

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017
www.cyberdriveillinois.com

 Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

May 6, 2011 Volume 35, Issue 19

PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF Community Association Manager Licensing and Disciplinary Act 68 Ill. Adm. Code 1445.....	7258
PUBLIC HEALTH, DEPARTMENT OF Emergency Medical Services and Trauma Center Code 77 Ill. Adm. Code 515.....	7271
STATE BOARD OF ELECTIONS Campaign Financing 26 Ill. Adm. Code 100.....	7297

ADOPTED RULES

EXECUTIVE ETHICS COMMISSION Organization, Information, Rulemaking and Hearings 2 Ill. Adm. Code 1620.....	7308
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF Consumer Installment Loan Act 38 Ill. Adm. Code 110.....	7319
Payday Loan Reform Act 38 Ill. Adm. Code 210.....	7343
Auction License Act 68 Ill. Adm. Code 1440.....	7358
INSURANCE, DEPARTMENT OF Illegal Groups and Unfair Rate Discrimination (Repealer) 50 Ill. Adm. Code 906.....	7389
POLLUTION CONTROL BOARD Nitrogen Oxides Emissions 35 Ill. Adm. Code 217.....	7391
RACING BOARD, ILLINOIS Medication 11 Ill. Adm. Code 603.....	7400
SECRETARY OF STATE School Bus Driver Permit 92 Ill. Adm. Code 1035.....	7412
STATE BOARD OF EDUCATION School Construction Program 23 Ill. Adm. Code 151.....	7416
NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT BOARD OF EXAMINERS Certificate of Certified Public Accountant 23 Ill. Adm. Code 1400.....	7424

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES

OBJECTION TO EMERGENCY AMENDMENTS

HUMAN SERVICES, DEPARTMENT OF

Subacute Alcoholism and Substance Abuse Treatment Services.....7425
77 Ill. Adm. Code 2090
Award and Monitoring of Funds.....7426
77 Ill. Adm. Code 2030
Medicaid Community Mental Health Services Program.....7427
59 Ill. Adm. Code 132

NOTICE OF AGENCY RESPONSE TO THE OBJECTIONS AND PROHIBITIONS OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES ON PROPOSED RULES STATE BOARD OF EDUCATION

Programs for the Preparation of Principals in Illinois
23 Ill. Adm. Code 30.....7428

NOTICE OF AGENCY RESPONSE TO THE RECOMMENDATIONS OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES ON PROPOSED RULES STATE BOARD OF EDUCATION

Programs for the Preparation of Principals in Illinois
23 Ill. Adm. Code 30.....7429

JOINT COMMITTEE ON ADMINISTRATIVE RULES AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

May Agenda.....7430

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....7437

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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2011

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 20, 2010	January 3, 2011
2	December 27, 2010	January 7, 2011
3	January 3, 2011	January 14, 2011
4	January 10, 2011	January 21, 2011
5	January 18, 2011	January 28, 2011
6	January 24, 2011	February 4, 2011
7	January 31, 2011	February 14, 2011
8	February 7, 2011	February 18, 2011
9	February 15, 2011	February 25, 2011
10	February 22, 2011	March 4, 2011
11	February 28, 2011	March 11, 2011
12	March 7, 2011	March 18, 2011
13	March 14, 2011	March 25, 2011
14	March 21, 2011	April 1, 2011
15	March 28, 2011	April 8, 2011
16	April 4, 2011	April 15, 2011
17	April 11, 2011	April 22, 2011
18	April 18, 2011	April 29, 2011
19	April 25, 2011	May 6, 2011
20	May 2, 2011	May 13, 2011
21	May 9, 2011	May 20, 2011
22	May 16, 2011	May 27, 2011
23	May 23, 2011	June 3, 2011

24	May 31, 2011	June 10, 2011
25	June 6, 2011	June 17, 2011
26	June 13, 2011	June 24, 2011
27	June 20, 2011	July 1, 2011
28	June 27, 2011	July 8, 2011
29	July 5, 2011	July 15, 2011
30	July 11, 2011	July 22, 2011
31	July 18, 2011	July 29, 2011
32	July 25, 2011	August 5, 2011
33	August 1, 2011	August 12, 2011
34	August 8, 2011	August 19, 2011
35	August 15, 2011	August 26, 2011
36	August 22, 2011	September 2, 2011
37	August 29, 2011	September 9, 2011
38	September 6, 2011	September 16, 2011
39	September 12, 2011	September 23, 2011
40	September 19, 2011	September 30, 2011
41	September 26, 2011	October 7, 2011
42	October 3, 2011	October 14, 2011
43	October 11, 2011	October 21, 2011
44	October 17, 2011	October 28, 2011
45	October 24, 2011	November 4, 2011
46	October 31, 2011	November 14, 2011
47	November 7, 2011	November 18, 2011
48	November 14, 2011	November 28, 2011
49	November 21, 2011	December 2, 2011
50	November 28, 2011	December 9, 2011
51	December 5, 2011	December 16, 2011
52	December 12, 2011	December 27, 2011
53	December 19, 2011	December 30, 2011

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 2, to July 1, 2011.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Community Association Manager Licensing and Disciplinary Act
- 2) Code Citation: 68 Ill. Adm. Code 1445
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1445.10	New Section
1445.20	New Section
1445.30	New Section
1445.40	New Section
1445.50	New Section
1445.60	New Section
1445.70	New Section
1445.80	New Section
1445.90	New Section
1445.100	New Section
1445.110	New Section
1445.130	New Section
- 4) Statutory Authority: Implementing and authorized by the Community Association Manager Licensing and Disciplinary Act [225 ILCS 427]
- 5) A Complete Description of the Subjects and Issues Involved: PA 96-933, effective July 1, 2010, requires community association managers to be licensed in Illinois beginning 12 months after the adoption of rules providing for the licensure, pursuant to Section 15 of the Community Association Manager Licensing and Disciplinary Act [225 ILCS 427/15].

Section 1445.30 sets forth the application process by examination, while Sections 1445.20 & 1445.60 contain grandfather and endorsement provisions. These rules also set forth the requirements for renewal of a license and under what circumstances the Division may grant variances. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1445.100. Requirements for pre-licensure are provided in Section 1445.40 and unprofessional conduct standards are found in Section 1445.110.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 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 Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Community association managers, as that term is defined in Section 10 of the Act.
- B) Reporting, bookkeeping or other procedures required for compliance: Please review all new regulatory standards contained in the accompanying proposed rule.
- C) Types of professional skills necessary for compliance: Community association management.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1445

COMMUNITY ASSOCIATION MANAGER LICENSING AND DISCIPLINARY ACT

Section

1445.10	Definitions
1445.20	Requirements for Licensure Under Section 40(c) of the Act (Grandfather)
1445.30	Application for Licensure as a Community Association Manager by Examination
1445.40	Pre-license Education
1445.50	Acceptable Licensure Examinations
1445.60	Endorsement
1445.70	Renewal
1445.80	Inactive Status
1445.90	Restoration
1445.100	Fees
1445.110	Unprofessional Conduct
1445.130	Granting Variances

AUTHORITY: Implementing and authorized by the Community Association Manager Licensing and Disciplinary Act [225 ILCS 427].

SOURCE: Adopted at 35 Ill. Reg. _____, effective _____.

Section 1445.10 Definitions

"Act" means the Community Association Manager Licensing and Disciplinary Act [225 ILCS 427].

"Board" means the Illinois Community Association Manager Licensing and Disciplinary Board. [225 ILCS 427/10]

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

"Licensee" means a person who holds a license to act as a community association manager under the Act or other authority to practice issued under the Act.

"Pre-licensing Hours" means participation in an actual classroom setting, or its equivalent, or via an interactive delivery method, which may include, but is not limited to, live instruction and real time discussion via satellite, video, online via webcam or similar communication that occurs between the instructor and students in community association management courses.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Unit" means a condominium, cooperative, townhouse, villa, or other residential unit in a community association as defined in the Act.

Section 1445.20 Requirements for Licensure Under Section 40(c) of the Act (Grandfather)

- a) Until 6 months after adoption of this Part, the Division may issue a license to an individual who, in addition to meeting the requirements set forth in Section 40(c) of the Act, provides evidence satisfactory to the Division of the following:
 - 1) that the person has practiced as a community association manager for a period of 5 of the last 10 years or longer; or
 - 2) has achieved and received a designation or certification of:
 - A) Community Associations Institute (CAI) Association Management Specialist (AMS); or
 - B) CAI Professional Community Association Manager (PCAM); or
 - C) Institute of Real Estate Management (IREM) Certified Property Manager (CPM); or
 - D) IREM Accredited Resident Manager (ARM); or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- E) National Board of Certification for Community Association Managers (NBC-CAM) Certified Manager of Community Associations (CMCA).
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or need for clarification, the applicant seeking licensure shall:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Division and/or the Board, at the discretion of the Division, to explain the relevance or sufficiency, clarify information or address any discrepancies or conflicts in information.

Section 1445.30 Application for Licensure as a Community Association Manager by Examination

- a) An applicant for a license as a Community Association Manager shall file an application, on forms supplied by the Division, that includes the following:
 - 1) verification that the applicant is at least 21 years of age;
 - 2) satisfactory evidence of having completed at least 20 hours in community association management courses as set forth in Section 1445.40;
 - 3) successful completion of the examination in Section 1445.50;
 - 4) the fee required by Section 1445.100;
- b) The education requirement set forth in subsection (a)(2) shall not apply to persons holding a real estate salesperson, broker or managing broker's license in good standing issued under the Real Estate License Act of 2000 [225 ILCS 454].
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or need for clarification, the applicant seeking licensure shall:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Provide information as may be necessary; and/or
- 2) Appear for an interview before the Division and/or the Board, at the discretion of the Division, to explain the relevance or sufficiency, clarify information or address any discrepancies or conflicts in information.
- d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied and the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 1445.40 Pre-license Education

An applicant for a license as a Community Association Manager shall provide evidence of successful completion of a minimum of 20 hours in community association management coursework as follows:

- a) All community association manager applicants must satisfactorily complete a minimum of 20 pre-licensing hours of instruction within 12 months prior to the date of examination. No applicant shall be allowed to take the licensure examination unless the applicant provides documentation of completion of the requisite education. Each hour shall consist of at least 50 minutes of instruction.
- b) The 20 hours of education shall be comprised of courses in the following areas:
 - 1) State and federal laws relating to the operation of all types of community associations, governing documents, and State laws relating to corporations and nonprofit corporations;
 - 2) Preparation of community association budgets and community association finances;
 - 3) Management, personnel, customer service and ethics;
 - 4) Maintenance operations;
 - 5) Insurance matters relating to community associations; and
 - 6) Procedures for noticing and conducting community association meetings.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- c) Applicants who have passed and hold certification under Section 1445.50 will be deemed to have met the requirements of this Section.

Section 1445.50 Acceptable Licensure Examinations

Pursuant to Section 1445.30(a)(3), a community association manager applicant shall successfully complete and pass at least one of the following examinations:

- a) National Board of Certification for Community Association Managers (NBC-CAM) Certified Manager of Community Associations (CMCA) examination; or
- b) Institute of Real Estate Management (IREM) Common Interest Developments: Managing Condominium Association Properties (CID201).

Section 1445.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States and who wishes to be licensed in Illinois as a Community Association Manager shall file an application with the Division, on forms provided by the Division, that includes:
 - 1) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of this Part or the applicant possesses individual qualifications at the time of application that were substantially equivalent to the requirements then in force in this State.
 - 2) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examinations taken and examination scores received;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- D) Any pre-license education requirements.
- 3) The required fee set forth in Section 1445.100(a)(2).
- b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 1445.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be August 31, 2013. Thereafter, every registration issued under the Act shall expire August 31 of odd-numbered years. The holder of a license may renew that license during the month preceding the expiration date by completing the renewal form, paying the required fee and meeting any other requirements established for renewal.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license. Practice on a non-renewed license shall be considered unlicensed practice and shall be subject to the disciplinary provisions of the Act.

Section 1445.80 Inactive Status

- a) Licensed Community Association Managers who notify the Division, on forms provided by the Division, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.
- b) Any licensed Community Association Manager seeking restoration from inactive status shall do so in accordance with Section 1445.90.
- c) Any Community Association Manager whose license is on inactive status shall not use the title "licensed Community Association Manager" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Section 1445.90 Restoration

- a) Any Community Association Manager whose license has expired or has been placed on inactive status for 5 years or less may have the license restored upon payment of \$50 plus all lapsed renewal fees as set forth in Section 1445.100.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1445.100 and proof of one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 60(c) of the Act; or
 - 3) Proof of passage of the examination during the period the registration was lapsed or on inactive status; or
 - 4) Proof of re-certification within the past 5 years by any of the certification groups referenced in Section 1445.20(a)(2).
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Division and/or Board, at the discretion of the Division, to explain the relevance or sufficiency, clarify information or address any discrepancies or conflicts in information.

Section 1445.100 Fees

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- a) Application Fees
- 1) The application fee for a license as a Community Association Manager is \$300. 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 application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a Community Association Manager certified or licensed under the laws of another jurisdiction is \$300.
- b) Licensure fee of \$300 required pursuant to the grandfather provisions of Section 1445.20.
- c) Renewal fees for the renewal of a Community Association Manager license shall be calculated at the rate of \$150 per year.
- d) General Fees
- 1) The fee for the restoration of a license other than from inactive status that has been expired for 5 years or less is \$50 plus payment of all lapsed renewal fees.
 - 2) The fee for the restoration of a license that has been expired for more than 5 years is \$900.
 - 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 4) The fee for a certification of a licensee's record for any purpose is \$20.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 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 Community Association Managers in this State shall be the actual cost of producing the roster.

Section 1445.110 Unprofessional Conduct

The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of dishonorable, unethical or unprofessional conduct (see Section 85 of the Act). Dishonorable, unethical or unprofessional conduct may include, but is not limited to, the following acts or practices:

- a) Failing to be knowledgeable about and comply with the applicable governing documents, policies and procedures of the client association.
- b) Knowingly misrepresenting material facts, making inaccurate statements, or acting in any fraudulent manner while representing client associations.
- c) Providing legal advice to client associations, or any of their members, or otherwise engaging in the unlicensed practice of law.
- d) Failing to promptly disclose to client associations any actual or potential conflicts of interest.
- e) Failing to act in a manner consistent with the licensee's fiduciary duty.
- f) Failing to conduct oneself in a professional manner at all times when acting in the scope of employment in accordance with the terms and conditions of the contractual agreement and in accordance with all local, State and federal laws.
- g) Failing to maintain a duty of confidentiality to all current and former clients.
- h) Failing to insure that homeowners receive timely notice as required by State statutes or legal documents.

Section 1445.130 Granting Variances

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
515.330	Amend
515.455	New
515.850	New
515.APPENDIX D	Amend
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 515 set forth requirements for Emergency Medical Services Systems, including emergency medical treatment, System requirements, and vehicle service providers. The proposed amendments to Section 515.330 and Section 515.Appendix D will reference Department-approved protocols for medical treatment, such as Basic Life Support (BLS), Emergency Medical Services for Children (EMSC) and other Emergency Medical Services (EMS) protocols, as part of the EMS System Plan.

A new Section is being added to set forth a process to end disputes between an EMS System, Vehicle Service Provider, Advisory Committee, EMS Medical Director or between any combination of those elements if the dispute causes an imminent threat to the availability or quality of emergency pre-hospital care within the State of Illinois.

Public Act 96-1469 amended the Emergency Medical Services (EMS) Systems Act to authorize the Department to establish standards for the use of reserve ambulances. Section 515.850 is being added to implement this statutory change.

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*.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 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>Ill. Reg. Citation:</u>
515.160	Amend	35 Ill. Reg. 6309; April 15, 2011
515.460	New	35 Ill. Reg. 6309; April 15, 2011
515.530	Amend	35 Ill. Reg. 6309; April 15, 2011
515.640	New	35 Ill. Reg. 6309; April 15, 2011
515.800	Amend	35 Ill. Reg. 6309; April 15, 2011

- 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 the publication of this issue of the *Illinois Register* to:

Susan Meister
 Division of Legal Services
 Illinois Department of Public Health
 535 W. Jefferson St., 5th floor
 Springfield, Illinois 62761

217/782-2043
 e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: emergency medical services vehicle providers
- B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 515.400 General Communications
- 515.410 EMS System Communications
- 515.420 System Participation Suspensions
- 515.430 Suspension, Revocation and Denial of Licensure of EMTs
- 515.440 State Emergency Medical Services Disciplinary Review Board
- 515.445 Pediatric Care
- 515.450 Complaints
- 515.455 Intra- and Inter-system Dispute Resolution

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section

- 515.500 Emergency Medical Technician-Basic Training
- 515.510 Emergency Medical Technician-Intermediate Training
- 515.520 Emergency Medical Technician-Paramedic Training
- 515.530 EMT Testing and Fees
- 515.540 EMT Licensure
- 515.550 Scope of Practice – Licensed EMT
- 515.560 EMT-B Continuing Education
- 515.570 EMT-I Continuing Education
- 515.580 EMT-P Continuing Education
- 515.590 EMT License Renewals
- 515.600 EMT Inactive Status
- 515.610 EMT Reciprocity
- 515.620 Felony Convictions

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section

- 515.700 EMS Lead Instructor
- 515.710 Emergency Medical Dispatcher
- 515.720 First Responder
- 515.725 First Responder – AED
- 515.730 Pre-Hospital Registered Nurse
- 515.740 Emergency Communications Registered Nurse
- 515.750 Trauma Nurse Specialist

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section

515.800 Vehicle Service Provider Licensure
515.810 EMS Vehicle System Participation
515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825 Alternate Response Vehicle
515.830 Ambulance Licensing Requirements
| [515.850 Reserve Ambulances](#)

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section

515.900 Licensure of SEMSV Programs – General
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920 SEMSV Program Licensure Requirements for All Vehicles
515.930 Helicopter and Fixed-Wing Aircraft Requirements
515.935 EMS Pilot Specifications
515.940 Aeromedical Crew Member Training Requirements
515.945 Aircraft Vehicle Specifications and Operation
515.950 Aircraft Medical Equipment and Drugs
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960 Aircraft Communications and Dispatch Center
515.965 Watercraft Requirements
515.970 Watercraft Vehicle Specifications and Operation
515.975 Watercraft Medical Equipment and Drugs
515.980 Watercraft Communications and Dispatch Center
515.985 Off-Road SEMSV Requirements
515.990 Off-Road Vehicle Specifications and Operation
515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section

515.3000	EMS Assistance Fund Administration
----------	------------------------------------

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

515.4000	Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010	Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.APPENDIX A	A Request for Designation (RFD) Trauma Center
515.APPENDIX B	A Request for Renewal of Trauma Center Designation
515.APPENDIX C	Minimum Trauma Field Triage Criteria
515.APPENDIX D	Standing Medical Orders
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Interfacility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. _____, effective _____.

SUBPART C: EMS SYSTEMS

Section 515.330 EMS System Program Plan

An Emergency Medical Services (EMS) System Program Plan shall contain the following information:

- a) The name, address and fax number of the Resource Hospital;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- b) The names and resumes of the following persons:
- 1) The EMS ~~MD~~Medical Director,
 - 2) The Alternate EMS ~~MD~~Medical Director,
 - 3) The EMS Administrative Director,
 - 4) The EMS System Coordinator;
- c) The name, address and fax number of each Associate or Participating Hospital (see subsection (i) of this Section);
- d) The name and address of each ambulance provider participating within the EMS System;
- e) A map of the EMS System's service area indicating the location of all hospitals and ambulance providers participating in the System;
- f) Current ~~letters~~letter(s) of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes such as emergency department staffing and educational requirements:
- 1) The Chief Executive Officer of the hospital,
 - 2) The Chief of the Medical Staff, and
 - 3) The Director of the Nursing Services;
- g) A letter of commitment from the EMS ~~MD~~Medical Director that describes the ~~EMS MD's~~EMSMD's agreement to:
- 1) Be responsible for the ongoing education of all System personnel, including coordinating didactic and clinical experience;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Develop written standing orders (treatment protocols, standard operating procedures) to be used in the ~~EMS MD's~~EMSMD's absence and certify that all involved personnel will be knowledgeable in emergency care and capable of providing treatment and using communications equipment once the program is operational;
 - 3) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;
 - 4) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;
 - 5) Ensure that the Department has access to all records, equipment and vehicles under the authority of the ~~EMS MD~~EMSMD during any Department inspection, investigation or site survey;
 - 6) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;
 - 7) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;
 - 8) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every EMT-B, EMT-I or EMT-P within the System who has not been recommended for ~~re-licensure~~re-licensure by the EMS ~~MD~~Medical Director; and
 - 9) Be responsible for compliance with the provisions of Sections 515.400 and 515.410 of this Part;
- h) A description of the ~~method~~method(s) of providing EMS services, which includes:
- 1) ~~Single~~single vehicle response and transport;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) ~~Dual~~ vehicle response;
 - 3) ~~Level~~ of first response vehicle;
 - 4) ~~Level~~ of transport vehicle;
 - 5) ~~Use~~ of mutual aid agreements; and
 - 6) ~~Informing~~ the caller requesting an emergency vehicle of the estimated time of arrival when this information is requested by the caller;
- i) A letter of commitment from each Associate or Participating Hospital within the System, ~~which~~ ~~that~~ includes the following:
- 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
 - 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its use of the education and continuing education aspects of the program;
 - 3) Only at an Associate Hospital, a commitment to meet the System's educational standards for ECRNs;
 - 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System or other EMS system whose ambulances transport to them;
 - 5) An agreement to use the standard treatment orders as established by the Resource Hospital;
 - 6) An agreement to follow the operational policies and protocols of the System;
 - 7) A description of the level of participation in the training and continuing education of pre-hospital personnel;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
 - 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;
 - 10) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
 - 11) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized; and
 - 12) The names and resumes of the Associate Hospital EMS ~~Director~~ MDMedical and Associate Hospital EMS Coordinator;
- j) A letter of commitment from each ambulance provider participating within the System, which indicates compliance with Section 515.810 of this Part;
 - k) Descriptions and documentation of each communications requirement provided in Section 515.400 of this Part;
 - l) The Program Plan shall consist of the EMS System Manual, which shall be provided to all System participants and shall include the following Sections:
 - 1) Education and Training
 - A) Content and curricula of training programs for EMT, Emergency Medical Dispatcher, First Responder, Pre-Hospital RN, ECRN and Lead Instructor candidates, including:
 - i) Entrance and completion requirements;
 - ii) Program schedules;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- iii) Goals and objectives;
 - iv) Subject areas;
 - v) Didactic requirements, including skills laboratories;
 - vi) Clinical requirements; and
 - vii) Testing formats.;
- B) Training program for Pre-arrival~~Prearrival~~ Medical Instructions, if applicable, including:
- i) Entrance and completion requirements;
 - ii) Description of course materials; and
 - iii) Testing formats.;
- C) Continuing education for EMTs, Pre-Hospital RNs, and ECRNs, including:
- i) System requirements (hours, types of programs, etc.);
 - ii) System program for System participants: types of activities covered (e.g., telemetry review, and morbidity and mortality conferences) and protocols for enrollment and completion;
 - iii) Requirements for approval of academic course work;
 - iv) Didactic programs offered by the System;
 - v) Clinical opportunities available within the System; and
 - vi) Record-keeping requirements for participants, which must be maintained at the Resource Hospital.;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- D) Renewal Protocols
- i) System examination requirements for EMTs, Pre-Hospital RNs, ECRNs;
 - ii) Procedures for renewal of Pre-Hospital RN and ECRN approvals;
 - iii) Requirements for submission~~Submission~~ of transaction cards for EMTs meeting renewal requirements; and
 - iv) ~~Providing~~ Department renewal application forms for~~to~~ EMTs who have not met renewal requirements according to System records.~~;~~
- E) System participant education and information, including:
- i) Distribution of System Manual amendments;
 - ii) In-services for policy and protocol changes;
 - iii) Methods for communicating updates on System and Regional activities, and other matters of medical, legal and/or professional interest; and
 - iv) Locations of library/resource materials, forms, schedules, etc.~~;~~
- F) A plan that describes how Emergency Medical dispatch agencies and First Responders participate within the EMS System Program Plan~~A plan for phasing in Emergency Medical Dispatcher and First Responder registration requirements over a five-year period for Emergency Medical Dispatchers and First Responders who choose to be included in the Program Plan~~ (see Sections 515.710 and 515.720 of this Part).~~;~~
- G) A System may require that up to one-half of the continuing education hours that are required toward re-licensure~~relicensure~~, as

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

determined by the Department, be earned through attendance at system-taught courses.;

- H) A didactic continuing education course that has received a State site code shall be accepted by the System, subject only to the requirements of subsection (1)(1)(C) of this Section.;

2) Drugs and Equipment

- A) A list of all drugs and equipment required for each type of System vehicle; and
- B) Procedures for obtaining replacements at System hospitals.;

3) Personnel Requirements for EMTs

- A) Minimum staffing for each type and level of vehicle; and
- B) Guidelines for EMT patient interaction.;

4) In-Field Protocols, including medical-legal policies, but not limited to:

- A) The Regional Standing Medical Orders;
- B) System Standing Medical Orders as listed in Section 515. Appendix D, to include Department-approved protocols for medical treatment, including, but not limited to, burns, hypothermia, respiratory distress, shock, trauma, cardiac arrest and toxic exposure (e.g., Department-approved BLS medical treatment protocol, EMSC medical treatment protocol) at a minimum;
- C) Appropriate interaction with law enforcement on the scene;
- D) When and how to notify a coroner or medical examiner;
- E) Appropriate interaction with an independent physician/nurse on the scene;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- F) The use of restraints;
 - G) Consent for treatment of minors;
 - H) Patient choice and refusal regarding treatment, transport, and/or destination;
 - I) The duty to perform all services without unlawful discrimination;
 - J) Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse;
 - K) Patient abandonment;
 - L) Emotionally disturbed patients;
 - M) Patient confidentiality and release of information;
 - N) Durable power of attorney for health care;
 - O) Do Not Resuscitate (DNR) orders (see Section 515.380 of this Part); and
 - P) A policy concerning the use of latex-free supplies;
- 5) Communications standards and protocols, including:
- A) The information contained in the System Program Plan relating to the requirements of Sections 515.410(a)(1), (2), (3) and (4) and 515.390(b) and (g) of this Part;
 - B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital;
 - C) Protocols ensuring that the voice orders via radio and using

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

telemetry shall be given by or under the direction of the EMS ~~MD~~Medical Director or the EMS MD's designee, who shall be either an ECRN, or physician; and

- D) Protocols defining when an ECRN should contact a physician.;
- 6) Quality improvement measures for both adult and pediatric patient care ~~shall~~should be performed on a quarterly basis and be available upon Department request; ambulance operation and System training activities, including, but not limited to, monitoring training activities to ensure that the instructions and materials are consistent with United States Department of Transportation training standards for EMTs and Section 3.50 of the Act; unannounced inspections of pre-hospital services; and peer review.;
- 7) Data collection and evaluation methods that include:
- A) The process that will facilitate problem identification, evaluation and monitoring in reference to patient care and/or reporting discrepancies from hospital and pre-hospital providers;
- B) A copy of the pre-hospital reporting form; and
- C) A sample of the information and data to be reported to the Department summarizing System activity (see Section 515.350 of this Part).;
- 8) Operational policies that delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency service, including:
- A) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);
- B) Infectious disease and disinfection procedures, including the policy on significant exposure;
- C) Reporting and documentation of problems; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- D) Protocols for ILS/ALS System personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the ILS or ALS personnel is therefore appropriate. ~~The Such~~ protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it would appear to jeopardize the patient's condition, and shall require that ~~thesueh~~ activities of the System personnel be ~~done~~ under the immediate direction of the EMS ~~MDMedical Director~~ or designee.;
- 9) Any procedures regarding disciplinary ~~and/~~ or suspension decisions and the review of those decisions that the System has elected to follow in addition to those required by the Act.;
- 10) Any System policies regarding abuse of controlled substances or conviction of a felony crime by System personnel whether on or off duty.;
- 11) The responsibilities of the EMS ~~Coordinator~~ ~~Coordinator(s)~~, as designated by the EMS ~~MDMedical Director~~, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required.;
- 12) The responsibilities of the EMS ~~MDMedical Director~~;
- m) Written protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center, which provide that a person shall not be transported to a facility other than the nearest hospital, regional trauma center or trauma center unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal. ~~A F4written protocol for the bypassing of or diversion to F2 a F4hospital, trauma center or Regional trauma center other than the nearest hospital, Regional trauma center or trauma center unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal.~~ (Section 3.20(c)(5) of the Act) The bypass status policy should include a statement that for any life-threatening condition a patient may be transported to the closest facility, whether or not that facility is on bypass status. In addition, a hospital can declare a resource limitation, which is further outlined in the System Plan, for the following conditions:

- 1) There are no critical or monitored beds available in the hospital; or
- 2) An internal disaster occurs in the hospital;
- n) Bypass status may not be honored if three or more hospitals in a geographic area are on bypass status and transport time by an ambulance to the nearest facility exceeds 15 minutes;
- o) Each hospital shall have a policy addressing peak census procedures, such as the model policy developed by the Department.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 515.455 Intra- and Inter-system Dispute Resolution

- a) If the Director determines that a dispute exists between an EMS System, Vehicle Service Provider, Advisory Committee, or EMS MD or between any combination of any elements of these entities and the dispute causes an imminent threat to the availability or quality of emergency pre-hospital care within the State, then the Director or designee shall have the authority to resolve those disputes, if one party to the dispute requests the Director's intervention in writing. If the Director receives such a request, then each party to the dispute shall be given the opportunity to submit written arguments and evidence in support of any potential resolution. The Director or designee shall have the authority to hear oral arguments and testimony based upon the written submissions. Any decision by the Director or designee shall be issued in writing and state the basis for the decision, which shall be final and binding upon all parties to the dispute.
- b) This dispute resolution procedure shall not be available to any EMT, ECRN, Pre-Hospital RN, Lead Instructor, First Responder, Emergency Medical Dispatcher or Trauma Nurse Specialist. This procedure shall not be applicable to any EMS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

System Suspension, Local Board of Review, action by the State EMS Disciplinary Review Board or the Department.

- c) All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law [35 ILCS 5/Art. III]. (Section 3.145 of the Act) A decision by the Director in accordance with this Section shall be considered an administrative review decision under Section 3.145 of the Act and shall be subject to judicial review.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.850 Reserve Ambulances

- a) For the purposes of this Section, "reserve ambulance" means a vehicle that meets all criteria set forth in Section 515.830 of this Part, except for the required inventory of medical supplies and durable medical equipment, which may be rapidly transferred from a fully functional ambulance to a reserve ambulance without the use of tools or special mechanical expertise. (Section 3.85(a)(3)(C) of the Act)
- b) No changes to the vehicular operating systems, such as the electrical, plumbing, lighting, emergency warning or dispatch and hospital communication systems, shall be permitted.
- c) The vehicle service provider shall complete a vehicle inventory of equipment and supplies as required by Section 515.830 of this Part and any system specific requirements each time a reserve vehicle is placed into service.
- d) The vehicle provider shall notify the EMS System within 48 hours after a reserve ambulance is placed into service. A copy of the vehicle inventory form shall be provided to the EMS System.
- e) Any reserve ambulance placed into service for 10 days or more shall be inspected by the EMS System, and the System shall provide notification to the Department on a Department prescribed form.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- f) Reserve ambulances shall be identified on the vehicle provider license in accordance with Section 515.800 of this Part.

(Source: Added at 35 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX D Standing Medical Orders

Department-approved medical treatment protocols (e.g., Department-approved BLS medical treatment protocol, EMSC medical treatment protocol) shall be included in all System protocols at a minimum.

1. STANDING MEDICAL ORDERS/CARDIAC PROTOCOLS shall include, at a minimum:

Routine Cardiac Care
Cardiac Arrest
Cardiogenic Shock
Ventricular Fibrillation
Ventricular Tachycardia
Ventricular Ectopy

EMD (Electro-Mechanical Dissociation)/PEA (Pulseless Electrical Activity)
PSVT (Paroxysmal Supraventricular Tachycardia)~~PVST~~
Bradycardia
Asystole

2. STANDING MEDICAL ORDERS/TRAUMA PROTOCOLS shall include, at a minimum:

Field Triage Protocols
Shock (Hypovolemia)
Spinal Cord
Head Trauma
Load and Go Situations
Traumatic Arrest
Amputated Parts
Burns

3. STANDING MEDICAL ORDERS/PROTOCOLS FOR MEDICAL EMERGENCIES shall include, at a minimum:

Asthma
Anaphylactic Shock

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Diabetic Emergencies
Drug Overdose
Coma, Origin Unknown
Status Epilepticus
Seizures
Heat Emergencies
Cold Emergencies
Poisoning
Radiation Injuries
Renal Protocols (care of patients with shunts and fistulas)
Near Drowning

4. STANDARD MEDICAL ORDERS/OBSTETRIC/GYNECOLOGICAL PROTOCOLS shall include, at a minimum:

Normal Deliveries
Hemorrhage, including third trimester bleeding
Abnormal Deliveries (i.e., cord or breech presentation)
Resuscitation of the Newborn
Rape/Sexual Assault

5. STANDING MEDICAL ORDERS/PEDIATRIC PROTOCOLS shall include, at a minimum:

PEDIATRIC PRIMARY ASSESSMENT – A foundation for all pediatric patient interactions, this protocol ~~shall~~ reinforce the need for consistent, methodical patient assessment. Commonly referred to as "routine medical care" in adult protocols, the protocol ~~shall~~ reinforce the following:

- Importance of rapid BLS interventions (i.e., CPR) specifically airway support
- Age-appropriate signs and symptoms of pediatric respiratory distress
- Age-appropriate airway interventions including the use of "blow-by" oxygen administration
- Indicators of adequate ventilation and perfusion
- Age-appropriate immobilization of the pediatric trauma patient
- Recognition of and monitoring for imminent life threats
- Unique assessment considerations and emergent care requirements of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

children with special health care needs (CSHN), including those who are technologically dependent. ~~The~~Emphasize the appropriate inclusion of parents/primary caregivers shall be emphasized.

TREATMENT AND RECOGNITION OF THE FOLLOWING
DYSRHYTHMIA:

- Asystole
- Pulseless Electrical Activity
- Ventricular Fibrillation or Pulseless Ventricular Tachycardia
- Ventricular Tachycardia

Treatment modalities/algorithms ~~shall~~should be consistent with the guidelines set forth by the American Heart Association's "Pediatric Advanced Life Support" algorithms. The use of intraosseous access ~~shall~~should be taught to all ALS providers.

NEONATAL RESUSCITATION – ~~Shall~~Must incorporate the specific heart rate parameters and requisite interventions according to the American Heart Association recommendations.

PEDIATRIC RESPIRATORY ARREST – Treatment ~~shall~~must be in accordance with the American Heart Association "Pediatric Advanced Life Support" guidelines.

PEDIATRIC RESPIRATORY DISTRESS – Differentiation ~~shall~~should be made between "upper airway obstruction" (i.e., croup, epiglottitis and foreign body) and other "non-obstructive" causes of respiratory insufficiency (i.e., asthma, bronchiolitis, pneumonia). The potential for invasive airway interventions ~~shall~~must also be identified.

PEDIATRIC BRADYCARDIA – Treatment in accordance with the American Heart Association recommendations.

PEDIATRIC TACHYCARDIA – Interventions for both wide and narrow complex tachycardias in accordance with the American Heart Association recommendations.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

PEDIATRIC SHOCK – Differentiation ~~shall~~should be made between "hypovolemic" (dehydration, hemorrhagic) and "distributive" (sepsis).

PEDIATRIC ALLERGIC REACTION/ANAPHYLAXIS – Special attention shall be given to the differentiation between symptomatic (hives), mild respiratory distress and severe respiratory distress.

PEDIATRIC SEIZURE – ~~Shall~~Must include the identification of rapid blood glucose monitoring in the field, considerations for febrile seizures and administration of rectal benzodiazepines (specifically in children less than ~~three~~3 years old).

PEDIATRIC ALTERED LEVEL OF CONSCIOUSNESS – ~~The~~Emphasize the importance of recognizing etiology, aggressive airway maintenance, glucose monitoring and naloxone administration shall be emphasized.

PEDIATRIC TOXIC EXPOSURES/INGESTIONS – ~~Accidental~~Incorporate ~~accidental~~ environmental events commonly encountered in the pediatric population shall be incorporated. Special consideration ~~shall~~should be made to the susceptibility of children to environmental events such as hyperthermia.

PEDIATRIC HYPOTHERMIA – ~~The~~Emphasize the pediatric population at high risk for hypothermia: (neonates and infants) shall be emphasized. ~~Aggressive~~Address ~~aggressive~~ airway management, warming techniques and recognition of frostbite injury shall be addressed. Interventions for arrhythmias shall be in accordance with the American Heart Association recommendations.

PEDIATRIC NEAR DROWNING – ~~Aggressive~~Emphasize ~~aggressive~~ airway management and the potential for associated cervical spine injury and hypothermia shall be emphasized.

PEDIATRIC BURNS – Special emphasis shall be placed on the pediatric "rule of nines" for burn size estimation, aggressive airway management and triage to the appropriate facility. Differentiation ~~shall~~should be made between thermal injuries, chemical injuries and electrical injuries.

PEDIATRIC TRAUMA – Emphasis ~~shall~~should be made on mechanism of injury, limited on-scene time, aggressive airway maintenance and field triage to

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the appropriate facility and addressing the unique needs of the head-injured child.

SUSPECTED CHILD ABUSE/NEGLECT – Special emphasis ~~shall~~should be made on careful documentation of physical findings, discrepancy between history of injury and physical findings, interaction between child and parent/caregiver, and characteristics of the environment. ~~The~~Discuss the pre-hospital provider's responsibility as a mandated reporter, and responsibility to report suspicions to the emergency room staff shall be discussed. ~~Directions~~Include directions for responding to parent/caregiver refusal to allow transport shall be included.

6. STANDING MEDICAL ORDERS/PROTOCOLS FOR SPECIAL SITUATIONS shall include, at a minimum:

Psychological Emergencies
Spousal Abuse
Geriatric Abuse
Child Abuse

7. STANDING MEDICAL ORDERS/PROTOCOLS FOR THE PROCEDURES LISTED as well as any others ~~that~~which may be System specific:

Adult Intubation Procedure
Pediatric Intubation Procedure
Defibrillation
Transtracheal Ventilation-Cricothyrotomy
Chest Decompression
Cardioversion
Medication Administration-IV/ett

8. Standing medical orders may be organized as assessment based versus diagnostic, such as; altered mental status, abnormal vital signs, dysrhythmias and/or blocks, respiratory distress; and chest pain.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Campaign Financing
- 2) Code Citation: 26 Ill. Adm. Code 100
- 3) Sections Number: Proposed Action:
100.180 Amend
- 4) Statutory Authority: Implementing Article 9 and authorized by Section 9-15(3) of the Illinois Election Code [10 ILCS 5/Art. 9 and 9-15(3)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides a mechanism for business entities that do not have existing State contracts or pending bids on State contracts to include, on their registration, the fact that they are currently inactive.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does the rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: To further comply with Public Act 95-971 as amended by Public Act 96-848.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Steven S. Sandvoss, General Counsel
Illinois State Board of Elections
1020 South Spring Street
Springfield, IL 62708

217/782-0608
- 12) Initial Regulatory Flexibility Analysis:

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses affected: Businesses that have previously registered with the SBEL based on then existing State contracts or bids and proposals on State contracts valued in excess of \$50,000.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: at the time the regulatory agenda was required to be filed, the need for this rulemaking was not anticipated.

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 ELECTIONSPART 100
CAMPAIGN FINANCING

Section	
100.10	Definitions
100.20	Official Forms
100.30	Forwarding of Documents (Repealed)
100.40	Vacancies in Office – Custody of Records
100.50	Multiple Filings by State and Local Committees (Repealed)
100.60	Filing Option for a Federal Political Committee
100.70	Reports of Contributions and Expenditures
100.75	Limitation on Campaign Contributions
100.80	Report Forms
100.85	Independent Expenditures
100.90	Provision Circumvention
100.100	Proof of Identification; Application for Inspection and Copying (Repealed)
100.110	Loans by One Political Committee to Another
100.120	Receipt of Campaign Contributions
100.125	Receipt by Mail of Quarterly Reports of Campaign Contributions and Expenditures
100.130	Reporting by Certain Nonprofit Organizations (Repealed)
100.140	Prohibited Contributions – State Property
100.150	Electronic Filing of Reports
100.160	Good Faith
100.170	Sponsoring Entity
100.175	Audit Findings for Political Committees
100.180	Business Entity Registration Procedures
100.185	Assessment of Civil Penalties
100.APPENDIX A	Contributions Allowed Per Election Cycle
100.TABLE A	Contribution Limits Per Election Cycle
100.TABLE B	Election Cycles

AUTHORITY: Implementing Article 9 of the Election Code [10 ILCS 5/Art. 9] and authorized by Section 9-15(3) of the Election Code [10 ILCS 5/9-15(3)].

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990; amended at 16 Ill. Reg. 6982, effective April 21, 1992; amended at 18 Ill. Reg. 14707, effective September 9, 1994; amended at 21 Ill. Reg. 10044, effective July 21, 1997; emergency amendment at 23 Ill. Reg. 719, effective January 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6796, effective May 24, 1999; emergency amendment at 24 Ill. Reg. 13039, effective August 9, 2000, for a maximum of 150 days; emergency expired January 5, 2001; amended at 24 Ill. Reg. 14214, effective September 11, 2000; amended at 29 Ill. Reg. 18785, effective November 7, 2005; amended at 30 Ill. Reg. 10261, effective June 1, 2006; amended at 30 Ill. Reg. 17496, effective November 3, 2006; amended at 31 Ill. Reg. 7142, effective May 1, 2007; emergency amendment at 33 Ill. Reg. 332, effective January 1, 2009, for a maximum of 150 days; emergency expired May 30, 2009; emergency amendment at 33 Ill. Reg. 9809, effective June 29, 2009, for a maximum of 150 days; emergency expired November 25, 2009; amended at 34 Ill. Reg. 274, effective December 15, 2009; amended at 34 Ill. Reg. 10521, effective July 9, 2010; amended at 35 Ill. Reg. 2295, effective February 4, 2011; amended at 35 Ill. Reg. _____, effective _____.

Section 100.180 Business Entity Registration Procedures

- a) This Section and Section 100.185 are adopted to comply with Public Act 95-971, as amended by Public Act 96-848. Any business entity whose existing State contracts, whose bids and proposals on State contracts or whose bids and proposals on State contracts combined with the business entity's existing State contracts in aggregate annually total more than \$50,000 shall register with SBEL in accordance with Section 9-35 of the Election Code [10 ILCS 5/9-35]. Those business entities that wish to submit a bid or proposal on a State contract must register with SBEL prior to submitting their bid or proposal. SBEL will provide a certificate of registration upon successful completion of the registration process.
- b) Definitions
 - 1) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", "affiliated person", and "executive employee" shall have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code [30 ILCS 500/50-37] (Procurement Code).

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- 2) The term "annually", as used in Section 20-160 of the Procurement Code, when referring to the aggregation of State contracts, shall mean the calendar year in which the contracts are bid on or awarded.
 - 3) Unless otherwise indicated, any time frame involving a certain number of days shall refer to business days. Business days shall be those days in which the office of SBEL is open to the public for a minimum of 7 hours.
 - 4) The term "political committee" shall mean any political committee required to file as such under the provisions of Article 9 of the Election Code (campaign disclosure law), regardless of whether the committee has filed a Statement of Organization pursuant to Section 9-3 of the Election Code.
 - 5) The term "minor child" shall mean any affiliated person who has not attained 18 years of age as of the time of registration of the business entity with which the person is affiliated.
- c) Business entities shall register on a secure website provided by SBEL by first creating an on-line account. SBEL will verify the authenticity of that account at the time of registration.
- d) Registration Procedures
- 1) The following information must be supplied at the time of, and for the purpose of listing in, the registration:
 - A) The name and address of the business entity. The address shall be the office designated by the entity as its principal office or its headquarters.
 - B) The name and address of each affiliated entity of the business entity, including a description of the affiliation. The address shall be that of the principal office or headquarters of the affiliated entity.
 - C) The name and address of each affiliated person of the business entity, including a description of the affiliation. (Every affiliated

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

person or persons within a business entity that is required to register electronically must be listed on the registration form. If there are no affiliated persons, the person whose position within the business entity comes closest to meeting the definition of affiliated person shall be listed on the registration form. The electronic registration system will not accept a blank entry where a name is required.) The name and address of a minor child who must be disclosed on the business entity's registration by virtue of the fact that such person falls under the definition of affiliated person shall not be posted on the SBEL website.

- D) The Federal Employer Identification Number (FEIN), if the business has obtained such a number. If the business does not have a FEIN, an Illinois Business Tax Number (IBT) must be provided. If the business has neither of these numbers, it must provide an identifying number unique to that business that is capable of verification by SBEL. A sole proprietorship may use a social security number as a unique identifier if it does not have a FEIN or an IBT.
- 2) Registration shall be accomplished in one of the two following methods:
- A) A web-based program through which information may be entered, saved and transmitted upon completion. Changes may be made by accessing the program, making the changes, and submitting those changes to SBEL via the program contained on SBEL's website.
 - B) A format, provided by SBEL, designed specifically for large business entities through which data may be submitted in lieu of completion of the web-based option. Though this method is geared toward larger business entities, any business entity may choose to use this method.
- e) The Board shall provide a certificate of registration to the business entity upon registration and upon any change of information submitted by the entity. The certificate shall be electronic and accessible to the business entity through the SBEL website and shall be password protected.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- 1) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after registration, to each affiliated entity and each affiliated person listed by the registrant.
- 2) Any business entity required to register under Section 20-160 of the Procurement Code shall provide a copy of the registration certificate, by first class mail, e-mail or hand delivery within 10 days after the addition of any affiliated entity or affiliated person whose identity is required to be disclosed, to that affiliated person or entity. The delivery of the registration certificate to a minor child who is an affiliated person shall be accomplished by providing it as described in this Section to either parent or the legal guardian of the minor child. The business entity shall document in writing the date of submission of the certificate of registration to the appropriate entities and persons.
- 3) Any business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution, in writing at the time of the contribution, that the business entity is registered with SBEL under Section 20-160. The business entity shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.
- 4) Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Procurement Code shall notify each political committee to which it makes a contribution that it is affiliated with a business entity registered with SBEL under Section 20-160 and the business entity with which it is affiliated. The notification shall be in writing and shall occur at the time the contribution is made to the committee. The affiliated entities or persons shall document in writing the date of submission of the notice of registration to the appropriate political committee. A copy of the certificate of registration may serve as the required written notice.
- 5) In the determination of a complaint alleging a failure to comply with any notification requirement contained in this subsection (e), the failure of a party responsible for providing the required notification to submit written

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

documentation of compliance shall create a rebuttable presumption of noncompliance against that party.

- f) Pursuant to 30 ILCS 500/20-160, each bid submitted to and every contract executed by the State on or after January 1, 2009 shall contain:
- 1) A certification by the bidder or contractor that either:
 - A) the bidder or contractor is not required to register as a business entity with SBEL pursuant to this Section; or
 - B) the bidder or contractor has registered as a business entity with SBEL and acknowledges a continuing duty to update the registration; and
 - 2) A statement that the contract is voidable under Section 50-60 of the Procurement Code as a result of the bidder's or contractor's failure to comply with Section 20-160 of the Procurement Code.
- g) A business entity whose aggregate bids and proposals on State contracts annually total more than \$50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the contract is awarded. Any change of information, including but not limited to changes in affiliated entities or affiliated persons, must be reported to SBEL within 5 business days following the change or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(a)).
- h) A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contract or for a period of 2 years following the expiration or termination of the contract, whichever is longer.
- 1) Any change in information, including but not limited to changes in affiliated entities or affiliated persons, shall be reported to SBEL on a

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

quarterly basis within 10 business days following the final day of January, April, July and October of each year (see Section 100.185(c)).

- 2) If a business entity required to register under Section 20-160(d) of the Procurement Code has a pending bid or proposal on a State contract, then any change in information shall be reported to SBEL within 5 business days or no later than a day before the contract is awarded, whichever date is earlier (see Section 100.185(c)).
- i) Pursuant to 30 ILCS 500/20-160, a copy of the business entity's certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register. The chief procurement officer of the State agency shall not accept a bid or proposal unless:
 - 1) the certificate of registration is submitted to the agency with the bid or proposal; or
 - 2) a statement that the bidder or contractor is not required to register as a business entity with SBEL is submitted to the agency with the bid or proposal.
 - j) A registration, and any changes to a registration, must include the business entity's verification of accuracy.
 - k) The requirements of this Section apply regardless of the method of source selection used in awarding the contract.
 - l) SBEL will keep and maintain the paper registrations filed in accordance with P.A. 95-1038 and the emergency rules enacted by SBEL in its principal office in Springfield for a period of 3 years following the creation of the electronic registration system on August 1, 2009. The public may view these paper registration submissions of business entities at SBEL's principal office in Springfield during normal business hours. Copies of registrations of business entities submitted to SBEL shall also be available for public inspection at SBEL's principal office in Springfield. The searchable database provided for in Section 9-35 of the Election Code shall be accessible to the public at all times following its creation.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

- m) A business entity that has registered with SBEL may change its status to "inactive" provided that:
- 1) the entity bid on a contract the value of which exceeded the \$50,000 qualifying threshold, but was not awarded that contract;
 - 2) the entity had a combination of bids and contracts that exceeded the \$50,000 qualifying threshold; however, the entity was not awarded the contract and/or the two year period following the expiration of the contract has lapsed or the term of office of the officeholder responsible for awarding the contract has concluded; or
 - 3) the entity had contracts exceeding the \$50,000 qualifying threshold; however, the two year period following the expiration of the contract has lapsed or the term of office of the officeholder responsible for awarding the contract has concluded.
- n) Nothing in this Section shall affect the duty of a business entity to update its registration when required to do so, nor remove the entity from the prohibition against making contributions to the officeholder responsible for awarding the contract.
- o) This "inactive" designation shall be determined by the business entity. The Board shall provide a form in an electronic format accessible on the SBEL website for the entity to indicate that it is currently in inactive status. The form shall include the name and address of the entity; the contract or bid that created the obligation to register with the SBEL, as well as the agency or office that was responsible for awarding the contract, or, if the entity was not required to register with the SBEL, a designation that registration was not required; and the beginning date on which the obligation to update the entity's registration relative to each contract or bid no longer existed. The form shall be signed by the Chief Executive Officer of the business entity or his/her designee, or a person who serves in that capacity, indicating that the signatory verifies that the entity qualifies to be in inactive status based on the criteria contained in subsection (m).
- p) In the event a business entity that had previously declared its inactive status on the form prescribed by subsection (o) submits a bid for a State contract whose value exceeds \$50,000, the entity shall rescind its inactive status prior to submitting a

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENT

bid, shall update its registration so that the information required by Section 9-35(b)(1), (2) and (3) of the Election Code is current. In addition, the entity shall abide by the contribution prohibitions contained in Section 50-37(b) and (c) of the Procurement Code. The rescinding of an entity's inactive status shall be on an electronic form accessible on the SBEL website.

- q) The complaint provisions contained in Sections 9-20 through 9-22 of the Election Code shall apply to complaints filed alleging a violation of this Section.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3) Section Number: 1620.825 Adopted Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 50-39 of the Illinois Procurement Code [30 ILCS 500/50-39]
- 5) Effective Date of Amendment: April 21, 2011
- 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 rulemaking, including any material incorporated by reference, is on file in the Executive Ethics Commission's office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: December 27, 2010; 34 Ill. Reg. 19800
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: There were several additions and other changes made to the proposed rules during the Second Notice period that were agreed to by the Commission and JCAR. These additions/changes included:

In Section 1620.825(b)(1)(A), the rulemaking defines "material information" and "material argument". The rulemaking establishes factors that a State employee should consider in determining whether a communication is material.

In Section 1620.825(b)(2), the rulemaking defines "potential action" for clarification purposes.

In Section 1620.825(b)(3), the rulemaking defines "procurement matter" to include particular processes and activities. Further, the definition specifies the time period during which something may be considered a procurement matter.

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

Section 1620.825(c) is expanded to clarify exclusions from reporting for certain inter-governmental agency communications, sanctioned communications, and other communications that may be privileged, protected, or confidential under law.

Sections 1620.825(d) and (e) are added to require reporting of specific types of improper communications notwithstanding general exclusions from reporting.

Subsection 1620.825(f) is clarified to require reporting of communications in no event more than 30 days after receipt of the communication.

The rulemaking clarifies the meaning of "public forum" in Section 1620.825(h).

Numerous editing changes were made at the suggestion of JCAR.

- 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 other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The purpose of the rule is to implement the procurement communications disclosure requirements required by the Illinois Procurement Code [30 ILCS 500/50-39].
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Chad D. Fornoff, Executive Director
Executive Ethics Commission
401 S. Spring Street
Wm. Stratton Building, Room 513
Springfield, IL 62706

217/558-1393
eec.cms@illinois.gov

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620
ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section	
1620.5	Definitions
1620.10	Composition of Executive Ethics Commission
1620.20	Officers
1620.30	Appointment of Executive Director
1620.40	Duties of Executive Director
1620.50	Duties of Staff

SUBPART B: INFORMATION

Section	
1620.110	Requests for Records
1620.120	Response to Requests for Records
1620.130	Appeal of a Denial (Repealed)
1620.140	Copies of Public Records – Fees
1620.150	Materials Immediately Available

SUBPART C: RULEMAKING

Section	
1620.200	Rulemaking Procedures

SUBPART D: INVESTIGATIONS

Section	
1620.300	Conduct of Investigations
1620.310	State Officer or Employee Case Initiation Form
1620.320	Case Initiation Form – Contents
1620.330	Opening an Investigation File

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1620.340 Referral to the Appropriate Executive Inspector General
- 1620.350 Investigations
- 1620.360 Investigations Not Concluded Within Six Months (Repealed)

SUBPART E: HEARINGS

Section

- 1620.420 Attorney of Record
- 1620.430 Filing Requirements
- 1620.440 Complaint
- 1620.450 Complaint – Required Provisions
- 1620.460 Service
- 1620.470 Objections
- 1620.480 Sufficiency of the Complaint
- 1620.490 Discovery
- 1620.500 Subpoenas
- 1620.510 Motions
- 1620.520 Hearings
- 1620.530 Decision of the Commission

SUBPART F: REVOLVING DOOR PROHIBITION

Section

- 1620.610 Revolving Door Prohibition
- 1620.620 Waiver of Revolving Door Prohibition – Commission Procedure (Repealed)
- 1620.630 Finality of Decision (Repealed)
- 1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
- 1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure

SUBPART G: GIFT BAN

Section

- 1620.700 Gift Ban

SUBPART H: MISCELLANEOUS FILINGS

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

Section	
1620.800	Personnel Policies
1620.810	Quarterly and Six-Month Status Reports
1620.820	Ex Parte Communications
<u>1620.825</u>	<u>Communications Related to Procurement</u>
1620.830	Designation of Ethics Officer

SUBPART I: ETHICS TRAINING

Section	
1620.900	Ethics Training

SUBPART J: RELEASE OF INVESTIGATION REPORTS

Section	
1620.1000	Investigation Reports Finding a Violation
1620.1010	Investigation Reports Finding No Violation
1620.1020	Release of Summary Reports

SUBPART K: DISCIPLINARY ACTION

Section	
1620.1100	Disciplinary Action under the Ethics Act
1620.1110	Hearings to Contest Disciplinary Actions

SUBPART L: PROCUREMENT CODE CONFLICTS OF INTEREST EXEMPTIONS

Section	
1620.1200	Procurement Code Conflicts of Interest Exemptions

AUTHORITY: Implementing Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55] and Section 50-39 of the Illinois Procurement Code [30 ILCS 500/50-39] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15] and [30 ILCS 500/50-39].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; adopted at 29 Ill. Reg. 9619, effective July 1, 2005; amended at 32 Ill. Reg. 7099, effective July 1, 2008; amended at 34 Ill. Reg. 13108, effective August 27, 2010;

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

amended at 34 Ill. Reg. 19507, effective December 6, 2010; emergency rulemaking at 35 Ill. Reg. 563, effective January 1, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3797, effective February 17, 2011, for the remainder of the 150 days; amended at 35 Ill. Reg. 7308, effective April 21, 2011.

SUBPART H: MISCELLANEOUS FILINGS

Section 1620.825 Communications Related to Procurement

- a) Any written or oral communication received by a State employee that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including but not limited to an application, a contract or a project, shall report the communication to the Procurement Policy Board. [30 ILCS 500/50-39(a)]
- b) A communication must be reported if it is material, regarding a potential action, relating to a procurement matter and not otherwise excluded from reporting.
 - 1) Materiality
 - A) "Material information" is information that a reasonable person would deem important in determining his or her course of action. It is information pertaining to significant issues, including, but not limited to, price, quantity and terms of payment or performance.
 - B) A "material argument" is a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. It does not include general information about products, services or industry best practices, or a response to a communication initiated by an employee of the State for the purpose of providing information to evaluate new products, trends, services or technologies.
 - C) In determining whether a communication is material, the State employee **must** consider:

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

- i) whether the information conveyed is new or already known to the State agency (or repeated or restated privately) and other participants in the communication; and
 - ii) the likelihood that the information would influence a pending procurement matter.
- 2) A "potential action" is one that a reasonable person would believe could affect the initiation, development or outcome of a procurement matter.
- 3) "Procurement matters", unless otherwise excluded, are the processes of procuring specific goods, supplies, services, professional or artistic services, construction, leases of real property (whether the State is the lessor or lessee), or capital improvements, and include master contracts contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. Procurement matters are activities that occur during the time period beginning with the time an agency has identified a need for procurement as documented by the initiation of a procurement business case or equivalent document, as designated by the Chief Procurement Officer, and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or Procurement Policy Board review period, if applicable. Procurement matters include:
 - A) drafting, reviewing or preparing specifications, plans or requirements, including determining the method of source selection;
 - B) drafting, reviewing or preparing any Invitations for Bid, Requests for Information, Requests for Proposals, sole source procurement justifications, emergency procurement justifications or selection information;
 - C) evaluating bids, responses and offers, other communications among an evaluation team and any technical advisors to the team relating to the evaluation of a procurement not yet awarded;

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

- D) letting or awarding a contract;
 - E) resolving protests;
 - F) determining inclusion on prequalification lists or prequalification in general;
 - G) identifying potential conflicts of interest or voiding or allowing a contract, bid, offer or subcontract for a conflict of interest;
 - H) allowing a conflict or subcontract pursuant to Section 50-60 of the Illinois Procurement Code [\[30 ILCS 500\]](#); and
 - D) approving change orders or the renewal or extension of an existing contract.
- c) This Section does not apply to the following communications:
- 1) *Communications made by a person publicly made in a public forum (however, communications made in a public forum, if made again privately, must be reported);*
 - 2) *Communications regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter;*
 - 3) *Communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of an existing contract. [30 ILCS 500/150-39(a)]*
 - 4) Communications between a State employee and:
 - A) the State employee's agency head;
 - B) other State employees of that agency;
 - C) employees of the Executive Ethics Commission; or

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

- D) an employee of another State agency who, through the communication, is either
- i) exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State Purchasing Officer; or
 - ii) exercising oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities.
- 5) Unsolicited communications providing general information about products, services or industry best practices, prior to those products or services becoming involved in a procurement matter.
- 6) Communications received in response to procurement solicitations pursuant to the Illinois Procurement Code, including, but not limited to, vendor responses to a Request for Information, Request for Proposal, Request for Qualifications, Invitation for Bid or a small purchase, sole source or emergency solicitation, questions and answers posted to the Procurement Bulletins to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures or guidelines.
- 7) Communications that are privileged, protected or confidential under law.
- 8) Communications that are part of a formal procurement process as set out by statute, rule or the solicitation, guidance or procedures, such as the posting of procurement opportunities, the process for approving a procurement business case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement process.
- d) Notwithstanding any exemption provided in subsection (c), a State employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

matter if that communication attempts to influence through duress, coercion or the direct or indirect offer or promise of anything of value to any person or entity in consideration for any benefit or preference in the procurement process.

- e) Notwithstanding any exemption provided in subsection (c), a State employee must report any communication that imparts or requests material information or makes a material argument regarding a potential action concerning a procurement matter if the employee reasonably believes the communication was made for any improper purpose, including, but not limited to, providing an improper benefit, monetary or non-monetary, to any person or entity.
- f) As soon as practicable, but in no event more than 30 days after receipt of the communication or the first in a series of related communications described in subsection (b), the State employee shall report the communication to the Procurement Policy Board in accordance with the Board's rules.
- e) For purposes of this Section, "State employee" means:
- 1) any person employed full-time, part-time or pursuant to a personal services contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed;
 - 2) any appointed or elected commissioner, trustee, director or board member of a board of a State agency; or
 - 3) any other person appointed to a position in or with a State agency, regardless of whether the position is compensated.
- h) For purposes of this Section, "public forum" includes any meeting that satisfies the notice requirements contained in Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02], but also includes other public events that are advertised and generally open to the public. A meeting may be a public forum even if a reasonable fee is required, such as educational seminars and conferences.
- i) For purposes of this Section, "procurement business case" means a formal request for approval to procure using either an electronic system or document designated for this purpose by the Chief Procurement Officer.

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED AMENDMENT

|
(Source: Added at 35 Ill. Reg. 7308, effective April 21, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.1	Amendment
110.15	Amendment
110.80	Amendment
110.100	Amendment
110.170	Amendment
110.190	Amendment
110.200	Amendment
110.215	Amendment
110.216	New Section
110.280	New Section
110.290	New Section
- 4) Statutory Authority: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22]
- 5) Effective Date of Amendments: April 21, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? Yes. TILA Section 15 USC 1601 et. seq. and Reg. Z App. J (12 CFR 226, 2011, hereby incorporated by reference).
- 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: January 21, 2011, at 35 Ill. Reg. 1293.
- 10) Has JCAR issued a Statement of Objection to these Amendments? No
- 11) Differences between proposal and final version: The following changes were made to the proposed rule and are included in the adopted version:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

-In Section 110.1, the definition of "Small Consumer Loan" was changed to exclude title secured loans in addition to payday loans which were excluded in the proposed version. Also, a definition of "affiliate" was added during second notice and in the definition of "controlling person" in the same Section, 25% was changed to 50% with an additional minor clarification in that same Section.

-In Section 110.100(a)(1)(2) and (e)(1)(2), proposed language regarding the computation of finance charges was changed for clarification purposes and the method for calculating the rebate for unearned interest for precomputed small consumer loans was also referenced as defined by the Federal Truth in Lending Act (and its actual citation also added) for further clarification per public comments during first notice (110.100(e)(2) was changed again during second notice to language that mirrors the statute). Also in Section 110.100(k)(1), a sentence was removed from the proposed version that was inconsistent with provisions of Section 15(f)(5) of the Act. Section 110.100(e)(2) was also amended from the proposed version to add language that the Department will agree to post to its website a method of rebate calculation in conformity with TILA Regulation Z Appendix J.

-In Section 110.170, language in the proposed version requiring actuarial rebates of insurance premiums were removed per public comment and JCAR's suggestion. A couple technical corrections to the proposed version were also made in this Section.

-Section 110.216 added a line for clarification purposes (The entire Section is one sentence stating that a CILA licensee may charge fees for small consumer loans as permitted by Section 17.2 of the Act. "and as otherwise permitted in the Act" was added).

-In Section 110.280 regarding documentation for verification of gross monthly income of the consumer, the term, "official" used in the proposed version has been removed and the 30-day limitation in relation to the use of copies of a consumer's tax returns, had been changed to eliminate the limitation altogether and specify current or prior year tax returns or the customer's W-2 or 1099 forms. Also, the proposed version's self-certification language was removed per recommendation from JCAR. Language was added to this same Section clarifying documentation required in cases where two or more persons are applying for credit. A further change was made to 110.280(a) (during second notice per a second public comment) to clearly indicate that the section applied to "small consumer loans".

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

-In Section 110.290(e)(1), "cash" is further defined for the purposes of that subsection. Also in Section 110.290(c)(8) the word "verification" was deleted per public comment and minor additional language was also added to Section 110.290(d)(e) and (f) to clarify that those Sections apply to small consumer loans.

-A compliance date of June 1, 2011 was added to Section 110.290(k) for licensees to input required information into the certified database.

- 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 these Amendments replace any Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking is being adopted for the purpose of administering the provisions of Public Act 96-936. PA 96-936 amended the Consumer Installment Loan Act, the Payday Loan Reform Act and the Illinois Financial Services Development Act to add interest rate caps on consumer installment loans, create new loan products and limit the interest rate that can be charged by consumer installment and sales finance agency lenders for revolving credit pursuant to the Illinois Financial Services Development Act. The Act also created a consumer reporting service database to be used by Consumer Installment Loan Act licensees for the purpose of tracking consumer installment loan transactions made by licensees under the Act on a real time basis. The adopted rule establishes new Sections per those provisions of the Act such as a clarification of both payday and installment loan terms and verification from the licensee (lender) of a consumer's Gross Monthly Income and setting guidelines for the lender to enter those loans into the consumer reporting service database.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 110

CONSUMER INSTALLMENT LOAN ACT

SUBPART A: GENERAL PROVISIONS

Section

110.1	Definitions
110.10	Minimum Requirements for Office Records
110.15	Application for License; Controlling Person
110.20	Loan Register
110.30	Individual Account Records
110.40	File of Original Papers
110.50	Cash Book
110.60	Alphabetical Record of Co-Makers, Obligors or Guarantors
110.65	Permanent File
110.70	Payments
110.80	Simple Interest Loans
110.90	Cancellation and Return of Documents
110.100	Finance Charges – Rebates and Delinquency Charges
110.110	Hypothecation at the Time of the Sale of Obligor's Notes
110.120	Legal Forms
110.130	Judgments
110.140	Sale of Security
110.150	Trouble File
110.160	Lien Charges
110.170	Insurance
110.180	Office and Office Hours
110.190	Advertising
110.200	Other Business
110.210	Examination Remittances
110.215	Document Preparation Fee
110.216	Small Consumer Loans; Charges Permitted
110.220	Credit Practices
110.225	Verification of Amount Owing
110.230	General
110.235	Relocation

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

110.236	Name Change
110.240	Hearing Procedures
110.250	Limited Purpose Branch
110.260	Off-Site Records
110.265	Servicing of Accounts by Contract
110.270	Revocation or Suspension of License
110.280	Gross Monthly Income Verification Documentation
110.290	Consumer Reporting Service

SUBPART B: TITLE-SECURED LENDING

Section	
110.300	Definitions
110.310	Applicability of Rule
110.320	Application for License
110.330	Renewal of License
110.340	Simple Interest and Replacement
110.350	Release of Lien
110.360	Availability of Debt Management Services
110.370	Lending Limits and Refinancing
110.380	Second Notice
110.390	Possession of Vehicle
110.400	Loan Proceeds
110.410	Security Interest
110.420	Approved Database
110.430	Gross Monthly Income Verification

SUBPART C: MORTGAGE LENDING

Section	
110.500	Definitions (Repealed)
110.505	Applicability of Rule (Repealed)
110.510	Good Faith Requirements (Repealed)
110.515	Fraudulent or Deceptive Practices (Repealed)
110.520	Prohibited Refinances (Repealed)
110.525	Negative Amortization (Repealed)
110.530	Negative Equity (Repealed)
110.535	Balloon Payments (Repealed)
110.540	Financing of Certain Points and Fees (Repealed)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 110.545 Financing of Single Premium Insurance Products (Repealed)
110.550 Lending Without Due Regard to Ability to Repay (Repealed)
110.555 Verification of Ability to Repay (Repealed)
110.560 Payments to Contractors (Repealed)
110.565 Counseling Prior to Perfecting Foreclosure (Repealed)
110.570 Mortgage Awareness Program (Repealed)
110.575 Offer of Mortgage Awareness Program (Repealed)
110.580 Third Party Review (Repealed)
- 110.APPENDIX A Estimated Monthly Income and Expenses Worksheet (Repealed)
110.APPENDIX B Mortgage Ratio Worksheet (Repealed)
110.TABLE A Illinois Rule of 78 Fractions for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)
110.TABLE B Rule of 78 Percentage Rebate Table (Repealed)

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1485, effective January 2, 1998, for a maximum of 150 days; emergency expired May 31, 1998; amended at 22 Ill. Reg. 13657, effective July 14, 1998; amended at 25 Ill. Reg. 6227, effective May 17, 2001; amended at 25 Ill. Reg. 7456, effective August 1, 2001; expedited correction at 29 Ill. Reg. 5776, effective August 1, 2001; amended at 26 Ill. Reg. 14232, effective October 1, 2002; amended at 30 Ill. Reg. 12558, effective July 7, 2006; amended at 33 Ill. Reg. 4142, effective April 1, 2009; amended at 35 Ill. Reg. 7319, effective April 21, 2011.

SUBPART A: GENERAL PROVISIONS

Section 110.1 Definitions

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

"Act" means the Consumer Installment Loan Act [205 ILCS 670].

"Affiliate", for purposes of Section 1 of the Act, means any person or entity that directly or indirectly controls, is controlled by, or shares control with another person or entity. A person or entity has control over another if the person or entity has an ownership interest of 25% or more in the other.

"Controlling person" means a person owning or holding the power to vote ~~50%~~25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or minor child of that person.

"Date of the loan" means the date on which the loan agreement is signed or accepted by the lender.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Financial Institutions with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions.

"Generally accepted accounting procedures" or "GAAP" means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board.

"Hypothecate" means to pledge a security instrument without transfer of Title.

"Insurance Code" means 215 ILCS 5.

"Licensee" means a person, partnership, association, limited liability company, corporation or other legal entity licensed under the Act. Any person or entity who

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

holds himself, herself or itself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings and the Illinois Administrative Procedure Act [5 ILCS 100].

"Obligor" means the person to whom the proceeds of a loan are delivered or on whose behalf the proceeds of a loan are expended.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

"Recording fee" is a fee paid to a government agency to record or release a security instrument.

"Sales Finance Agency Act" means 205 ILCS 660.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Small Consumer Loan" means a loan upon which interest is charged at an annual percentage rate exceeding 36.00% and with an amount financed of \$4,000 or less. Small Consumer Loan does not include a title secured loan as defined by Section 15(a) of the Act or a payday loan as defined by the Payday Loan Reform Act [815 ILCS 122].

"Uniform Commercial Code" means 810 ILCS 5.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.15 Application for License; Controlling Person

- a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:
 - 1) The legal name of the applicant, including any other names the applicant does or intends to do business as, and the address of the proposed place of business;
 - 2) The form of business organization of the applicant, including:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- A) a copy of its filed articles of incorporation;
- B) a copy of the filed articles of organization, if the applicant is a limited liability company;
- C) a certified statement of the ownership of the partnership and any subsequent changes to the ownership, if the applicant is a partnership.

3) Information on Involved Individuals

- A) The name, business and home address, credit report (except for a publicly traded company) and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:
 - iA) the proprietor, if the applicant is an individual;
 - iiB) every general partner, if the applicant is a partnership;
 - iiiC) President, Secretary, Executive and Senior Vice Presidents, Directors and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and
 - ivD) the manager, if the applicant is a limited liability company.
- B) A licensee shall not submit the information required in subsections (a)(2) and (3) of this Section if the licensee has previously submitted the information to the Division in a previous license application within the last 5 years and there have been no material changes, unless requested to by the Director.

- 4) The most current year end financial statements, prepared in accordance with generally accepted accounting principles (Miller Comprehensive GAAP Guide, Harcourt Brace & Co., 6277 Sea Harbor Dr., Orlando FL 32877 (1998, no subsequent dates or editions)) and a balance sheet and statement of operations as of the most recent quarterly report before the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

date of the application.

- 5) A list of all states in which the applicant is licensed as a lender or sales finance agency and whether the licenses of the applicant has ever been withdrawn, refused, cancelled or suspended in any other state, with full details.
 - 6) Bond as required by the Act.
 - 7) Appointment of Attorney-in-Fact.
 - 8) Business Plan, which shall only detail the nature, amount and term of loans to be made and types of security that will be taken.
 - 9) Photographs of both the inside and outside of the proposed site.
 - 10) Details of any other businesses that will be conducted within the licensed premises.
 - 11) Information Form.
 - 12) The applicable fees as required by the Act.
 - 13) Any additional information the Director considers necessary.
- b) A licensee that is a corporation must notify the Director within 15 days after a person becomes a controlling person. Upon notification, the Director may require all information he or she considers necessary to determine if a new application is required. A licensee that is an entity other than a corporation shall submit a new application to the Director seeking prior approval whenever a person proposes to become a controlling person or acquire an ownership interest.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.80 Simple Interest Loans

- a) No payment shall be accepted on the principal balance unless interest is paid to date or is agreed to by the licensee, except a payment may be credited to principal

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

if the amount of the payment is not sufficient to pay the interest due for one day.

- b) A calendar month is the period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date in the following month, to the last day of the following month.
- c) Interest shall be computed on the basis of one month's interest for each calendar month and 1/30 of a month's interest for each day in a fraction of a month or, alternatively, 1/365 of the agreed annual rate for each day actually elapsed.
- d) When a simple interest loan contract is renewed or refinanced, accrued but uncollected interest may be included in the principal amount of the new loan contract.
- e) Loans must be fully amortizing and repayable in substantially equal and consecutive weekly, biweekly, semimonthly, or monthly installments. Rates may vary according to an index that is A non-standard payment schedule with irregular times or amounts and varying interest rates is permissible, in accordance with Section 15(e)(3) of the Act, providing there is proper disclosure of an independently verifiable and index beyond the control of the licensee.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.100 Finance Charges – Rebates and Delinquency Charges

- a) Computation of Finance Charge
 - 1) On loans other than Small Consumer Loans on which monthly installment account handling charges are charged, charges may be computed on the original face amount of the loan contract for the full term of the loan contract. Charges may be computed on the original face amount of the loan contract for the full term of the loan contract at the agreed rate.
 - 2) Monthly installment account handling charges on Small Consumer Loans may be computed on the original amount financed under the loan contract for the full term of the loan contract at the permitted monthly installment account handling charge. Small Consumer Loans upon which monthly installment account handling charges are precomputed in this manner are

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

deemed to be precomputed loans for all purposes unless otherwise specified by the Act.

32) The maximum charge so computed (or any lesser amount) may be added to the original principal amount of the loan or may be deducted from the face amount of the contract when the loan is made.

b) A standard payment schedule is one under which a loan is repayable in substantially equal and consecutive weekly, biweekly, semimonthly, or monthly installments of principal and charges combined, and the first installment is due one weekly, biweekly, semimonthly, or monthly period ~~month~~ from the date of the note, except as provided in subsection ~~subsections~~ (b)(1), ~~and~~ (2) and (3).

1) The loan contract shall be drawn to reflect a standard payment schedule with payments to be made on a weekly, biweekly, semimonthly, or monthly ~~calendar month~~ basis, except that the first installment period may exceed one weekly, biweekly, semimonthly, or monthly period ~~month~~ by as much as the following:

A) For weekly payments, by 4 days;

B) For biweekly and semimonthly payments, by 7 days;

C) For monthly payments, by 15 days.

2) If a charge is made for extra days in the first installment period it may be added to the first installment payment. The interest for such period may be increased by $\frac{1}{30}$ of the agreed monthly rate for each extra day. A charge for extra days in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.

32) If the first installment period is less than one month the loan charge shall be reduced by $\frac{1}{30}$ of the agreed monthly rate for each day that the first installment period is less than one month, and the amount of the first installment shall be reduced by the same amount. Such adjustment in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- c) The obligor shall have the right to prepay a loan in full on any installment due date. When prepayment in full occurs on a date other than a scheduled installment due date, the rebate may be computed as of the next following scheduled installment due date.
- d) When the contract is renewed or refinanced before maturity, or judgment is obtained before maturity, the same rebate is required as for prepayment in full.
- e) Rebate of Finance Charge
- 1) The Rule of 78 shall be the method of rebating precomputed contracts other than Small Consumer Loans. The rebate shall be that proportion of the original charge for the loan ~~that~~which the sum of the monthly balances scheduled to follow ~~the~~such prepayment in full bears to the sum of all the monthly balances, both sums to be determined according to the originally contracted payment schedule. The required rebate is a fraction (or percentage) of the precomputed interest charge. The fraction differs for each number of months that the contract is prepaid in full.
- 2) The unearned interest or unearned portion of the monthly installment account handling charge that is refunded shall be calculated based on a method that is at least as favorable to the consumer as the actuarial method, defined by the federal Truth in Lending Act (15 USC 1601 et seq.) and Regulation Z, Appendix J (12 CFR 226 (2011); this incorporation by reference includes no subsequent dates or editions). The Department will post on its website a method of rebate calculation that conforms with Appendix J. Licensees may submit to the Department requests for approval of additional methods of rebate calculation that conform to Appendix J. All methods approved by the Department will be posted on the Department's website. The Department shall make its best efforts to respond to all licensee requests for use of a method. The use of any posted method will constitute compliance with the requirements of this subsection (e)(2). The sum of the digits method and Rule of 78 method of calculating prepaid interest refunds are prohibited.
- f) When a precomputed interest loan contract is renewed or refinanced, accrued but uncollected interest may be included in the principal amount of the new loan

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

contract.

- g) Delinquency or Default Charges
- 1) All delinquency charges (Default Charges) shall comply with the requirements and provisions of the applicable statute under which the contract was made.
 - 2) Delinquency charges may be assessed and collected and added to the balance of the note, but interest shall not be collected on said charge.
 - 3) Earned, but uncollected, delinquency charges shall be recorded on the account record on the date the delinquent payment is received, if the licensee intends to collect the charges at a later date.
- h) If two or more installments are delinquent on any installment date the contract balance may be reduced as of ~~that~~ such date by the rebate ~~that~~ which would be required for prepayment in full on ~~that~~ such date. Thereafter, the agreed contractual rate may be charged on the actual unpaid balances of the loan contract until the contract is fully paid or, in the case of Small Consumer Loans, interest at the rate of 18% per annum may be charged in the unpaid balance until fully paid. Interest so received shall be in lieu of the rebated charges and any delinquency charge ~~that~~ which would otherwise accrue after the date of which the rebate was made.
- i) When a contract is prepaid in full, a statement or receipt shall be given to the obligor, showing the date of prepayment, the amount of the rebate, if any, and the amount paid to discharge the loan.
- j) Fifteen days after the expiration date of the loan contract, interest may be charged at the contractually agreed rate, not to exceed the rate permitted in Section 15 of the Act or, in the case of precomputed Small Consumer Loans, interest at the rate of 18% per annum, on any balance remaining unpaid. At the time of final payment the licensee shall notify the obligor of the balance unpaid.
- k) Deferment
- 1) The maximum amount ~~that~~ which may be charged for a one month's

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

deferment is equal to the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the deferred installment and the rebate ~~that which~~ would be required for prepayment in full as of one month prior to ~~the duesaid~~ date.

- 2) On a precomputed loan the rebate for prepayment in full after deferment interest has been charged shall be larger than the rebate ~~that which~~ otherwise would be required.
- 3) If a rebate is required one month or more before the deferred due date of the first deferred installment, the licensee, at its option, may make a separate rebate of deferment interest for each unexpired month of the deferment period and then rebate the standard precomputed finance charge for the number of months to the original final installment date, plus one month for each month that deferment is retained.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.170 Insurance

- a) Licensees may provide insurances to the obligor provided the obligor has indicated in a specific, dated and separately signed statement that he or she desires the insurance coverage. The purchase of any policy of insurance from or through the licensee shall not be a condition precedent to a loan. ~~TheSuch~~ insurance shall comply with the Illinois Insurance Code and all lawful requirements of the Director of the Department of ~~Financial and Professional Regulation Division of~~ Insurance related to that insurance.
- b) The licensee may provide joint credit life or joint credit accident and health insurance if both insureds are obligated for the loan; however, this coverage shall not be a requirement precedent to the extension of credit.
- c) When a loan is prepaid in full, the obligor shall receive a refund of the insurance charges. The required refund shall be computed according to the Rule of 78 or the Sum of the Digits Method. When the refund of any insurance premium is less than \$1.00, no refund is required.
- d) It shall be the licensee's responsibility to explain clearly to the obligor the benefits

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

and limitations of any insurance requested in connection with any loan or loan extensions.

- e) The licensee shall also deliver or cause to be delivered to the obligor a copy of the policy, or policies, certificate, or other evidence at the time the loan is made, and all obligors shall sign and receive a copy of a separate agreement clearly and conspicuously disclosing the limits of coverage.
- f) No obligor shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to a loan. No licensee shall decline new or existing insurance that is approved by the Director of the Department of Insurance~~Department of Financial and Professional Regulation-Division of Insurance~~, or prevent any obligor from obtaining the insurance from any other source.
- g) When the loan is made, the insurance charges shall be computed for no more than the term of the loan contract on an amount ~~that~~which does not exceed the total amount required to pay the combined total of principal and interest charges.
- h) The obligor's estate shall be paid the amount due between the unpaid balance and the insurance benefit paid. Evidence of this payment shall be maintained by the licensee.
- i) In the case of a precomputed contract, the amount of the net unpaid balance shall be the unpaid balance of the note ~~less~~unless any required rebate for prepayment in full on the date of the borrower's death, plus accrued but unpaid delinquency charges. In the case of a simple interest contract, the amount of the net unpaid balance shall be the principal balance plus accrued interest to the date of the borrower's death.
- j) The licensee shall keep in its office a separate record of all accounts on which death claims have been paid. The account records shall indicate the date of death and the refunds of interest or loan charges and unearned insurance premiums paid to the estate. The refund check or voucher shall be available on demand.
- k) Insurance against loss or damage to real or personal property given as security for a loan or liability arising out of ownership may be required of an obligor.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- l) Property insurance provided by a licensee shall be consistent with the amount and term of the loan and shall not extend beyond the maturity of the loan unless the loan is delinquent, when it may be extended 30 days beyond the original expiration date without charge to the obligor.
- m) Upon cancellation of the loan by prepayment, renewal or refinancing, the obligor shall be entitled to a refund not less than the unearned premium based on the Rule of 78 in any amount exceeding \$1.00.
- n) The licensee or affiliate may receive compensation for the sale of any insurance or debt cancellation contract or other such product purchased pursuant to the loan made or held by the licensee, provided the licensee discloses to the obligor that either the licensee or an affiliate may receive something of value in connection with the purchase by the obligor. This must be prominently disclosed in the loan contract.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.190 Advertising

- a) Licensees shall not advertise "No co-makers required", "No endorsers required", "Signature only" loans, "Loans made on your plain note" or the like, unless the loans constitute at least 50% of all loans made by the licensee.
- b) Licensees shall not make reference, in any form of advertising such as newspapers, circulars, letters, radio, or other media, to "Low rates", or "Lower rates", or "Lowest rates", or "Lowest cost", or ~~to~~ indicate by direct or indirect means through such expression as "Low cost", "Lower cost", or "Easier to repay", or by any device that the charges for a loan are low.
- c) Licensees may advertise "New reduced rates" or "Reduced rates", or similar phrases for not more than 60 days after the effective date of the reduction in rates.
- d) Upon specific request by the Division, licensees shall forward to the Supervisor of the Consumer Credit ~~Section~~ ~~Division~~ the complete text of all advertising copy, whether printed or broadcast, for which questions have been raised concerning compliance with the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- e) A licensee may indicate in advertising and otherwise that its business is "regulated" or "examined" or "supervised" or "licensed" by the State of Illinois. A licensee may not advertise in a *false, misleading or deceptive manner* or imply or indicate that the rates or charges for loans made are "approved", "set" or "established" by the State government. [205 ILCS 670/18]
- f) Should any advertisement by a licensee state the amount of any installment payment, dollar amount of any finance charge or number of installments, or period of repayment, the advertisement shall comply with the provisions of the [federal](#) Consumer Credit Protection Act ([15 USC 41 et seq.](#)) and the regulations applicable to that Act.
- g) Any statement of the payment schedule for a loan in an advertisement must show the proceeds of the loan exclusive of the finance charge and indicate the number and amount of the [weekly, biweekly, semimonthly, or](#) monthly installments required to pay the loan contract. The total of the installments must be sufficient to pay the total of the proceeds and finance charge for the loan according to the payment schedule. When a payment schedule is used, it must disclose the Annual Percentage Rate for each amount of loan advertised, using that term.
- h) If the advertisement includes an offer of insurance, the advertisement must disclose the type of insurance offered and whether or not the installments include the cost of the insurance.
- i) The licensee shall not advertise the conduct of business other than at the license location or other location approved by the Director.
- j) On a finding that an advertisement is false, misleading or deceptive, the Director may issue a cease and desist order.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.200 Other Business

Unless otherwise authorized by the Act, no other business may be conducted at the licensed location unless authorized in writing by the Director. The Director's authorization will be predicated upon the licensee's agreeing to the following:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) That the authorization will not conceal nor facilitate concealment of an evasion of the Act;
- b) To comply with any State or federal statute or regulation;
- c) To obtain any license or registration required by a federal, State or local government agency to engage in the other business authorized;
- d) That the Division may examine all records and investigate any or all transactions of the licensee;
- e) The Director retains the right, upon notice and opportunity to be heard, to alter, amend or revoke another business authorization;
- f) That, if any federal or State statute or regulation enacted after the authorization prohibits the activity, the authorization shall become null and void immediately;
- g) At the time of making the request for the authorization, the licensee shall pay to the Director a nonrefundable Other Business Authorization Request fee of \$100;
- h) At the time of renewing the annual license, the licensee shall pay to the Director the sum of \$25 [as a renewal fee](#) for each Other Business Authorization. Regardless of the number of licensed locations, only one fee per Other Business Authorization is required to be remitted.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.215 Document Preparation Fee

[Except for Small Consumer Loans](#), ~~a~~A licensee may assess the obligor a document preparation fee not to exceed \$25. This fee may be assessed for consummated loans only and shall be itemized and disclosed in the loan contract as prescribed under the [federal Truth in Lending-Truth-in-Lending](#) Act. In the event of prepayment in full, no portion of this fee is required to be refunded.

(Source: Amended at 35 Ill. Reg. 7319, effective April 21, 2011)

[Section 110.216 Small Consumer Loans; Charges Permitted](#)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

A licensee may charge fees for Small Consumer Loans as permitted by Section 17.2 of the Act and as otherwise permitted in the Act.

(Source: Added at 35 Ill. Reg. 7319, effective April 21, 2011)

Section 110.280 Gross Monthly Income Verification – Official Documentation

- a) Prior to making a Small Consumer Loan under the Act, the licensee must obtain from the consumer one or more of the following types of documentation to verify the gross monthly income of the consumer as required by Section 17.4 of the Act.
- 1) A copy of the consumer's most recent pay stub or payroll receipt.
 - 2) A copy of the consumer's most recent statement from the paying government agency documenting the government benefits or a copy of the consumers' most recent bank statement showing direct deposit of government benefits.
 - 3) A copy, from the current or prior year, of the consumer's State or federal tax return or the consumer's W-2 or 1099 forms.
 - 4) Signed and verifiable documentation prepared by the source of the income.
 - 5) A contract that provides for funds to have been paid to the consumer within the 30 days prior to the date on which the loan is made, and documentation reflecting that the funds have actually been paid.
 - 6) Other documentation as approved by the Director.
- b) If two or more persons jointly apply for credit, each must list income on the application, and the aggregate of all borrowers' income may be taken into account when calculating the maximum gross monthly income under Section 17.4 of the Act. The licensee must obtain documentation of gross monthly income pursuant to this Section with respect to all applicants.

(Source: Added at 35 Ill. Reg. 7319, effective April 21, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 110.290 Consumer Reporting Service

- a) For the purposes of this Section, "certified database" means the consumer reporting service database established pursuant to the Payday Loan Reform Act [815 ILCS 122].
- b) Within 90 days after making a Small Consumer Loan, a licensee shall enter information about the loan into the certified database.
- c) For every Small Consumer Loan made, the licensee shall input the following information into the certified database within 90 days after the loan is made:
 - 1) the consumer's name and official identification number (for purposes of this Act, "official identification number" includes a Social Security Number, an Individual Taxpayer Identification Number, a Federal Employer Identification Number, an Alien Registration Number, or an identification number imprinted on a passport or consular identification document issued by a foreign government);
 - 2) the consumer's gross monthly income;
 - 3) the date of the loan;
 - 4) the amount financed;
 - 5) the term of the loan;
 - 6) the acquisition charge;
 - 7) the monthly installment account handling charge;
 - 8) the fee permitted under Section 17.2(c) of the Act;
 - 9) the number and amount of payments; and
 - 10) whether the loan is a first or subsequent refinancing of a prior Small Consumer Loan.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) Once a **small consumer** loan is entered into the certified database, the certified database shall provide to the licensee a dated, time-stamped statement acknowledging the certified database's receipt of the information and assigning each loan a **unique loan** number.
- e) The licensee shall update the certified database within 90 days if any of the following events occur **with respect to a small consumer loan**:
- 1) the loan is paid in full by cash. For purposes of this subsection (e)(1), "cash" includes currency, personal checks, money orders, third party checks and any other medium of exchange representing immediately available funds;
 - 2) the loan is refinanced;
 - 3) the loan is renewed;
 - 4) the loan is satisfied in full or in part by collateral being sold after default;
 - 5) the loan is cancelled or rescinded; or
 - 6) the consumer's obligation on the loan is otherwise discharged by the licensee.
- f) To the extent a licensee sells a product or service to a consumer, **in addition to a Small Consumer Loan**, and finances any portion of the cost of the product or service, the licensee shall, in addition to and at the same time as the information inputted under subsection (d), enter into the certified database:
- 1) a description of the product or service sold;
 - 2) the charge for the product or service; and
 - 3) the portion of the charge for the product or service, if any, that is included in the amount financed by a Small Consumer Loan.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- g) The certified database provider shall indemnify the licensee against all claims and actions arising from illegal or willful or wanton acts on the part of the certified database provider. The certified database provider may charge a fee not to exceed \$1 for each loan entered into the certified database under subsection (c). The database provider shall not charge any additional fees or charges to the licensee.
- h) All personally identifiable information regarding any consumer obtained by way of the certified database and maintained by the Department is strictly confidential and shall be exempt from disclosure under [Section 7\(1\)\(c\)](#) of the Freedom of Information Act [\[5 ILCS 140\]](#).
- i) A licensee who submits information to a certified database provider in accordance with this Section shall not be liable to any person for any subsequent release or disclosure of that information by the certified database provider, the Department, or any other person acquiring possession of the information, regardless of whether [the](#) subsequent release or disclosure was lawful, authorized or intentional.
- j) To the extent the certified database becomes unavailable to a licensee as a result of some event or events outside the control of the licensee or the certified database is decertified, the requirements of this Section and [Section 17.4](#) of the Act are suspended until such time as the certified database becomes available.
- k) Beginning June 1, 2011, licensees must comply with the requirements of [subsections \(b\) through \(f\)](#) of this Section.

(Source: Added at 35 Ill. Reg. 7319, effective April 21, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Payday Loan Reform Act
- 2) Code Citation: 38 Ill. Adm. Code 210
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
210.1	Amendment
210.16	New Section
210.70	Amendment
210.72	New Section
210.75	New Section
210.170	Amendment
210.240	Amendment
210.250	Amendment
210.260	Amendment
- 4) Statutory Authority: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122]
- 5) Effective Date of Amendments: April 21, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. TILA Section 15 USC 1601 et. seq. and Reg. Z App. J (12 CFR 226, 2011, hereby incorporated by reference).
- 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: January 21, 2011, at 35 Ill. Reg. 1314.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The following changes were made to the proposed rule and are included in the adopted version:

-In Section 210.1, a definition of "affiliate" was added during second notice and in the definition of "controlling person" in the same section, 25% was changed to 50% with an

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

additional minor clarification in that same section. A sentence was also added to the definition of "Gross monthly income" to match the statutory provision (Section 1-10 of the Act) language.

-In Section 210.16, two technical changes from the proposed version were made per JCAR's suggestion.

-In Section 210.70(c), an Automatic Clearing House (ACH) debit was included as an additional refund method of payment to consumers. The section was also amended to add language that the Department will agree to post to its website a method of rebate calculation in conformity with TILA Regulation Z Appendix J.

-Additional language was added to Section 210.72(d) concerning the consumer's right to redeem a check or other negotiable instrument pursuant to Section 1-10 of the Act.

-In Section 210.75(e), proposed language referencing repayment plans on installment loans being prohibited, was replaced with a reference to the Act for clarification purposes. Section 210.75(f) has been added in order to clarify the calculation of the finance charge for the first installment period and Section 210.75(g) was also added to clarify that the term "consecutive day" [of indebtedness] does not include the day on which a consumer makes the final installment payment.

-The self-certification language in Section 210.250(b) of the proposed version was removed per recommendation by JCAR. Since that proposed language was already in the current rule in Section 210.240(b) that section appears in the adopted version even though it was not in the proposed version. (Similar language was removed in the Consumer Installment Loan Act rules as well.)

-Section 210.250(a)(1)(2) were changed to correspond with the change in the "gross monthly income" definition. Also in Section 210.250(a)(3), the use of copies of a consumer's current or prior year tax returns or the customer's W-2 or 1099 forms are allowed to be used as documentation for verification of gross monthly income of the consumer.

-A compliance date of June 1, 2011 was added to Section 210.260 for licensees to input required information into the certified database to determine whether the consumer is eligible for a loan pursuant to the requirements of the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 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 amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking is being adopted in conjunction with Public Act 96-936. PA 96-936 amended the Consumer Installment Loan Act, the Payday Loan Reform Act and the Illinois Financial Services Development Act. The Act added interest rate caps on consumer installment loans, created new loan products and limited the interest rate that can be charged by consumer installment and sales finance agency lenders for revolving credit pursuant to the Illinois Financial Services Development Act. The Act created a consumer reporting service database to be used by Consumer Installment Loan Act licensees for the purpose of tracking consumer installment loan transactions made by licensees under the Act on a real time basis. The adopted rule establishes new Sections per the provisions of the Act such as defining "installment payday loan", limitation of dual licensure per the Act (as a Consumer Installment Loan license), and specifying loan terms for those types of loans.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Financial and 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 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 210

PAYDAY LOAN REFORM ACT

Section

210.1	Definitions
210.10	Minimum Requirements for Office Records
210.15	Application for Payday Lender License; Controlling Person
210.16	Dual Licensure Limitation
210.20	Loan Register
210.30	Individual Account Records
210.40	File of Original Papers
210.50	Cash Book
210.60	Alphabetical Record of Co-Makers, Consumers or Guarantors
210.65	Permanent File
210.70	Payments and Refunds
210.72	Loan Terms
210.75	Installment Payday Loans
210.80	Cancellation and Return of Documents
210.90	Hypothecation at the Time of the Sale of Consumer's Loan Agreement
210.100	Legal Forms
210.110	Judgments
210.120	Trouble File
210.130	Office and Office Hours
210.140	Advertising
210.150	Other Business
210.160	Examination Remittances
210.170	General
210.180	Relocation
210.190	Name Change
210.200	Hearing Procedures
210.210	Off-Site Records
210.220	Servicing of Accounts by Contract
210.230	Revocation or Suspension of License
210.240	Consumer Written Verification of Compliance with Act
210.250	Gross Monthly Income Verification

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

210.260 Certified Database/Commercially Reasonable Method of Verification

AUTHORITY: Implementing and authorized by the Payday Loan Reform Act [815 ILCS 122].

SOURCE: Adopted at 29 Ill. Reg. 21008, effective December 16, 2005; amended at 35 Ill. Reg. 7343, effective April 21, 2011.

Section 210.1 Definitions

"Act" means the Payday Loan Reform Act [815 ILCS 122].

"Affiliate" means any person or entity that directly or indirectly controls, is controlled by, or shares control with another person or entity. A person or entity has control over another if the person or entity has an ownership interest of 25% or more in the other.

"Controlling person" means a person owning or holding the power to vote ~~50%~~25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For the purpose of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or minor child of that person.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions.

"Generally accepted accounting principles" or "GAAP" means those adopted by the American Institute of Certified Public Accountants and Federal Accounting Standards Board and incorporated by reference in Section 210.15.

"Gross monthly income" means monthly income as demonstrated by official documentation of the income, including, but not limited to, a consumer's pay stub

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

or receipt reflecting payment of government benefits, for the period 30 days prior to the date on which the loan was made.

"Hypothecate" means to pledge a security instrument without transfer of title.

"Installment payday loan" means a payday loan with a term agreed to by the parties of not less than 112 days and not exceeding 180 days and that is repayable in substantially equal and consecutive installments pursuant to Section 2-5(c) of the Act.

"Licensee" means a lender and licensee as defined in Section 1-10 of the Act.

"Loan Receivables" means the outstanding balances due on the loans of the licensee.

"Other business authorization" means the authorization in writing required by Section 3-5(g) of the Act to conduct another business in a location licensed under the Act that would not be contrary to the best interest of consumers.

"Payday Lender License" means a license issued pursuant to the Act.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Amended at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.16 Dual Licensure Limitation

In accordance with Section 3-5(g) of the Act, a licensee may obtain a license under the Consumer Installment Loan Act (CILA) for the exclusive purpose and use of making title secured loans, as defined in Section 15(a) of CILA and governed by 38 Ill. Adm. Code 110.300. A licensee may continue to service CILA loans that were outstanding as of the effective date of the amendatory Act of 2010 (March 21, 2011) until the loans are repaid in full.

(Source: Added at 35 Ill. Reg. 7343, effective April 21, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 210.70 Payments and Refunds

- a) All payments shall be credited on the account record as of the date received.
- b) When a payment is made in cash, the licensee shall give a receipt to the consumer. A receipt is not required for payment by check or money order unless requested by the consumer.
- c) When any loan contract is paid in full, the licensee shall refund any unearned finance charge. Refunds of unearned finance charges for installment payday loans shall be paid to the consumer in cash, check or an Automated Clearing House (ACH) debit. The unearned finance charge that is refunded shall be calculated based on a method that is at least as favorable to the consumer as the actuarial method, as defined by the federal Truth in Lending Act (15 USC 1601 et seq.) and Regulation Z, Appendix J (12 CFR 226 (2011); this incorporation by reference includes no subsequent dates or editions). The Department will post to its website a method of rebate calculation that conforms with Appendix J. Licensees may submit to the Department requests for approval of additional methods of rebate calculation that conform to Appendix J. All methods approved by the Department will be posted on the Department's website. The Department shall make its best efforts to respond to all licensee requests for use of a method. The use of any posted method will constitute compliance with the requirements of this subsection (c). The sum of the digits or rule of 78 method of calculating prepaid interest refunds is prohibited.

(Source: Amended at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.72 Loan Terms

- a) No lender may make a payday loan to a consumer if the total of all payday loan payments coming due within the first calendar month of the loan, when combined with the payment amount of all of the consumer's other outstanding payday loans coming due within the same month, exceeds the lesser of:
 - 1) \$1,000; or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 2) in the case of one or more payday loans, 25% of the consumer's gross monthly income; or
 - 3) in the case of one or more installment payday loans, 22.5% of the consumer's gross monthly income; or
 - 4) in the case of a payday loan and an installment payday loan, 22.5% of the consumer's gross monthly income.
- b) No lender may charge more than \$15.50 per \$100 loaned on any payday loan, or more than \$15.50 per \$100 on the initial principal balance and on the principal balances scheduled to be outstanding during any installment period on any installment payday loan. Except for installment payday loans and except as provided in Section 2-25 of the Act, this charge is considered fully earned as of the date on which the loan is made.
- c) A lender may not take or attempt to take an interest in any of the consumer's personal property to secure a payday loan.
- d) A consumer has the right to redeem a check or any other item described in the definition of payday loan under Section 1-10 of the Act issued in connection with a payday loan from the lender holding the check or other item at any time before the payday loan becomes payable by paying the full amount of the check or other item, except that, if the item is a check or an ACH debit that could not be cancelled before it was negotiated, the consumer shall be entitled to a full refund of the amount obtained by the check or ACH debit within 5 business days after the date of redemption.

(Source: Added at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.75 Installment Payday Loans

- a) Notwithstanding anything in the Act to the contrary, a payday loan shall also include any installment loan otherwise meeting the definition of payday loan contained in Section 1-10 of the Act, but that has a term agreed to by the parties of not less than 112 days and not exceeding 180 days (referred to in this Section as an "installment payday loan"). The following provisions shall apply:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Any installment payday loan must be fully amortizing, with a finance charge calculated on the principal balances scheduled to be outstanding and be repayable in substantially equal and consecutive installments, according to a payment schedule agreed to by the parties, with not less than 13 days and not more than one month between payments; except that, the first installment period may be longer than the remaining installment periods by not more than 15 days, and the first installment payment may be larger than the remaining installment payments by the amount of finance charges applicable to the extra days.
 - 2) An installment payday loan may be refinanced by a new installment payday loan one time during the term of the initial loan; provided that the total duration of indebtedness on the initial installment payday loan, combined with the total term of indebtedness of the new loan refinancing that initial loan, shall not exceed 180 days. For purposes of the Act, a refinancing occurs when an existing installment payday loan is paid from the proceeds of a new installment payday loan.
 - 3) In the event an installment payday loan is paid in full prior to the date on which the last scheduled installment payment before maturity is due, other than through a refinancing, no licensee may offer or make a payday loan to the consumer for at least 2 calendar days after the date on which the loan is paid in full.
 - 4) No installment payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 180 consecutive days.
- b) No loan shall be made to a consumer who has an outstanding balance on 2 payday loans, except that, for a period of 12 months after the effective date of the amendatory Act of 2010 (effective March 21, 2011), consumers with an existing CILA loan may be issued an installment loan issued under the Act from the company from which their CILA loan was issued. For purposes of this Section, "company" means a person or legal entity.
 - c) No lender may charge more than \$15.50 per \$100 on the initial principal balance and on the principal balances scheduled to be outstanding during any installment period on any installment payday loans.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- d) For purposes of determining the finance charge earned on an installment payday loan, the disclosed annual percentage rate shall be applied to the principal balance outstanding from time to time until the loan is paid in full, or until the maturity date, whichever occurs first. No finance charge may be imposed after the final scheduled maturity date.
- e) The provisions of Section 2-40 of the Act concerning repayment plans do not apply to installment payday loans, except for Section 2-40(f).
- f) In calculating finance charges under Section 2-5(c)(i) of the Act for an installment payday loan, when the first installment period is longer than the remaining installment periods, the amount of the finance charges applicable to the extra days shall not be greater than \$15.50 per \$100 of the original principal balance divided by the number of days in a regularly scheduled installment period and multiplied by the number of extra days determined by subtracting the number of days in a regularly scheduled installment period from the number of days in the first installment period.
- g) No installment payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 180 consecutive days. The term "consecutive day" does not include the date on which a consumer makes the final installment payment.

(Source: Added at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.170 General

- a) Notary fees shall not be charged to or collected from the consumer.
- b) Examination of Records
 - 1) The Division may examine all records and investigate any or all transactions in the office of the licensee and shall charge the licensee \$400 for each examiner day or portion of an examiner day.
 - 2) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

conducted by the licensee that is regulated or licensed by the Division. A separate charge shall be made for each examiner day or portion of an examiner day.

- 3) The Division may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violations of the Act or this Part and shall charge the licensee \$550 for each examiner day or portion of an examiner day, when the Director determines the verification examination must be performed on site at any facility of the licensee.
- c) For the purpose of any reports required by the Division, expenses of all businesses conducted in the licensed office shall be allocated to each separate business at the end of each year. The Division shall require information as to all the businesses in the licensee's annual report.
- d) A lender may charge a borrower a fee not to exceed \$1 for the verification required under Section 2-15 of the Act. Only one such fee may be collected by the lender with respect to a particular loan.

(Source: Amended at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.240 Consumer Written Verification of Compliance with Act

- a) Prior to the implementation of a certified database and in the absence of the availability of a certified database, a consumer written verification form must be completed to verify that a proposed loan agreement is permissible under the Act.
- b) The written verification must be in a form approved by the Director, must be in a separate document printed in 14 point bold type and must contain the following language:
 - 1) I currently have _____ outstanding loan(s) made pursuant to the Payday Loan Reform Act (the "Act") with a total principal balance of \$_____.
 - 2) I currently have _____ outstanding loan(s) under a Repayment Plan pursuant to Section 2-40 of the Act with a total principal balance of \$_____.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 3) ~~I have not been indebted for a period of 45 consecutive days or more to any one or more lenders on a loan(s) made pursuant to the Act.~~
- 4) ~~Other than a loan in repayment pursuant to Section 2-40 of the Act, at least 7 calendar days have passed since the day that all loans made to me under the Act in any previous 45-day period were paid in full.~~
- 5) ~~At least 14 calendar days have passed since the day that the outstanding balance of a loan in a repayment plan pursuant to Section 2-40 of the Act and the outstanding balance of all other loans made pursuant to the Act were paid in full.~~
- c) The consumer must complete and sign the form attesting that the consumer understands that the lender making the loan under the Act is relying on the verification to determine whether the loan for which the consumer applied is permissible under the Act.

(Source: Amended at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.250 Gross Monthly Income Verification

- a) Prior to making a loan under the Act, the licensee must obtain from the consumer one or more of the following types of documentation to verify the gross monthly income of the consumer as required by Section 2-5(ee) of the Act.
- 1a) A copy of the consumer's official pay stub or official payroll receipt, for the period 30 days prior to the date on which the loan is made.
- 2b) A copy of the consumer's official receipt documenting payment of government benefits, for the period 30 days prior to the date on which the loan is made.
- 3) A copy, from the current or prior year, of the consumer's State or federal tax returns or the consumer's W-2 or 1099 forms.
- 4) Signed and verifiable documentation prepared by the source of the income.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) A contract that provides for funds to have been paid to the consumer within the 30 days prior to the date on which the loan is made, and documentation reflecting that the funds have actually been paid.
- 6e) Other documentation as approved by the Director.
- b) If two or more persons jointly apply for credit, each must list income on the application, and the aggregate of all borrowers' income may be taken into account when calculating the maximum gross monthly income under Section 2-5(e) of the Act. The licensee must obtain documentation of gross monthly income pursuant to this Section with respect to all applicants.

(Source: Amended at 35 Ill. Reg. 7343, effective April 21, 2011)

Section 210.260 Certified Database/Commercially Reasonable Method of Verification

- a) Certified Database. In order to certify a consumer reporting service as a commercially reasonable database pursuant to the Act, the provider must comply with the following provisions:
 - 1) Single, centralized consumer reporting service to track payday loan transactions made by licensees under the Act on a real time basis.
 - 2) Real time access by the Division and licensees to verify that individual consumers are eligible for a loan pursuant to the requirements of the Act.
 - 3) All requirements in Section 2-15 of the Act regarding verification.
 - 4) Customer support to licensees and consumers during regular business hours.
 - 5) Develop and provide training to Division staff and licensees under the Act prior to implementation and on an ongoing basis.
 - 6) Provide a charge-back methodology to licensees not to exceed \$1 for each search to determine eligibility of the consumer for a loan under the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 7) All requirements of Section 2-17 of the Act regarding qualifications and bonding.
- 8) All confidentiality and privacy requirements of the Act and required by law.
- b) The certified consumer reporting service may charge a verification fee not to exceed \$1 upon a loan being made or entered into the database. The certified consumer reporting service shall not charge any additional fees or charges.
- c) Additional Database Providers. As technology advances permit, the Division may certify additional database providers in the future. Any additional database provider must guarantee, to the satisfaction of the Director, that the additional database can interface with any other certified database to provide a single point of verification for licensees and the Division to determine consumer eligibility for a loan pursuant to the Act and to provide a single source for reporting purposes.
- de) Licensee Input into Database
 - 1) The licensee shall input the following information into the certified database to determine whether the consumer is eligible for a loan pursuant to the requirements of the Act:
 - A) Consumer's Social Security Number or Alien Identification Number.
 - B) Consumer's gross monthly income.
 - C) Any additional information required by the database provider.
 - 2) On the same day the payday loan is made, the licensee shall update the certified database with the following information:
 - A) Consumer's Social Security Number or Alien Identification Number.
 - B) The principal amount of the loan.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- C) The total amount of the loan.
 - D) The term of the loan.
 - E) Security accepted for the loan.
 - F) Any additional information required by the database provider.
- 3) The licensee shall update the certified database with the information required by the database on the same day the loan transaction is made, including, but not limited to, the following transactions:
- A) Electing a repayment plan.
 - B) Paying the loan in full, including the refinancing of an installment payday loan as permitted under Section 2-5(c) of the Act.
 - C) Making a partial payment.
 - D) Depositing the check used as security for the loan.
 - E) Canceling a loan within 48 hours as allowed by the Act.
 - F) Recording an NSF return on a previously closed transaction.
 - G) Return of security.
 - H) Any other transaction as required by the database provider.
- e) Beginning June 1, 2011, licensees must comply with the requirements of subsection (d) of this Section.

(Source: Amended at 35 Ill. Reg. 7343, effective April 21, 2011)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Auction License Act
- 2) Code Citation: 68 Ill. Adm. Code 1440
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1440.10	Amendment
1440.100	Amendment
1440.110	Amendment
1440.120	Amendment
1440.140	Amendment
1440.160	Amendment
1440.170	Amendment
1440.180	Amendment
1440.220	Amendment
1440.240	Amendment
1440.270	Amendment
1440.310	Amendment
1440.330	Amendment
1440.410	Amendment
1440.430	Amendment
1440.480	Repealed
- 4) Statutory Authority: Implementing and authorized by the Auction License Act [225 ILCS 407]
- 5) Effective Date of Rulemaking: April 21, 2011
- 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Professional Regulation and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 34 Ill. Reg. 19332; December 17, 2010
- 10) Has JCAR issued a Statement of Objection to these amendments? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between proposal and final version: In the heading, the roman numerical for the chapter was changed from "VIII" to VII" and a Subchapter designation was also added. These will ensure proper rule placement in the Code when adopted.
- 12) Have all 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: Public Act 96-730, which became effective August 25, 2009, made numerous changes to the Auction License Act that were primarily technical in nature. Namely, upon the effective date of the amendatory Act, any person who holds a valid license as an associate auctioneer shall be issued an auctioneer license without having to apply to the Department or pay any fee. Upon receipt of such an auctioneer license, a licensee's associate auctioneer license will no longer be valid. The Act also specifies that all fees collected will now be deposited into the General Professions Dedicated Fund. The Act eliminates the Auction Recovery Fund, which is where fees had been deposited. These adopted amendments implement the statutory changes just mentioned, as well as others.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

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~~^{VIII}: DEPARTMENT OF FINANCIAL AND
 PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1440
 AUCTION LICENSE ACT

SUBPART A: DEFINITIONS

Section
 1440.10 Definitions

SUBPART B: AUCTION LICENSE

Section
 1440.100 Necessity of License; Exemptions
 1440.110 Examination
 1440.120 Application for Auctioneer, ~~Associate Auctioneer~~ License and Auction Firm
 1440.130 Application for Licensure, Practice Prior to the Act (Repealed)
 1440.140 45 Day Permit Sponsor Card
 1440.145 Renewals
 1440.150 Restoration of Lapsed or Expired License
 1440.160 Nonresident Auctioneer, ~~Associate Auctioneer~~ Reciprocity
 1440.170 Fees
 1440.180 Earnings from the Investment of Moneys in the General Professions
~~Dedicated Auction Recovery~~ Fund
 1440.190 Address Change, Notification
 1440.200 Pocket Card
 1440.210 Assumed Name
 1440.220 Supervisory Duties
 1440.230 Advertising; Buyer Premium; Disclosure
 1440.240 Unlicensed Assistants
 1440.250 Felony convictions; Discipline of Other Professional License; Notification
 1440.260 Advertising; Auction without Reserve; Absolute Auction
 1440.270 Escrow or Trust Accounts
 1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: CONTINUING EDUCATION

Section

1440.300	Continuing Education Schools Approval and License
1440.310	Continuing Education
1440.320	Expiration and Renewal for Continuing Education Schools and Courses
1440.330	Distance Education Distant Learning Programs
1440.340	Class Attendance Requirements
1440.350	Withdrawal of Approval of School and Courses
1440.360	Discipline of Schools

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section

1440.400	Definitions
1440.410	Registration
1440.420	Expiration of Registration
1440.430	Renewal of Registration
1440.440	Issuance of Certificate of Registration
1440.450	Notification of Name Change
1440.460	Assumed Name
1440.470	Notification of Address Change
1440.480	Fees (Repealed)

AUTHORITY: Implementing and authorized by the Auction License Act [225 ILCS 407].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 13414, effective October 25, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3518, effective February 22, 2000; amended at 25 Ill. Reg. 12586, effective September 28, 2001; amended at 28 Ill. Reg. 13212, effective September 16, 2004; amended at 33 Ill. Reg. 7077, effective May 14, 2009; amended at 35 Ill. Reg. 7358, effective April 21, 2011.

SUBPART A: DEFINITIONS

Section 1440.10 Definitions

"Act" means the Auction License Act [225 ILCS 407].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

"Address of Record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department. Pursuant to Section 1440.190, it is the duty of the applicant or licensee to inform the Department of any change of address, and those changes must be made either through the Department's website or by directly contacting the Department.

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitation, electronic media, and other means of promotion.

"Advisory Board" or "Board" shall mean the Auctioneer Advisory Board.

~~"Associate Auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.~~

"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer ~~or associate auctioneer~~ and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer ~~or associate auctioneer~~ and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property, including the sale or lease of property via mail, telecommunications, or the ~~internet~~Internet.

"Auction Contract" means a written or oral agreement between an auctioneer, ~~associate auctioneer~~, or an auction firm and a seller, sellers, lessor or lessors.

"Auction Firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction School" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by the Division.

"Auction Service" means the service of arranging, managing, advertising or conducting auctions.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission or any other valuable consideration at auction or with the intention or expectation of receiving value consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Buyer Premium" means any fee or compensation paid by the successful purchaser of property sold or leased at or by auction, to the auctioneer, ~~associate auctioneer~~, auction firm, seller, lessor or other party to the transaction, other than the purchase price.

"Cashier" means a person who accepts, records and documents payments and information from bidders or prospective bidders, and performs other clerical services for and under the direct supervision of a licensed auctioneer or auction firm, while conducting an auction or providing an auction service.

"Clerk" means a person who records and documents information and performs other clerical services for and under the direct supervision of an auctioneer or an auction or providing an auction service.

"CE" means continuing education.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including but not limited to:

commissions;

fees;

referral fees;

bonuses;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

prizes;

merchandise;

finder fees;

performance of services;

coupons or gift certificates;

discounts;

rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or salary.

"Consignment Sale" means the sale or lease of property at an auction, whereby a person or entity takes temporary control, title or possession of the property to be sold or leased for the purpose of that person or entity to sell or lease the property, receive and distribute the proceeds of the sale or lease of the property. The person or entity who conducts a consignment sale auction shall not be exempt from licensure under ~~the~~this Act, except for those persons or entities who are other exempt from licensure, as provided by the Act and ~~this Part~~these Rules.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

"Licensee" means any person licensed under the Act.

"Livestock Auctioneer" means an auctioneer ~~or associate auctioneer~~, licensed under ~~the~~this Act, and employed by a business registered as a market agency under the federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law [225 ILCS 640]; who, by public outcry, sells livestock at the registered business.

"Managing Auctioneer" means any person licensed as an auctioneer who manages and supervises an auction firm and licensees sponsored by an auction firm or auctioneer.

"Person" shall mean an individual, association, partnership, corporation, limited liability company, or the officers, directors, or employees of the same.

"Pre-renewal Period" means the 24 months prior to the expiration date of a license issued under the Act.

"Ring Assistant" means a person who acknowledges a bid from a member of the audience during the sale or lease of property at an auction and conveys the bid to the auctioneer, but only the auctioneer may accept the bid for the sale or lease of property at auction.

~~"Rules" means this Part.~~

"School" means a continuing education school approved and licensed in accordance with the Act and this Part.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Sponsor Card" shall mean the temporary permit issued by the sponsoring auctioneer certifying that the licensee named is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

"Sponsoring Auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed ~~associate auctioneer or~~ auctioneer.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

"Terms and Conditions" means an announcement made orally or in written form at an auction sale, including but not limited to the condition of the property being sold or leased, the type of payment expected from the purchaser, when payment is expected from the purchaser, when possession, control and ownership of the property being sold or leased passes to the purchaser, and any other information ~~that~~which is pertinent to the auction.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

SUBPART B: AUCTION LICENSE

Section 1440.100 Necessity of License; Exemptions

Any person, corporation, limited liability company, partnership, or other entity shall not be required to be licensed under ~~the~~this Act under the following circumstances:

- a) A not-for-profit organization conducting an auction solely for charitable purposes in which the individual receives no compensation;
- b) A person or other entity who is the rightful owner of property, real or personal, sold or leased at auction, except for persons or entities who as a normal course of business sell or lease property at auction;
- c) A person or entity, while conducting an auction for the sale or lease of real property, who holds a valid broker or salesperson license under the Real Estate License Act of 2000 [225 ILCS 454];
- d) A business registered as a livestock market agency under the federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law; ~~and that registered business~~ employs licensed livestock auctioneers;
- e) A vehicle dealer licensed by the Secretary of State of Illinois; ~~or to~~ any employee of ~~that~~the licensee; who is a resident of the State of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee; ~~or to~~ sales by or through the licensee;
- f) A person under the age of 18 who, while under the direct supervision of a licensed

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

auctioneer, sells items under \$250 in value.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.110 Examination

- a) Every person who makes application for a license as an auctioneer ~~or associate auctioneer~~ shall take and pass a written examination authorized by the Division.
- b) Each applicant for an auctioneer ~~or associate auctioneer~~ license shall file an application for examination with the Division or its designated testing service. The application for examination shall include:
 - 1) Certification that the applicant is 18 years of age; and
 - 2) Certification of graduation from high school or equivalent (e.g., GED).

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.120 Application for Auctioneer, ~~Associate Auctioneer~~ License and Auction Firm

- a) Each applicant for an auctioneer ~~or associate auctioneer~~ license shall submit, on forms provided by the Division:
 - 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth; the Division shall make available the applicant's Social Security Number only to the Illinois Department of Revenue to determine a tax delinquency, the Illinois Department of ~~Healthcare and Family Services~~ ~~Public Aid~~ to determine a delinquency in court ordered child support payments, and the Illinois Student Assistance Commission (ISAC) to determine a delinquency for a student loan authorized by ISAC, or by subpoena;
 - 3) Certification that the applicant is 18 years of age;
 - 4) Certification of graduation from high school or equivalent (e.g., GED);

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 5) The fee as provided by Section 1440.170 of this Part;
 - 6) A properly completed sponsor card issued in accordance with Section ~~10-3510.35~~ of the Act and Section 1440.140 of this Part;
 - 7) Proof of successful completion of the examination authorized by the Division, unless otherwise exempt from examination as provided by Section 10-45 (Nonresident Auctioneer Reciprocity) of the Act and Section 1440.160 of this Part; and
 - 8) Any other information as required by the Division, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by the Division to determine an applicant's fitness for licensure.
- b) A person who desires to conduct auctions, provide an auction service or practice auctioneering in the form of a partnership, corporation or limited liability company shall make application for an auction firm license on forms provided by the Division to the Division and shall include the following:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Federal Employer Identification Number or tax identification number; the Division shall make available an applicant's FEIN or tax identification number only to the Illinois Department of Revenue to determine a tax delinquency, or by subpoena;
 - 3) A list of all officers, directors, and owners with percentage of ownership of the auction firm;
 - 4) Articles of Incorporation or Organization, or other evidence of legal formation or authority to conduct business as approved by the Division;
 - 5) Proof of a properly licensed managing auctioneer;
 - 6) The fee as provided by Section 1440.170 of this Part; ~~and~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 7) All unlicensed officers shall submit affidavits of non-participation with the application; and
- 8) Any other information ~~as~~ required by the Division, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by the Division to determine an applicant's fitness for licensure.
- c) All information provided by an applicant to the Division is subject to audit by the Division within 5 years from the date in which the application was received by the Division.
- d) All applicants for licensure have 3 years after the date of application to complete the application process. If the process has not been completed within 3 years after the date of application, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.140 45 Day Permit Sponsor Card

- a) A properly issued 45 Day Permit Sponsor Card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of auctioneering for a period of 45 days after its issuance date only under the direct supervision of the sponsoring auctioneer or auction firm.
- b) A sponsoring auctioneer or auction firm shall only execute a 45 Day Permit Sponsor Card to a sponsored individual upon presentation of:
- 1) A valid auctioneer ~~or associate auctioneer~~ examination passing score report from the Division or its designated testing vendor that states that the sponsoring auctioneer or auction firm may issue a 45 Day Permit Sponsor Card; or
- 2) An original terminated license, pursuant to Section 10-35 of the Act,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

endorsed by the sponsoring auctioneer or auction firm by whom the sponsored individual was previously sponsored or associated.

- c) Upon issuance of a properly completed 45 Day Permit Sponsor Card:
- 1) The sponsoring auctioneer or auction firm shall send to the Division within 24 hours the original 45 Day Permit Sponsor Card, the original terminated license (if applicable), the original examination score report and initial application (if applicable), and the proper fee. ~~A~~If the sponsored individual is unable to obtain an original terminated license from his or her previous sponsoring auctioneer or auction firm, the sponsored individual shall prepare a sworn written statement as to why the terminated license is not submitted. The sponsoring auctioneer or auction firm shall submit the written statement in lieu of an original terminated license to the Division;
 - 2) The sponsoring auctioneer or auction firm shall retain a copy of the 45 Day Permit Sponsor Card for its records; and
 - 3) The sponsored individual shall retain a copy of the 45 Day Permit Sponsor Card, and shall use it in lieu of a license until a license is issued by the Division, but not for a period in excess of 45 days after its issuance.
- d) If a new license has not been issued by the Division within 45 days after the issuance of a 45 Day Permit Sponsor Card, the sponsored individual shall not practice auctioneering.
- e) The Division may grant an extension of a 45 Day Permit Sponsor Card, but the extension must be requested in writing by the sponsoring auctioneer or auction firm.
- f) If the Division denies any application in which a 45 Day Permit Sponsor Card was issued, the 45 Day Permit Sponsor Card shall be null and void upon written notice from the Division.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.160 Nonresident Auctioneer, ~~Associate Auctioneer~~ Reciprocity

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) A person holding a current license in good standing to conduct auctions, provide an auction service or engage in auctioneering in a jurisdiction in which the Division has a reciprocal agreement shall make application to the Division on forms provided by the Division that shall include the following:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth;
 - 3) Certification that the applicant is 18 years of age;
 - 4) Certification of graduation from high school or equivalent (e.g., GED);
 - 5) The fee as provided by Section 10-50 of the Act and Section 1440.170 of this Part;
 - 6) A properly completed sponsor card issued in accordance with Section 10-35 of the Act and Section 1440.140 of this Part;
 - 7) A certification in writing that the nonresident applicant shall abide by all the provisions of the Act and this Part with respect to his or her auction activities within the State of Illinois and submit to the jurisdiction of the Division as provided in the Act and this Part; and
 - 8) Any other information as required by the Division, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by the Division to determine an applicant's fitness for licensure.
- b) A person holding a current nonresident license may become a resident licensee without examination should he or she become domiciled in the State of Illinois ~~by making application to the Division on forms provided by the Division.~~

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.170 Fees

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) The license application fee for an auctioneer for:
- 1) an initial license application shall be \$200;
 - 2) a renewal application shall be \$225 per year;
 - 3) a renewal application, with fee, that was postmarked after the expiration date of the license, shall be the renewal fee plus a \$50 penalty;
 - 4) a restoration application shall be all lapsed renewal application fees, not to exceed \$675, plus a \$50 penalty and \$25 for a 45 Day Permit Sponsor Card;
 - 5) a 45 Day Permit Sponsor Card application shall be \$25; and
 - 6) a duplicate license shall be \$25.
- b) The registration application fee for an internet auction listing service for:
- 1) an initial registration application shall be \$200;
 - 2) a renewal application shall be \$225 per year;
 - 3) a renewal application, with fee, that was postmarked after the expiration date of the license shall be the renewal fee plus a \$50 penalty;
 - 4) a restoration application shall be all lapsed renewal fees, not to exceed \$675, plus a \$50 penalty;
 - 5) a duplicate registration shall be \$25;
 - 6) a certification of a registrant's record for any purpose shall be \$25;
 - 7) a roster of registrants shall be the cost of producing the roster;
 - 8) a copy of any transcript of any proceedings shall be the cost to produce the transcript;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

9) certifying any record, for example, a copy of a disciplinary order or application, shall be \$1 per page.

~~The license application fee for an associate auctioneer for:~~

- ~~1) an initial license application shall be \$100;~~
- ~~2) a renewal application shall be \$125 per year;~~
- ~~3) a renewal application, with fee, that was postmarked after the expiration date of the license shall be the renewal fee plus a \$50 penalty;~~
- ~~4) a restoration application shall be all lapsed renewal application fees, not to exceed \$375, plus a \$50 penalty and \$25 for a 45 Day Permit Sponsor Card;~~
- ~~5) a 45 Day Permit Sponsor Card application shall be \$25; and~~
- ~~6) a duplicate license shall be \$25.~~

c) The license application fee for an auction firm for:

- 1) an initial license application shall be \$100;
- 2) a renewal application shall be calculated at the rate of \$125 per year;
- 3) a renewal application, with fee, that was postmarked after the expiration date of the license shall be the renewal fee plus a \$50 penalty;
- 4) a restoration application shall be all lapsed renewal fees, not to exceed \$375, plus a \$50 penalty;
- 5) a managing auctioneer change application shall be \$25; and
- 6)5) a duplicate license shall be \$25.

d) The license application fee for an auction school for:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) an initial license application shall be \$2,000;
 - 2) a renewal application shall be \$1,000 per year;
 - 3) a renewal application, with fee, that was postmarked after the expiration date of the license shall be the renewal fee plus a \$250 penalty; and
 - 4) a duplicate license shall be \$25.
- e) The license application fee for an auction continuing education course shall be \$50 per course. A duplicate course license shall be \$25.
 - f) The fee for a certification of a licensee's record for any purpose shall be \$25.
 - g) The fee for copies, license certification and other services shall be the cost of preparing and providing the same, as established by policy of the Division.
 - h) The fee for requesting a waiver of continuing education requirements pursuant to Section 10-30 of the Act and Section 1440.310(d)(2) of this Part shall be \$25.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.180 Earnings from the Investment of Moneys in the General Professions Dedicated Auction Recovery Fund

Pursuant to ~~Section~~Sections 30-~~1320 and 30-25~~ of the Act, all earnings received from the investment of moneys deposited into the General Professions Dedicated Auction Recovery Fund shall be deposited into the General Professions Dedicated Auction Recovery Fund and shall be used for the same purposes as other moneys deposited into the General Professions Dedicated Auction Recovery Fund.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.220 Supervisory Duties

- a) A sponsoring auctioneer, auction firm and managing auctioneer shall have the duty and be responsible to supervise, manage, and control any licensed auctioneer ~~or associate auctioneer~~ sponsored or managed by the sponsoring auctioneer,

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

auction firm or managing auctioneer while conducting an auction, acting as an auctioneer or providing an auction service. In addition, a sponsoring auctioneer, auction firm and managing auctioneer shall have the duty and be responsible to supervise, manage, and control any unlicensed agent or employee while conducting an auction, acting as an auctioneer or providing an auction service. Any violation of the Act by a licensed or unlicensed employee or agent of a sponsoring auctioneer, auction firm or managing auctioneer shall be deemed to be a violation by the sponsoring auctioneer, auction firm or managing auctioneer.

- b) Only the managing and/or sponsoring auctioneer shall execute and issue a 45 Day Permit Sponsor Card and terminate a sponsored licensee's license.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.240 Unlicensed Assistants

- a) An unlicensed assistant shall include, but not be limited to, clerks, cashiers, clerical assistants, ring assistants and laborers.
- b) An unlicensed assistant may, while under the direct supervision of, the sponsoring and/or managing auctioneer:
 - 1) prepare, track and document information during the course of an auction, such as a description of the property being sold or leased, the buyer of the property, and the price bid and accepted on the property;
 - 2) collect, accept, record and deposit moneys received from the sale or lease of property at an auction;
 - 3) prepare, track, compute and document on forms (e.g., settlement sheets) information from the sale or lease of property at an auction and disburse funds to sellers;
 - 4) secure and assemble documents and information for an auction contract and complete contract forms at the direction of the sponsoring and/or managing auctioneer;
 - 5) draft and distribute advertising copy, fliers and promotional materials for

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

an auction at the direction of the sponsoring and/or managing auctioneer;

- 6) perform bookkeeping activities;
 - 7) monitor licenses and personnel files of licensed and unlicensed employees and agents;
 - 8) acknowledge a bid from a member of the audience during the sale or lease of property at an auction and convey the bid to the auctioneer, but only the auctioneer may accept such bid for the sale or lease of property at an auction; and
 - 9) move, handle and set up property to be sold or leased at auction at the direction of, and under the supervision of, the sponsoring and/or managing auctioneer.
- c) An unlicensed assistant may not perform any activity other than those described in subsection (b) ~~of this Section~~ for which a license is required under the Act.
 - d) A non-resident employee of a vehicle dealer, that is exempt from licensure under the Act and ~~this Part~~~~these Rules~~, may perform the activities described in subsections ~~(a) and (b)A) and B)~~ ~~of this Section~~ without requiring a license.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.270 Escrow or Trust Accounts

- a) For the purposes of the Act and this Part "escrow monies" means all monies, promissory note, legal tender or financial consideration entrusted to, held by, and deposited with an auctioneer, ~~associate auctioneer~~ or auction firm in consideration of property sold or leased by the auctioneer, ~~associate auctioneer~~ or auction firm for the benefit of the parties to the transaction.
- b) Pursuant to Section 20-15 of the Act, licensees who accept escrow monies shall maintain and deposit in a special account, separate and apart from any personal or ordinary business accounts, all monies entrusted to the licensee while acting as an auctioneer, while conducting an auction or providing an auction service.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- c) A licensee may maintain more than one special account or may elect to hold all escrow monies in one special account. A licensee who accepts escrow monies shall maintain a special account, and shall maintain a bookkeeping system in his or her office or place of business, including systems of electronic data processing, ~~consisting and such system shall consist~~ of the following:
- 1) A record book, called a journal, for each special account, that shall show the chronological sequence in which escrow monies were received and disbursed by the licensee and a running balance after each entry;
 - 2) For each auction, a deal file which contains clerk sheets and settlement sheets that correspond to journal entries;
 - 3) A record or account ledger (e.g., check ledger) that shall show the date, amount of monies deposited into the special account, and date, amount and payee of any money disbursed from the special account; and
 - 4) Bank statements for each special account shall be reconciled monthly within 10 days after the receipt of the bank statement, except where there has been no transactional activity during the previous month. The reconciliation shall include a written work sheet comparing the balances as shown on the bank statement, the journal and the ledger, respectively, in order to insure agreement between the special account and the journal and the ledger entries with respect to ~~thesueh~~ special account. Each reconciliation shall be kept for at least three years from the last day of the month covered by the reconciliation.
- d) A licensee who maintains any special account shall notify the Division in writing of the name and location of the depository in which ~~thesueh~~ special accounts are held, and shall execute a written consent giving the Division the authority to examine and/or audit any or all ~~sueh~~ special accounts.
- e) The Division shall make available for distribution, on request, samples of approved bookkeeping systems.
- f) A licensee shall not commingle any monies held for another in connection with the practice of auctioneering, conducting an auction, or providing an auction service with any personal account or normal business account. A licensee shall

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

only deposit his or her own funds into the special accounts in which escrow monies are held to open the account or maintain a sufficient balance to avoid incurring service charges. In addition, a licensee shall not disburse monies from any special account for his own personal or business use, except for commissions, compensation, fees, advertising or other expenses incurred by the licensee pursuant to the terms of the auction listing contract.

- g) A licensee shall deposit all escrow monies into the licensee's special account no later than the next business day following acceptance of the monies.
- ~~h) Associate auctioneers shall deliver all escrow funds to their managing auctioneer no later than 24 hours after receipt of those funds.~~
- ~~i) Associate auctioneers are prohibited from maintaining special accounts.~~

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

SUBPART C: CONTINUING EDUCATION

Section 1440.310 Continuing Education

- a) Continuing Education Requirements
 - 1) In accordance with Section 10-30 of the Act, during each pre-renewal period, prior to the expiration date of the license, each auctioneer ~~and associate auctioneer~~ who makes application to renew his or her license must successfully complete 12 hours of auction continuing education courses approved by the Division from a school reviewed by the Board and approved by the Division.
 - 2) Auctioneers ~~and associate auctioneers~~ licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 10-30 of the Act and this Section.
 - 3) The Division shall conduct random audits to verify compliance with this Section.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) Approved Continuing Education
- 1) CE credit may be earned for verified attendance at or participation in an approved course that is licensed by the Division, and is offered by an approved CE school that is licensed by the Division, that meets the requirements set forth in Section 1440.300 of this Part.
 - 2) CE credit may also be earned for completion of a ~~distance education~~~~self-study~~ course that is offered by an approved CE school that meets the requirements set forth in Section 1440.330 of this Part.
 - 3) The requirement that CE be obtained through a curriculum reviewed by the Board and approved by the Division shall be satisfied by successful completion of the following:
 - A) Mandatory category. Each renewal applicant shall successfully complete 12 hours of CE, of which 6 hours shall be mandatory core subjects in the following categories:
 - i) Illinois statutes and rules governing auctioneering;
 - ii) federal statutes and regulations governing auctioneering;
 - iii) auctioneering ethics;
 - iv) escrow and trust accounts;
 - v) contracts; and
 - vi) other subject matter recommended by the Board.
 - B) Elective category. Each renewal applicant may satisfy the remaining 6 hours of CE from the mandatory core subjects categorized in subsection (b)(3)(A), or may successfully complete an additional 6 hours of CE in the following elective subject categories:
 - i) agency;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- ii) business courses related to auctioneering;
 - iii) real estate related courses;
 - iv) auction management;
 - v) bid calling;
 - vi) public speaking;
 - vii) advertising;
 - viii) specialty auction courses; or
 - ix) other subject matter recommended by the Board.
- 4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination set forth in subsection (b)(6).
- 5) Each CE course shall include one or more subjects from either the mandatory category or elective category set forth in subsection (b)(3)(A) or (B), when the individual is in actual attendance, or participates in, or completes distance education~~self-study~~. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the mandatory and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.
- 6) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination will be given at the end of each individual course on material that covers all the aspects of the course.
 - B) All examinations, including ~~distance education~~self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour period.
 - C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for the CE course unless the entire course is retaken and the examination is successfully completed.
- 7) ~~Distance education~~Self-study CE shall comply with all of the requirements of this Section, except that:
- A) Verified attendance is only required for taking the examination.
 - B) Classroom instruction is not required for ~~distance education~~self-study CE, as the intent is for the licensees to review and learn the material on their own.
 - C) The examination site for ~~distance education~~self-study shall be determined by the CE school and it shall be proctored by a representative of the approved sponsor. An instructor is not required to proctor the examination.
- 8) All CE courses shall:
- A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of auctioneering.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- B) Provide experiences (e.g., role playing, lectures, films) that contain subject matter and course materials relevant to that set forth in this Section.
 - C) Be developed and presented by persons with education and/or experience in subject matter of the CE course.
- 9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communication with two-way voice interaction in assisting in the presentation of CE courses.
 - 10) CE credit may be earned by an instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during the instructor's pre-renewal period. One hour of teaching is equal to one hour of CE.
 - 11) The CE school shall notify the Division when more than 6 hours of CE is offered in any calendar day. This notification shall be submitted to the Division at least 2 weeks prior to the CE course offering.
- c) Certification of Compliance with CE Requirements
- 1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion). It is the responsibility of each renewal applicant to provide the additional evidence during an audit as proof of CE completed.
 - 3) When, during an audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee, and the sponsoring auctioneer of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to the Division evidence of compliance with CE requirements.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- A) If satisfactory evidence of compliance with CE requirements (as set forth in subsection (c)(2) of this Section) is submitted, the Division shall notify the licensee by first class mail that the licensee is in compliance.
 - B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of \$25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring auctioneer of the licensee that the license is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.
 - C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-15(1) of the Act regarding false or fraudulent representation to obtain a license. The Division shall send notice pursuant to Section 20-5 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring auctioneer of the licensee.
- d) Waiver or Extension of CE Requirements

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) An auctioneer ~~is and associate auctioneer are~~ exempt from the continuing education requirements if it is his or her first renewal.
- 2) As provided for in Section 10-30 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Board shall use the criteria in Section 1440.310(b).
- 3) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver or extension of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted that good cause has been shown for granting a waiver or extension of the CE requirements, or any part of the requirements, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
- 4) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the renewal period;
 - B) A temporary, incapacitating illness documented by a licensed physician. A second consecutive request for a CE waiver pursuant to this subsection (d)(4)(B) shall be prima facie proof that the renewal applicant has a physical illness, mental illness, or other impairment including, without limitation, deterioration through the

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill and safety, in violation of Section 20-15(24) of the Act, which shall be grounds for denial of the renewal or other discipline;

- C) Temporary undue hardship (e.g., hospitalization or being disabled and unable to practice auction on a temporary basis).
- 5) If an interview is requested at the time the request for waiver or extension is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 6) Any renewal applicant who submits a request for waiver or extension pursuant to subsection (d)(3) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.330 ~~Distance Education~~~~Distant Learning~~ Programs

~~Distance education~~~~Distant learning~~ programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1440.310 of this Part, as applicable.

~~Distance education~~~~Distant learning~~ programs means those courses designed to be taken by means other than attendance in a classroom, e.g., ~~internet~~~~Internet~~ courses or correspondence/home study type courses.

- a) The program shall be approved by the Division in accordance with Section 30-10 of the Act, and the approved school shall:
 - 1) Maintain a brief description of each lesson;
 - 2) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
 - 3) Require minimum passing scores for all examinations of no less than 70%.
- b) The program shall develop a written statement of teaching methods to be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

employed and materials and equipment needed for each course of instruction.

- c) The program shall establish written policies and procedures for examinations and lessons that shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.
- d) The program shall establish performance objectives for each specific course of study.
- e) A qualified instructor shall be available during normal business hours to answer student questions.
- f) Students shall be allowed to attend the school's regularly scheduled CE courses.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section 1440.410 Registration

- a) An applicant who desires to register as an ~~internet~~**Internet** auction listing service shall submit to the Division on forms provided by the Division:
 - 1) The applicant's name, address, ~~Social Security Numbers~~**social security number** or federal employer identification number, and telephone number;
 - 2) The applicant's designated agent;
 - 3) The fee as provided by Section 1440.~~170480~~; and
 - 4) Certifications as provided in Section 10-27(c) of the Act.
- b) If an applicant is making application as an ~~internet~~**Internet** auction listing service in the form of a corporation, limited liability company or legally formed partnership, the applicant, in addition to the information provided in subsection (a), shall submit to the Division on forms provided by the Division:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The articles of incorporation or organization or evidence of other legal authority, and if the corporation, limited liability company, or other legally formed partnership is registered in a state other than Illinois, a certificate of authority to conduct business in the State of Illinois; and
- 2) A list of all officers, directors, and owners with a percentage of ownership that is in excess of 10%.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.430 Renewal of Registration

- a) An applicant for renewal of a registration issued pursuant to Section 1440.410 shall submit to the Division:
 - 1) An application, provided by the Division, that is signed and fully completed by the applicant; and
 - 2) The fee as provided by Section 1440.~~170480~~.
- b) Any person who fails to submit a renewal application by the expiration date of the registration may renew the registration for a period of 2 years following the expiration date of the registration by submitting to the Division:
 - 1) An application, provided by the Division, that is signed and fully completed by the applicant; and
 - 2) The fee and late penalty as provided by Section 1440.~~170480~~.
- c) Any person who fails to submit a renewal application within 2 years ~~after~~ of the expiration date of the registration shall not be eligible to renew the registration, and must meet the requirements of a new applicant as provided by Section 1440.410, plus pay all lapsed fees and penalties as provided by Section 1440.~~170480~~.

(Source: Amended at 35 Ill. Reg. 7358, effective April 21, 2011)

Section 1440.480 Fees ~~(Repealed)~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- a) ~~The initial application fee for an Internet auction listing service shall be \$200.~~
- b) ~~The renewal application fee for an Internet auction listing service shall be calculated at \$225 per year for a total of \$450 per renewal.~~
- c) ~~The fee to renew an expired registration shall be the sum of all lapsed renewal fees plus a \$50 late fee. For the purposes of determining if a registrant failed to renew prior to the expiration date, if the postmark on the renewal application is a date later than the expiration date, the registrant shall be required to pay the penalty fee.~~
- d) ~~The fee for a certification of a registrant's record for any purpose shall be \$25.~~
- e) ~~The fee for a roster of registrants shall be the cost of producing the roster.~~
- f) ~~The fee for a copy of any transcript of any proceeding shall be the cost to produce the transcript.~~
- g) ~~The fee for certifying any record, for example, a copy of disciplinary order or application, shall be \$1 per page.~~

(Source: Repealed at 35 Ill. Reg. 7358, effective April 21, 2011)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED REPEALER

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John Gatlin, Supervisor, Property and Casualty Compliance Unit
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1786

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) Section Number: 217.152 Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) Effective Date of Amendment: April 22, 2011
- 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 amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 27, 2010; 34 Ill. Reg. 19830
- 10) Has JCAR issued a Statement of Objection to this amendment? 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 letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
217.152	Amend	35 Ill. Reg. 6770; April 22, 2011
217.154	Amend	35 Ill. Reg. 6770; April 22, 2011
217.157	Amend	35 Ill. Reg. 6770; April 22, 2011
217.158	Amend	35 Ill. Reg. 6770; April 22, 2011

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

217.164	Amend	35 Ill. Reg. 6770; April 22, 2011
217.184	Amend	35 Ill. Reg. 6770; April 22, 2011
217.204	Amend	35 Ill. Reg. 6770; April 22, 2011
217.224	Amend	35 Ill. Reg. 6770; April 22, 2011
217.344	Amend	35 Ill. Reg. 6770; April 22, 2011
217.388	Amend	35 Ill. Reg. 175163; November 19, 2010

- 15) Summary and Purpose of Amendment: For a more detailed description of this rulemaking, please see the Board's April 21, 2011 opinion and order adopting these rules. Proposed Site-Specific NO_x Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b), R11-17 (Apr. 21, 2011).

Saint-Gobain Containers, Inc. proposed in this site-specific rulemaking to adjust the date by which a facility must obtain a legally enforceable order incorporating specified emission limitations and monitoring requirements in order to qualify for an alternative compliance deadline. *See* 35 Ill. Adm. Code 217.152(b).

- 16) Information and questions regarding this adopted amendment shall be directed to:

Timothy J. Fox
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6085
foxt@ipcb.state.il.us

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R11-17 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section	
217.100	Scope and Organization
217.101	Measurement Methods
217.102	Abbreviations and Units
217.103	Definitions
217.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
217.121	New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section	
217.141	Existing Emission Units in Major Metropolitan Areas

SUBPART D: NO_x GENERAL REQUIREMENTS

Section	
217.150	Applicability
217.152	Compliance Date
217.154	Performance Testing
217.155	Initial Compliance Certification
217.156	Recordkeeping and Reporting
217.157	Testing and Monitoring
217.158	Emissions Averaging Plans

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART E: INDUSTRIAL BOILERS

Section

217.160	Applicability
217.162	Exemptions
217.164	Emissions Limitations
217.165	Combination of Fuels
217.166	Methods and Procedures for Combustion Tuning

SUBPART F: PROCESS HEATERS

Section

217.180	Applicability
217.182	Exemptions
217.184	Emissions Limitations
217.185	Combination of Fuels
217.186	Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

Section

217.200	Applicability
217.202	Exemptions
217.204	Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

217.220	Applicability
217.222	Exemptions
217.224	Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

217.240	Applicability
217.242	Exemptions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

217.244 Emissions Limitations

SUBPART K: PROCESS EMISSION SOURCES

Section
217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section
217.340 Applicability
217.342 Exemptions
217.344 Emissions Limitations
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section
217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section
217.386 Applicability
217.388 Control and Maintenance Requirements
217.390 Emissions Averaging Plans
217.392 Compliance
217.394 Testing and Monitoring
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section
217.400 Applicability
217.402 Control Requirements
217.404 Testing
217.406 Monitoring

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

- 217.408 Reporting
- 217.410 Recordkeeping

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

- Section
- 217.450 Purpose
- 217.452 Severability
- 217.454 Applicability
- 217.456 Compliance Requirements
- 217.458 Permitting Requirements
- 217.460 Subpart U NO_x Trading Budget
- 217.462 Methodology for Obtaining NO_x Allocations
- 217.464 Methodology for Determining NO_x Allowances from the New Source Set-Aside
- 217.466 NO_x Allocations Procedure for Subpart U Budget Units
- 217.468 New Source Set-Asides for "New" Budget Units
- 217.470 Early Reduction Credits (ERCs) for Budget Units
- 217.472 Low-Emitter Requirements
- 217.474 Opt-In Units
- 217.476 Opt-In Process
- 217.478 Opt-In Budget Units: Withdrawal from NO_x Trading Program
- 217.480 Opt-In Units: Change in Regulatory Status
- 217.482 Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

- Section
- 217.521 Lake of Egypt Power Plant
- 217.700 Purpose
- 217.702 Severability
- 217.704 Applicability
- 217.706 Emission Limitations
- 217.708 NO_x Averaging
- 217.710 Monitoring
- 217.712 Reporting and Recordkeeping

SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

Section	
217.750	Purpose
217.751	Sunset Provisions
217.752	Severability
217.754	Applicability
217.756	Compliance Requirements
217.758	Permitting Requirements
217.760	NO _x Trading Budget
217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO _x Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
217.770	Early Reduction Credits for Budget EGUs
217.774	Opt-In Units
217.776	Opt-In Process
217.778	Budget Opt-In Units: Withdrawal from NO _x Trading Program
217.780	Opt-In Units: Change in Regulatory Status
217.782	Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section	
217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units
217.APPENDIX F	Allowances for Electrical Generating Units
217.APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NO _x SIP Call
217.APPENDIX H	Compliance Dates for Certain Emissions Units at Petroleum Refineries

AUTHORITY: Implementing Sections 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28 (2008)].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective April 22, 2011.

SUBPART D: NO_x GENERAL REQUIREMENTS**Section 217.152 Compliance Date**

- a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or operator of an emission unit that is subject to any of those Subparts is required beginning January 1, 2012.
- b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart G of this Part by an owner or operator of an emission unit subject to Subpart G of this Part shall be extended until December 31, 2014, if ~~the unit~~ ~~issuch units are~~ required to meet emissions limitations for NO_x, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before ~~May 7, 2010~~ ~~December 31, 2009~~, whereby ~~thesuch~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204.

- c) Notwithstanding subsection (a) of this Section, the owner or operator of emission units subject to Subpart E or F of this Part and located at a petroleum refinery must comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, for those emission units beginning January 1, 2012, except that the owner or operator of emission units listed in Appendix H must comply with the requirements of this Subpart, including the option of demonstrating compliance with the applicable Subpart through an emissions averaging plan under Section 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units beginning on the dates set forth in Appendix H. With Agency approval, the owner or operator of emission units listed in Appendix H may elect to comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, by reducing the emissions of emission units other than those listed in Appendix H, provided that the emissions limitations of such other emission units are equal to or more stringent than the applicable emissions limitations set forth in Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.

(Source: Amended at 35 Ill. Reg. 7391, effective April 22, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
603.60	Amendment
603.75	Amendment
603.160	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: April 25, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 185; January 3, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Sections 603.60(e), 603.75(a)(2), and 603.160(e)(1), the incorporation by reference for the Association of Racing Commissioners International (ARCI) "Uniform Classification Guidelines for Foreign substances" was updated. In Section 603.160(e)(3)(B), the spelling of "physiologists" was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? Yes

Section Numbers: Proposed Action: Illinois Register Citation:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

603.70	Amendment	35 Ill. Reg. 2564; February 14, 2011
603.90	Amendment	35 Ill. Reg. 2564; February 14, 2011
603.210	Amendment	35 Ill. Reg. 2564; February 14, 2011

- 15) Summary and purpose of rulemaking: This rulemaking updates the Board's medication rules to accurately reflect the most recent version of ARCI's uniform classification guidelines.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 7-701
Chicago, Illinois 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.75	Environmental Contaminants
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests
603.190	Erythropoietin and Darbepoietin Antibody Testing Program
603.200	Out of Competition Testing
603.210	Anabolic Steroids

AUTHORITY: Implementing and authorized by Section 26(g) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/26(g)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective January 26, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrilamine, isoxsuprine and ketoprofen.
 - 3) The threshold level of phenylbutazone shall be less than 5.0 micrograms (mcg) per milliliter (ml) of serum or plasma. The threshold level for oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- A) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.0 mcg/ml but less than 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 4) The threshold level of flunixin shall be less than 20.0 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:
- A) flunixin greater than or equal to 20.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 10.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
 - i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrilamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.
- 7) Penalties for violations of this Section shall be based on the following criteria:
 - A) previous warnings and rulings for violations of this Section;

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.
- 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate
 - Methenamine
 - Levamisole (tetramisole)
 - Metronidazole
 - Neomycin sulfate
 - Nitrofurantoin
 - Oxytetracycline
 - Penicillin G. Benzathine

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

4) Anti-Ulcers

Cimetidine (Tagamet)
Omeprazole (Prilosec or GastroGard)
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, [when making additions to the permitted list](#), that have been established by the Quality

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Assurance Program Committee of the Association of Racing Commissioners International ([ARCI, 2343 Alexandria Drive, Suite 200, Lexington KY 40504; January 2011 version 1.1; this incorporation includes no later amendments or editions](#))~~when making additions to the permitted list.~~

- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
 - 1) The threshold level of isoxsuprine shall be less than 1,000.0 ng/ml in urine.
 - 2) The threshold level of pyrilamine shall be less than 50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

(Source: Amended at 35 Ill. Reg. 7400, effective April 25, 2011)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoyllecgonine (a metabolite of cocaine):
 - 1) Each time the laboratory reports benzoyllecgonine less than 150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
 - 2) Laboratory reports of benzoyllecgonine, greater than or equal to 150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, ~~2004~~, 2343 Alexandria Dr., Suite 200,

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Lexington KY 40504; [January 2011 version 1.1; this](#)). ~~This~~ incorporation [includes no](#) ~~does not include any~~ later amendments or editions).

- b) Dimethyl Sulfoxide (DMSO):
The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

(Source: Amended at 35 Ill. Reg. 7400, effective April 25, 2011)

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
- 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

shall consider all relevant factors including, but not limited to those specified in this Part.

- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
 - 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
 - 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 2343 Alexandria Drive, Suite 200, Lexington KY 40504; [January 2011 version 1.1 April 2005](#); this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine ~~physiologists~~~~physiologists~~, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.
 - D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
 - E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended at 35 Ill. Reg. 7400, effective April 25, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: School Bus Driver Permit
- 2) Code Citation: 92 Ill. Adm. Code 1035
- 3) Section Number: 1035.30 Adopted Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/6-2-104; 625 ILCS 5/6-106.1(a)(8)
- 5) Effective Date of Amendment: April 21, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: December 27, 2010; 34 Ill. Reg. 19840
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No substantive changes were made between proposal and adoption. All non-substantive, technical changes recommended by JCAR were made.
- 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 amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking clarifies the period during which a school bus driver permit holder must complete refresher training.
- 16) Information and questions regarding this adopted amendment shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Brenda Glahn, Assistant General Counsel
298 Howlett Building
Springfield, IL 62756

217/785-3094

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1035
SCHOOL BUS DRIVER PERMIT

Section

1035.10	Definitions
1035.15	Requirements of Applicants for a School Bus Driver Permit
1035.20	Annual Medical Examination and Certificate
1035.25	Permit Application Process
1035.30	Training
1035.32	Random Drug Testing for Alcohol and Controlled Substances
1035.35	Denial, Cancellation, or Suspension of a School Bus Driver Permit
1035.40	Notice
1035.45	Employer Responsibility
1035.46	Military Deferrals
1035.50	Hearings

AUTHORITY: Implementing Section 6-106.1 and authorized by Section 6-521 of the Illinois Vehicle Code [625 ILCS 5/6-521].

SOURCE: Adopted at 19 Ill. Reg. 10716, effective July 11, 1995; amended at 24 Ill. Reg. 1269, effective January 10, 2000; amended at 24 Ill. Reg. 12092, effective July 31, 2000; amended at 26 Ill. Reg. 12045, effective July 22, 2002; amended at 33 Ill. Reg. 17093, effective December 1, 2009; amended at 34 Ill. Reg. 7750, effective May 20, 2010; amended at 34 Ill. Reg. 19082, effective November 22, 2010; amended at 35 Ill. Reg. 7412, effective April 21, 2011.

Section 1035.30 Training

a) The initial course and annual refresher training courses are required for each school bus driver permit holder and shall be:

1) Approved by the Secretary of State and the agency or organization conducting the course;

2) Taught by an instructor certified by the Illinois State Board of Education; and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 3) A minimum of two hours in length, part of which must include first aid training.
- b) The date of the annual refresher training shall be computed as follows:
- 1) The first refresher training following initial training must be completed within one year (365 days) from the date of initial training. The date of the first refresher training will be known as the refresher date.
- 2) In the event that an individual completes subsequent refresher training between the actual refresher date and 60 days prior to that refresher date, the next annual refresher date will not change. In the event refresher training is completed more than 60 days prior to the refresher date, the date the driver completes the refresher training will become the new annual refresher date.

~~The initial course and annual refresher training courses are required for each school bus driver permit holder and shall consist of the following minimum requirements:~~

- ~~a) The Secretary of State shall be responsible for approving the refresher courses and the agency or organization conducting the course;~~
- ~~b) Initial and refresher training must be taught by an instructor certified by the Illinois State Board of Education;~~
- ~~c) Refresher training courses shall be a minimum of 2 hours in length, part of which must include first aid training.~~

(Source: Amended at 35 Ill. Reg. 7412, effective April 21, 2011)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: School Construction Program
- 2) Code Citation: 23 Ill. Adm. Code 151
- 3) Section Number: 151.30 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 230/5-55
- 5) Effective Date of Amendment: April 25, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; see subsection (f).
- 8) A copy of the adopted amendment, 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: January 3, 2011; 35 Ill. Reg. 187
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Nonoperating email links in Section 151.30(f)(1)(B) were updated.
- 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 other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: Public Act 96-37, effective August 25, 2009, made several changes to the School Construction Program, including setting forth "green" building standards for any school construction projects for which school districts make application on or after July 1, 2009. While the Board adopted amendments resulting from this Public Act earlier this year related to school maintenance and energy

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

efficiency grants, the portion of the law addressing school construction grants was inadvertently omitted from that rulemaking.

Section 151.30(f) previously addressed options for providing evidence of meeting "green" building standards for applications submitted on or after July 1, 2007. That subsection is amended to provide for the new standards, which include a link to the website where information about the standards can be found.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Vespa, Division Administrator
Illinois State Board of Education
100 North First Street, N-330
Springfield, Illinois 62777

217/785-8779

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER c: FINANCE

PART 151

SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section

151.10	Purpose
151.20	Eligible Applicants
151.30	Application for School Construction Project Grant Entitlement
151.35	Application for School Construction Project Grant Entitlement – Districts With A Population Exceeding 500,000
151.40	Award of Construction Project Grant Entitlement
151.50	Priority Ranking of Construction Grant Entitlements
151.55	Needed Capacity for Unit Districts
151.60	Grant Index
151.70	Debt Service Grants (Repealed)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section

151.100	Purpose; Eligible Applicants
151.110	Definitions
151.120	Application for School Maintenance Project Grants
151.130	Award of School Maintenance Project Grants – Applicants With a Population of 500,000 or Fewer
151.135	Award of School Maintenance Project Grants – School Districts With a Population Exceeding 500,000
151.140	Terms of the Grant

SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTS

Section

151.200	Purpose; Eligible Applicants
---------	------------------------------

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 151.210 Definitions
- 151.220 Application for School Energy Efficiency Project Grants
- 151.230 Award of School Energy Efficiency Project Grants – Applicants with a Population of 500,000 or Fewer
- 151.235 Award of School Energy Efficiency Project Grants – School Districts with a Population Exceeding 500,000
- 151.240 Terms of the Grant

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 4500; emergency rules expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; emergency expired June 15, 1998; new Part adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 497, effective January 3, 2000; amended at 24 Ill. Reg. 5661, effective March 17, 2000; amended at 26 Ill. Reg. 886, effective January 15, 2002; amended at 32 Ill. Reg. 7410, effective April 22, 2008; amended at 33 Ill. Reg. 7919, effective June 1, 2009; amended at 34 Ill. Reg. 3000, effective February 18, 2010; amended at 35 Ill. Reg. 7416, effective April 25, 2011.

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section 151.30 Application for School Construction Project Grant Entitlement

- a) A school district seeking a school construction project grant entitlement shall submit an application that includes a District Facilities Plan. A district shall annually update its application in order to establish eligibility for a construction grant.
- b) Applications shall be addressed as follows:

Illinois State Board of Education
School Construction Program
100 North First Street
Springfield, Illinois 62777-0001

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- c) Applications or updates must be received at the address shown in subsection (b) of this Section by April 1 preceding the beginning of the fiscal year in question. Each application or update must include the Capital Development Board's program statement as defined in 71 Ill. Adm. Code 40.
- d) An application that is incomplete will be returned and will not be processed until it is complete. An application must be complete by the applicable filing deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education and the Capital Development Board by means including on-site inspection and review of documents.
- e) Each application shall include the following information.
 - 1) A narrative description of the present educational program of the district and anticipated changes in the educational program over the next five years, including:
 - A) the number of schools currently operated by the district;
 - B) the configuration of the district's schools by grade level;
 - C) the basis upon which students are assigned to the district's schools; and
 - D) the nature and estimated impact of any changes in these factors over the next five years.
 - 2) A description of the present and projected financial position of the district, including but not limited to the availability of current revenue, fund balances, the amount of general obligation debt of the district, and the amount of unused bonding power. This requirement may be met by attaching or, if already on file with the State Board, incorporating by reference:
 - A) a copy of the district's basic financial statements (i.e., Statement of Revenues Received/Revenues, Expenditures

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- Disbursed/Expenditures, Other Financing Sources (Uses), and Changes in Fund Balances) from the district's Annual Financial Report for the fiscal year ending June 30 immediately preceding the fiscal year in which the application or update is submitted;
- B) a copy of Part III (Budget Summary) and Part IV (Summary of Cash Transactions) from the School District Budget Form for the fiscal year in which the application or update is submitted; and
 - C) a statement showing the amount of the district's unused bonding power as determined under Article 19 of the School Code [105 ILCS 5/Art. 19].
- 3) A description of the district's maintenance plan and schedule, including but not limited to:
- A) the maximum authorized operations and maintenance tax rate of the district;
 - B) the rate at which the operations and maintenance taxes were last extended;
 - C) the amount of operations and maintenance expenditures for the last fiscal year;
 - D) a statement assuring that new, renovated, and existing facilities are being or will be properly maintained; and
 - E) a brief explanation of how the district intends to maintain new, renovated, and existing facilities.
- 4) Facility inventory information, including:
- A) a listing of each parcel of land, building, building addition, or other structure owned or used by the district to house its operations or held by the district for investment or revenue-producing purposes;
 - B) for each parcel of land, building, building addition, or other

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

structure, a listing of the following information, as applicable:

- i) the facility type;
 - ii) the ownership class;
 - iii) an indication of whether the structure is a main building or a building addition;
 - iv) the functional age of the building or addition as determined under Section 151.50(d)(2) of this Part;
 - v) the enrollment capacity as determined pursuant to the standards specified in Section 151.50(d) of this Part;
 - vi) the type of school housed in the building or building addition;
 - vii) the number of students currently housed in the facility;
 - viii) the number of inadequately housed students currently housed in the facility as determined under Section 151.50(c) and (d) of this Part;
 - ix) an indication of the district's plans for the facility within the next five years; and
 - x) an indication of which planned activities are the subject of a request for a school construction project grant.
- f) Each application submitted ~~on or after July 1, 2007~~, shall also include information demonstrating that the project conforms to the "green building" requirements of Section 5-40 of the School Construction Law [105 ILCS 230/5-40]. Conformance may be demonstrated by providing the evidence indicated either in subsection (f)(1) or (f)(2) of this Section, as applicable.
- 1) For each application submitted on or after July 1, 2007 through June 30, 2009:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- ~~A)1)~~ *certification under the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System [105 ILCS 230/5-40] posted at www.usgbc.org (2008; no later editions or revisions are incorporated); or*
- ~~B)2)~~ *a rating under the Green Building Initiative's Green Globes Green Building Rating System [105 ILCS 230/5-40] posted at <http://www.thegbi.org/assets/pdfs/Green-Globes-NC-Criteria-and-Point-Allocation.pdf> and <http://www.thegbi.org/assets/pdfs/Green-Globes-CIEB-Criteria-and-Point-Allocation.pdf> ~~www.thegbi.org/commercial/about-green-globes/rating-and-evaluation-process.asp~~ (2007; no later editions or revisions are incorporated); or*
- ~~C)3)~~ *compliance with green building standards established by the Illinois Capital Development Board, when codified by that agency in its rules in Title 71 of the Illinois Administrative Code; ~~or-~~*
- 2) *For each application submitted on or after July 1, 2009, a silver certification from the United States Green Building Council's Leadership in Energy and Environmental Design Green Building Rating System [105 ILCS 230/40] posted at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222> (2009; no later editions or revisions are incorporated).*

(Source: Amended at 35 Ill. Reg. 7416, effective April 25, 2011)

BOARD OF EXAMINERS

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT

- 1) Heading of the Part: Certificate of Certified Public Accountant
- 2) Code Citation: 23 Ill. Adm. Code 1400
- 3) Section Number: Proposed Action:
1400.90 Amendment
- 4) Date Notice of Proposed Amendment Published in the Illinois Register: February 18, 2011; 35 Ill. Reg. 2829
- 5) Reason for the withdrawal: Additions to the amendment are necessary to fully incorporate changes to the educational requirements as proposed in the amendment.

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO EMERGENCY AMENDMENT

- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3)

<u>Section Number</u> :	<u>Action</u> :
2090.35	Repeal
- 4) Date Notice of Emergency Amendment Published in the Register: January 21, 2011
- 5) Date JCAR Statement of Objection Published in the Register: April 29, 2011
- 6) Summary of Action Taken by the Agency: At its meeting on April 12, 2011, the Joint Committee on Administrative Rules (JCAR) objected to the Department of Human Services emergency amendment titled Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill. Adm. Code 2090; 35 Ill. Reg. 1465) because implementation of DHS' new utilization management policy in this emergency amendment presents a potential threat to the public safety, interest and welfare of adolescent patients receiving treatment programs under Medicaid.

The Department of Human Services has reviewed the objection from the Joint Committee on Administrative Rules regarding the above-referenced emergency rulemaking. In response to the objection, the Department will repeal the emergency rulemaking titled Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill. Adm. Code 2030; 35 Ill. Reg. 1465).

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO EMERGENCY AMENDMENTS

- 1) Heading of the Part: Award and Monitoring of Funds
- 2) Code Citation: 77 Ill. Adm. Code 2030
- 3)

<u>Section Numbers</u> :	<u>Action</u> :
2030.20	Repeal
2030.105	Repeal
2030.107	Repeal
2030.108	Repeal
2030.109	Repeal
- 4) Date Notice of Emergency Amendments Published in the Register: January 21, 2011
- 5) Date JCAR Statement of Objection Published in the Register: April 29, 2011
- 6) Summary of Action Taken by the Agency: At its meeting on April 12, 2011, the Joint Committee on Administrative Rules (JCAR) objected to the Department of Human Services emergency amendments titled Award and Monitoring of Funds (77 Ill. Adm. Code 2030; 35 Ill. Reg. 1448) because implementation of DHS' new utilization management policy in these emergency amendments presents a potential threat to the public safety, interest and welfare of adolescent patients receiving treatment programs under Medicaid.

The Department of Human Services has reviewed the objection from the Joint Committee on Administrative Rules regarding the above-referenced emergency rulemaking. In response to the objection, the Department will repeal the emergency rulemaking titled Award and Monitoring of Funds (77 Ill. Adm. Code 2030; 35 Ill. Reg. 1448).

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3)

<u>Section Numbers</u> :	<u>Action</u> :
132.25	Repeal
132.58	Repeal
132.95	Repeal
132.145	Repeal
- 4) Date Notice of Emergency Amendments Published in the Register: January 14, 2011
- 5) Date JCAR Statement of Objection Published in the Register: April 29, 2011
- 6) Summary of Action Taken by the Agency: At its meeting on April 12, 2011, the Joint Committee on Administrative Rules (JCAR) objected to the Department of Human Services emergency amendments titled Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132; 35 Ill. Reg. 1128) because implementation of DHS' new utilization management policy in these emergency amendments presents a potential threat to the public safety, interest and welfare of adolescent patients receiving treatment programs under Medicaid.

The Department of Human Services has reviewed the objection from the Joint Committee on Administrative Rules regarding the above-referenced emergency rulemaking. In response to the objection, the Department will repeal the emergency rulemaking titled Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132; 35 Ill. Reg. 1128).

STATE BOARD OF EDUCATION

NOTICE OF AGENCY RESPONSE TO THE OBJECTIONS AND PROHIBITIONS OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3)

<u>Section Numbers</u> :	<u>Action</u> :
30.70(b)	Modify
30.80(c)(6)	Modify
- 4) Date Notice of Proposed Rules was Published in the Register: October 8, 2010; 34 Ill. Reg. 14599
- 5) Date JCAR Statement of Objections was Published in the Register: April 29, 2011; 35 Ill. Reg. 7228 and 7230
- 6) Summary of Action Taken by the Agency: Sections 30.70(b) and 30.80(c)(6) will be removed from the rulemaking and the remainder of the two sections will be renumbered accordingly.

STATE BOARD OF EDUCATION

NOTICE OF AGENCY RESPONSE TO THE RECOMMENDATION OF THE JOINT
COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3) Section Number: 30.80(c)(2) Action:
Modify
- 4) Date Notice of Proposed Rules was Published in the Register: October 8, 2010; 34 Ill. Reg. 14599
- 5) Date JCAR Statement of Recommendation was Published in the Register: April 29, 2011; 35 Ill. Reg. 7217
- 6) Summary of Action Taken by the Agency: In Section 30.80(c)(2), the agency will increase the number of individuals holding the general administrative certificate on the Principal Preparation Review Panel from two to four.

Additionally, two recommendations related to, but not addressing, sections of this rulemaking were made. The Joint Committee recommended that the State Board proceed as quickly as possible to pursue legislation authorizing development of a program for the teacher-leader endorsement. Senate Bill 1799 will contain that language.

Finally, the Joint Committee recommended that the State Board amend rules titled Certification (23 Ill. Adm. Code 25) to require that out-of-state applicants for an Illinois principal endorsement meet training and certification requirements in the other state that are substantially similar to Illinois requirements. The State Board is drafting these amendments and anticipates First Notice in June or July of 2011.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
MAY 10, 2011

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Aging

1. Community Care Program (89 Ill. Adm. Code 240)
 - First Notice Published: 34 Ill. Reg. 10595 – 7/30/10
 - Expiration of Second Notice: 5/19/11

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 35 Ill. Reg. 678 – 1/14/11
 - Expiration of Second Notice: 6/8/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

Commerce Commission

3. Guidelines for Right-of-Way Acquisitions (83 Ill. Adm. Code 300)
-First Notice Published: 34 Ill. Reg. 7349 – 5/28/10
-Expiration of Second Notice: 5/11/11

Commerce and Economic Opportunity

4. Metropolitan Pier and Exposition Authority or Rosemont Incentive Fund Grant Program (14 Ill. Adm. Code 511)
-First Notice Published: 35 Ill. Reg. 1 – 1/3/11
-Expiration of Second Notice: 5/15/11
5. Angel Investment Credit Program (14 Ill. Adm. Code 531)
-First Notice Published: 35 Ill. Reg. 331 – 1/7/11
-Expiration of Second Notice: 6/5/11

Education

6. Special Education (23 Ill. Adm. Code 226)
-First Notice Published: 35 Ill. Reg. 1484 – 1/28/11
-Expiration of Second Notice: 5/27/11

Educational Labor Relations Board

7. Public Information, Rulemaking, Organization and Personnel (2 Ill. Adm. Code 2675)
-First Notice Published: 34 Ill. Reg. 15595 – 10/15/10
-Expiration of Second Notice: 5/15/11
8. Freedom of Information (2 Ill. Adm. Code 2676)
-First Notice Published: 34 Ill. Reg. 15603 – 10/15/10
-Expiration of Second Notice: 5/15/11
9. General Procedures (80 Ill. Adm. Code 1100)
-First Notice Published: 34 Ill. Reg. 15615 – 10/15/10
-Expiration of Second Notice: 5/15/11
10. Hearing Procedures (80 Ill. Adm. Code 1105)
-First Notice Published: 34 Ill. Reg. 15620 – 10/15/10
-Expiration of Second Notice: 5/15/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

11. Representation Procedures (80 Ill. Adm. Code 1110)
 - First Notice Published: 34 Ill. Reg. 15625 – 10/15/10
 - Expiration of Second Notice: 5/15/11
12. Unfair Labor Practice Proceedings (80 Ill. Adm. Code 1120)
 - First Notice Published: 34 Ill. Reg. 15651 – 10/15/10
 - Expiration of Second Notice: 5/15/11
13. Fair Share Fee Objections (80 Ill. Adm. Code 1125)
 - First Notice Published: 34 Ill. Reg. 15657 – 10/15/10
 - Expiration of Second Notice: 5/15/11

Employment Security

14. Dequalifying Income and Reduced Benefits (56 Ill. Adm. Code 2920)
 - First Notice Published: 35 Ill. Reg. 2543 – 2/14/11
 - Expiration of Second Notice: 5/19/11

Environmental Protection Agency

15. Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions (35 Ill. Adm. Code 276)
 - First Notice Published: 35 Ill. Reg. 14 – 1/3/11
 - Expiration of Second Notice: 5/29/11

Financial and Professional Regulation

16. Title Insurance Act (50 Ill. Adm. Code 8100)
 - First Notice Published: 34 Ill. Reg. 15926 – 10/22/10
 - Expiration of Second Notice: 5/30/11

Healthcare and Family Services

17. Rights and Responsibilities (89 Ill. Adm. Code 102)
 - First Notice Published: 34 Ill. Reg. 11655 – 8/3/10
 - Expiration of Second Notice: 5/18/11
18. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 34 Ill. Reg. 11664 – 8/13/10

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

-Expiration of Second Notice: 5/18/11

19. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 34 Ill. Reg. 17799 – 11/29/10
 - Expiration of Second Notice: 6/8/11
20. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 34 Ill. Reg. 17832 – 11/29/10
 - Expiration of Second Notice: 6/8/11
21. Hospital Reimbursement Changes (89 Ill. Adm. Code 152)
 - First Notice Published: 34 Ill. Reg. 17912 – 11/29/10
 - Expiration of Second Notice: 6/8/11

Human Services

22. Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)
 - First Notice Published: 35 Ill. Reg. 709 – 1/14/11
 - Expiration of Second Notice: 6/15/11
23. Award and Monitoring of Funds (77 Ill. Adm. Code 2030)
 - First Notice Published: 35 Ill. Reg. 1327 – 1/21/11
 - Expiration of Second Notice: 5/13/11
24. Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill. Adm. Code 2090)
 - First Notice Published: 35 Ill. Reg. 1329 – 1/21/11
 - Expiration of Second Notice: 5/13/11

Labor

25. Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120)
 - First Notice Published: 35 Ill. Reg. 103 – 1/3/11
 - Expiration of Second Notice: 5/27/11

Pollution Control Board

26. Solid Waste (35 Ill. Adm. Code 807)
 - First Notice Published: 35 Ill. Reg. 3199 – 2/25/11
 - Expiration of Second Notice: 6/5/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

27. Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
-First Notice Published: 35 Ill. Reg. 3252 – 2/25/11
-Expiration of Second Notice: 6/5/11

28. Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
-First Notice Published: 35 Ill. Reg. 3257 – 2/25/11
-Expiration of Second Notice: 6/5/11

Racing Board

29. Approval of Racing Officials (11 Ill. Adm. Code 422)
-First Notice Published: 35 Ill. Reg. 2560 – 2/14/11
-Expiration of Second Notice: 5/25/11

30. Racing Rules (11 Ill. Adm. Code 1318)
-First Notice Published: 35 Ill. Reg. 2566 – 2/14/11
-Expiration of Second Notice: 5/25/11

31. Security and Admissions (11 Ill. Adm. Code 1325)
-First Notice Published: 35 Ill. Reg. 2570 – 2/14/11
-Expiration of Second Notice: 5/25/11

32. Admissions and Credentials (11 Ill. Adm. Code 1428)
-First Notice Published: 35 Ill. Reg. 2574 – 2/14/11
-Expiration of Second Notice: 5/25/11

Secretary of State

33. Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)
-First Notice Published: 35 Ill. Reg. 1541 – 1/28/11
-Expiration of Second Notice: 6/4/11

34. Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)
-First Notice Published: 35 Ill. Reg. 1548 – 1/28/11
-Expiration of Second Notice: 6/4/11

35. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
-First Notice Published: 35 Ill. Reg. 1555 – 1/28/11
-Expiration of Second Notice: 6/3/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

36. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
-First Notice Published: 35 Ill. Reg. 1881 – 2/4/11
-Expiration of Second Notice: 6/3/11

Student Assistance Commission

37. Grant Program for Dependents of Correctional Officers (23 Ill. Adm. Code 2731)
-First Notice Published: 35 Ill. Reg. 1335 – 1/21/11
-Expiration of Second Notice: 5/19/11
38. Grant Program for Dependents of Police of Fire Officers (23 Ill. Adm. Code 2732)
-First Notice Published: 35 Ill. Reg. 1339 – 1/21/11
-Expiration of Second Notice: 5/19/11
39. Community College Transfer Grant (CCTG) Program (23 Ill. Adm. Code 2740)
-First Notice Published: 35 Ill. Reg. 1343 – 1/21/11
-Expiration of Second Notice: 5/19/11
40. Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)
-First Notice Published: 35 Ill. Reg. 1349 – 1/21/11
-Expiration of Second Notice: 5/19/11

Transportation

41. Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill. Adm. Code 522)
-First Notice Published: 35 Ill. Reg. 3345 – 2/25/11
-Expiration of Second Notice: 5/29/11

EMERGENCY RULEMAKINGS

Human Services

42. Child Care (89 Ill. Adm. Code 50)
-Notice Published: 35 Ill. Reg. 6583 – 4/15/11
43. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
-Notice Published: 35 Ill. Reg. 6933 – 4/22/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MAY AGENDA

- 44. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
-Notice Published: 35 Ill. Reg. 6951 – 4/22/11
- 45. General Assistance (89 Ill. Adm. Code 114)
-Notice Published: 35 Ill. Reg. 6962 – 4/22/11

Racing Board

- 46. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)
-Notice Published: 35 Ill. Reg. 6605 – 4/15/11

AGENCY RESPONSES

Education

- 47. Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30; 34 Ill. Reg. 14599)

Secretary of State

- 48. Illinois State Library Grant Programs (23 Ill. Adm. Code 3035; 34 Ill. Reg. 18954)

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 April 19, 2011 through April 25, 2011 and have been scheduled for review by the Committee at its May 10, 2011 meeting. 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>
6/3/11	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	1/28/11 35 Ill. Reg. 1555	5/10/11
6/3/11	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	2/4/11 35 Ill. Reg. 1881	5/10/11
6/4/11	<u>Secretary of State</u> , Uniform Partnership Act (1997) (14 Ill. Adm. Code 166)	1/28/11 35 Ill. Reg. 1541	5/10/11
6/4/11	<u>Secretary of State</u> , Uniform Limited Partnership Act (2001) (14 Ill. Adm. Code 171)	1/28/11 35 Ill. Reg. 1548	5/10/11
6/5/11	<u>Pollution Control Board</u> , Solid Waste (35 Ill. Adm. Code 807)	2/25/11 35 Ill. Reg. 3199	5/10/11
6/5/11	<u>Pollution Control Board</u> , Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)	2/25/11 35 Ill. Reg. 3252	5/10/11
6/5/11	<u>Pollution Control Board</u> , Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)	2/25/11 35 Ill. Reg. 3257	5/10/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/5/11	<u>Department of Commerce and Economic Opportunity</u> , Angel Investment Credit Program (14 Ill. Adm. Code 531)	1/7/11 35 Ill. Reg. 331	5/10/11
6/8/11	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	1/14/11 35 Ill. Reg. 678	5/10/11

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 19 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

68 - 1445	.....	7258
77 - 515	.....	7271
26 - 100	.....	7297
23 - 1400	.....	7424

ADOPTED RULES

2 - 1620	4/21/2011	7308
38 - 110	4/21/2011	7319
38 - 210	4/21/2011	7343
68 - 1440	4/21/2011	7358
50 - 906	4/25/2011	7389
35 - 217	4/22/2011	7391
11 - 603	4/25/2011	7400
92 - 1035	4/21/2011	7412
23 - 151	4/25/2011	7416

**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

23 - 30	.....	7428
23 - 30	.....	7429

ORDER FORM

<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (2009 Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2003 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 2003 - 2006 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

--	--

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 557-8919

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com