrative Review. As a part of the evaluation process, the policies and administrative practices of the agency shall be reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective and efficient. Mechanisms shall be established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons and total staff days for each service offered.
- i) Clinical Record Review
- 1) At least quarterly, members of professional disciplines representing at least the scope of the agency's programs shall review a sample of both

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active and closed clinical records to assure that established policies are followed in providing services (direct, as well as those under contractual arrangement). This review shall include, but not be limited to:

- A) Whether the patient care plan was directly related to the stated diagnosis and plan of treatment;
 - B) Whether the frequency of visits was consistent with the plan of treatment;
 - C) Whether the services could have been provided in a shorter span of time.
- 2) Clinical records shall be reviewed continually for each 62 day period that a patient received home health services to determine the adequacy of the plan of treatment and the appropriateness of continuing home health care.

(Source: Amended at 31 Ill. Reg. _____, effective _____)

Section 245.55 Vaccinations

a) Influenza

- 1) *A home health agency shall annually administer or arrange for administration of a vaccination against influenza to each client/patient, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention titled Morbidity and Mortality Weekly Report, General Recommendations on Immunization (see Section 245.25), unless the vaccination is medically contraindicated or the client/patient has refused the vaccine. (Section 6.5 of the Act)*
- 2) The following activities by home health agencies shall be considered to be "arranging for" a home health client/patient to receive an influenza vaccination:
 - A) Referring a client/patient to the physician who is supervising the client's/patient's home care, or to his/her primary care physician; or
 - B) Referring a client/patient to the hospital affiliated with the home health agency; or

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- C) Referring a client/patient to the local health department or other community location (e.g., local pharmacy, influenza vaccine clinic, hospital) where influenza vaccinations are available; or
- D) Arranging for the local health department or other private or community health organization to provide the vaccination in the client's/patient's home.
- 3) When a referral or arrangement is made, home health agency staff shall assist the client/patient in developing a plan for implementing the referral or arrangement and shall assess implementation of the plan and document the outcome.
- 4) Influenza vaccination for all clients/patients age 65 or over shall be completed by November 30 of each year or as soon as practicable if vaccine supplies are not available before November 1. Home health clients/patients whose services start after November 30, during the flu season, and until February 1, shall, as medically appropriate, receive an influenza vaccination prior to or upon service initiation or as soon as practicable if vaccine supplies are not available at the time of the service initiation, unless the vaccine is medically contraindicated or the client/patient has refused the vaccine. (Section 6.5(a) of the Act)
- 5) For all clients/patients who are provided services between November 1 and February 28, the home health agency shall document in the client's/patient's medical record that an annual vaccination against influenza was administered, arranged, refused, or medically contraindicated or that the client/patient is not a member of a vaccination priority population. (Section 6.5(a) of the Act)
- 6) The following shall be considered to be documentation approaches that meet the requirements of Section 6.5 of the Act:

 - A) Individual client/patient record entries identifying the assessment for the need of vaccination; date of offer or referral; client/patient response; administration, contraindication, or refusal; and any follow-up activities.
 - B) Standardized check-off form recording client/patient specific information, including the assessment for the need of vaccination;

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date of offer or referral; client/patient response; administration, contraindication, or refusal; and any follow-up activities.

b) Pneumococcal pneumonia

- 1) A home health agency shall administer or arrange for administration of a pneumococcal vaccination, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention titled Morbidity and Mortality Weekly Report, General Recommendations on Immunization (see Section 245.25), to each client/patient who is age 65 or over and who has not received this immunization prior to or upon service initiation, unless the client/patient refuses the offer for vaccination or the vaccination is medically contraindicated. (Section 6.5(b) of the Act)
- 2) The following activities by home health agencies shall be considered to be "arranging for" a home health client/patient to receive a pneumonia vaccination:
 - A) Referring a client/patient to the physician who is supervising his/her home care, or to his/her primary care physician; or
 - B) Referring a client/patient to the hospital affiliated with the home health agency; or
 - C) Referring a client/patient to the local health department or other community location (e.g., local pharmacy, clinic, hospital) where pneumonia vaccinations are available; or
 - D) Arranging for the local health department or other private or community health organization to provide the vaccination in the client's/patient's home.
- 3) When a referral or arrangement is made, home health agency staff shall assist the client/patient in developing a plan for implementing the referral or arrangement and shall assess implementation of the plan and document the outcome.
- 4) A home health agency shall document in each client's/patient's medical record that a vaccination against pneumococcal pneumonia was offered and was administered, arranged, refused, or medically contraindicated or

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that the client/patient is not a member of a vaccination priority population (Section 6.5(b) of the Act)

- 5) The following shall be considered to be documentation approaches that meet the requirements of Section 6.5 of the Act:
- A) Individual client/patient record entries identifying the assessment for the need of vaccination; date of offer or referral; client/patient response; administration, contraindication, or refusal; and any follow-up activities.
 - B) Standardized check-off form recording client/patient specific information, including the assessment for the need of vaccination; date of offer or referral; client/patient response; administration, contraindication, or refusal; and any follow-up activities.

(Source: Added at 31 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.APPENDIX A Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104 and 625 ILCS 5/6-521
- 4) A Complete Description of the Subjects and Issues Involved: This rulemaking is adding a question to the application for a driver's license. This amendment is necessary in order to come into compliance with the Federal Motor Carrier Safety Regulations.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1030.11	Amendment	30 Ill. Reg. 11334, June 30, 2006
1030.65	Amendment	30 Ill. Reg. 18077, November 17, 2006
1030.81	Amendment	30 Ill. Reg. 16262, October 13, 2006
1030.82	Amendment	30 Ill. Reg. 16262, October 13, 2006
1030.83	Amendment	30 Ill. Reg. 18863, December 15, 2006
1030.85	Amendment	30 Ill. Reg. 16262, October 13, 2006
1030.96	Amendment	30 Ill. Reg. 16895, October 27, 2006
1030.98	Amendment	30 Ill. Reg. 16895, October 27,- 2006

- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*.

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Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Office of the Secretary of State
Driver Services Department
JoAnn Wilson, Legislative Liaison
C/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723

217/785-1441

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2006

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses (Repealed)

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1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License, Permit and/or Driving Privilege
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
1030.140	Use of Captured Images
1030.APPENDIX A	Questions Asked of a Driver's License Applicant
1030.APPENDIX B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993;

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amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. _____, effective _____.

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NOTICE OF PROPOSED AMENDMENT

Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license:

If you are applying for an Identification Card, review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10; for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.

- 1) Is your driver's license or identification card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a Letter of Clearance is required.)
 - 2) Do you presently hold a valid driver's license or identification card in this or any other state?
 - 3) Is your driver's license being held by a court in lieu of bail?
 - 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
 - 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
 - 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
 - 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
 - 8) Are your Commercial Driver's License privileges currently disqualified?
 - 9) Do you certify that you meet the "general qualifications of drivers outlined in 49 CFR 391.11 (2000)? If no, indicate why you are not subject to these qualifications. _____
-

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- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11) (2000)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2706).

- 11) Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?
- 12) Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify such information?
- 13) [Have you been licensed in any other state in the last 10 years?](#)

(Source: Amended at 31 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3) Section Number: 207.160 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)]
- 5) A Complete Description of the Subjects and Issues Involved: Sets forth the criteria and procedures whereby Board Members may appear by means other than physical presence at the meeting location.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Steven Sandvoss
General Counsel
State Board of Elections
1020 S. Spring Street
Springfield, Illinois 62708
- 13) Initial Regulatory Flexibility Analysis:

STATE BOARD OF ELECTIONS

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not submit an agenda prior to the filing deadline.

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 207

MISCELLANEOUS

Section	
207.10	Failure to Nominate Candidate
207.20	Notice of Primary Election – County of 500,000 Or More
207.30	Document Copying Fees
207.40	County Clerk Notifications to State Board of Elections of Certain Filings for Office
207.50	Deputy Registrars; Definition of Bonafide State Civic Organization
207.60	Chad Removal
207.70	Post Tabulation Testing
207.80	Notation of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting Systems
207.90	Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
207.100	Requirements for Operator's Log
207.110	Requirements for Voter Information Tapes
207.120	Procedures for Election Night Equipment Failure
207.130	Testing Voting Systems
207.140	Certification of Signature Imaging Systems
207.150	Receipt and Dissemination of Absentee Voting Information
207.160	Attendance of Members at Board Meetings other than by Physical Presence
207.APPENDIX A	Log for Vote Tabulation
207.APPENDIX B	VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, 19-4 and 20-4 and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35, 19-4, 20-4 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7219; amended at 6 Ill. Reg. 8976, effective July 12, 1982; amended at 8 Ill. Reg. 24560, effective December 6, 1984; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. 2634, effective February 10, 1997; amended at 30 Ill. Reg. 16076, effective September 30, 2006; amended at 31 Ill. Reg. _____, effective _____.

[Section 207.160 Attendance of Members at Board Meetings other than by Physical](#)

STATE BOARD OF ELECTIONS

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Presence

Pursuant to Section 7 of the Open Meetings Act [5 ILCS 120/7], a quorum of Members of the Board must be physically present at the public and accessible location of any meeting of the Board and public notice must be given of such meeting. If a quorum of the Members of the Board is physically present, other Members of the Board may attend the meeting by participating in a video or audio conference, provided that:

- a) The Member is prevented from physically attending the meeting by reason of:
 - 1) personal illness or disability;
 - 2) the duties of the Member in the course of his or her employment (either with the State Board of Elections or other employment), prevent the Member from attending the meeting in person; or
 - 3) a family or other emergency.
- b) The Member wishing to attend the meeting by participating in a video or audio conference provides advance notice to the recording secretary of the meeting, unless advance notice is impractical.

(Source: Added at 31 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1270.5	Amendment
1270.10	Amendment
1270.20	Amendment
1270.30	Amendment
1270.35	Amendment
1270.40	Amendment
1270.45	Amendment
1270.50	Amendment
1270.52	Amendment
1270.55	Amendment
1270.56	Amendment
1270.57	Amendment
1270.60	Amendment
1270.APPENDIX A	Amendment
- 4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330]
- 5) Effective Date of Amendments: January 8, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 16, 2006; 30 Ill. Reg. 10557
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Language was added to Section 1270.56 to clarify that licensed professional engineers may perform topographic surveys in relation to their own projects.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking updates information pertaining to the Test of English as a Foreign Language (TOEFL) and defines topographic survey under Section 1270.56. 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.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation
Division of Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1270

ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section

1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Design Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.56	Minimum Standards of Practice
1270.57	Standards of Professional Conduct
1270.58	Seal and Signature Requirements
1270.60	Granting Variances
1270.65	Professional Development
1270.APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

AUTHORITY: Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 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; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill.

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Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000; amended at 24 Ill. Reg. 17548, effective November 20, 2000; amended at 25 Ill. Reg. 3865, effective March 1, 2001; amended at 26 Ill. Reg. 12263, effective July 24, 2002; amended at 28 Ill. Reg. 2228, effective January 23, 2004; amended at 28 Ill. Reg. 15297, effective November 10, 2004; amended at 31 Ill. Reg. 1832, effective January 8, 2007.

Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination

An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the Act) [225 ILCS 330] shall file an application, on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Certification of education, completed by the educational institution attended, for one of the following:
 - 1) A baccalaureate degree in land surveying from an accredited college or university; or
 - 2) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses.
- b) ~~A complete work history indicating all employment since fulfillment of the educational requirements set forth in subsection (a), if applicable.~~ c) The required fee specified in Section 1270.52 of this Part
- cd) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language

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(TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor 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 land surveyor program from which the applicant graduated was taught in English.

- de) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110, or other evaluator approved by the Board. The Land Surveyors Licensing Board (the Board) will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Division, by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Verification of education.
- b) Proof of holding a license as a Professional Land Surveyor-in-Training.
- c) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and

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- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) Verification of experience form, completed by a professional licensed land surveyor who was in direct supervision and control of his or her activities, indicating at least 4 years of responsible charge experience in land surveying as set forth in Section 1270.13.
- e) ~~A complete work history indicating all employment since passage of the Fundamentals of Surveying examination.~~ f) The required fee specified in Section 1270.52.
- fg) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor 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 land surveyor program from which the applicant graduated was taught in English.
- gh) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.20 Examinations

- a) An applicant for licensure as a Professional Land Surveyor-in-Training shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.
- b) An applicant for licensure as a Professional Land Surveyor who is licensed as a

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Professional Land Surveyor-in-Training shall pass the following examinations:

- 1) NCEES Principles and Practice of Land Surveying Examination; and
 - 2) Illinois Jurisdictional Examination.
- c) The scoring of the NCEES Fundamentals of Land Surveying Examination and the NCEES Principles and Practice of Land Surveying Examination and the determination of scores shall be as approved by NCEES. Separate scores shall be given for each examination and the scores shall be reported as pass/fail.
- d) The Illinois Jurisdictional Examination shall be reported as pass/fail. The Jurisdictional Examination shall include, but not be limited to, the following areas:
- 1) History of the public land surveying system in Illinois;
 - 2) Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);
 - 3) Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);
 - 4) Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and
 - 5) Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).
- e) Retake of examination.
- 1) Applicants who do not pass the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination or the Illinois Jurisdictional Examination will be required to retake only the examinations failed.
 - 2) *If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his or her application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a*

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new application for examination, accompanied by the required fee.

(Section 11 of the Act) New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application with the exception provided in subsection (e)(3).

- 3) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.
- f) 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.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.30 Endorsement

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Division together with:
 - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this state for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;
 - 2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:
 - A) The time during which the applicant was licensed in that state or territory, 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 state or territory and the date of passage of any such examinations; and
 - C) Whether the records of the licensing authority contain any record

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of disciplinary action taken or pending against the applicant;

- 3) ~~A complete work history indicating all employment since fulfillment of educational requirements;~~ 4) The required fee specified in Section 1270.52;
 - 45) Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15;
 - 56) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor 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 land surveyor program from which the applicant graduated was taught in English.
- b) An applicant for licensure under this Section shall be required to appear before the Board for an oral interview if the Division has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
 - c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
 - d) The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of such application.

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(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.35 Inactive Status

- a) Any Licensed Professional Land Surveyor 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 ~~or her~~ desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1270.40 of this Part.
- c) Any Licensed Professional Land Surveyor whose license is on inactive status shall not practice land surveying in the State of Illinois. Practicing or offering to practice on a license which is on inactive status shall be grounds for discipline under Section 27 of the Act.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.40 Restoration

- a) A licensee seeking restoration of a license which has expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- b) A licensee seeking restoration of a license which has been placed on inactive status for less than 5 years shall have his ~~or her~~ license restored upon payment of the current renewal fee specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, for review by the Board, together with proof of successful completion of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration

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application and the fee specified by Section 1270.52. The licensee shall also submit:

- 1) Certification of active practice for at least the last 2 years in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act;
 - 3) Proof of passage of the Illinois Jurisdictional Examination and/or the NCEES examination within one year after application; or
 - 4) Other evidence of continued competence in land surveying. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed land surveyor, for at least the last 2 years, as determined by the Board;
 - B) Lawfully practicing land surveying as an employee of a governmental agency;
 - C) Teaching land surveying in a college or university or other educational programs; or
 - D) Attendance at educational programs in land surveying.
- d) Any person restoring a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
- 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~~ because of discrepancies or conflicts in information, information needing further clarification, or missing information, the licensee seeking restoration of his or her license shall be required to:
- 1) Provide such information as shall be necessary; and/or

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- 2) Explain such relevance or sufficiency during an oral interview; or
- 3) Appear for an oral interview before the Board, when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Director of the Division of Professional Regulation with the authority delegated by the Secretary (Director), an applicant shall have his or her license restored or shall be notified in writing of the reason for the denial of such application for restoration.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.45 Professional Design Firm

- a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or 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]) pursuant to Section 25 of the Act, shall file an application with the DivisionDepartment on forms provided by the DivisionDepartment, 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 officers, 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 the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each corporation shall remain active and in

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good standing with the Secretary of State in order to maintain a professional design firm registration.

- C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor 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 land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all 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 is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
 - iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

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- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.
- B) Limited Partnership
- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all 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 partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of the land surveyor 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 member/partner licensed as a design professional.
 - B) A signed and dated resolution of the members or partners designating a full-time employee who is an Illinois licensed land

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surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.

- C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
 - D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
 - E) 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.
- 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 land surveyor who owns and operates the business.
 - B) A letter or certificate received from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. *Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.* (Section 25(h) of the Act) A resident professional land surveyor shall be assigned to supervise land surveying operations in only one office. Each resident professional land surveyor shall conduct his or her daily business in his or her assigned office or field locations.
- 6) The fee required in Section 1270.52.
- b) A professional design firm may designate more than one managing agent in charge of land surveying activities.

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- c) Upon receipt of the above documents 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 land surveying or notify the applicant in writing of the reason for the denial of the application.
- d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship with an assumed name shall be responsible for notifying the ~~Division~~Department in writing 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 any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
 - 3) An assumed name.
- e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the ~~Division~~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 land surveyor 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)-~~above~~ or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.
- g) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration

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requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.

- h) In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the professional design firm shall contain the professional design firm registration number issued by the Division~~Department~~.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.50 Renewals

- a) Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and meeting the professional development requirements set forth in Section 1270.65.
- b) It is the responsibility of each licensee to notify the Division~~Department~~ in writing 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 and to renew one's license.
- c) *A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed* (Section 18 of the Act).
- d) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and submitting an annual report or certificate of good standing from the Secretary of State.
- e) Practicing or offering to practice on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

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Section 1270.52 Fees

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

- a) Application Fees.
 - 1) The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a land surveyor-in-training is \$70.
 - 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 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 1270.50(d)).
- 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 changes on ~~Division~~Department records when no duplicate license is issued.

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- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the ~~Division~~Department reviewed and verified is \$20, plus any fee charge 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 a land surveyor-in-training or professional land surveyor in this State shall be the actual cost of producing the roster.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.55 Land Surveyor Complaint Committee

- a) The Land Surveyor Complaint Committee of the Land Surveyors Licensing Board authorized by Sections 8 and 29 of the Act shall be composed of 2 members of the Land Surveyors Licensing Board, a Supervisor over Design Investigations and 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 State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- 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

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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.
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Land Surveyors Licensing 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 Land Surveyors Licensing Board or the Complaint Committee.
- g) Disqualification of a Land Surveyors Licensing Board member.

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- 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 members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.56 Minimum Standards of Practice

The minimum standards of practice set forth in this Section are intended to provide protection for the public by insuring that surveying services defined in this Section are completed in accordance with prevailing professional practices and current technological methods, and to provide a means by which professional performance of the individual practitioner can be assessed. These standards are to be binding upon every person and firm practicing land surveying in the State of Illinois, except where differing federal, State or local laws, ordinances or rules may be more stringent, or when special conditions exist that effectively prevent the survey from meeting these minimum standards. When special conditions exist any necessary deviations from the standards shall be noted on the plat of survey. It shall be a violation of this Part to use special conditions to circumvent the intent and purpose of the minimum standards. Any of the professional services set forth in this Section are greatly influenced by the evaluation of recorded information and field observations, and all those services shall be accomplished in compliance with these standards to ensure that they are located, described and platted in a professional manner. All terms used in these Minimum Standards of Practice shall be interpreted to agree with the definitions of those terms in the most current publication of Black's Law Dictionary, Definitions of Surveying and Associated Terms published by the American Congress on Surveying and Mapping (ACSM) and the American Society of Civil Engineers (ASCE), and Glossary of the Mapping Sciences published by American Society for Photogrammetry and

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Remote Sensing (ASPRS), ACSM and the ASCE.

- a) ALTA/ACSM Land Title Survey.
 - 1) An ALTA/ACSM land title survey is a specialized survey that meets the specific needs peculiar to title insurance purposes, to enable title insurance companies to insure title to land without exceptions as to survey matters.
 - 2) All land title surveys shall be subject to the "2005 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys"~~(1999)~~, published jointly by the American Land Title Association (ALTA), 1828 L. St., N.W., Suite 705, Washington, D.C. 20036; the American Congress on Surveying and Mapping (ACSM), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879; and the National Society of Professional Surveyors (NSPS), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879. This incorporation does not include any later amendments or editions.
 - 3) All ALTA/ACSM land title surveys are to be performed to the current ALTA/ACSM Minimum Standard Detail Requirements. It is incumbent upon the licensed professional land surveyor to discuss with the client additional or optional requirements to be provided.
- b) Boundary Survey.
 - 1) A boundary survey is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the perimeters, division lines or boundaries of a certain lot, parcel or quantity of real estate, according to the record title description of the parcel or parent tract. This description should be furnished by the client, unless otherwise jointly agreed upon by the client and surveyor.
 - 2) The purpose of a boundary survey is to establish or re-establish the extent of title lines, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way.
 - 3) A boundary survey shall include, but not be limited to, the following:

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- A) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey.
 - B) Unless requested otherwise by the client or his/her agent, a plat of survey.
 - C) A legal description for any parcel surveyed.
 - D) Unless requested otherwise by the client or his/her agent, monuments or witness points shall be set for all accessible corners of the survey.
- 4) Information Research Required. Sufficient information to perform the survey shall be either furnished by the client and/or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor:
- A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the client (unless agreed upon otherwise) to furnish the additional information requested by the surveyor. This is not to be construed to indicate that the surveyor has an obligation to research the title of record.
 - B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.
 - C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.
 - D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.

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- 5) Monuments. Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act. The following shall be considered acceptable types of artificial monuments for all other corners:

A) Types.

- i) Iron bars or rods shall be a minimum of ½" in diameter by 24" in length. Iron pipes shall be a minimum of ½" in diameter by 24" in length, with a minimum wall thickness of ? ". Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.
- ii) Concrete monuments shall be a minimum size of 5" in diameter by 24" in length, or 4" square by 24" in length, and shall have a precise corner mark and shall be reinforced by at least a ¼" re-bar or ½" or larger iron pipe.
- iii) Stone monuments shall be a minimum size of 4" square by 24" in length and shall have a precise corner mark.
- iv) Commercial cast iron or aluminum survey markers no less than 24" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.
- v) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, nails or spikes, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.

B) Requirements.

- i) Where placement of corner monuments is a condition of the survey and it is physically impossible or impractical to set a monument at the corner, a witness corner or corners

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will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.

- ii) Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.
- 6) Plats. On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.
 - B) Professional land surveyor seal, signature, date of signing, and license expiration date. Rubber-stamp signatures, computer generated signatures or other reproduced signatures are prohibited.
 - C) Client's name.
 - D) North arrow.
 - E) Scale-written or graphic.
 - F) Date of completion of field work.
 - G) Legal description of the property.
 - H) Legend for all symbols and abbreviations used on the plat.
 - I) Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners.
 - J) Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular

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dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.

- K) Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.
 - L) If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel are to be shown and dimensioned.
 - M) Visible physical evidence of possession or occupation either way from the exterior lines of the survey shall be shown and dimensioned.
 - N) Show visible evidence of improvements, rights of way, easements, or use when requested by the client.
 - O) Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.
 - P) The following statement shall be placed near the professional land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a boundary survey."
- 7) Field Procedures. All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to insure conformance with the following specific requirements:
- A) All surveying instruments shall be kept in proper adjustment and calibration.
 - B) All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or

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monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).

- C) Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.
 - D) When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the surveyor.
 - E) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 8) It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed that which would be provided by another competent surveyor under similar circumstances.
- c) **Condominium Surveys.** Condominium surveys are a specialized class of boundary surveys and are governed by the Condominium Property Act [765 ILCS 605]. The plat requirements referred to in Section 5 of that Act must be the result of actual field measurements and are not to be transcribed from plans or other informational materials. The exterior boundaries of a condominium parcel shall be monumented as required by the Plat Act [765 ILCS 205]. Notes on the condominium plat must indicate whether the interior measurements shown are referring to finished or unfinished surfaces or planes and what data was used for any elevations depicted on the plat.
 - d) **Subdivision Surveys.**
 - 1) Subdivision surveys are properly included in the boundary survey category and are primarily governed by the Plat Act. Subdivision surveys differ from the typical boundary survey in that monumentation for subdivision surveys is mandatory according to the statute. All exterior

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corners of the subdivision must be monumented prior to recordation of the subdivision plat. If, in the opinion of the subdividing surveyor, a disproportionate number of interior monuments would be destroyed by grading, utility installation, etc., monumentation of the interior corners may be delayed unless local regulations or ordinances specify otherwise. Interior corners of the subdivision must be monumented prior to the conveyance of any lot, block, parcel or unit within the subdivision and in all cases the monumentation must be in place within 12 months after the recording date of the subdivision plat. All of the interior corners subject to delayed staking shall be denoted on the record plat as "to be set", either by labeling or appropriate symbols. Upon completion of the monumentation the subdividing surveyor shall file an affidavit with the Recorder of the county in which the subdivision is located certifying that the monumentation of the subdivision has been completed. The affidavit shall include the name of the subdivision, date of plat recording and recording location information (book and page and/or document number).

- 2) Vertical subdivisions, i.e., subdivisions that divide property by horizontal, vertical, and oblique planes, require that all exterior boundary corners of the subdivision be monumented at its ground elevation prior to recordation of the subdivision plat. The physical features, if any, controlling the limits of the subdivided property must be defined on the subdivision plat. The datum used to control the dividing horizontal planes must be defined on the subdivision plat together with the benchmark used to determine the elevations of these planes. The interior corners or any lot or block corners other than those that are required for monumenting the exterior boundary corners do not require monumentation.
- e) **Mortgage Inspection.** A Mortgage Inspection does not approach the standards of other survey categories, though by the provisions of Section 5 of the Illinois Professional Land Survey Act of 1989 [225 ILCS 330/5] the services of an Illinois Professional Land Surveyor are required. A mortgage inspection is not a type of boundary survey or ALTA/ACSM survey and does not constitute a boundary survey of the subject real property. A mortgage inspection includes field investigation, measurements and graphic representation of improvements.
- 1) **Purpose.** The mortgage inspection is intended for use by a mortgage lender and/or title insurer and is only a professional opinion of the relationship of improvements with respect to the deed lines and the existence, location and type of building on the property, the intent of

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which is to assist in the determination of the property's suitability to serve as collateral for a mortgage. It is not an opinion as to deed, title or platted lines. It is not to be used in matters of boundary disputes, legal actions between landowners, or for construction purposes. No new legal descriptions can be created from a mortgage inspection.

- 2) Product. A complete mortgage inspection will produce a drawing entitled "Mortgage Inspection" and, if required, a written report of the surveyor's findings and determinations.
- 3) Information.
 - A) The following information shall be furnished by the client and/or his/her agent:
 - i) Legal description and address for the tract of land.
 - ii) Copy of commitment of title insurance for the tract of land, if possible.
 - B) The following information shall be obtained by the surveyor:
 - i) Copy of recorded subdivision plats (if applicable).
 - ii) Recorded section corner tie monuments and original government surveys (if applicable).
 - iii) Other necessary surveying information.
- 4) Monuments. No monuments shall be set.
- 5) Tolerances. Tolerances cannot be mandated for a mortgage inspection since the very nature of recovering deed lines and other information for that purpose precludes a rigid adherence to any standard value.
- 6) Field Procedures. The following procedures should generally be considered as minimum, but deviations as dictated by specific conditions shall be allowed:
 - A) Preliminary search and recovery of existing monument evidence.

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- B) Field location of tract through measurement from some controlling locations, such as: street intersection, subdivision corner, section corners, etc., sufficient to eliminate the possibility of gross error in location of the premises.
 - C) Through field measurements, locate and dimension relevant improvements.
 - D) If evidence of deed lines does not exist, the surveyor is obligated to refuse to perform a mortgage inspection until satisfactory evidence is obtained, either through a boundary survey or a land title survey.
 - E) If evidence exists of the possibility that the improvements on the subject property or adjoining property are on or very near the apparent deed lines, the surveyor is obligated to note his/her findings and recommend that a boundary survey or land title survey be performed.
- 7) Drawing.
- A) Minimum size: 8½" x 11".
 - B) The drawing shall be entitled:

MORTGAGE INSPECTION

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

(The above two lines shall be of the same letter size and shall be twice the letter size of all other lettering on the drawing.)

- C) A North arrow, scale of drawing, date and drawing legend shall be included.
- D) Building dimensions and type of structure shall be shown.
- E) Boundary dimensions shown shall be based on the public record or description provided; field measurements do not need to be shown.
- F) No dimensional ties from structures or other improvements to

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apparent deed lines are required.

- G) The legal description of the tract shall be given on the face of the drawing.
- H) Use of the word "survey" in the title, or any implication in a certification that this drawing represents a "survey", is prohibited.
- I) Professional land surveyor seal, signature, date of signing, and license expiration date. Rubber-stamp signatures, computer-generated signatures or other reproduced signatures are prohibited.
- J) Address of the tract.
- K) No found corner, boundary line or other survey monumentation shall be shown on the drawing.
- L) Preceding the legal description and in the same size letters as the legal description the following statement shall appear:

"This mortgage inspection and drawing is not a boundary survey or plat of survey. This mortgage inspection was prepared to assist the mortgage company and title insurance company and is not to be used for any purposes of boundary disputes, location of actual deed, title or platted lines, or for construction of new improvements. Graphic representation shall be deemed approximate and no reliance should be placed on the scale of the drawing."

- M) The following statement shall be placed immediately above the signature of the surveyor and in the same size letters as the legal description:

"This professional service conforms to the current Illinois minimum standards of practice for a mortgage inspection and is not a boundary survey."

f) Topographic Survey.

1) Topographic Survey. A topographic survey is the delineation of

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horizontal and/or vertical locations of the existing natural or man-made features of a portion of the earth's surface, subsurface or airspace and the graphic representation of the results of such delineation. Topographic surveys that also depict land boundaries shall be entitled "Boundary and Topographic Survey" or "ALTA/ACSM Land Title and Topographic Survey", and shall be subject to the current minimum standards established for the ALTA/ACSM Land Title Surveys or Boundary Surveys by this Part, except where differing federal, State or local laws, ordinances or rules may be more stringent. When the position and/or extent of a topographic survey is not defined by land boundaries, enough information must be shown on the survey to enable the client to locate the survey on the ground. A licensed professional engineer knowledgeable in topographical survey may perform a topographic survey specific to his/her design project. A licensed professional engineer may not, however, offer topographic surveying services independent of his/her specific design project.

- 2) Information Research Required. Sufficient information to perform the survey shall be furnished by the client or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor.
 - A) A specific description of the survey site, along with designated areas outside the actual survey site where topographic information is required.
 - B) The location, description, datum and elevation of all benchmarks to be used for the survey. The datum should be based on a nationally accepted datum whenever practical, unless instructed otherwise by the client or as mandated by a governmental organization having jurisdiction in the area the survey is located.
 - C) The location and description of all horizontal control points to be used for the survey.
 - D) If contour lines are required by the client, the contour interval should be agreed upon by the surveyor and client.
 - E) Location and elevations of utilities is often an important part of a topographic survey. The surveyor and client must have a clear

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understanding of which utilities are to be located and what information on each utility is to be shown.

F) The surveyor shall be furnished a clear, concise description of the intended use of the survey.

3) Field Requirements.

A) All surveying instruments shall be kept in proper adjustment and calibration.

B) The surveyor may apply procedures that most efficiently meet the requirements of the client without sacrificing the accuracy of the acquired information.

C) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.

4) Plats. On all topographic surveys, the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:

A) Firm name, address and registration number.

B) Professional land surveyor seal, signature, date of signing, and license expiration date.

C) "This professional service conforms to the current Illinois minimum standards for topographic surveys." This statement shall be placed near the professional land surveyor seal and signature.

D) Client's name.

E) North arrow.

F) Date of completion of field work.

G) Scale as agreed upon by surveyor and client.

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- H) Location and elevation of benchmarks at or near the survey shall be shown, and the datum noted.
- D) Legend for all symbols and abbreviations used on the plat.
- J) If elevation points are to be shown, such elevations shall be shown to the nearest one-hundredth of a foot on hard surfaces and to the nearest tenth of a foot elsewhere, unless requested otherwise by the client.
- K) Description of horizontal control points used in the survey, which shall be noted and shall be shown on the plat if possible.
- L) The location of permanent structures, including buildings, retaining walls, bridges, culverts, street or road paving and sidewalks.
- M) Existing contour lines indicating the relief of the entire parcel unless required otherwise by the client. Elevation points, if shown, may be in a grid pattern or at high points, low points and grade changes, a combination of both methods, or at locations requested by the client.
- N) Location and water surface elevations of lakes, rivers, streams and drainage courses on or near the surveyed parcel, and direction of flow if any.
- O) If boundary line information is shown on the plat, the source of the boundary line information.
- P) If topographic information is to be delivered via electronic media, a suitable format shall be agreed upon. In every case, the surveyor shall also provide a signed and sealed hard copy drawing or representation of the survey. This drawing shall be the official survey and shall be deemed to be correct and superior to the electronic data.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.57 Standards of Professional Conduct

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

- a) The land surveyor shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the land surveyor's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the land surveyor shall inform the land surveyor's employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.
- b) The land surveyor shall undertake to perform land surveying assignments only when qualified by education or experience in the specific technical field of land surveying involved.
- c) The land surveyor may accept an assignment requiring education or experience outside of the land surveyor's field of competence, but only to the extent that services are restricted to those phases of the project in which the land surveyor is qualified. All other phases of the project shall be performed by qualified associates, consultants, or employees.
- d) The land surveyor shall not affix a signature and/or seal to any land surveying plat or document dealing with subject matter in which the land surveyor lacks competence by virtue of insufficient education or experience.
- e) The land surveyor shall be completely objective and truthful in all professional reports, statements, or testimony. The land surveyor shall include all relevant and pertinent information in the reports, statements, or testimony.
- f) The land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the land surveyor's testimony.
- g) The land surveyor will issue no statement, criticism, or argument on land surveying matters connected with public policy that are inspired or paid for by an interested party, or parties, unless the land surveyor has prefaced the comment:

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- 1) by explicitly identifying himself or herself;
 - 2) by disclosing the identities of the party or parties on whose behalf the land surveyor is speaking; and
 - 3) by revealing the existence of any pecuniary interest the land surveyor may have in the instant matters.
-
- h) The land surveyor shall conscientiously avoid conflicts of interest with an employer or client, but, when unavoidable, the land surveyor shall forthwith disclose the circumstances to the employer or client.
 - i) The land surveyor shall avoid all known conflicts of interest with an employer or client and shall promptly inform the employer or client of any business association, interest, or circumstances that could influence judgment or quality of services.
 - j) The land surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.
 - k) The land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the land surveyor is responsible.
 - l) The land surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
 - m) When in public service as a member, advisor, or employee of a governmental body or department, the land surveyor shall not participate in considerations or actions with respect to services provided by the land surveyor or the land surveyor's organizations in private land surveying practices.
 - n) The land surveyor shall not solicit or accept a land surveying contract from a governmental body on which a principal or officer of the land surveyor's organization serves as a member.
 - o) The land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure

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work, exclusive of securing a salaried position through employment agencies.

- p) The land surveyor shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.
- q) The land surveyor shall not falsify or permit misrepresentation of the land surveyor's or the land surveyor's associates' academic or professional qualifications. The land surveyor shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the land surveyor's past accomplishments, with the intent and purpose of enhancing the land surveyor's qualifications and work.
- r) The land surveyor shall not knowingly associate with or permit the use of the land surveyor's name or firm name in a business venture by any person or firm the land surveyor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
- s) If the land surveyor has knowledge or reason to believe that another person or firm may be in violation of the Act or this Part, the land surveyor shall present that information to the ~~Division~~Department in writing and shall cooperate with the ~~Division~~Department in furnishing further information or assistance as may be required by the ~~Division~~Department.
- t) Conviction of a crime shall be deemed incompetent practice if the acts that resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a licensed land surveyor.
- u) The revocation or suspension of a registered land surveyor's license by another jurisdiction, if for a cause that in the State of Illinois would constitute a violation of this Part, shall be grounds for a charge of violation.
- v) Corporations, partnerships and firms maintaining any place of business in the State of Illinois for the purpose of providing or offering to provide land surveying to the public shall have in responsible charge of land surveying service at any and each location a licensed land surveyor who shall be employed full-time at that location.

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(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

Section 1270.60 Granting Variances

- a) The Director ~~of Professional Regulation~~ 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
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons for granting the variance ~~therefor~~, at the next meeting of the Board.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

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Section 1270.APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

- a) The Land Survey Monuments Act [765 ILCS 220] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. All licensed land surveyors who conduct surveys pursuant to the Land Survey Monuments Act shall comply with standards set forth in this Section. Violation of the Land Survey Monuments Act shall be considered a Class A misdemeanor pursuant to Section 11 of the Act.
- b) Every section corner and quarter section corner is a public land survey monument. The monumentation of other points resulting from the subdivision of a section is not a requirement of the Act. Only when a public land survey monument is used for making a survey is recording of a monument record a requirement of the Act. The licensed land surveyor may utilize information from previous surveys providing it is sufficient to locate, establish or re-establish the public land survey monument and is adequate for preparing the monument record.
- c) A monument record means a written and illustrated document describing the physical appearance of a survey monument and its accessories. The monument record shall be presented and recorded in accordance with the following specifications:
 - 1) It shall have an overall width of 8½ inches and an overall length of 11 inches.
 - 2) It shall have a clear one-half inch border on the top, bottom and both sides.
 - 3) A 3" x 5" block in the upper right corner shall be reserved for the use of the County Recorder of Deeds.
 - 4) Paper on which the form is printed shall have a minimum rag content of 25 percent and shall be 20 pound weight.
 - 5) The height of lettering or typing shall be one tenth of an inch and shall have a clarity suitable for microfilming and reproducing. A maximum of 4 sheets may be used as one document.

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- 6) There shall be no more than 4 monuments shown on each record and all monuments must be for a common section.
 - 7) The surveyor may show geodetic position or other information at his/her option, providing it does not detract from the clarity of the requirements of the monument record.
 - 8) The drawing shall be orientated with North at the top of the form.
 - 9) The monument record shall be recorded at the time of recording the survey if the survey is placed on record, but in no case more than 40 days after the survey is completed.
 - 10) Each monument record shall describe at least 3 accessories or reference points.
 - 11) All monument records shall be signed by a licensed land surveyor or by the chief of a survey party in an agency of the United States government.
- d) It is recommended that, in addition to the monument record requirements set forth above, additional data to add to the monument record to aid in future recovery may include the following:
- 1) the company's job number of the survey project;
 - 2) the date the survey plat was completed;
 - 3) the name of the firm, surveyor's name and field book with page number;
 - 4) distances and bearings to the nearest quarter or section corner monument;
 - 5) general location of ties (i.e., in ditch line, 5' east of edge of pavement, etc.);
 - 6) the amount of cover, if any, over the monument;
 - 7) the proper or government township name;
 - 8) that distances are slope or horizontal;

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- 9) any known history of the monument (e.g., the monument was shown on a plat of survey by Super Surveyors, Inc., dated August 16, 1937, and recorded in Surveyors Book 2, page 29, in the County Recorder's Office).
- e) The Land Survey Monuments Act states that a monument shall be in such a physical condition that it remains as permanent a monument as is reasonably possible and, if practical, the Illinois license number of the land surveyor who records the monument record shall be affixed securely to the top of the monument at the public land survey corner. When it is not practical to affix the land surveyor's Illinois license number on the monument, the number may be affixed to one of the reference points.
- f) As a minimum the monument must be a standard weight steel pipe, one-half inch diameter, 30 inches long or a solid steel rod one-half inch diameter, 30 inches long.
- g) Should the monument fall on a concrete surface, a survey marker permanently anchored into the concrete is acceptable. Should a stone be found and the size is such to make it reasonably permanent, it should remain and ferrous material be placed over or adjacent to the monument to facilitate its recovery.
- h) Pursuant to Section 3.04 of the Land Survey Monuments Act, "accessory" is defined as *any physical evidence in the vicinity of a survey monument or position thereof, the relative position of which is of public record and which is used to perpetuate the location of the monument....* Ties are considered accessories.
 - 1) If monument record ties are found to have a questionable future, make an effort to establish permanent ties and file a new monument record.
 - 2) In an area void of nearby physical tie points, resort to angular ties such as building corners, the centers or faces of chimneys, steeples, water towers or other structures.
 - 3) A description of a tie point shall be as specific as possible and may include such things as:
 - A) The exact location on a right of way marker or other square shaped tie, such as apex, northeast corner or center of east face at ground level;

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- B) Chiseled cross on northwest cap bolt of hydrant;
 - C) Back of concrete curb at joint of radius return;
 - D) Chiseled cross on south side of rim on sanitary sewer manhole;
 - E) Southwest corner of concrete foundation; or
 - F) Punch mark on top of west end of 15 inch corrugated metal pipe culvert.
- i) Other considerations when conducting a survey to establish a monument record:
- 1) Lower the monument if it appears to be in danger of being destroyed due to grading, road improvement, cultivation, etc.
 - 2) Make an attempt to contact adjoining property owners to ascertain if the monument is generally recognized and accepted to be the corner in question.
 - 3) Make an attempt to show the adjoining property owners, road commissioner or highway official the location of the monument and supply them with a copy of the monument record for future use.
 - 4) Maintain respect for private property. Do not paint or put nails in or survey ribbon on private property without permission.
- j) The ~~Division~~Department is cognizant of the long range public benefit derived by the perpetuation of the public land survey monuments. The Act has no provision that would exempt a particular type of survey from complying with the Act if a public land survey monument is used. Therefore, strict adherence is a legal requirement.

(Source: Amended at 31 Ill. Reg. 1832, effective January 8, 2007)

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Special White-Tailed Deer Season for Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
675.10	Amendment
675.20	Amendment
675.30	Amendment
675.60	Amendment
675.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: January 5, 2007
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 15, 2006; 30 Ill. Reg. 14751
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is amended to: update hunting season dates, list new counties in which Chronic Wasting Disease is found, allow the sale of

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over-the-counter deer permits (antlerless-only) by licensed vendors, and state that a drawing will be held at the site if more hunters show up than can be accommodated.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 675
SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section

675.10	CWD Season
675.20	CWD Deer Permit Requirements
675.30	Weapon Requirements for CWD Deer Hunting Season
675.40	CWD Deer Hunting Rules
675.50	Reporting Harvest
675.60	Rejection of Application/Revocation of Permits
675.70	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007.

Section 675.10 CWD Season

- a) Season: One-half hour before sunrise on Friday, January 12, 2007~~13, 2006~~ to sunset on Sunday, January 14, 2007~~15, 2006~~. Shooting hours are ½ hour before sunrise to sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).
- b) Open counties: Boone, McHenry, Ogle, Winnebago, and the portion of DeKalb County north of U.S. Highway 88 (East-West Tollway). Additional counties in which deer with CWD are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release, site posting and publication in Outdoor Illinois).
- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24).

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(Source: Amended at 31 Ill. Reg. 1874, effective January 5, 2007)

Section 675.20 CWD Deer Permit Requirements

- a) Hunters must have an unfilled ~~20062005~~ firearm or muzzleloader deer permit valid for one of the open counties (Boone, McHenry, DeKalb, Ogle or Winnebago); an unfilled ~~20062005~~ archery deer permit; or a valid Chronic Wasting Disease (CWD) Season Deer Permit. Unfilled firearm or muzzleloader deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless the hunter's name is redrawn at the daily site lottery to hunt the same special hunt area during the CWD Season. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled ~~20062005~~ firearm or muzzleloader deer permits are valid only for the county ~~or special hunt area~~ for which they were originally issued, except that unfilled ~~20062005~~ landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled ~~20062005~~ archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled ~~20062005~~ landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. ~~For permit applications and other information write to:~~

~~Department of Natural Resources
(CWD Deer Season)
Deer Permit Office
Post Office Box 19227
Springfield IL 62794 9227~~

- b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of \$5. These permits shall be antlerless-only. Applications shall be accepted as soon as they are available through the tenth weekday in November for the CWD Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled-out shall be rejected from the random drawing. Permits issued in this drawing shall be antlerless-only.

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- c) ~~Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit. It shall be unlawful to apply for more than one permit for the CWD Deer Hunting Season during this drawing period.~~
- d) ~~In person and mail in applications shall receive equal treatment in the drawings.~~
- e) ~~Each applicant must apply using the official agency CWD Deer Season Permit Application, and must complete all portions of the form. No more than 6 individuals may submit applications in the same envelope, and each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for other deer seasons to the Deer Permit Office.~~
- f) ~~Each applicant must enclose a separate \$5 check or money order payable to the Department of Natural Resources (Department or DNR), or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.~~
- g) ~~Applications will be accepted at the counter window of the permit office; however, permits will be mailed.~~
- dh) ~~Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit after the quota has been depleted or if the applicant was unsuccessful in obtaining a permit.~~
- ei) ~~A \$3 service fee will be charged for replacement permits issued by the Department, except that, when permits are lost in the mail, there will be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.~~
- fj) ~~Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.~~
- gk) ~~Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either-sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.~~

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h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 31 Ill. Reg. 1874, effective January 5, 2007)

Section 675.30 Weapon Requirements for CWD Deer Hunting Season

- a) The only legal weapons to take, or attempt to take, deer are shotguns, muzzleloading rifles, and handguns and their respective ammunitions as prescribed by 17 Ill. Adm. Code 650.30(a), (b) and (c); and bows and arrows as prescribed by 17 Ill. Adm. Code 670.30.
- b) Hunters with valid, unused permits from the 20062005 firearm, muzzleloader, or archery seasons may use only the weapons allowed by that permit in those respective seasons. Hunters with a valid CWD Season Deer Permit may use any of the weapons described in subsection (a).
- c) It shall be unlawful to use or possess any firearm, ammunition, or bow and arrow other than allowed by subsection (a) in the field while hunting white-tailed deer during the CWD Deer Hunting Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the CWD Deer Hunting Season as set in Section 675.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 31 Ill. Reg. 1874, effective January 5, 2007)

Section 675.60 Rejection of Application/Revocation of Permits

- a) In the event that the purchaser of a CWD Season Deer Permit~~an applicant~~ is in violation of either subsection one of subsections (a)(1) or (a)(2), the permit will be revoked in addition to any other penalties. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530.~~through (a)(4), the application will be held, and the application fees will be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application will be rejected and the fee will be retained by the Department. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the~~

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~~applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.~~

- 1) ~~Providing false and/or deceptive information on the deer permit form, which is a Class A misdemeanor (see 520 ILCS 5/2.38). Submitting more applications in the same name or by the same person for a CWD Deer Hunting Permit than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~
 - 2) ~~Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).~~
 - 23) ~~Purchasing a CWD Season Deer Permit~~ Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code, ~~which [520 ILCS 5/3.36]. Violation~~ is a Class A misdemeanor (see 520 ILCS 5/3.36).
 - 4) ~~Submitting an incomplete or incorrect application.~~
- b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as described in 17 Ill. Adm. Code 2530.

(Source: Amended at 31 Ill. Reg. 1874, effective January 5, 2007)

Section 675.70 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to the CWD Deer Hunting Season only if the site is announced as being open via a public announcement. A drawing will be held at 5:00 a.m. at the site if more hunters show up than can be accommodated at sites announced as having a daily hunter quota (e.g., press release, site posting and publication in Outdoor Illinois). Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 31 Ill. Reg. 1874, effective January 5, 2007)

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- 1) Heading of the Part: Minimum Safety Standards for Construction of Type I School Buses
- 2) Code Citation: 92 Ill. Adm. Code 440
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
440.160	New Section
440.410	Repeal
440.420	Amend
440.510	Repeal
440.520	Amend
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII]
- 5) Effective Date of Amendments: January 8, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 11, 2006; 30 Ill. Reg. 13336
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various nonsubstantive corrections were made throughout the Part in agreement with JCAR.

At Section 440.160(c), after "Handbook", the Department added "(Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale PA 15096-0001, (724)776-4841)".

At Section 440.420(k) and (l), the Department deleted the first sentence in the Agency Notes and at subsections (k), (l) and (nn), inserted the following language using the appropriate component (fire extinguisher, first aid kit or warning devices relative to each subsection) to clarify and eliminate confusion:

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"A (fire extinguisher) is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the (fire extinguisher) at the time the school bus is manufactured; however, a (fire extinguisher) can also be installed by the owner after the school bus is purchased."

At Section 440.420(vv)(1), the Department added "See the FMVSS (49 CFR 571) for requirements.".

At Section 440.420(vv)(2), the Department made the following changes pursuant to public comment:

- "2) Circuits All circuits, except those for the alternately flashing signal lamps and the stop signal arm lamps, may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.
- A) ~~Wiring shall be arranged in at least nine regular circuits as follows:~~
- i) ~~Head, tail, stop (brake), and instrument panel lamps;~~
 - ii) ~~Clearance lamps and any lamps in or adjacent to step risers;~~
 - iii) ~~Interior lamps;~~
 - iv) ~~Starter motor;~~
 - v) ~~Ignition, emergency exit alarm signal(s), and other alarm signal(s);~~
 - vi) ~~Turn signal lamps;~~
 - vii) ~~Alternately flashing signal lamps and stop signal arm lamps;~~
 - viii) ~~Horn; and~~
 - ix) ~~Heater and defroster.~~
- B) ~~Any of the above combination circuits, except (vii), may be divided into independent circuits. Whenever feasible, all other electrical functions~~

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~~(sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits."~~

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: By this Notice, the Department has amended this Part pursuant to 625 ILCS 5/12-815.2 that requires school buses manufactured on or after January 1, 2006 to be equipped with a noise suppression switch capable of turning off noise producing accessories. Those accessories include, but are not limited to, heater blowers, defroster fans, auxiliary fans and radios. The requirements for the noise suppression switch are included in Section 440.420(vv), wiring.

The Department also repealed Sections 440.410 and 440.510, Incorporation by Reference of Federal Motor Vehicle Safety Standards, and combined them into one new Section at Section 440.160. The new Section incorporates by reference the 2005 edition of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 49 CFR 571.404), the federal standards governing certification of vehicles (49 CFR 567) and the federal standards for vehicles manufactured in two or more stages (49 CFR 568). The new Section also incorporates by reference the 2005 edition of the Society of Automotive Engineers (SAE) Standards and Recommended Practices.

In addition, the Department updated, clarified, and corrected standards throughout this Part. The following standards are updated at Sections 440.420 and 440.520:

Color and Paint – Added an exception at Section 440.420(g)(9) to allow yellow retroreflective tape to be located on a rear bumper or rub rail.

Emergency Exits – Added an exception at Section 440.420(j)(2) to allow yellow retroreflective tape to be located on a rear bumper or rub rail.

Heaters – Added a new subsection at Section 440.420(p)(4) to provide standards for auxiliary fuel-fired heating systems.

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Lamps and Signals – Added a statement at Section 440.420(s) declaring that Light Emitting Diodes (LED) lights that meet either FMVSS or SAE Standards/Recommended Practices are acceptable equipment on school buses manufactured for use in Illinois.

Interior Lighting and Side Turn Signals – Clarified language at Section 440.420(s)(2) and (s)(4) for consistency with provisions on side turn signals that requires buses that are designed to transport 33 or more passengers to be equipped with two interior lamps and side turn signals.

Lettering – Amended a requirement at Section 440.420(t)(1) that prohibits all signs, numbers or lettering not required by statute or permitted by this Part from being displayed on both the exterior and interior of the bus. Prior to this amendment, signs, numbers or lettering, not required or permitted, were allowed on the interior of the bus provided they were not visible from the exterior of the bus. Added an optional provision that allows vehicle identification numbers to be located on the roof top of a school bus.

Seat Belt, Driver – Updated terminology at Section 440.420(dd)(1) by replacing an automatic locking type retractor with an emergency locking type retractor.

Steps, Body Front – Provided an exception at Section 440.420(gg) for Type I-A school buses concerning a front body step that is used for washing the bus' windshield. The Type I-A bus does not have the same front end as a standard Type I school bus. The windshield is more accessible on a Type I-A school bus which makes the step unnecessary.

Stop Signal Arm Panel – Deleted Section 440.420(hh)(2) that requires the panel to be 16-gauge metal, which conflicts with the incorporated federal standard that does not require 16-gauge metal or its equivalent. Deleted language that allowed stop signal arm panels to be operated either manually or mechanically. Newly manufactured buses are always equipped with mechanically-operated stop signal arm panels, and manually operated panels are no longer offered by school bus manufacturers. The option is no longer necessary in this Part.

Warning Devices – Corrected language at Section 440.420(nn) to clarify provisions regarding optional emergency warning devices pursuant to 625 ILCS 5/12-702 (a) and (c).

Wiring – Added a requirement at Section 440.420(vv) for a noise suppression switch pursuant to 625 ILCS 5/12-815.2. Included electronic circuit protection as an option in

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the requirement that each circuit be protected by either a separate fuse or a circuit breaker.

Instruments – Replaced "ammeter" at Section 440.520(n) with the correct term "ampere meter" and added "volt meter" as synonymous with "ampere meter".

Throughout this rulemaking, the Department corrected statutory citations to the Illinois Vehicle Code. The Department also updated and corrected references to the SAE Standards and Recommended Practices pursuant to the most recent standard dates provided in the 2005 edition of SAE Standards and Recommended Practices.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212

217/785-1181

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

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TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 440

MINIMUM SAFETY STANDARDS FOR CONSTRUCTION
OF TYPE I SCHOOL BUSES

SUBPART A: INTRODUCTION

Section	
440.10	Order
440.20	Guidelines
440.30	Responsibilities

SUBPART B: GENERAL

Section	
440.110	Purpose
440.120	Scope
440.130	Applicability
440.140	Effective Date
440.150	Quantified Requirements
<u>440.160</u>	<u>Incorporation by Reference</u>

SUBPART C: DEFINITIONS

Section	
440.205	Dictionary Used
440.210	Federal Definitions
440.220	State Definitions

SUBPART D: CERTIFICATION

Section	
440.305	Certification by Manufacturer
440.310	Federal Standards
440.320	State Standards

SUBPART E: BODY REQUIREMENTS

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Section

- 440.405 Conformance to the Requirements
440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards
(Repealed)
440.420 State Requirements

SUBPART F: CHASSIS REQUIREMENTS

Section

- 440.505 Conformance to the Requirements
440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards
(Repealed)
440.520 State Requirements
- 440.ILLUSTRATION A Hexagon Shaped Stop Signal Arm (Repealed)
440.ILLUSTRATION B Octagon Shaped Stop Signal Arm Panel
440.ILLUSTRATION C Exhaust Discharge Prohibited Zones
440.APPENDIX A Federal Motor Vehicle Safety Standards (FMVSS) and Related Regulations (Repealed)
440.APPENDIX B First Aid Kit Requirements (Referred to in Section 440.420(1)) (Repealed)
440.APPENDIX C Specification Sheet Reflective Material – Encapsulated Lens (Based on FHWA Notice N 5040.17, June 15, 1976) (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].

SOURCE: Filed June 20, 1977; amended at 6 Ill. Reg. 7147, effective June 2, 1982; codified at 8 Ill. Reg. 15502; amended at 11 Ill. Reg. 15947, effective September 21, 1987; amended at 12 Ill. Reg. 8463, effective May 3, 1988; amended at 16 Ill. Reg. 1655, effective January 14, 1992; amended at 17 Ill. Reg. 3530, effective March 2, 1993; amended at 18 Ill. Reg. 14764, effective September 20, 1994; amended at 22 Ill. Reg. 19354, effective October 15, 1998; expedited correction at 23 Ill. Reg. 5918, effective October 15, 1998; emergency amendment at 24 Ill. Reg. 4993, effective March 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12111, effective July 31, 2000; emergency amendment at 24 Ill. Reg. 16391, effective October 20, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3307, effective February 20, 2001; amended at 26 Ill. Reg. 3219, effective February 19, 2002; amended at 31 Ill. Reg. 1881, effective January 8, 2007.

SUBPART B: GENERAL

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Section 440.160 Incorporation by Reference

- a) Each bus body and chassis must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.1 through 571.404). Those applicable provisions of the FMVSS are incorporated by reference as that part of the FMVSS was in effect on October 1, 2005. No later amendments to or editions of 49 CFR 571 are incorporated.
- b) Each bus body and chassis must conform to the applicable provisions of 49 CFR 567, Certification, and 49 CFR 568, Vehicles Manufactured in Two or More Stages, that were in effect on the first day of the month in which the chassis manufacturer completed the last manufacturing operation on the incomplete bus. Those applicable provisions are incorporated by reference as they were in effect on October 1, 2005. No later amendments to or editions of 49 CFR 567 and 49 CFR 568 are incorporated.
- c) Each school bus must conform to the applicable Standards and Recommended Practices of the Society of Automotive Engineers Handbook ([Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale PA 15096-0001, \(724\)776-4841](#)). Those applicable provisions of the SAE Standards and Recommended Practices are incorporated by reference as of the 2005 edition date. No later amendments to or editions of the SAE Standards and Recommended Practices are incorporated.
- d) Copies of the above materials incorporated by reference are available for inspection at the Division of Traffic Safety, 3215 Executive Park Drive, 3rd Floor, Springfield, Illinois 62703 or by calling (217)785-1181. The federal standards are available on the National Archives and Records Administration's website at <http://ecfr.gpoaccess.gov>. The Division of Traffic Safety's rules are available on the Department's website at <http://www.dot.il.gov/regulations.html>.

(Source: Added at 31 Ill. Reg. 1881, effective January 8, 2007)

SUBPART E: BODY REQUIREMENTS

Section 440.410 Incorporation by Reference of Federal Motor Vehicle Safety Standards (Repealed)

- a) ~~Each bus body must conform to the applicable provisions of the Federal Motor~~

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~~Vehicle Safety Standards (FMVSS) (49 CFR 571.101 through 571.304). Those applicable provisions of the FMVSS are incorporated by reference as that Subpart of the FMVSS was in effect on October 1, 2000. No later amendments to or editions of 49 CFR 571.101 through 571.304 are incorporated. b) Each school bus must conform to the applicable standards of the Society of Automotive Engineers Handbook (SAE) (Volume 2 Section 15-26). Those applicable provisions of the SAE standards are incorporated by reference as of the 1998 edition date. No later amendments to or editions of the SAE standards are incorporated.~~

(Source: Repealed at 31 Ill. Reg. 1881, effective January 8, 2007)

Section 440.420 State Requirements

Except for mirrors, which may project 153 mm (6") beyond each side of the bus, a school bus shall not exceed 2.44 m (8 feet) in width, 4.12 m (13 feet 6 inches) in height, nor 12.81 m (42 feet) in length. (Sections 15-102, 15-103 and 15-107 of the Code)~~625 ILCS 5/15-102, 15-103 and 15-107~~ Each bus body shall be constructed so as to preclude road splash, road dust, or the bus engine's fumes or gas entering either the driver, passenger, or service entrance space through any joint, crack, hole, or opening other than an opened door or window. In addition, various portions of the bus body shall conform to the requirements set forth under the following subsections.

- a) Aisle. An aisle, easily negotiated ("easily negotiated" means that an aisle meets the dimension requirements set forth in this subsection from front of bus to back of bus) and free of tripping hazards ("tripping hazards" are tears, wrinkles and other imperfections in the floor covering material, or the floor itself causing the walking surface to be uneven), shall extend from the forward edge of the service entrance stairway to the emergency door in the rear of the bus or, when such door is absent, to the forward edge of the rearmost seat. This aisle shall be no less than 305 mm (12") wide at every location between floor covering and the top of each seat cushion and, in a bus manufactured in July 1987 or later, shall be no less than 380 mm (15") wide at and above a level 50 mm (2") below the top of any seat back. At least 1.75m (68.9") floor-to-ceiling height shall be provided above the entire required width of this aisle between the forward edge of the rearmost seat and the forward edge of the service entrance stairway. A dedicated aisle that conforms to 49 CFR 571.217 may be adjacent to any side emergency door.
- b) Battery. Either one battery or two or more suitably connected batteries may be installed.

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- 1) When rated in conformance with SAE Standard J537 (September 2000)h the batteries~~battery(s)~~ shall provide a current flow for engine cranking no less than the engine manufacturer's recommended Cold Cranking Current (amperes for 30 seconds) at -18° C (0° F) or, at the purchaser's option, at -29° C (-20° F).
 - 2) When rated in conformance with SAE Standard J537 (September 2000)h the batteries~~battery(s)~~ shall provide a Reserve Capacity (duration of 25 ampere current flow) at 27° C (80° F) no less than 135 minutes.
- c) Battery Carrier. When the battery is mounted outside the engine compartment it shall be attached securely in a closed, weather-tight, and vented compartment that is located and arranged so as to provide for convenient routine servicing. The battery compartment door, or cover, shall be secured by an adequate manually operated latches~~latch(es)~~ or other fasteners~~fastener(s)~~. Each electrical cable connecting the batteries~~battery(s)~~ in this carrier to the body or chassis shall be one-piece between the battery terminal connector and the first body or chassis terminal connector.
- d) Bumper, Rear. The rear bumper shall be of channel type cross section with the top edge at least 225 mm (8.9") above the bottom edge, shall be formed from rolled steel at least 4.55 mm (.18") thick, and shall wrap around the rear corners of the body to a point at least 300 mm (11.8") forward of the rearmost point of the body at floor line. The rear bumper shall be attached to the chassis frame with provisions for removal by means of commonly available hand tools and the prevention of hitching-to or riding thereon. The rear bumper shall be of sufficient strength to permit the bus being pushed by another vehicle without permanent distortion.
- e) Capacity, Passenger. *The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver.* (Section 12-802 of the Code)~~[625 ILCS 5/12-802]~~ Examples: A seat 990 mm (39") in width provides 3 passenger spaces; A seat 985 mm (38.8") in width provides 2 passenger spaces; A device resembling a seat but less than 330 mm (13") in width would not provide a passenger space. Neither a space not conforming to FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the

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exterior of the bus as required in subsection (t)(7).

- f) Certificate and Registration Card Holder. At least 1 card holder with a transparent face no less than 150 mm by 100 mm (5.9" by 3.9") shall be securely affixed to the interior header panel out of the students' easy reach.
- g) Color and Paint, Exterior. *The exterior of each school bus shall be national school bus glossy yellow except as indicated in subsections (g)(1)-(6):*
- 1) *The rooftop may be white.* Optional white roof shall terminate at any point from top of drip rail to 6" above drip rail. The front and rear roof caps shall remain national school bus glossy yellow.
 - 2) *Body trim, rub rails, lettering other than on a stop signal arm and bumpers shall be glossy black* (Federal Standard No. 595a, glossy black enamel No. 170381).
 - 3) *Lettering on a stop signal arm shall be white on a red background.*
 - 4) *The hood and upper cowl may be lusterless black* (595a, 37038) *or lusterless school bus yellow.*
 - 5) *Grilles on the front, lamp trim and hubcaps may be a bright finish.* Wheels and rims may be black or gray.
 - 6) *The name or emblem of a manufacturer may be colorless or any color.*
 - 7) *The exterior paint of any school bus shall match the central value, hue and chroma set forth in this Part. (Section 12-801 of the Code)[625 ILCS 5/12-801]*
 - 8) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Emergency roof exits may be outlined in either yellow or white retroreflective tape.
 - 9) Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit

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~~window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly. Yellow retroreflective tape can be located on the rear bumper provided the space between the top of the bumper and the bottom of the rear emergency exit door is not adequate to accommodate the tape.~~

AGENCY NOTE: To be certain of glare reduction, a purchaser should specify a lusterless paint.

- h) Crossing Control Arm:
- 1) Must meet or exceed SAE Recommended Practice J1133 (November 2004).
 - 2) Must be capable of full operation between, and including, the temperatures ~~-40°-degrees~~ F and ~~160°-degrees~~ F.
 - 3) The arm, when activated, must extend a minimum of five feet from the front face of the bumper.
 - 4) The arm must be mounted on the far right side (entry side) of the front bumper.
 - 5) Appropriate brackets shall be used to attach the arm to the front bumper for proper operation and storage.
 - 6) All component parts must meet or exceed any applicable federal motor vehicle safety standards in effect at the time of manufacture.
 - 7) The arm must extend at the same time the stop arm panel extends. An independent "on/off" switch is prohibited.
 - 8) If the driver can stop the arm from extending with the use of an optional override switch, the arm sequence must automatically reset once the service door is closed.
 - 9) Red lights and/or red reflectors are prohibited.
- i) Defrosters. Defrosting equipment shall be installed so as to help keep the window to the left of the driver and the glass in the service door clear of fog or frost. This

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defrosting equipment shall conform to those FMVSS 103 (49 CFR 571.103) performance requirements that are applicable to school bus windshields.

- j) Emergency Exits. All emergency exits shall conform to the applicable requirements of FMVSS 217 (49 CFR 571.217).
- 1) Each emergency exit shall be equipped with an interior opening device that may be quickly released but that is designed to offer protection against accidental release. Each exterior release handle must be nonhitchable.

AGENCY NOTE: "Nonhitchable" is defined as the rear of the bus being designed and maintained to prevent or discourage riding or grasping rear of bus so as to "hitch" rides.
 - 2) Each opening for a required emergency exit window or door must be outlined around its exterior perimeter with, at a minimum, 1 inch (2.54 cm) wide yellow retroreflective tape. All retroreflective tape must be on the exterior surface of the bus and conform to all requirements of 49 CFR 571.217. Yellow retroreflective tape can be located on the rear bumper or rub rail provided the space under the emergency exit door or emergency exit window is not adequate to accommodate the tape, or, provided rivets are present that prohibit the tape from being applied properly. Emergency roof exits may be outlined in either yellow or white retroreflective tape.
 - 3) Both audible and visible alarms shall alert the driver when the engine is running and any emergency exit door either:
 - A) Is not fully latched, or
 - B) Is locked and not readily operated manually.
 - 4) An audible alarm shall alert the driver when the engine is running and any emergency exit window either:
 - A) Is not fully latched, or
 - B) Is locked and not readily operated manually.
 - 5) The engine starting system shall not operate while any emergency exit

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door or window (optional or required) is locked from either inside or outside the bus. "Locked" means that the release mechanism cannot be activated and the exit cannot be opened by a person at the exit without a special device such as a key or special information such as a combination.

- 6) An alarm cut-off or "squelch" control is prohibited.
- 7) Exception: No alarm is required for roof hatches.
- k) Fire Extinguisher (Optional)extinguisher.

AGENCY NOTE: A fire extinguisher is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the fire extinguisher at the time the school bus is manufactured; however, a fire extinguisher can also be installed by the owner after the school bus is purchased. At least one fire extinguisher must be carried in each school bus transporting pupils but the purchaser may elect to install an extinguisher that conforms to the requirements below after the bus is purchased.

The fire extinguisher shall be of the dry chemical type, with pressure gauge, mounted in a quick-release bracket of automotive type located in view of and readily accessible to the driver, except when carried in the locked compartment authorized under subsection (u) ~~below~~. The fire extinguisher shall be of a type approved by the Underwriters' Laboratories, Inc., with a rating not less than 10-BC. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher. Halon fire extinguishers (10-BC) are approved.

- l) First-Aid Kit (Optional).

AGENCY NOTE: A first aid kit is required to be carried on each school bus transporting pupils. The manufacturer may elect to install the first aid kit at the time the school bus is manufactured; however, a first aid kit can also be installed by the owner after the school bus is purchased. A first aid kit must be carried in each school bus transporting pupils but the owner may elect to install a kit that conforms to this subsection after the bus is purchased.

- 1) The first aid kit must be readily identifiable and readily accessible to the driver. The kit must be dust tight and substantially constructed of durable material. If the kit is not carried in the locked compartment as authorized

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in subsection (u)(2), it must be in view of the driver.

- 2) The first aid kit must include, but is not limited to, the following:
 - A) 4" bandage compress – 2 packages
 - B) 2" bandage compress – 2 packages
 - C) 1" bandage or adhesive compress – 1 package
 - D) 40" triangle bandage with two safety pins – 1
 - E) Splint, wire or wood – 1
 - 3) A tourniquet or any type of ointment, antiseptic or other medicine cannot be included.
- m) Floor Covering.
- 1) All portions of the floor that come in contact with passengers' or driver's footwear shall be covered with a waterproof material. This floor covering shall not crack when subjected to sudden temperature change and shall be bonded securely to the floor with a waterproof substance. All seams and openings shall be filled with a waterproof sealer.
 - 2) The floor covering in the aisles and entrance area shall be of non-skid, wear-resistance type material commonly used in commercial passenger transportation vehicles.
- n) Fuel System. The fuel system shall conform to all applicable provisions of FMVSS 301 (49 CFR 301).
- o) Glazing Materials.
- 1) The following applies to glazing on Type I school buses:
 - A) Laminated safety glass is optional on Type I school buses. All applicable provisions of FMVSS 205 (49 CFR 205) apply to the optional laminated safety glass and also to any plastic material(s) used in multiple-glazed unit, including meeting the pertinent tests

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indicated below, that are specified in ANSI Standard Z26.1-1996, Z26.1a-1996, and are grouped in Table No. 1 of that Standard. Glazing shall be identified as shown below.

Glazing installed in:	Shall meet tests grouped in Z26.1 Table No. 1 under:	Shall bear one of the following identification markings:
Windshield	Item 1, either laminated glass or multiple glazed unit.	AS 1 Glass;
Window or door forward of rearmost location of driver's seat back		AS 1 Glass; or AS 2 Glass
All Other locations		AS 1 Glass, or AS 2 Glass, or AS 3 Glass

B) In addition, any exposed plastic layer of a multiple glazed unit shall be identified in conformance with FMVSS 205 (49 CFR 571.205).

- 2) All glazing shall be installed so the identification markings are legible.
- 3) All glazing in the rear of the bus, except a rear emergency exit window, shall be the fixed type.

p) Heaters.

- 1) An interior temperature of not less than 10°-degrees Celsius (50°-degrees F) shall be maintained throughout the bus while the bus is moving at 75 kilometers per hour (46.6 miles per hour) in calm air at the average minimum January temperature, as established by the Weather Bureau, U.S. Department of Commerce, for the area in which the bus is to be operated.
- 2) Each heater shall bear a nameplate that shall identify the heater manufacturer and state the heater capacity rating when tested as

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recommended in SAE Recommended Practice J638 (November 1998), or when tested in accordance with other nationally recognized standard or code. The recommended practice, standard, or code under which the heater is rated shall be identified on the nameplate. Such nameplate shall constitute certification by the heater manufacturer that the heater performance is as shown on the plate.

- 3) Heater hoses shall be supported so as to prevent wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall neither interfere with nor restrict the operation of any engine function (such as an emission or ignition control mechanism). Heater hoses shall be protected or baffled between the point at which they enter the passenger compartment and the point of attachment to the heater so that, in the event of hose rupture or disconnection, passengers and/or driver will not be subject to hot water burns.
- 4) Auxiliary fuel-fired heating systems are permitted, provided they comply with the following:
 - A) The auxiliary heating system fuel shall utilize the same type of fuel as specified for the vehicle engine;
 - B) The heater or heaters may be direct hot air or connected to the engine's coolant system;
 - C) An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus's heating system;
 - D) Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in such a manner that will endanger bus passengers. The auxiliary heating system must not direct exhaust into any portion of the prohibited zone as shown in Illustration C of this Part;
 - E) Auxiliary heating systems that operate on diesel fuel shall be capable of operating on:
 - i) a hot water and/or combustion type heater; or

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stop signal arm panel, and the service entrance door shall be arranged so as to provide for the following sequence of operations while the engine is running:

- A) Place the alternately flashing signal system master switch in its "off" position. Close and secure the service entrance door. Actuate the alternately flashing signal system hand or foot control. The alternately flashing signal lamps of either yellow (amber) or red color shall not go on.
- B) With the master switch "off" and the hand or foot control actuated, open the service door. The alternately flashing signals of either color shall not go on and the stop signal arm panel shall not extend.
- C) Deactivate the hand or foot control. Place the alternately flashing signal system master switch in its "on" position. Close and secure the service door. Then open the service door. The alternately flashing signal lamps of either color shall not go on and the stop signal arm panel shall not extend.
- D) Close and secure the service door. Actuate the alternately flashing signal system by hand or foot control. A yellow pilot lamp in the view of the driver and the yellow alternately flashing signals shall go on.
- E) Desecure but do not open the service door. The yellow pilot and the yellow alternately flashing signals shall go off. A red pilot lamp in the view of the driver and the red alternately flashing signals shall go on. The stop signal arm panel shall extend.
- F) Fully open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- G) Close but do not secure the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- H) Open the service door. The red pilot and red signals shall remain on and the stop arm shall remain extended.
- I) Close and secure the service door. The red pilot and red signals

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shall go off and the stop arm shall retract.

- J) Open the service door. Alternately flashing signals of either color shall not go on and the stop arm shall not extend.
- 2) Interior Lighting. At least the white nosings of the service entrance steps (subsection (ee)(3)), the floor around the stepwell, the entire aisle, and each emergency door and emergency exit shall be illuminated by ~~lamps~~lamp(s) emitting a white light. For buses designed to transport 33 or more passengers, at least two interior illumination lamps shall be installed ~~in a bus that provides 330 mm (13") of seating width for each of 33 or more passengers.~~ At least the nosings of the service entrance steps and the floor around the stepwell shall be illuminated automatically by opening of the service door. No lamp shall be installed at or near the eye level of a pupil moving through the service entranceway to the aisle unless such lamp does not shine directly into the eyes~~eye(s)~~ of any such pupil.
- 3) Rear Turn Signals. Yellow turn signal lamps shall be mounted on the rear as far apart as practical and as high as practical but below the rear window. The effective projected illuminated area of these turn signal lamps shall be no less than required for the yellow alternately flashing signal lamps required under subsection (s)(1), ~~above~~; i.e., .0122 m² (19 in²).
- 4) Side Turn Signals. Two yellow side turn signal lamps conforming to SAE ~~Standard Recommended Practice J914 (July 2003)a, January 1995,~~ shall be installed on each bus designed to transport 33 or more passengers.~~of more than 32 passenger seating capacity.~~ Except as ~~provided~~indicated in this subsection ~~(s)(4)~~, this SAE Standard shall be read as setting forth mandatory requirements. The lamps shall be "armored" and mounted on the body between the rub rails required under subsection (bb). The right lamp shall be within 1 m (39.4") of the rear of the service entrance but, on a forward control bus, not forward of the front axle. The left lamp shall be approximately the same distance from the front bumper as the right lamp.
- 5) Stop Signals. Red stop lamps shall be mounted on the rear as far apart as practical but closer to the vertical centerline of the bus than the rear turn signal lamps required under subsection (s)(3), and at the same height as those turn signal lamps. The effective projected illuminated area of these stop lamps shall be no less than required for the red alternately flashing

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signal lamps required under subsection (s)(1); i.e., .0122 m² (19 in²).

- 6) Strobe.
- A) *One per bus;*
 - B) *Shall emit white or bluish-white light;*
 - C) *Shall be visible from any direction;*
 - D) *Shall flash 60 to 120 times per minute;*
 - E) *Shall be visible in normal sunlight;*
 - F) *Mounted at or behind center of rooftop and equal distance from each side. Distance from rear will be calculated by measuring height of filament and multiplying same by 30 inches (i.e., filament height measured from the base of the strobe x 30 = distance from rear of bus where lamp is to be located). (Section 12-815 of the Code)*
 - G) If a roof exit, air conditioner, or the size of the bus interferes with the placement of a strobe as required by (s)(6)(F), the strobe can be placed to the rear of the roof exit or air conditioner as near as practicable above the rear axle, horizontally centered between the rear tires.
- t) Lettering.
- 1) General. Except where otherwise required or allowed, lettering on the exterior of the body shall be black against a national school bus glossy yellow background. All required letters and numerals shall conform to Series "B", or heavier series, of the Standard Alphabets for Highway Signs issued by the Federal Highway Administration, Washington, D.C. 20591. Decals may be used instead of paint. Signs, numbers, or letterings, other than those either required by Section 12-802 of the Code or required or permitted by this Part ~~these standards~~ shall not be affixed permanently on either the exterior or the interior of the bus ~~or the interior glazing so as to be visible to the outside~~. Interior lettering shall contrast with its background.

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- 2) The words "SCHOOL BUS" shall be displayed against a national school bus glossy yellow background as high as practical and approximately centered on the front and rear of the bus body, in letters at least 200 mm (8") high (see Section 12-802 of the Code). These words may be painted on or applied to the bus body or displayed on a sign firmly attached to or built into the body. The background of an illuminated sign shall approximate the national school bus glossy yellow color as closely as feasible.
- 3) A school bus identification number, supplied by the purchaser, shall be displayed as high as practical on the front and rear of the bus in numerals not less than 100 mm (4") high. Such number may be displayed on the sides of the bus as specified by the purchaser. As an option, identification numbers may also be located on the rooftop.
- 4) *Either the owner's name or the school district number or both must be displayed on both sides of the bus at least four inches high, approximately centered and as high as practicable below the window line.* (Section 12-802 of the Code) The lettering must be located on one line.
- 5) The body and/or chassis manufacturer's name, emblem, or other identification may be displayed, colorless or in any color, on any unglazed surface of the bus so as not to be mistaken for the name required in subsection (t)(4) ~~above~~, and so as not to interfere with any required letters or numerals.
- 6) The words "EMPTY WEIGHT", or the abbreviation "EMPTY WT.", or the letters "E.W.", followed by the empty weight of the bus, as defined in Section 440.220, stated in pounds, shall be displayed on the exterior of the body near the rear edge of the service entrance in numerals and letters at least 50 mm (2") high (see Section 12-802 of the Code).

Examples: EMPTY WEIGHT 16,800 lb E.W. 16,800 lb

- 7) The word "CAPACITY", or the abbreviation "CAP.", and the rated passenger capacity (see subsection (e) of this Section) followed by the word "PASSENGERS", or the abbreviation "PASS.", shall be displayed on the exterior of the body near the rear edge of the service entranceway, and on the interior above the right portion of the windshield, in numerals

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and letters at least 50 mm (2") high (see Section 12-802 of the Code).

- 8) The words "NO STANDEES" shall be displayed only on the interior above the windshield, approximately opposite the aisle but to the right of the mirror and sun visor, in letters at least 50 mm (2") high.
- 9) The words "EMERGENCY DOOR" or "EMERGENCY EXIT" in letters at least 5 cm high must be displayed on the interior and exterior of the bus. "EMERGENCY DOOR" must be displayed at the top of, or directly above, any emergency exit door. "EMERGENCY EXIT" must be displayed at the top of, or directly above, or at the bottom of, any emergency exit window. They may be displayed on a separate colorless background (such as white, aluminum, or silver) that extends no more than 15 mm (.6") above or below the words and no more than 25 mm (1") to the right or left of the words.
- 10) A black arrow, curved or straight, at least 150 mm (5.9") in length and 15 mm (.6") in width, showing the direction each exterior emergency exit release mechanism is to be moved to open the emergency exit, shall be painted or permanently affixed on the exterior yellow portion of the bus within 150 mm (5.9") of each release mechanism.
- 11) An arrow showing the direction each interior emergency exit release mechanism is to be moved to open the emergency exit shall be painted or permanently affixed on the interior of the bus within 150 mm (5.9") of each emergency exit release mechanism. Each interior arrow shall contrast with its background and, where suitable space is limited, may be smaller than the exterior ~~arrows~~ arrow(s) but must be conspicuous.
- 12) Alternate Fuel
 - A) *If the bus uses alternate fuel (e.g., propane, CNG), the vehicle must be marked with an identifying decal. Such decal shall be diamond shaped with white or silver scotchlite letters one inch in height and a stroke of the brush at least 1/4 inch wide on a black background with a white or silver scotchlite border bearing either the words or letters:*

"PROPANE" = If propelled by liquefied petroleum gas other than liquefied natural gas; or

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"CNG" = If propelled by compressed natural gas. The sign or decal shall be maintained in good legible condition.

- B) *The alternate fuel decal shall be displayed near the rear bumper and visible from the rear of the vehicle. (Section 12-704.3 of the Code)*
- 13) The vehicle's length (rounded up to nearest whole foot) must be displayed on or adjacent to the interior bulkhead clearly within the driver's view. (For example: vehicle length of 39.1 feet will be displayed as 40 feet.) Each letter or numeral must be at least two inches high and black in color. The measurement must be taken from the front bumper to the rear bumper.
- 14) A "Stop Line" in contrasting color is required between 5.9 and 6.1 inches below the top of each side window opening. The line shall be located between each window that slides downward.
- u) Locked Compartment (Optional). If specified by the purchaser, a lockable compartment may be installed for storage of fire extinguisher, first-aid kit, warning devices, wheel chocks, or other items.
- 1) The compartment locking device shall be connected with an automatic audible and visible alarm that will alert the driver when the engine is running and the compartment is locked. No alarm disconnect, "squelch control", or other alarm defeating mechanism shall be installed.
- 2) A red cross, formed of five equal squares, and the words "FIRST-AID KIT" shall be displayed on the compartment door, or cover, if the first-aid kit is to be carried in the locked compartment.
- 3) The words "FIRE EXTINGUISHER" shall be displayed on the compartment door, or cover, if the fire extinguisher is to be carried in the locked compartment.
- v) Metal Treatment.
- 1) Unless excluded below, all steel or iron used in construction of the bus body and attached equipment shall be either resistant to atmospheric corrosion, or zinc coated, or treated by equivalent process. Particular

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attention shall be given to each fastener or attaching device, lapped surface, welded connection or fastening, cut edge, punched or drilled hole, surface subjected to abrasion, closed or box section, and any unvented or undrained area or space. The number of unvented or undrained areas or spaces is to be minimized. Excluded are door handles, grab handles, and interior decorative parts.

- 2) As evidence that above requirements have been met, a sample of fastener, material, or section of body, coated or finished as installed in the bus, when subjected to a 1,000-hour salt spray test in accordance with American Society for Testing and Materials (ASTM) Standard B-117-1997 "Method of Salt Spray (Fog) Testing" shall not exhibit more than 10 percent reduction in weight after all adherent corrosion products are removed.
- w) Mirrors.
- 1) Interior Mirror – A mirror that measures at least 6 inches x 30 inches overall shall be located inside the bus. The mirror shall afford the operator a good view of the bus interior and portions of the roadway to the rear. It shall be firmly supported, constructed of clear-view safety glass and securely backed and framed. It shall have rounded corners. Edges shall be padded to reduce danger of injury upon impact. Exception: For buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the interior mirror may meet manufacturer's specifications.
 - 2) All exterior mirror systems shall conform to the applicable requirements of FMVSS 111 (49 CFR 571.111).
 - 3) More convex mirrors than required above may be installed, if specified by the purchaser.
 - 4) The reflecting surface on the backside of each mirror glass shall be protected from abrasion, scratching, and atmospheric corrosion.
- x) Mounting of Body. This subsection does not apply to an integral type bus.
- 1) After the date of manufacture of the incomplete vehicle, the chassis frame shall not be altered so as to extend the wheelbase. Other ~~extension~~extension(s) of the chassis frame may be accomplished only by |

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the incomplete vehicle, intermediate, or final-stage manufacturer or by an agent of such manufacturer properly instructed and authorized by such manufacturer to make such extensions~~extension(s)~~.

- 2) Insulating material shall be placed at all mounting points between the body and chassis frame. This material shall be at least 5 mm (.2") thick, may have the quality of the sidewall of an automobile tire, and shall be so secured that it will not move, vibrate, or "crawl" out of place during normal operations.
 - 3) The body front shall be attached and sealed to the chassis cowl so as to prevent the entry of water, dust, or fumes through the joint between the chassis cowl and the body.
- y) Radio Noise. Radio/stereo speakers must be located at least four feet behind the rearmost position of the driver's seat.

AGENCY NOTE: Two-way communication radios are allowed.

- z) Rack, Book. Not permissible.
- aa) Reflectors.
- 1) Front
 - A) *Two yellow rigid or sheet type (tape) front reflex reflectors shall be attached securely and as far forward as practicable.* (Section 12-202 of the Code) They shall be located between 15 and 60 inches above the roadway at either fender, cowl, or body and installed so as to mark the outer edge of the maximum width of the bus. No part of the required reflecting material may be obscured by a lamp, mirror, bracket, or any other portion of the bus. No part of the required reflecting material may be more than 11.8 inches (300 mm) inboard of the outer edge of the nearest rub rail. The reflector may be any shape (e.g., square, rectangle, circle, oval, etc.). A rigid type reflex reflector may be any size if permanently marked either DOT, SAE A, or SAE J 594; otherwise, it shall display at least seven square inches of reflecting material (about three inch diameter if a solid circle).

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- B) A sheet type (tape) reflex reflector which conforms to FMVSS 108 (49 CFR 571.108 (S5.7.1.2)) may be used but its forward projected reflecting area shall be at least eight square inches.
- 2) Left Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.
- 3) Right Side. *One amber no more than 12 inches from the front and one red no more than 12 inches from the rear. Mounted at a height not less than 15 inches and not more than 60 inches above the surface of the road.* (Section 12-202 of the Code) On buses 20 feet or more in length, one amber reflector as near center as practicable must also be provided. The reflector must measure a minimum of three inches in diameter.
- 4) Rear. *Two red reflectors on rear body within 12 inches of lower right and lower left corners.* (Section 12-202 of the Code) The reflectors must measure a minimum of three inches in diameter.
- bb) Rub Rails.
- 1) Each rub rail shall be 4" or more in width in its finished form, shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in corrugated or ribbed fashion.
- 2) There shall be one rub rail located approximately at seat level that shall extend from the rear of the service entrance completely around the exterior of the bus body without interruption, except at a rear emergency door or a rear compartment, to a point of curvature near the front of the body on the left side.
- 3) There shall be one rub rail on each side located approximately at floor line that shall extend over the same longitudinal distance as the rub rail required under subsection (bb)(2), except:
- A) This rub rail need not extend across a wheel housing, and

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- B) This rub rail may terminate at the radii of the right and left rear corners of the body.
- 4) More than two rub rails may be installed on a side and/or the rear of a bus.
- cc) Seating. Each seat and each barrier are required to conform to FMVSS 222 (49 CFR 571.222).
- 1) Seat, Driver's. The driver's seat shall be rigidly positioned, and shall afford both vertical and fore-and-aft adjustments of not less than 100 mm (3.9"), without the use of a tool or other non-attached device. The shortest distance between the steering wheel and the back rest of the operator's seat shall be no less than 280 mm (11").
 - 2) Seats, Students'.
 - A) Each seat (except as provided in subsection (cc)(4)) shall be constructed so that the shortest straight-line distance from the top of the seat back to the empty seat cushion is 28" when measured near the transverse center of the seat at the front of the seat back and along the angle of rearward inclination of the seat back. Since the height of a seat back is difficult to measure precisely on a repeated basis, a measurement of 27.5" or more is deemed acceptable.
 - B) Each seat shall be forward facing (except as provided in subsection (cc)(4)).
 - C) A flip-up seat may be located only immediately adjacent to any side emergency door. The flip-up seat must conform to the following:
 - i) The seat must be designed so that, when in the folded position, the seat cushion is flat against the seat back to prevent a child's limb from becoming lodged between the seat cushion and seat back.
 - ii) The seat must be designed to discourage a child from standing on the seat cushion when in the folded position.

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- iii) The working mechanism under the seat must be covered to eliminate any tripping hazard.
 - iv) All sharp metal edges on the seat must be padded to prevent any snagging hazard.
 - v) No portion of the door latch mechanism can be obstructed by a seat.
 - vi) There must be at least 11.7 inches (30 cm) measured from the door opening to the seat back in front.
- D) Optional seat safety belts must be installed according to specifications provided by the bus body manufacturer. This may include reinforced seats and seat frames.
- 3) Barriers, Students'. The vertical distance from the floor covering to the top of a barrier positioned in front of a student's seat (as required by 49 CFR 571.222) shall measure not less than the vertical distance from the floor covering to the top of the seat back on the seat installed behind that barrier.
- 4) In the case of a seat to be occupied by a student with special needs, the seat back, forward facing, and barrier requirements of subsections (cc)(2) and (3) shall be changed only as necessary to meet the needs of the student with special needs (e.g., seat missing to accommodate wheelchair, hard surfaced stretcher installed to accommodate child who is not capable of sitting in an upright position) (see 92 Ill. Adm. Code 444).
- dd) Seat Belt, Driver's.
- 1) Each driver's seat belt assembly shall be arranged so that all portions of the assembly remain above the floor when not in use. If ~~retractors~~ retractor(s) are installed, they shall be ~~of the~~ emergencyautomatic locking type.
 - 2) Buses must be equipped with a lap belt/shoulder harness design for the driver.
- ee) Service Entrance and Door.

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- 1) The service entrance shall be located on the right side near the front, in unobstructed and convenient view of the driver. The service entrance shall have a minimum vertical opening of 1.7 m (67") and a minimum horizontal opening of 610 mm (24").
- 2) A steel grab handle not less than 250 mm (9.8") in length shall be firmly attached in an unobstructed location on the left side of the entranceway as a person enters the bus.
- 3) The bottom step in the entranceway shall not extend beyond the exterior of the body. With all seats empty, the bottom step shall be not less than 300 mm (11.8") and not more than 400 mm (15.7") from the roadway. At least two steps shall be provided. The steps shall be enclosed. Risers shall be approximately equal. Each step, including the floor at the top riser, shall be surfaced with a nonskid material with a 40 mm (1.6") to 80 mm (3.1") white nosing as an integral piece.
- 4) The service door shall be either manually or power operated by the seated driver. When in the closed and secured position, the door operating mechanism shall prevent accidental opening but shall afford prompt release and opening by the driver. No exposed parts of a door operating mechanism shall come together so as to shear or crush ~~fingers~~finger(s). The vertical closing ~~edges~~edge(s) of a service door shall be padded to lessen chance of injury.
- 5) A power operated door shall be equipped for emergency manual operation in case of power failure. Instructions for emergency operation of a power operated door shall be affixed permanently on the interior of the door in letters at least 12 mm (.5") high.
- 6) A single-section service door shall be hinged at the front of the service entrance.
- 7) Glazed panels shall be installed in the service door to afford the driver a view of small children outside the door, traffic signs, and intersecting roadways. The bottom of each lower glass panel shall not be more than 10 inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than 3 inches from the top of the door.

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- 8) Service Door Lock (Optional). If ordered by the purchaser, a lock may be installed on or at the service door. Any type service door locking system installed in the bus shall conform to at least one of the following requirements.
- A) Requirement 1: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door; or
 - B) Requirement 2: A locking system that is capable of preventing the driver from easily and quickly opening the service door shall include an audible and visible alarm to alert the driver when the engine is running and the service door is locked. No alarm disconnect, "squelch control", or other alarm defeating or attenuating device shall be installed; or
 - C) Requirement 3: A locking system shall not be capable of preventing the driver from easily and quickly opening the service door except when, and only when, a person outside the bus uses a key that is not capable of locking more than one of at least 1000 of the door manufacturer's key locking systems.
- ff) Steering Wheel Clearance. The rim grip of the steering wheel shall have at least 50 mm (2") clearance in all directions, except at the spokes.
- gg) Steps, Body Front. On each side at the front of the body at least one grab handle and recessed foothold or folding stirrup step shall be installed so as to provide easy access to the windshield for cleaning purposes. Exception: Type I-A school buses are exempt.
- hh) Stop Signal Arm Panel.
- 1) A stop signal arm panel must be installed on the left side of the bus that conforms to 49 CFR 571.131. ~~The panel may be operated either manually or mechanically.~~ Decals may be used in lieu of painting. Strobe lamps are acceptable on stop signal arm panels.
 - 2) ~~"Operated ... mechanically" shall be interpreted to include power operation. Also, "16 gauge metal" shall be interpreted to include thicker metal and any nonmetallic material equivalent or superior to hot rolled 16-~~

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~~gauge mild steel in stiffness, corrosion resistance, and durability.~~

- ~~23~~) Section 440. Illustration B depicts the octagon shaped semaphore required in subsection (hh)(1).
- ~~34~~) Additional stop signal arm panels may be added at the purchaser's request. Additional panels must be located on the left side of the bus. Additional panels must operate in conjunction with the required panel and meet all stop arm panel requirements except as follows. The additional panel must not contain any ~~lights~~, marking or reflective material on the front side of the panel. The additional panel must be located in the rear half of the bus adjacent to the rearmost window.
- ii) Storage Compartments~~Compartment(s)~~ (Optional).
- 1) If installed, the storage compartment~~compartment(s)~~ shall be fire-resistant and of adequate strength and capacity for the storage of the items to be carried, such as tire chains, tow chains, tools for roadside or minor repairs, school activity equipment, etc. The compartment~~compartment(s)~~ shall provide reasonable security for the contents and shall be constructed and installed so as to preclude passenger injury due to the compartment~~compartment(s)~~ or the contents becoming dislodged when the bus is subjected to the maximum possible braking force and to minimize chances of such injury when the bus is subjected to a collision impact.
- 2) If a relatively small storage compartment is located inside the passenger compartment, seat cushion~~cushion(s)~~ alone may not serve as the cover for the compartment.
- jj) Sun Visor. An interior, adjustable, transparent, tinted sun visor not less than 150 mm (5.9") high by 760 mm (29.9") wide shall be so installed that it can be turned up and will remain up when not in use. It may be supported so that it can be moved for use on the driver's left, but when used in front of the driver and in a position approximately parallel to the windshield it shall be supported at or near each of its ends so as to minimize its vibration. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the sun visor may meet manufacturer's specifications.
- kk) Tow Hook, Rear (Optional). Any tow hook~~hook(s)~~ installed on the rear shall be

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attached or braced to the chassis frame, or to an equivalent structural member of an integral type bus. A tow hook may not extend beyond the rear face of the rear bumper.

- ll) Undercoating. The underside of the body, including floor members and the side panels below the floor, shall be coated with a fire-resistant undercoating material applied by the spray method so as to seal, insulate, reduce corrosion, and reduce interior noise. Non-metallic components need not be coated.
- mm) Ventilation. The body shall be equipped with a controlled ventilation system of sufficient capacity to maintain a satisfactory ratio of outside to inside air under cool and cold operating conditions without opening of windows. With a powered ventilation system, air outlet openings shall be located, sized, and manufactured so that, with doors and windows closed, a positive pressure is maintained in the driver and passenger spaces, to lessen chances of dangerous gas entering such spaces. Fresh air ~~inlets~~~~inlet(s)~~ shall be located so as to minimize entrance of either dangerous engine gas or obnoxious engine fumes.
- nn) Warning Devices (Optional).

AGENCY NOTE: Warning devices are required to be carried on each school bus transporting pupils. The manufacturer may elect to install the warning devices at the time the school bus is manufactured; however, warning devices can also be installed by the owner after the school bus is purchased.

- 1) *Emergency warning devices are required to be carried on school buses weighing more than 8,000 pounds and operated upon any highway outside an urban district. The warning devices must be securely stored. The warning devices required for use when lighted lamps are required (see Section 12-201(b) of the Code) shall consist of:*
 - A) At least three liquid-burning flares and three red-burning 15-minute fusees; or
 - B) Three red electric lanterns; or
 - C) Three portable red emergency reflectors that meet FMVSS No. 125.

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- 2) In addition, the following warning devices are also required for use when lighted lamps are not required (see Section 12-201(b) of the Code):
- A) Two red cloth flags (not less than 12 inches square with standards to support flags); or
- B) Two portable emergency reflectors that meet FMVSS No. 125. (The reflectors in subsection (nn)(3) qualify for this option.) (See Section 12-702(a) and (c) of the Code.)
- ~~1) At least three portable red emergency reflectors that conform to 49 CFR 571.125; and~~
- ~~2) At least two red cloth flags, not less than 12 inches square, with standards to support the flags; or in lieu of the flags, two additional portable emergency reflective devices that conform to 49 CFR 571.125. (Section 12-702 of the Code)~~
- ~~AGENCY NOTE: A school bus must carry warning devices when on the public roads, but the bus purchaser may elect to install warning devices after the bus is purchased.~~
- oo) Weight Distribution and Gross Weight. Storage or cargo spaces, if installed, and seats shall be located so that when the bus is fully loaded as specified or advertised by the manufacturer the loads exerted on the roadway will exceed neither a tire load rating, nor a gross axle weight rating, nor the gross vehicle weight rating indicated by the data displayed on the label permanently affixed in compliance with Section 440.310.
- pp) Wheel Housings.
- 1) Each wheel housing opening shall allow for unimpeded wheel and tire service or removal.
- 2) Each rear wheel housing shall provide the clearance recommended in SAE Information Report J683~~a~~, (August 1985)~~;~~ for installation and use of tire chains on the dual or single tires installed on the rear wheels.
- qq) Windows or Glazed Panels, Rear. Glazed panels, or windows, shall be installed in the rear of the bus so as to afford the seated driver a reflected view through the rear of the bus as wide and as high as practical without unduly weakening or

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increasing the cost of the body structure. Such view shall be as low as allowed by the ~~backs~~~~back(s)~~ of the rear ~~seats~~~~seat(s)~~ except that, when the aisle required under subsection (a), extends to a rear emergency door, an additional lower glazed panel shall be installed to afford the driver an additional view through such panel at least the width of the required aisle and as low and high as practical.

- rr) Window Openings, Side. This subsection does not apply to a window or glazed panel installed forward of a front passenger seat, and is optional for a window installed either beside a rear passenger seat, special service door, or in a side emergency exit.
- 1) All side windows shall open from the top only and shall operate freely.
 - 2) There shall be one vertical opening side window for each seat.
 - 3) Each side window shall provide an unobstructed emergency egress opening at least 9" high and 22" wide. The opening may extend to 18" above the unoccupied passenger seat cushion but no closer (to the seat cushion).
 - 4) A stop line for the window opening shall be applied 6" from the top of the window opening.
 - 5) The side windows may be split sash.
 - 6) The window latches shall be recessed.

AGENCY NOTE: See Section 440.420(o) for glazing material requirements.

- ss) Windshield.
- 1) The windshield shall be large enough to permit the operator to see the highway clearly, and shall be curved or slanted to reduce glare. The front cornerposts and other supports shall be shaped and located so as to cause as little obstruction to the driver's view of the highway as practical.
 - 2) The windshield shall have a graduated glazing shade band across the top. The definition and boundary of this shade band shall be as recommended in SAE Recommended Practice J100 ~~(November 1999)~~, ~~June 1995~~.

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- tt) Windshield Wipers. See the FMVSS for requirements (49 CFR 571.104).
- uu) Windshield Washer. See the FMVSS for requirements (49 CFR 571.104).
- vv) Wiring. ~~The following applies to wiring in Type I school buses:~~
- 1) All wiring for lamps and other electrical devices shall be as recommended for automobiles, motor coaches, and heavy duty starting motor circuits in SAE Recommended Practices J1292 (October 1981) and J556, J555a, J541a, (October 1996); and in other practices or standards referenced therein, unless preempted by FMVSS. (See the FMVSS (49 CFR 571) for requirements.)
 - 2) All circuits, except those for the alternately flashing signal lamps and the stop signal arm lamps, may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.~~Circuits~~
 - A) ~~Wiring shall be arranged in at least nine regular circuits as follows:~~
 - i) ~~Head, tail, stop (brake), and instrument panel lamps;~~
 - ii) ~~Clearance lamps and any lamps in or adjacent to step risers;~~
 - iii) ~~Interior lamps;~~
 - iv) ~~Starter motor;~~
 - v) ~~Ignition, emergency exit alarm signal(s), and other alarm signal(s);~~
 - vi) ~~Turn signal lamps;~~
 - vii) ~~Alternately flashing signal lamps and stop signal arm lamps;~~
 - viii) ~~Horn;~~
 - ix) ~~Heater and defroster.~~

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- ~~B) Any of the above combination circuits, except (vii), may be divided into independent circuits. Whenever feasible, all other electrical functions (sanders, windshield wipers, heaters, defrosters, etc.) shall be provided with independent and properly protected circuits.~~
- 3) Each body circuit shall be coded either by ~~numerals~~numeral(s) and/or ~~letters~~letter(s) at approximately 100 mm (3.9") intervals, or by color and ~~numerals~~numeral(s) and/or ~~letters~~letter(s), or by ~~color~~color(s) only. The ~~code~~code(s) shall appear on a diagram of the circuits in a readily accessible location.
- 4) A separate fuse, ~~or~~ circuit breaker, or electronic circuit protection shall be provided for at least each circuit required under subsection (vv)(2)(A), except that components of the engine starter and ignition circuits may be protected by other means.
- 5) Wires not enclosed within the body shall be fastened securely at intervals of not more than 460 mm (18.1").
- 6) All terminals and splice clips shall be accessible.
- 7) The chassis manufacturer shall install a readily accessible electrical terminal so that the net body and chassis electrical current flow can be indicated through a chassis ammeter without dismantling or disassembling the chassis component. The chassis wiring to this terminal shall have a current carrying capacity at least equal to the maximum generator output.
- 8) All school buses manufactured on or after January 1, 2006 must be manufactured with a noise suppression switch that is capable of turning off noise producing accessories, including, but not limited to, heater blowers, defroster fans, auxiliary fans and radios. (See Section 12-815.2 of the Code.)

(Source: Amended at 31 Ill. Reg. 1881, effective January 8, 2007)

SUBPART F: CHASSIS REQUIREMENTS

Section 440.510 Incorporation by Reference of Federal Motor Vehicle Safety Standards

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(Repealed)

~~Each bus body must conform to the applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.101 through 571.304) in effect on the first day of the month in which the chassis manufacturer completed his last manufacturing operation on the incomplete bus. Those applicable provisions of the FMVSS are incorporated by reference as that Subpart of the FMVSS was in effect on October 1, 2000. No later amendments to or editions of 49 CFR 571.101 through 571.304 are incorporated.~~

(Source: Repealed at 31 Ill. Reg. 1881, effective January 8, 2007)

Section 440.520 State Requirements

~~Except for mirrors, which may project 152 mm (6 inches), a school bus shall not exceed 2.625 m (8 feet) in width, 4.429 m (13 feet 6 inches) in height, nor 13.78 m (42 feet) in length (Sections 15-102 and 15-107, of the Code). Illinois Vehicle Code (the Code) [625 ILCS 5/15-102 and 15-107].~~ Exceptions to the above are shown in Section 440.420 of this Part. Various portions of the bus chassis shall conform to the requirements set forth under the following subsections.

- a) Air Cleaner.
 - 1) A dry element type air cleaner shall be provided.
 - 2) All diesel engine air filters shall include a latch-type restriction indicator that retains the maximum restriction developed during operation of the engine. The indicator should include a reset control so the indicator can be returned to zero when desired. Diesel-powered school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, are exempt from the restriction indicator requirement.
- b) Axles. Must meet federal chassis requirements as indicated on the federal certification label as required by 49 CFR 567 and 49 CFR 568.
- c) Battery. See Section 440.420(b) of this Part.
- d) Brakes. See the FMVSS for requirements (49 CFR 571.105).
- e) Bumper, Front. The front bumper shall be of channel type cross section, shall be formed from rolled steel at least 4.5 mm (.177 inches) thick, shall have not less than a 200 mm (7.9 inches) vertical face, and shall extend to protect the outer edges of the fenders, or the body of a forward control bus. The bumper shall be

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of sufficient strength to permit pushing another vehicle of equal gross weight without permanent distortion. Exception: For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the bumper may meet manufacturer's specifications when the Type I-A school bus is equipped with a driver side air bag.

- f) Clutch. A bus having a manual shift transmission shall be equipped with the type and size of clutch recommended by the incomplete vehicle manufacturer for heavy duty service between the engine and transmission installed in the bus.
- g) Color and Paint. See Section 440.420(g) of this Part.
- h) Drive Shaft. A suitable guard shall be provided for each segment of the drive shaft to prevent accident or injury if the shaft breaks or becomes disconnected.
- i) Engine. Type and displacement may be specified by the purchaser.
- j) Exhaust System.
 - 1) The exhaust pipe, muffler and tail pipe shall be outside the bus body and attached to the chassis.
 - 2) The exhaust system shall be insulated from any insulated wire, flammable material, brake hose or line, or fuel system component by a securely attached metal shield at any point where the exhaust system is 11.8 inches (300 mm) or less (four inches (101.6 mm) or less if diesel powered engine) from the components listed in this subsection (j)(2).
 - 3) The tail pipe shall be extended to exit the exhaust gases either to the right or left side, or rear of the bus, except for prohibited zones as shown in Illustration C of this Part—Exhaust Discharge Prohibited Zones.
 - 4) The tail pipe shall extend out to but not more than 1 inch (25.4 mm) beyond the perimeter of the body or the bumper.
 - 5) The shielding of engine compartment components shall be governed by the chassis manufacturer's standards.
 - 6) Each gas conducting component that is not of stainless steel shall be of commercial heat and corrosion resistant exhaust system material and shall

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be nonflexible.

- 7) For school buses that meet the definition of a Type I-A school bus, as defined in Section 440.220, the tail pipe may meet the chassis manufacturer's standard configuration. However, the tail pipe shall not exit beneath any fuel filler location or beneath any emergency exit door.
- k) Frame. See Section 440.420(x)(1) of this Part.
- l) Generating System. The generating system may utilize either mechanical rectification (commutator type) or diode rectification (alternator type).
 - 1) The generator output shall be regulated automatically so as to provide for efficient battery charging without causing damaging potentials or currents in any part of the electrical system. Automatic means shall be provided to prevent battery discharge through the generator while the generator is not delivering current.
 - 2) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 60 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the speed at which it delivers its maximum net torque at the engine flywheel.
 - 3) The generator in a nominal 12 volt system shall be able to deliver a continuous current of 20 amperes, or more, while its automatic regulating devices are connected and functioning properly and the engine is running no faster than the curb idle speed recommended by the engine manufacturer.
 - 4) The generator in a nominal voltage system higher or lower than 12 volts shall be able to deliver at least the same continuous power (watts) as indicated under subsections (1)(2) and(3) of this Section, at the engine speeds indicated therein.

AGENCY NOTE: Where a bus must operate under adverse conditions such as low engine speeds, frequent periods of engine idle, and/or with high electrical load (frequent use of signals and interior lamps, high heater/defroster loads, etc.) for prolonged periods of time, the purchaser should specify a larger generator commensurate with operating conditions.

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- m) Horns~~Horn(s)~~.
- 1) At least one horn shall be installed giving an audible warning at a distance of 200 feet. The horns~~horn(s)~~ shall be controlled conveniently by the seated driver and tested in accordance with SAE Standard J377 (March 2001).
 - 2) A siren, whistle, or bell may not be installed to attract attention of pedestrians or drivers outside the bus (Section 12-601(b) of the Code). This prohibition shall not be interpreted to prohibit use of such devices~~device(s)~~ inside the bus body to provide warnings to the bus driver.
- n) Instruments. The bus shall be equipped with at least the following nonglare illuminated instruments and gauges mounted for easy maintenance and repair and in such a manner that each is clearly visible to the seated driver:
- 1) Ampere meter or volt meter~~Ammeter~~, with "charge" and "discharge" indications, provisions for 100 ampere, or more, continuous current indication, and arranged so as to remain unharmed by any ammeter current flow resulting from the installed generator operating at its maximum output;
 - 2) Gauge, Air Pressure or Vacuum (where air pressure or vacuum is utilized either to apply or to assist in applying the service brakes);
 - 3) Gauge, Engine Coolant Temperature;
 - 4) Gauge, Engine Oil Pressure;
 - 5) Gauge, Fuel;
 - 6) Odometer (may be combined with speedometer; may indicate kilometers traveled if such indication is shown, clearly and conspicuously);
 - 7) Speedometer, with both miles per hour and kilometers per hour scales that are easily readable.
- o) Lamps and Signals. See Section 440.420(s) of this Part.

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- p) Oil Filter. A "full flow" type engine oil filter of approximately 1 liter (1 quart) capacity shall be installed. The purchaser may specify additional "full flow" or "by-pass" type ~~filters~~filter(s), or oil treatment ~~devices~~device(s).
- q) Shock Absorbers. Two front and two rear double-acting shock absorbers of adequate capacity shall be installed.
- r) Spare Tire (Optional). The spare tire and rim, if supplied, shall be of the same size designation and load rating as the largest tire and rim installed on the bus. Each spare tire and rim shall be suitably mounted in an accessible location outside the passenger compartment.
- s) Springs and Suspension. Each spring and other component in any of the suspension systems shall be capable of supporting its share of the rated gross axle weight during normal operations. Where spring failure could result in total loss of control of the bus, suitable means shall be provided to make such total loss most unlikely.
- t) Steering Mechanism. Power steering is optional. The steering ~~mechanisms~~mechanism(s) shall provide safe and accurate performance at maximum load and speed and shall be adjustable while installed on the completed bus. After the date of manufacture of the incomplete vehicle, the steering ~~mechanisms~~mechanism(s) shall not be modified unless such modification is done with the concurrence of the incomplete vehicle manufacturer and in accordance with the incomplete vehicle manufacturer's instructions.
- u) Tow Hooks, Front (Optional). A front tow hook may not extend beyond the front of the front bumper. Each front tow hook not fastened securely to the chassis frame shall be connected to the frame by suitable braces.
- v) Transmission. Unless otherwise specified by the purchaser, the transmission shall be manual-shift.
- 1) A manual-shift transmission shall provide not less than 4 forward gear ~~ratios~~ratios and 1 reverse gear ratio. A synchromesh shifting mechanism shall be provided for each forward gear ratio except for the highest ratio; i.e., "first gear" or "low gear-". (Synchromesh may be specified for "first" or "reverse" gears at the purchaser's option.)
 - 2) An automatic transmission may be specified by the purchaser. Such

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transmission shall provide not less than 3 forward gear ratios and 1 reverse gear ratio.

- w) Undercoating. The entire underside of front fenders or wheel wells shall be coated with a fire-resistant undercoating material in order to seal joints and to reduce corrosion and noise. Nonmetallic components need not be coated.
- x) Wiring. See Section 440.420(vv) of this Part.

(Source: Amended at 31 Ill. Reg. 1881, effective January 8, 2007)

ATTORNEY GENERAL

JANUARY 2007 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Statewide Automated Victim Notification System, 20 Ill. Adm. Code 2000
- 1) Rulemaking: Proposed rules
- A) Description: The proposed rules will address the implementation of, and participation in, a statewide automated victim notification system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses. The rules will set out the scope and design of the system and the procedures, requirements, and standards for participation.
- B) Statutory Authority: Section 8.5 of the Rights of Crime Victims and Witness Act (725 ILCS 120/8.5)
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: July, 2007
- E) Effect on small businesses, small municipalities or not for profit corporation: The rules should not affect small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Jennifer Kuhn, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-1427
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): This will be a new part to be headed "Crime Victims Compensation" and assigned to 74 Ill. Adm. Code 500.
- 1) Rulemaking: Proposed Rules
- A) Description: The Attorney General intends to propose rules to implement the Crime Victims Compensation Act (740 ILCS 45). The rules will cover

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such matters as applications, extensions, claim investigation and approval, appeals, representation, subrogation, and enforcement.

- B) Statutory Authority: Section 4.1 of the Crime Victims Compensation Act (740 ILCS 45/4.1)
- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: July, 2007
- E) Effect on small businesses, small municipalities or not for profit corporation: Allows not for profit legal agencies to fully understand the Attorney General's investigative process when such agencies represent claimants under the Act.
- F) Agency contact person for information:

Jennifer Kuhn, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601
312/814-1427

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): This will be a new part to be headed "Economic Protection of Military Personnel" and assigned to 95 Ill. Adm. Code 300.

1) Rulemaking: Proposed Rules

- A) Description: Effective May 26, 2006, Public Act 94-802, amended several statutes to authorize the Attorney General to impose fines against providers of things such as utilities, life insurance, motor vehicle leases, and cellular telephone service, who cut off services to service members who are deployed on active duty. The Attorney General may do so only after notice and opportunity for hearing, and the contemplated rules would prescribe the procedures for the conduct of those hearings.
- B) Statutory Authority: Section 10-30 of the Illinois Administrative Procedure Act (5 ILCS 100/10-30)

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- C) Scheduled meeting/hearing date: None
- D) Date agency anticipates First Notice: August, 2007
- E) Effect on small businesses, small municipalities or not for profit corporation: The effect of the rules is to establish a fair and impartial set of procedures to allow small municipalities or businesses that may be accused of violations of the rights of active duty service members to contest the imposition of fines.
- F) Agency contact person for information:
- James Capparelli, Deputy Chief
Veterans Rights Bureau
Office of the Attorney General
100 West Randolph Street, 12th floor
Chicago, Illinois 60601
312/814-2515
- G) Related rulemakings and other pertinent information: None

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2007 REGULATORY AGENDA

- a) Part(s): FIRE PROTECTION 41 Ill. Adm. Code
- (a) Part(s): FIRE DRILLS IN SCHOOLS 41 Ill. Adm. Code 110
- (b) Part(s): BOILER AND PRESSURE 41 Ill. Adm. Code 120
VESSEL SAFETY
- (c) Part(s): POLICY AND PROCEDURE 41 Ill. Adm. Code 140
MANUAL FOR FIRE
PROTECTION PERSONNEL
- (d) Part(s): STORAGE, TRANSPORTATION 41 Ill. Adm. Code 170
SALE AND USE OF GASOLINE
AND VOLATILE OILS
COMPLIANCE CERTIFICATION 41 Ill. Adm. Code 171
FOR UNDERGROUND
STORAGE TANKS
PETROLEUM EQUIPMENT 41 Ill. Adm. Code 172
CONTRACTOR LICENSING
- (e) Part(s): FIRE EQUIPMENT 41 Ill. Adm. Code 250
DISTRIBUTOR AND EMPLOYEE
STANDARDS
- (f) Part(s): FURNITURE FIRE SAFETY 41 Ill. Adm. Code 300
REGULATIONS
- (g) Part(s): CIGARETTE FIRE SAFETY 41 Ill. Adm. Code 400
STANDARD ACT.
- (h) Part(s): SCHOOL INSPECTION ACT 41 Ill. Adm. Code 600
- 1) Rulemaking:
- a) Repeal
- b) Amendment
- c) Repeal and Amendment
- d) Amendment
- e) Amendment
- f) Amendment
- g) New Proposed Rules
- h) New Proposed Rules
- A) Description:
- a) Repeal Part 110 in its entirety as the rules have been amended and recodified at 29 Ill. Adm. Code 1500.
- b) Amend Existing Rules to implement amendments to the Boiler Pressure Vessel Safety Act.

OFFICE OF THE STATE FIRE MARSHAL

JANUARY 2007 REGULATORY AGENDA

- c) Proposed rules will repeal the existing section and replace with new rules in a reformatted section.
- d) Amendments to rules in each section to comply with the 2006 Federal Energy Act and to accommodate new policies for self service and alternative fuel dispensing.
- e) Amendments will revise qualification examination for licenses and accommodate new policy regarding fire equipment distributors.
- f) Amend existing rules to incorporate new editions of standards
- g) Proposed rules will implement the provisions of the Cigarette Fire Safety Standard Act.
- h) Proposed rules will implement provisions of the School Inspection Act.

B) Statutory Authority:

- a) PA 94-0600
- b) PA 94-0748
- c) 50 ILCS 740
- d) 415 ILCS 5/57.5; 430 ILCS 15/2
- e) 225 ILCS 216
- f) 425 ILCS 45
- g) 425 ILCS 8
- h) PA 94-0225, PA 94-0973

C) Scheduled meeting/hearing dates: None

- a) None
- b) None
- c) None
- d) None
- e) None
- f) None
- g) None
- h) None

D) Date agency anticipates First Notice:

- a) January 2007
- b) May 2007
- c) June 2007
- d) January 2007
- e) January 2007
- f) May 2007

OFFICE OF THE STATE FIRE MARSHAL

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- g) June 2007
- h) February 2007

E) Affect on small businesses, small municipalities or not for profit corporations:

- a) None
- b) None
- c) None
- d) None
- e) None
- f) None
- g) None
- h) None

F) Agency contact person for information:

John J. Fennell Jr.
General Counsel
35 Stevenson Drive
Springfield, IL. 62706
217/785-4144 (Phone)
217/785-1002 (Facsimile)

G) Related rulemakings and other pertinent information: None

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Procurement (80 Ill. Adm. Code 1600.130)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A revision will be made to the current rule regarding investment management.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Making Preliminary Estimated Payments (80 Ill. 1600.140)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Document Retention (80 Ill. Adm. Code 1600.15)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A Section to set forth retention periods for the various categories of documents used by the System in business operations.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Negative Payrolls (80 Ill. Adm. Code 1600.16)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A Section to set forth in order to formalize the procedures for accepting or rejecting negative payrolls from employers.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Rules of Practice – Nature and Requirements of Formal Hearings (80 Ill. Adm. Code 1600.80)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: Revision to clarify matters concerning the administrative claims procedure.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Election to Make Contributions Covering Periods of Military Leave (80 Ill. Adm. Code 1600.55)
- 1) Rulemaking: No docket number presently assigned.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- A) Description: Amend and exp and current rule to include issues concerning the award of service credit under Section 15-113.3 of the Illinois Pension Code, 40 ILCS 5/15-113.3. Define the phrase "immediately followed a period of employment" as used in Section 15-113.3. Add a reference to 15-158.2(h) which supplies the authority for military contributions for members who participate in the Self-Managed Plan.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information: None

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Survivors – Full-time Students Under Age 22 (80 Ill. Adm. Code 1600.25)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A Section to set forth procedures for the certification of a child survivor who is dependent, unmarried, and a full-time student under age 22, as described under Section 15-145(c) of the Illinois Pension Code, 40 ILCS 5/15-145(c).

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Return to Employment (80 Ill. Adm. Code 1600.91)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A new Section to clarify the meaning of the phrase "returns to employment" as used under Section 15-139(a) of the Illinois Pension Code, 40 ILCS 5/15-139(a), and to address issues concerning independent contractors under Section 15-139(b).
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Twenty Percent Limitation on Final Rate of Earnings Increases (80 Ill. Adm. Code 1600.120)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: An amendment to the current rule in order to clarify the distinction between basic compensation earned versus the basic compensation rate.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: March 2007
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel

STATE UNIVERSITIES RETIREMENT SYSTEM
OF THE STATE OF ILLINOIS

JANUARY 2007 REGULATORY AGENDA

State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 2, 2007 through January 8, 2007 and have been scheduled for review by the Committee at its February 6, 2007 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/15/07	<u>Department of Financial and Professional Regulation – Division of Professional Regulation, Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)</u>	10/27/06 30 Ill. Reg. 16703	2/6/07
2/15/07	<u>Department of Financial and Professional Regulation – Division of Professional Regulation, Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)</u>	10/13/06 30 Ill. Reg. 16119	2/6/07
2/15/07	<u>Department of Financial and Professional Regulation – Division of Professional Regulation, Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)</u>	11/3/06 30 Ill. Reg. 17147	2/6/07
2/16/07	<u>Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)</u>	10/6/06 30 Ill. Reg. 15917	2/6/07
2/16/07	<u>Department of Transportation, Airport Hazard Zoning (92 Ill. Adm. Code 16)</u>	11/17/06 30 Ill. Reg. 18095	2/6/07
2/16/07	<u>Department of Transportation, Carmi Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 26)</u>	11/17/06 30 Ill. Reg. 18101	2/6/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/16/07	<u>Department of Transportation</u> , Chicago-O'Hare International Airport Zoning Regulations (Repealer) (92 Ill. Adm. Code 28)	11/17/06 30 Ill. Reg. 18120	2/6/07
2/16/07	<u>Department of Transportation</u> , Lawrenceville-Vincennes Municipal Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 56)	11/17/06 30 Ill. Reg. 18135	2/6/07
2/16/07	<u>Department of Transportation</u> , Olney-Noble Airport Hazard Zoning Regulations (Repealer) (92 Ill. Adm. Code 72)	11/17/06 30 Ill. Reg. 18154	2/6/07
2/16/07	<u>Department of Transportation</u> , Dixon Municipal Airport Hazard Zoning (Repealer) (92 Ill. Adm. Code 97)	11/17/06 30 Ill. Reg. 18173	2/6/07
2/17/07	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	10/27/06 30 Ill. Reg. 16895	2/6/07
2/17/07	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	10/13/06 30 Ill. Reg. 16262	2/6/07
2/18/07	<u>Illinois Office of the Comptroller</u> , Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill. Adm. Code 330)	10/13/06 30 Ill. Reg. 16239	2/6/07
2/18/07	<u>Department of Central Management Services</u> , Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill. Adm. Code 900)	10/13/06 30 Ill. Reg. 16114	2/6/07
2/18/07	<u>Pollution Control Board</u> , Water Use Designations and Site Specific Water Quality Standards (35 Ill. Adm. Code 303)	3/17/06 30 Ill. Reg. 4581	2/6/07
2/18/07	<u>Pollution Control Board</u> , Tiered Approach to	9/29/06	2/6/07

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Corrective Action Objectives (35 Ill. Adm. Code 742)	30 Ill. Reg. 15366	
2/21/07	<u>Department of Revenue, Retailers' Occupation Tax</u> (86 Ill. Adm. Code 130)	9/22/06 30 Ill. Reg. 15099	2/6/07
2/21/07	<u>Department of Natural Resources, Sport Fishing Regulations for the Waters of Illinois</u> (17 Ill. Adm. Code 810)	10/27/06 30 Ill. Reg. 16795	2/6/07

DEPARTMENT OF HUMAN SERVICES

NOTICE OF AGENCY RESPONSE TO MEET THE OBJECTION OF THE JOINT
COMMITTEE ON ADMINISTRATIVE RULES TO PEREMPTORY AMENDMENTS

- 1) Heading of the Part: WIC Vendor Management Code
- 2) Code Citation: 77 Ill. Adm. Code 672
- 3)

<u>Section Numbers:</u>	<u>Action:</u>
672.100	Agreement
672.105	Agreement
672.210	Agreement
672.220	Agreement
672.400	Agreement
672.405	Agreement
672.425	Agreement
672.505	Agreement
672.510	Agreement
672.515	Agreement
672.520	Agreement
- 4) Date Notice of Peremptory Amendments Published in the Register: 30 Ill. Reg. 14602; September 8, 2006
- 5) Date JCAR Statement of Objection Published in the Register: 30 Ill. Reg. 17131; October 27, 2006
- 6) Summary of Action Taken by the Agency: At its meeting on October 10, 2006, JCAR objected to the Department of Human Services using peremptory procedures to adopt its rulemaking titled WIC Vendor Management Code (77 Ill. Adm. Code 672; 30 Ill. Reg. 14602) because it failed to meet the two standards specified under Section 5-50 of the Illinois Administrative Procedure Act for the use of peremptory rulemaking. Statute allows peremptory rulemaking under conditions "that preclude compliance with the general rulemaking requirements" and "that preclude the exercise of discretion by the agency as to the content of the rule it is required to adopt."

The Department will carefully consider federal regulations that allow states discretion in how a program may be implemented, as well as the time frame available to process an administrative rulemaking. The Department agrees to make every attempt to adhere to such requirements in future peremptory rulemakings.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has suspended the license of Community Financial Corporation, License No. MB.0006804 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has suspended the license of Boardwalk Financial Services, Inc., License No. MB.0005360 of Willowbrook, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has suspended the license of Statewide Financial Services, Ltd., License No. MB.0005056 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Principle Mortgage, Inc., License No. MB.0006445 of Ingleside, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has revoked the license of Best Rate, LLC, License No. MB.0006143 of Schaumburg, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$10,000 against The Lending Center, LLC, License No. MB6759514 of Lisle, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 22, 2006. For further reference link to: www.idfpr.com

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a fine of \$5,000 against CDK Mortgage, Inc., License No. MB.0000241 of Evanston, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective December 18, 2006. For further reference link to: www.idfpr.com

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

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