

2011

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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TABLE OF CONTENTS

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PROPOSED RULES

EDUCATION, STATE BOARD OF	
Special Education	
23 Ill. Adm. Code 226.....	1484
PUBLIC HEALTH, DEPARTMENT OF	
Hearing Instrument Consumer Protection Code	
77 Ill. Adm. Code 682.....	1508
SECRETARY OF STATE	
Uniform Partnership Act (1997)	
14 Ill. Adm. Code 166.....	1541
Uniform Limited Partnership Act (2001)	
14 Ill. Adm. Code 171.....	1548
Cancellation, Revocation or Suspension of Licenses or Permits	
92 Ill. Adm. Code 1040.....	1555
STATE BOARD OF INVESTMENT, ILLINOIS	
Rules and Regulations of the Board	
74 Ill. Adm. Code 800.....	1566
State (of Illinois) Employees' Deferred Compensation Plan	
80 Ill. Adm. Code 2700.....	1579

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Conditions of Employment	
80 Ill. Adm. Code 303.....	1587
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Reports of Child Abuse and Neglect	
89 Ill. Adm. Code 300.....	1599
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND	
COUNCIL OF ILLINOIS	
General Program	
35 Ill. Adm. Code 1500.....	1619
NATURAL RESOURCES, DEPARTMENT OF	
Conservation Reserve Enhancement Program (CREP)	
17 Ill. Adm. Code 1515.....	1636
SECRETARY OF STATE	
Certificates of Title, Registration of Vehicles	
92 Ill. Adm. Code 1010.....	1652
Cancellation, Revocation or Suspension of Licenses or Permits	
92 Ill. Adm. Code 1040.....	1667
Illinois Safety Responsibility Law	
92 Ill. Adm. Code 1070.....	1790

PEREMPTORY RULES

AGRICULTURE, DEPARTMENT OF Meat and Poultry Inspection Act 8 Ill. Adm. Code 125.....	1802
JOINT COMMITTEE ON ADMINISTRATIVE RULES STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING	
JOINT COMMITTEE ON ADMINISTRATIVE RULES ENVIRONMENTAL PROTECTION AGENCY Procedures and Criteria for Reviewing Applications for Provisional Variances 35 Ill. Adm. Code 180.....	1811
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER	
REVENUE, DEPARTMENT OF 2010 Fourth Quarter Income Tax Sunshine Index.....	1812
SECOND NOTICES RECEIVED	
JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	1816

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
226.800	Amendment
226.820	Amendment
226.850	New Section
226.860	New Section
- 4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 96-257, effective August 11, 2009, amended Section 14-1.10 of the School Code [105 ILCS 5/14-1.10] to provide a definition of "qualified worker" to replace "professional worker" for the purpose of reimbursement under Section 14-13.01 of the School Code. The law further authorizes the agency to determine by rule any other "trained specialists" for whom reimbursement can be received.

The law also amended Section 14-13.01 of the School Code pertaining to reimbursement for noncertified positions, in that it replaced the standard for reimbursement of noncertified staff as those who are "necessary" to requiring that non-certified employees "deliver services to students with (Individualized Education Program) IEPs".

New Sections 226.850 and 226.860 are being proposed to list the specific positions, and the qualifications for each, for which school districts may request reimbursement. These positions will be the only ones for which school districts and special education cooperatives may request reimbursement under Section 14-13.01 of the School Code once the rules are in effect. These requirements have been used by staff in the agency's Funding and Disbursements Division for quite some time for reimbursement purposes, so they should be familiar to the field.

In the course of discussing the criteria for reimbursement imposed by P.A. 96-257, however, staff noted that certain positions, long approved for reimbursement, no longer meet the standard of the law. For instance, districts and cooperatives have been claiming certain general education staff who provide instruction to students with disabilities, but who nonetheless lack the "required special training in the understanding, techniques, and special instructional strategies for children with disabilities", as directed by Section 14-1.10 of the School Code. These teachers often are in regular education classrooms where

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

special education students are placed but the instruction they provide is general education rather than special education instruction. Under the law, as amended, these positions can no longer be considered as eligible for reimbursement and therefore are being not included in proposed Section 226.850. Additionally, general administrative positions not responsible for student services also are being removed. In total, eight positions will no longer be eligible for reimbursement; these categories represent 150 out of more than 78,000 claims approved in the 2009-10 school year (the most recent year for which claim information is available).

It is also proposed that reimbursement for speech-language paraprofessionals be provided at the lower noncertified rate. Unlike a speech-language pathologist, speech-language paraprofessionals are neither licensed by the State nor hold the appropriate credentials to serve in the position required under Part 25 of the agency's rules governing Certification. It is more appropriate, therefore, to classify these positions as "noncertified" since no licensure or certification is required. Claims for speech-language paraprofessionals that are approved will be reimbursed at \$3,500 rather than \$9,000 (117 claims approved in school year 2009-10).

As for noncertified employees, the potential impact is expected to be broader, since individuals in these positions must provide services to students, rather than just be "necessary". For this reason, it is proposed that the categories of bookkeepers, custodians, secretaries and other, undefined noncertified employees be ineligible for reimbursement (2,966 claims approved in the 2009-10 school year).

Additionally, several other categories of positions are being removed since their titles are obsolete and the duties and qualifications are identical to those in other, existing categories. Finally, Section 226.800(g)(3) is being modified to correct a conflict between the course requirements stated in Part 226 for special education directors and the course requirements found in Part 25. A cross-reference to 23 Ill. Adm. 29.150 (Standards for Administrative Certification) also is being removed, since that Section has been repealed.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

- 226.10 Purpose
- 226.50 Requirements for a Free Appropriate Public Education (FAPE)
- 226.60 Charter Schools
- 226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

- 226.100 Child Find Responsibility
- 226.110 Evaluation Procedures
- 226.120 Reevaluations
- 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability
- 226.135 Additional Procedures for Students Suspected of or Having a Cognitive Disability
- 226.140 Modes of Communication and Cultural Identification
- 226.150 Evaluation to be Nondiscriminatory
- 226.160 Determination of Eligibility (Repealed)
- 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
- 226.180 Independent Educational Evaluation
- 226.190 Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

- 226.200 General Requirements
- 226.210 IEP Team
- 226.220 Development, Review, and Revision of the IEP
- 226.230 Content of the IEP

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 226.240 Determination of Placement
- 226.250 Child Aged Three Through Five
- 226.260 Child Reaching Age Three

SUBPART D: PLACEMENT

- Section
- 226.300 Continuum of Placement Options
- 226.310 Related Services
- 226.320 Service to Students Living in Residential Care Facilities
- 226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities
- 226.340 Nonpublic Placements by Parents Where FAPE is at Issue
- 226.350 Service to Parentally-Placed Private School Students
- 226.360 Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

- Section
- 226.400 Disciplinary Actions
- 226.410 Manifestation Determination Review (Repealed)
- 226.420 Appeals (Repealed)
- 226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
- 226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

- Section
- 226.500 Language of Notifications
- 226.510 Notification of Parents' Rights
- 226.520 Notification of District's Proposal
- 226.530 Parents' Participation
- 226.540 Consent
- 226.550 Surrogate Parents
- 226.560 Mediation
- 226.570 State Complaint Procedures

SUBPART G: DUE PROCESS

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section	
226.600	Calculation of Timelines
226.605	Request for Hearing; Basis (Repealed)
226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
226.620	Denial of Hearing Request (Repealed)
226.625	Rights of the Parties Related to Hearings
226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
226.650	Child's Status During Due Process Hearing (Repealed)
226.655	Expedited Due Process Hearing
226.660	Powers and Duties of Hearing Officer
226.665	Record of Proceedings
226.670	Decision of Hearing Officer; Clarification
226.675	Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680	Reporting of Decisions (Repealed)
226.690	Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section	
226.700	General
226.710	Policies and Procedures
226.720	Facilities and Classes
226.730	Class Size for 2009-10 and Beyond
226.731	Class Size Provisions for 2007-08 and 2008-09
226.735	Work Load for Special Educators
226.740	Records; Confidentiality
226.750	Additional Services
226.760	Evaluation of Special Education
226.770	Fiscal Provisions
226.780	Procedures for Withdrawal Hearings before the Regional Board of School Trustees

SUBPART I: PERSONNEL

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section	
226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
<u>226.850</u>	<u>List of Qualified Workers</u>
<u>226.860</u>	<u>List of Noncertified Employees</u>

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. _____, effective _____.

SUBPART I: PERSONNEL

Section 226.800 Personnel Required to be Qualified

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) General
- 1) Each school district, or the cooperative entity of which it is a member, shall employ sufficient professional and noncertified personnel to deliver and supervise the full continuum of special education and related services needed by the eligible students who reside in the district. The number and types of personnel employed shall be based on students' need rather than administrative convenience.
 - 2) Each district or cooperative entity shall periodically submit to the State Board of Education, on forms supplied by the State Board, the roster of the individuals who will be or are providing special education or related services. The State Board may request any additional documentation needed in order to verify that each individual holds the qualifications that are required for his or her assignments.
 - 3) Reimbursement for personnel expenditures shall be made by the State Board ~~only~~ with respect to only those individuals who are qualified, pursuant to this Subpart I, to deliver services to students with IEPs [105 ILCS 5/14-1.10 and 14-13.01] and whose positions are listed either in Section 226.850 or 226.860~~pursuant to Section 226.810 or 226.820~~ of this Part.
 - 4) Each district or cooperative entity shall develop and implement a comprehensive personnel development program for all personnel involved with the education of children with disabilities.
- b) Professional Instructional Personnel
Each individual employed in a professional instructional capacity shall hold either:
- 1) a valid special certificate and the qualifications required for the teaching area pursuant to 23 Ill. Adm. Code 25.43; or
 - 2) another valid teaching certificate and approval issued by the State Board of Education specific to the area of responsibility (see Section 226.810 of this Part).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- c) An individual assigned as a vocational coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) has two years' teaching experience;
 - 2) holds either a special preschool-age 21 certificate or a high school certificate; and
 - 3) has completed at least 16 semester hours of college coursework, which shall at least include each of the areas identified in subsections (c)(3)(A) through (D) and may include one or more of the areas identified in subsections (c)(3)(E) through (I) of this Section:
 - A) Survey of the exceptional child;
 - B) Characteristics of the mentally retarded student;
 - C) Characteristics of the socially and/or emotionally maladjusted student;
 - D) Vocational programming for students with disabilities;
 - E) Characteristics of other exceptionalities;
 - F) Methods course in special education;
 - G) Guidance and counseling;
 - H) Educational and psychological diagnosis;
 - I) Vocational and technical education.
- d) An individual assigned as a teacher coordinator shall be required to hold approval for this position, which shall be granted provided that the individual submits an application demonstrating that he or she:
- 1) holds either a special preschool-age 21 certificate endorsed for the disability area of assignment or a high school certificate with special

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

education approval in the applicable disability area issued pursuant to Section 226.810 of this Part;

- 2) has completed a course in vocational programming for students with disabilities; and
 - 3) has at least one year's work experience outside the field of education or has completed at least one course in either guidance and counseling or vocational and technical education.
- e) An individual assigned as a business manager's assistant shall hold an administrative certificate endorsed for chief school business official pursuant to 23 Ill. Adm. Code 25.345.
- f) **Qualified Bilingual Specialists**
Professional staff otherwise qualified pursuant to this Section shall be considered "qualified bilingual specialists" if they meet the applicable requirements set forth in this subsection (f).
- 1) A holder of a special certificate endorsed in the area of responsibility pursuant to 23 Ill. Adm. Code 25.43 shall successfully complete a language examination in the non-English language of instruction and shall have completed coursework covering:
 - A) Psychological/educational assessment of students with disabilities who have limited English proficiency;
 - B) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition; and
 - C) Methods and materials for teaching students of limited English proficiency or students with disabilities who have limited English proficiency.
 - 2) A holder of an early childhood, elementary, high school, or special certificate who also holds special education approval in the area of responsibility (see Section 226.810 of this Part) shall successfully complete a language examination in the non-English language of

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

instruction and shall have completed the coursework listed in subsections (f)(1)(A), (B), and (C) of this Section.

- 3) A holder of an early childhood, elementary, high school, or special certificate who also holds approval to teach bilingual education or English as a second language shall have completed coursework covering:
 - A) Methods for teaching in the special education area of assignment;
 - B) Psychological/educational assessment of students with disabilities who have limited English proficiency, or psychological diagnosis for children with all types of disabilities; and
 - C) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

- 4) A holder of a transitional bilingual certificate issued pursuant to 23 Ill. Adm. Code 25.90 and endorsed for the language of assignment shall have completed two years of successful teaching experience and have completed coursework covering:
 - A) Survey of children with all types of disabilities;
 - B) Assessment of the bilingual student, or psychological/educational assessment of the student with disabilities who has limited English proficiency;
 - C) Theoretical foundations of bilingual education and English as a second language, including the study of first and second language acquisition;
 - D) Methods for teaching in the special education area of assignment; and
 - E) Characteristics of students, or characteristics of students with limited English proficiency specifically, in the special education area of assignment.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 5) A holder of a school service personnel certificate endorsed for guidance, school social work, or school psychology shall successfully complete an examination in the non-English language and shall have completed coursework in assessment of the bilingual student or psychological/educational assessment of the student with disabilities who has limited English proficiency.

- g) **Directors and Assistant Directors of Special Education**
Each school district, or the cooperative entity of which it is a member, shall employ a full-time director of special education, who shall be the chief administrative officer of the special education programs and services of the district or cooperative entity. The provisions of subsections (g)(1) and (2) of this Section shall apply through June 30, 2005. Beginning July 1, 2005, directors and assistant directors of special education shall be subject to the requirements of 23 Ill. Adm. Code 29.140 ~~and 29.150~~.

- 1) Each director or assistant director of special education shall hold a valid administrative certificate issued pursuant to 23 Ill. Adm. Code 25.365 and a master's degree, including 30 semester hours of coursework distributed among all the ~~following~~ areas specified in either 23 Ill. Adm. Code 25.365(b) or (c), as applicable.:

- ~~A) Survey of exceptional children;~~
- ~~B) Special methods courses (3 areas of exceptionality);~~
- ~~C) Educational and psychological diagnosis and remedial techniques;~~
- ~~D) Guidance and counseling; and~~
- ~~E) Supervision of programs for exceptional children.~~

- 2) Each individual who will function as a director or assistant director of special education shall submit an application for special education administrative approval on a form supplied by the State Board of Education.
- 3) Each school district, or the cooperative entity of which it is a member, shall submit to the State Board of Education a letter identifying the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

individual employed as the director of special education. If the individual is qualified as required, the State Board shall confirm that the individual is the State-approved director of special education for the district or cooperative entity.

- h) Supervisors
 - 1) Each district or cooperative entity shall employ sufficient supervisory personnel to provide consultation to and coordination of special education services.
 - 2) Each individual performing a supervisory function shall hold a master's degree, including at least 15 semester hours of coursework distributed among all the following areas:
 - A) Survey of exceptional children;
 - B) Characteristics courses in the areas to be supervised;
 - C) Methods courses in the areas to be supervised;
 - D) Educational and psychological diagnosis and remedial techniques; and
 - E) Supervision of programs for exceptional children.
 - 3) Each individual performing a supervisory function shall also hold either:
 - A) a valid special certificate in the area to be supervised, endorsed for supervision pursuant to 23 Ill. Adm. Code 25.497, with two years' teaching experience in that area; or
 - B) a valid school service personnel certificate endorsed for supervision and two years' experience in the area to be supervised; or
 - C) a valid administrative certificate and either a valid special certificate endorsed for the area to be supervised or special education approval in that area.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- i) Chief Administrator of Special School
The chief administrator of a special school shall hold an administrative certificate with a general administrative endorsement issued pursuant to 23 Ill. Adm. Code 25.335 or 25.365 and either:
 - 1) the qualifications required under 23 Ill. Adm. Code 25.43 in at least one disability area served by the school; or
 - 2) approval issued by the State Board of Education pursuant to Section 226.810 of this Part for at least one disability area served by the school.

- j) Other Professional Personnel
Each individual employed in a professional capacity not specified in subsections (a) through (i) of this Section shall, as appropriate to his or her assignment, hold:
 - 1) the school service personnel certificate endorsed as appropriate to the area of responsibility (see 23 Ill. Adm. Code 25, Subpart D); or
 - 2) a valid license or permission to practice, if the individual's profession is governed by such a requirement and either no educational credential in the same or a related field is issued by the State Board of Education (e.g., for a physical therapist) or the School Code permits the individual to perform the functions assigned; or
 - 3) a credential, regardless of title, issued by a professional association or organization in the relevant field, when no educational credential in the same or a related field is issued by the State Board of Education and no license or permission to practice is required by the State (e.g., for a music therapist or a daily living skills specialist).

- k) Noncertified Personnel
 - 1) Each noncertified professional individual employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.
 - 2) Each program assistant/aide, as well as each nonemployee providing any

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

service in the context of special education, shall function under the direct supervision of a professional staff member.

- 3) Each district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2) of this Section. Training shall be in lieu of the requirements for noncertified personnel set forth in 23 Ill. Adm. Code 1, Subpart [FG](#).

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

Section 226.820 Authorization for Assignment

In the circumstances described in this Section, neither the qualifications required by Section 226.800 of this Part nor special education approval under Section 226.810 of this Part shall be required. When authorized pursuant to this Section, reimbursement shall be available for staff providing special education and related services.

- a) No Fully Qualified Individual Available
 - 1) When a district or cooperative entity demonstrates to the State Board of Education that it is unable to secure the services of an individual who holds the required credentials for a particular assignment, the State Board may authorize the assignment of another individual if the director of special education submits a written request through the regional superintendent of schools, on a form provided by the State Board, that:
 - A) describes the position or assignment involved or the services to be provided and identifies the required certificate or approval;
 - B) describes the population to be served, including the number of students in each disability category represented;
 - C) describes the type and frequency of supervision and technical assistance to be provided to the individual, including the [name\(s\)](#) and [title\(s\)](#) of the supervisor and any other [individual\(s\)](#) who will provide technical assistance;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) describes the unique training, education, experience, or other qualifications that will assist the individual in fulfilling the requirements of the position;
 - E) describes the district's or cooperative entity's efforts to locate a fully qualified individual to fill the position, including contacts with universities, regional superintendents, and the State Board of Education; and
 - F) indicates that the individual to be assigned is working toward attainment of the required certificate, endorsement, or approval for the position.
- 2) The State Board's authorization to assign such an individual shall be specific to the affected position and to the district or cooperative entity requesting the authorization and shall be limited to two years in duration.
- b) Interns
The State Board may also authorize the assignment of interns in school psychology, school social work, school nursing, and speech/language pathology who will work under the supervision of fully qualified professionals, subject to the requirements of this subsection (b).
- 1) For each intern in school psychology, school social work, or school nursing, the director of special education shall submit, on forms supplied by the State Board:
 - A) verification provided by an educational institution that the candidate is participating in a formal internship under its auspices; and
 - B) a request for authorization to assign the individual to an intern's position.
 - 2) For each intern in speech/language pathology, the director of special education shall submit evidence that the individual holds a valid teaching certificate and has a bachelor's degree in communication disorders. The individual shall also either have completed graduate-level coursework in communication disorders or be enrolled in a program providing such

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

coursework. The director of special education shall provide evidence that the intern will be supervised by an individual who holds a special certificate endorsed for speech and language impaired pursuant to 23 Ill. Adm. Code 25.45.

- c) No Specific Credential Required
- 1) When a school district or cooperative entity needs to fill a position for which no specific certificate, endorsement, or other credential is required, the district or cooperative entity shall seek authorization from the State Board of Education to assign the individual who has been selected.
 - 2) The director of special education shall submit a written request through the regional superintendent of schools, on a form provided by the State Board, that:
 - A) describes the position or the service to be provided, why it is needed, and for how long it is expected to be needed; and
 - B) describes the training, education, experience, or other qualifications held by the individual selected that will be relevant to the unique needs of the students to be served (e.g., experience in teaching students with similar disabilities, experience in providing the specific ~~service~~ service(s) involved).
 - 3) The State Board's authorization to assign such an individual shall be limited to the period for which the service is stated to be needed and shall be specific to the affected position and to the requesting entity.
- d) ~~Other Positions Attributed to Special Education~~
~~A district or cooperative entity may be reimbursed for the services of other individuals who hold regular education credentials but serve special education students, e.g., a teacher who provides adaptive physical education.~~
- 1) ~~In order to claim reimbursement for the services of such individuals, the director of special education shall submit:~~
 - A) ~~A description of the individual's duties and an indication of the certificate required for those duties;~~

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ~~B) Information about the special education pupils to be served and the percentage of the individual's time that will be spent serving these students; and~~
- ~~C) A description of the individual's related education and experience.~~
- 2) ~~The State Board's authorization of reimbursement for such individuals shall be specific to the requesting entity but shall not be limited in duration.~~

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

Section 226.850 List of Qualified Workers

The following table lists the work assignments and qualifications for qualified workers for whom reimbursement may be requested under Section 14-13.01 of the School Code. All requirements necessary for proper certification or approval in these work assignments are found in this Subpart I, unless otherwise noted.

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
<u>Adapted Physical Education</u>	<u>A valid Illinois teaching certificate endorsed for physical education and an adapted physical education approval encompassing the grade levels and age ranges of the students served.</u>
<u>Administrator of a Special School</u>	<u>Must meet the requirements of Section 226.800(i) of this Part.</u>
<u>Art Therapist</u>	<u>Registration from American Art Therapy Association or a master's degree in art therapy awarded by a regionally accredited institution of higher education.</u>
<u>Assistant Director</u>	<u>Must hold a valid administrative certificate with a director of special education endorsement issued pursuant to 23 Ill. Adm. Code 25.365 and 23 Ill. Adm. Code 1.705 and meet the requirements of Section 226.800(g) of this Part.</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
<u>Audiologist</u>	<u>Licensed to practice as an audiologist by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] or Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association.</u>
<u>Autism</u>	<u>A valid Illinois teaching certificate either with a categorical or cross-categorical special education endorsement or approval encompassing the grade levels and age ranges of the students served.</u>
<u>Behavior Analyst</u>	<u>Board Certified Behavior Analyst (BCBA) as evidenced by a current valid certificate awarded by the Behavior Analyst Certification Board, Inc.</u>
<u>Cognitive Disability</u>	<u>A valid Illinois teaching certificate either with a cross-categorical special education endorsement or approval or mental retardation endorsement or approval encompassing the grade levels and age ranges of the students served.</u>
<u>Cross-categorical</u>	<u>A valid Illinois teaching certificate with a cross-categorical special education endorsement or approval encompassing the grade levels and age ranges of the students served.</u>
<u>Daily Living Skills Specialist</u>	<u>Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization.</u>
<u>Diagnostic</u>	<u>A valid Illinois prekindergarten-through-age-21 (PreK-21) teaching certificate either with a learning disability or cross-categorical special education endorsement or approval.</u>
<u>Early Childhood</u>	<u>A valid Illinois early childhood certificate either with an early childhood special education endorsement or early childhood special education approval or a PreK-21 certificate endorsed either for categorical or cross-categorical special education.</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
<u>Emotional Disability</u>	<u>A valid Illinois teaching certificate either with a cross-categorical special education or a social-emotional disorders endorsement or approval encompassing the grade levels and age ranges of the students served.</u>
<u>Hearing Impairment</u>	<u>A valid Illinois teaching certificate endorsed for teacher of students with deafness/hard of hearing pursuant to 23 Ill. Adm. Code 25.43.</u>
<u>Home/Hospital Instructor (see Section 226.300 of this Part)</u>	<u>A valid Illinois teaching certificate either with a cross-categorical special education endorsement or approval encompassing the area of student's disability (i.e., mental retardation, physically handicapped or <u>has</u> learning disabilities or social/emotional disorders), or a valid Illinois teaching certificate endorsed in the area of speech-language pathology, blind or visually impaired, or deaf or hard of hearing.</u>
<u>Infant/Toddler/Family Specialist</u>	<u>For federally funded programs serving infants and toddlers, birth through two years of age: Completion of a degree program with evidence of specific training in child development and family development specific for children ages birth to five years.</u>
<u>Inservice Coordinator</u>	<u>A valid Illinois teaching certificate endorsed either for categorical or cross-categorical special education or a valid Illinois school service personnel certificate (see 23 Ill. Adm. Code 25.Subpart D).</u>
<u>Medical Services Personnel (Diagnostics and Evaluation)</u>	<u>Registration with the Illinois Department of Financial and Professional Regulation.</u>
<u>Music Therapist</u>	<u>Registration from the American Music Therapy Association or master's degree in music therapy from a regionally accredited institution of higher education.</u>
<u>Occupational Therapist</u>	<u>Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
<u>Orientation and Mobility Specialist</u>	<u>Certificate from the Academy for Certification of Vision Rehabilitation and Education Professionals or its predecessor organization or the Association for the Education and Rehabilitation of the Blind and Visually Impaired.</u>
<u>Orthopedic Impairment</u>	<u>A valid Illinois teaching certificate either with a cross-categorical special education or physically handicapped endorsement or approval encompassing the grade levels and age ranges of students served.</u>
<u>Physical Therapist</u>	<u>Licensed by the Illinois Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].</u>
<u>Recreational Therapist</u>	<u>Licensed by the National Council for Therapeutic Recreation or its predecessor organization.</u>
<u>Rehabilitation Counselor</u>	<u>Certificate from the Commission on Rehabilitation Counselor Certification (CRCC) or a master's degree in rehabilitation counseling awarded by a regionally accredited institution of higher education.</u>
<u>School Counselor/Guidance Counselor</u>	<u>Meets the requirements of 23 Ill. Adm. Code 25.43 appropriate to the area of responsibility or holds a valid Illinois school service personnel certificate endorsed for school counseling.</u>
<u>School Counselor Intern</u>	<u>Meets the requirements of 23 Ill. Adm. Code 25.227.</u>
<u>School Nurse</u>	<u>Meets the requirements of Section 10-22.23 of the School Code [105 ILCS 5/10-22.23] and 23 Ill. Adm. Code 25.245.</u>
<u>School Nurse (Grandfathered)</u>	<u>Employed as a registered school nurse prior to July 1, 1976 and continuing in the same position with the same district or joint agreement.</u>
<u>School Nurse Intern</u>	<u>Meets the requirements of Section 226.820(b) of this Part.</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
	<u>Reimbursement for this position shall not be for a period of time that exceeds four months.</u>
<u>School Psychologist</u>	<u>Meets the requirements of Section 14-1.09 of the School Code [105 ILCS 5/14-1.09] and 23 Ill. Adm. Code 25.235.</u>
<u>School Psychologist Intern</u>	<u>Meets the requirements of Section 226.820(b) of this Part.</u>
<u>School Social Worker</u>	<u>Meets the requirements of Section 14-1.09a of the School Code [105 ILCS 5/14-1.09a], and Section 226.820(b) of this Part and 23 Ill. Adm. Code 25.215, as applicable.</u>
<u>School Social Work Intern</u>	<u>Meets the requirements of Section 226.820(b) of this Part.</u>
<u>Specific Learning Disability</u>	<u>A valid Illinois teaching certificate either with a cross-categorical special education or learning disability endorsement or approval encompassing the grade levels and age ranges of the students served.</u>
<u>Speech-Language</u>	<u>Non-teaching Position: Meets the requirements of Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b] and 23 Ill. Adm. Code 25.252, as applicable, for speech-language pathologist.</u> <u>Teaching Position: Holds a valid Illinois teaching certificate issued pursuant to 23 Ill. Adm. Code 25.43 endorsed in speech-language pathology.</u>
<u>Speech-Language Pathologist Intern (Interim)</u>	<u>Meets the requirements of 23 Ill. Adm. Code 25.255 and Section 226.820(b) of this Part.</u>
<u>State-Approved Director of Special Education (serving in a full-time capacity)</u>	<u>Meets the requirements of Section 23 Ill. Adm. Code 25.365 and Section 226.800(g) of this Part.</u>
<u>Supervisor</u>	<u>Meets the requirements of Section 226.800(h) of this Part and 23</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
	<u>Ill. Adm. Code 1.705(h), as applicable.</u>
<u>Support Teacher</u>	<u>A valid Illinois teaching certificate either with a categorical or cross-categorical special education endorsement or approval encompassing the grade levels and age ranges of the students served.</u>
<u>Teacher Coordinator of Vocational Education</u>	<u>Meets the requirements of Section 226.800(d) of this Part.</u>
<u>Visual Impairment</u>	<u>A valid Illinois teaching certificate issued pursuant to 23. Ill. Adm. Code 25.43 and endorsed for teacher of students with visual impairments.</u>
<u>Vocational Coordinator</u>	<u>Meets the requirements set forth in Section 226.800(c) of this Part and 23 Ill. Adm. Code 1.737(c)(3).</u>
<u>Vocational Transition Specialist</u>	<u>Must hold a contract with the Illinois Department of Human Services, Division of Rehabilitation Services, under the Secondary Transition Experience Program (STEP).</u>

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

Section 226.860 List of Noncertified Employees

The following table lists the work assignments and qualifications for noncertified employees for whom reimbursement may be requested under Section 14-13.01 of the School Code. In order to qualify for reimbursement, the noncertified employee shall provide direct services to students with IEPs. (See Section 14-13.01(h) of the School Code; also see Section 226.800(k) of this Part.)

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
<u>Hearing Screening Technician</u>	<u>Must hold a certificate from the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 675.</u>
<u>Individual Student Aide</u>	<u>Training specific to the needs of the students being served, as</u>

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

<u>WORK ASSIGNMENT</u>	<u>REQUIRED QUALIFICATIONS</u>
<u>(noninstructional duties)</u>	<u>determined by the school district under Section 226.800(k) of this Part.</u>
<u>Interpreter for the Deaf or Cued Speech</u>	<u>Meets the requirements of 23 Ill. Adm. Code 25.550 for approval from the State Board of Education.</u>
<u>Noncertified Health Aide</u>	<u>Licensed by the Illinois Department of Financial and Professional Regulation pursuant either to Article 55 or 60 of the Nurse Practice Act [225 ILCS 65/Art. 55 or 60].</u>
<u>Occupational Therapy Assistant</u>	<u>Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 9 of the Illinois Occupational Therapy Practice Act [225 ILCS 75/9] and 68 Ill. Adm. Code 1315.</u>
<u>Paraprofessional/Teacher Aide</u>	<u>Meets the requirements of 23 Ill. Adm. Code 25.510 for approval from the State Board of Education.</u>
<u>Physical Therapy Assistant</u>	<u>Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 8.1 of the Illinois Physical Therapy Act [225 ILCS 90/8.1] and 68 Ill. Adm. Code 1340.</u>
<u>Speech-Language Pathology Assistant</u>	<u>Licensed by the Illinois Department of Financial and Professional Regulation pursuant to Section 8.5 of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/8.5] and 68 Ill. Adm. Code 1465.</u>
<u>Speech-Language Paraprofessional</u>	<u>Holds a bachelor's degree in speech-language pathology and approval from the State Board of Education.</u>
<u>Vision Screening Technician</u>	<u>Must hold a certificate from the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 685.</u>

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearing Instrument Consumer Protection Code
- 2) Code Citation: 77 Ill. Adm. Code 682
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
682.100	Amendment
682.105	Amendment
682.110	Amendment
682.115	Amendment
682.120	Amendment
682.130	Amendment
682.140	Amendment
682.150	Amendment
682.160	Amendment
682.170	Amendment
682.180	Amendment
682.185	Amendment
682.190	Amendment
682.200	Amendment
682.215	Amendment
682.230	Amendment
682.250	Amendment
682.260	Amendment
682.300	Amendment
682.320	Amendment
682.330	Amendment
682.360	Amendment
682.420	Amendment
682.430	Amendment
682.500	Amendment
682.510	Amendment
682.600	Amendment
- 4) Statutory Authority: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Over the years, hearing aid technology has changed dramatically. The licensing examination for competency testing of dispensers has not changed since its inception in 1985. Nor have the fees for testing or licensure changed since 1985. The accepted standard of care has changed and the verbiage is different. These issues constitute the need to update several Sections of Part 682. The Illinois Hearing Aid Society, the State dispenser organization, also asked for and received, in amended law, new language addressing a "trainee" license and licensing by reciprocity. These issues are not addressed in the current rule. The changes resulted in these proposed amendments to the rule as outlined below.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Licensing competency examinations from the International Institute for Hearing Instrument Studies.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate. It allows implementation of changes made to the Act.
- 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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Hearing instrument dispensers
 - B) Reporting, bookkeeping or other procedures required for compliance: Instituting use of the International Institute for Hearing Instrument Studies national licensing examination.
 - C) Types of professional skills necessary for compliance: Skill and educational requirements for licensure are unchanged.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2010

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 IV: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER j: VISION AND HEARING

PART 682
HEARING INSTRUMENT CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
682.100	Definitions
682.105	Incorporated and Referenced Materials
682.110	Information Required for Hearing Instrument Users
682.115	Thirty-Business-Day Return Privilege
682.120	Description of Hearing Instruments
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.185	In-Office Sales Promotions
682.190	Liability Insurance
682.195	Required Forms

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section	
682.200	Application Procedures
682.210	Issuance of a Temporary License (Repealed)
682.215	Supervision of Students
682.220	Duplication of a License
682.230	Place of Business
682.240	Display of License
682.250	Expiration of Licenses and License Renewals
682.260	Inactive Status Request

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

Section

- 682.300 Established Test Procedures
- 682.310 Period of Time Tests Are Valid
- 682.320 Tests Performed by Others
- 682.330 Hearing Instrument Selection: Persons Eligible to Recommend
- 682.340 Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons
- 682.350 Audiometric Tests for Replacement Hearing Instrument
- 682.360 Equipment Needed

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section

- 682.400 Administration of the Examination
- 682.410 Identification Needed to Take the Examination
- 682.420 Examination: Written and Practical
- 682.430 Notification of Examination Results
- 682.440 Temporary License Expiration (Repealed)
- 682.450 Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section

- 682.500 Dishonest, Unethical, and Unprofessional Conduct
- 682.510 Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section

- 682.600 Administrative Hearings
- 682.610 Disciplinary Action
- 682.620 Restoration of Revoked or Suspended Licenses

SUBPART G: CONTINUING EDUCATION

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

682.700 Continuing Education

- APPENDIX A Application Form (Repealed)
- APPENDIX B Supervision and Training Agreement Form (Repealed)
- APPENDIX C License Authorization Form (Repealed)
- APPENDIX D Certificate of Insurance (Repealed)
- APPENDIX E Surety Penal Bond (Repealed)
- APPENDIX F Inactive Status Request (Repealed)
- APPENDIX G Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnership, Trust, Association or Other Entity (Repealed)
- APPENDIX H License Renewal Form (Repealed)
- APPENDIX I Audiometer Calibration Form (Repealed)
- APPENDIX J License Correction Form (Repealed)

AUTHORITY: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill. Reg. 10447, effective June 18, 1990; amended at 17 Ill. Reg. 8825, effective June 10, 1993; amended at 21 Ill. Reg. 4799, effective April 1, 1997; amended at 26 Ill. Reg. 11995, effective July 22, 2002; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 682.100 Definitions

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means the Hearing Instrument Consumer Protection Act [225 ILCS 50].

"Advertisement" means any printed or spoken information that is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing instruments or by persons engaged in these activities.

"Audiometric ~~Test~~Tests" means any test, ~~using~~utilizing calibrated audiometric equipment, to determine the status of the hearing system.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Board" means the Hearing Instrument Consumer Protection Board. (Section 3(h) of the Act)

~~"Clinical Fellowship Year" (CFY) means post-graduate, supervised professional experience in the practice of audiology as defined in Section 3 of the Illinois Speech Language Pathology and Audiology Practice Act. For purposes of this definition, supervision of CFY candidates requires direct supervision as defined in Section 1465.35 of the Illinois Speech Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465.35).~~

"Cost" means any expense resulting from activities mandated by the Hearing Instrument Consumer Protection Act or this Part.

"Decibel" or "dB" means a numerical expression of the relative intensity of a sound.

"Department" means the Department of Public Health. (Section 3(a) of the Act)

~~"Direct Supervision" means that the licensed hearing instrument dispenser/audiologist designated as supervisor of a licensed trainee shall give final approval to all work performed by the trainee, shall sign off on all progress notes and contracts, and shall be physically present 100 percent of the time while the trainee has contact with the client. (Section 9.5 of the Act)~~

"Director" means the Director of the Department of Public Health. (Section 3(b) of the Act)

"Disposable Hearing Instrument" or "Disposable Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing that uses a self-contained, non-renewable, non-replaceable battery of limited life span.

~~"Entity"-*Entity*" means a person or group of persons engaged in dispensing activities. (Section 3 of the Act)~~

"Fund" means the Hearing Instrument Dispenser Examining and Disciplinary Fund. (Section 3 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

"Hearing Care Professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician. (Section 3 of the Act)

"Hearing Instrument" or "Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing and any parts, attachments, or accessories, including earmold. Batteries, cords, and individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded. (Section 3(i) of the Act)

"Hearing Instrument Dispenser" or "Dispenser" means a person who is a hearing care professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, or servicing of hearing instruments or the testing for means of hearing instrument selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, or selling of hearing instruments. (Section 3 of the Act)

"IHS" means the International Hearing Society.

"IIHIS" means the International Institute of Hearing Instrument Studies, a part of IHS.

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

"License" means a license issued by the State under ~~the~~ the Act to a hearing instrument dispenser. (Section 3 of the Act)

"Licensed Audiologist" means a person licensed as an audiologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] (Section 3 of the Act)

"Licensed Hearing Instrument Dispenser" or "Licensee" means a hearing instrument dispenser who has met the educational requirements, has passed the Department's required Hearing Instrument Dispenser Examinations, and has paid

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the appropriate fees for the license.

"Licensed Physician" or "Physician" means a physician licensed in Illinois to practice medicine in all of its branches, pursuant to the Medical Practice Act of 1987 [225 ILCS 60]. (Section 3(~~g~~) of the Act)

"Masking" means the process by which a second sound stimulus is introduced to the ~~non-test~~non-test ear to isolate the response of the test ear from that of the ~~non-test~~non-test ear.

"Medical Evaluation" means *a written statement, signed by a licensed physician, ~~licensed to practice medicine in all of its branches by the Department of Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60]~~, which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing instrument. The medical evaluation must have taken place within 6 months immediately preceding the date of the sale of the hearing instrument to the prospective hearing instrument user.* (Section 4 of the Act)

"Most Comfortable Loudness" or "MCL"(MCL) means a level at which sound is most comfortable for the client, that is, loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

"National Board Certified Hearing Instrument Specialist" means *a person who has had at least 2 years in practice as a hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences.* (Section 3 of the Act)

"Observer" means a licensed hearing instrument dispenser/audiologist who directly observes students or licensed trainees engaged in dispensing activities described in Section 682.215(d).

"Place of Business" means a location where hearing instruments are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing instrument purchaser can have personal contact and counsel with the licensed hearing instrument dispenser/audiologist and obtain service during the firm's business hours; where the licensed hearing instrument dispenser/audiologist

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

maintains a depository of all client records; where the licensee normally conducts business; and that is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

"Practice of ~~Fitting~~fitting, ~~Dispensing~~dispensing or ~~Servicing~~servicing of ~~Hearing Instruments~~hearing instruments" means the measurement of human hearing with an audiometer, calibrated to the current American National Standard Institute standards, for the purpose of making selections, recommendations, ~~adaptations~~adoptions, services, or sales of hearing instruments including the making of earmolds as part of the hearing instrument. (Section 3(~~f~~)) of the Act)

"Reciprocity Fee" means a fee equivalent to the fee for one entire administration of the licensing competency examination (see Section 682.600(c)).

"Sell" or "Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers. (Section 3(~~k~~)) of the Act)

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing ~~two~~2 syllables that are pronounced with equal emphasis.

"Student" means any ~~non-licensed~~nonlicensed individual, involved in supervised hearing instrument dispensing activities, who is enrolled full-time in a graduate program of audiology in an accredited college or university. (Section 11 of the Act)

"Supervisor" means the licensed hearing instrument dispenser or audiologist, with at least two years of practice dispensing hearing aids, who is responsible for the hearing instrument dispensing activities of a student or trainee. The licensed hearing instrument dispenser/audiologist is responsible for all of the work that is performed by the trainee or student.

"Trainee" means a person who is licensed to perform the functions of a hearing instrument dispenser in accordance with this Part and only under the direct

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

supervision of a hearing instrument dispenser or audiologist who is licensed in this State. (Section 3 of the Act)

"Uncomfortable Loudness Level" or "~~UCL~~" (~~UCL~~) means the level at which the client indicates that sound is uncomfortably loud.

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

Section 682.105 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

a) The following materials are incorporated in this Part:

- 1) ANSI S3.6-~~20041996 (ASA 81)~~
Specifications for Audiometers
American National Standards Institute
1430 Broadway
New York, New York 10018, or
ASA Standards Distribution Center
1650 Bluegrass Lakes Parkway
P.O. Box 6996
Alpharetta GA 30239-6996
(See Sections 682.170(c), 682.170(e)(4), 682.300(b) and 682.300(d))
- 2) ANSI S3.21-~~20041996 (ASA 19)~~
Methods for Pure Tone Threshold Audiometry
~~Audiometry~~
American National Standards Institute
1430 Broadway
New York, New York 10018
(See Section 682.300(a))
- 3) ANSI S3.1-~~20041996 (ASA 99)~~
Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms
~~Noise Levels for Audiometric Test Rooms~~
American National Standards Institute

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1430 Broadway
New York, New York 10018
(See Section 682.300)

- b) The following federal regulations are incorporated in this Part: ~~21 CFR 801.420 and 801.421 (2001).~~
- 1) 21 CFR 801.420: Food and Drug Administration: Hearing aid devices: professional and patient labeling (April 1, 2010);
 - 2) 21 CFR 801.421: Food and Drug Administration: Hearing aid devices: conditions for sale (April 1, 2010).
- c) The following State rules and State ~~statutes~~law are referenced in this Part:
- 1) ~~Rules of~~ Practice and Procedures in Administrative Hearings (77 Ill. Adm. Code 100);
 - 2) Hearing Aid Consumer Protection Continuing Education Requirements (77 Ill. Adm. Code 3000);
 - ~~32)~~ Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505];
 - ~~43)~~ Hearing Instrument Consumer Protection Act [225 ILCS 50]; and
 - ~~54)~~ Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standardsmaterials on the date specified and do not include any amendments or editions~~additions or deletions~~ subsequent to the date specified.
- e) ~~All citations to federal regulations in this Part concern the specified regulation in the 2001 Code of Federal Regulations, unless another date is specified.~~
- ef) Copies of all incorporated materials are available for public inspection and duplication ~~by the public~~ at the Department's Central Office, Division of Health

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

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

Section 682.110 Information Required for Hearing Instrument Users

- a) *Whenever a sale or service of one or more hearing instruments involving \$50 or more is made or contracted to be made, whether under a single contract or under multiple contracts, at the time of the transaction, the licensed hearing instrument dispenser/audiologist shall furnish the consumer with a fully completed receipt or contract pertaining to that transaction, in substantially the same language as that used in the oral presentation to the consumer. The receipt or contract provided to the consumer shall contain the dispenser's/audiologist's name, license number, business address, business phone number, and signature; the name, address and signature of the hearing instrument consumer; and the name and signature of the purchaser if the consumer and the purchaser are not the same; the hearing instrument manufacturer's name, and the model and serial numbers; the date of purchase; and the charges required to complete the terms of the sale fully and clearly stated. When the hearing instrument is delivered to the consumer or purchaser, the serial number shall be written on the original receipt or contract and a copy shall be given to the consumer or purchaser. If a used hearing instrument is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned", whichever is applicable, with terms of guarantee, if any. (Section 4 of the Act)*
- b) If a medical evaluation is not obtained, a copy of the medical waiver shall be presented to the consumer for his/her signature, and a copy of this document shall be attached to the consumer's copy of the contract/receipt. The medical waiver shall be a separate document from the contract/receipt.
- c) In the sale of disposable hearing instruments, lot numbers may be substituted on the contract if serial numbers are not designated on instruments.
- d) Whenever a sale of one or more disposable hearing instruments is made or contracted to be made, whether under a single contract or under multiple contracts, hearing instruments may be reissued without retesting, additional medical waivers, or additional contracts for a period of no more than one year from the date of the original sale; however, ~~providing that~~ the replacement

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

hearing instruments ~~shall be~~ of the same make, model, and specifications as the originally sold instruments. In the case of disposable hearing instruments, the 30-business-day return privilege applies to the first 30 business days from initial dispensing date regardless of the number of instruments or term of the contract.

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

Section 682.115 Thirty-Business-Day Return Privilege

- a) *All hearing instruments offered for sale must be accompanied by a 30-business-day return privilege. (Section 4 of the Act)*
- 1) At the time the hearing instrument is delivered, the licensed hearing instrument dispenser/~~audiologist shall~~~~must~~ furnish the consumer with a fully completed receipt or copy of the contract pertaining to the sale that contains a statement informing the consumer that he or she may return the hearing instrument for a refund within 30 business days, beginning on the date of delivery. In immediate proximity to the space reserved in the contract for the signature of the consumer, there shall be a statement, in bold 10-point type, in substantially the following form:
- "You, the buyer, may request a refund within 30 business days ~~after~~of the delivery of the hearing instrument. This refund period extends to _____ (insert date) ."
- 2) If a nonrefundable fee will be withheld from the consumer in the event of return, the dollar amount ~~shall~~~~must~~ be clearly stated in 10-point bold type on the face of the receipt or contract provided to the consumer.
- b) If ~~during the 30-business-day refund period~~, the hearing ~~instruments~~~~instrument~~ and/or accessories are returned to the manufacturer/supplier for adjustment or repair during the 30-business-day refund period, the refund period will be extended by the number of days that the hearing instrument is not in the possession of the consumer, affording the consumer the remainder of the refund period. The extension shall be provided to the consumer in writing in substantially the following form:
- "(Insert name of the Purchaser) is being afforded an extended refund period

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

through (insert date) on the hearing instruments with the following serial numbers:

Signed: _____
(Licensed Dispenser/Audiologist)"

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

Section 682.120 Description of Hearing Instruments

No terms or combination of terms may be used, either written or verbal other than "new," "used" or "reconditioned." (~~Section 4 of the Act~~)

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

Section 682.130 Consumer Complaint Notification Cards

a) A consumer complaint notification form and poster, provided by the Department ~~of Public Health~~, shall be ~~used~~utilized as specified in Section 4 of the Act. The poster shall always be displayed wherever hearing instruments~~Hearing Instruments~~ are dispensed, except for "in home" sales.

b) All persons purchasing hearing instruments shall be provided with a written statement in a minimum of 10-point bold type, on the face of the contract or purchase agreement, indicating that formal complaints regarding hearing instrument goods and/or services may be made to the Department. The statement shall give the address of the Department's Hearing Instrument Consumer Protection Program and the hotline telephone number of the Department. The purchaser shall initial the statement at the time of purchase.

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

Section 682.140 Consumer Records

Required consumer records for licensed hearing instrument dispensers/audiologists shall be copies of medical evaluations, medical waivers, all contracts, receipts, and audiometric test results (audiograms).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- a) The full name of the licensed hearing instrument dispenser/audiologist and the date of the test shall be recorded on the audiogram.
- b) When a hearing instrument is sold, as defined in Section 3 of the Act, copies of all records that are requiredset forth in this Section shall be retained at the place of business shown on the contract for a minimum of 36 months. (See 21 CFR 801.421(d) and Section 4 of the Act.)

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

Section 682.150 Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity

Each corporation, partnership, trust, association or other entity engaging in the business of testing, fitting, servicing, selecting, dispensing, selling, or offering for sale hearing instruments at retail shall file, with the Department, prior to doing business in this State and by July 1 of each calendar year thereafter, on forms prescribed by the Department, a list of all licensed hearing instrument ~~dispensers/audiologists~~dispensers employed by it; the business name, address, county, and phone number; and the name of the owner and/or manager; on forms prescribed by the Department and a statement attesting that it complies with ~~the~~this Act and this Part~~the rules promulgated under it~~ and the regulations of the Federal Food and Drug Administration (21 CFR 801.420 et seq.) insofar as they are applicable. (Section 5 of the Act) The Department shall be notified, in writing, of any changes to the information provided.

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

Section 682.160 Inspections

The Department shall inspect places of business where Illinois licensed hearing instrument dispensers/audiologists are employed ~~at least once every 3 years~~. The following shall be inspected: display of the Department ~~poster~~Poster; possession of the Department's Consumer Complaint Notification Form; audiometer calibration data sheet; Notice of Cancellation Forms, contracts/receipts and medical waiver forms that the licensed hearing instrument dispenser/audiologist uses. Individual client records shall not be inspected without the written consent of the client or guardian.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 682.170 Audiometer Calibrations

An annual calibration shall be conducted on each audiometer used in dispensing hearing instruments~~Hearing Instruments~~.

- a) Audiometer calibration data sheets shall be kept on file, at the licensed hearing instrument dispenser's/audiologist's~~Hearing Instrument Dispenser's~~ place of business, for four years after the date of calibration.
- b) The audiometer calibration data sheet shall include the following:
 - 1) Audiometer identification, consisting of make, model, and serial number;
 - 2) The calibrator's identification, consisting of the company name, the company address, and the name of the individual who conducted the calibration;
 - 3) Audiometer calibration readings for air and bone conduction, speech, rise and decay time, and masking;
 - 4) The calibrator's~~Calibrator's~~ certification that the audiometer meets or exceeds American National Standards~~Standard~~ Institute (ANSI) standards. (~~see~~See Section 682.105(a)(1)); and
 - 5) Date of calibration.
- c) Calibration shall be accomplished by the manufacturer or a person equipped with instruments for calibrating audiometers.
- d) Calibration of audiometers shall be in accordance with the standards~~Standards~~ set by ANSI~~the American National Standard Institute~~. (~~see~~See Section 682.105(a)(1)).
- e) The licensed hearing instrument dispenser/audiologist~~Hearing Instrument Dispenser~~ shall indicate the make of the audiometer, the model, serial number, and the date of the last ANSI calibration, for each audiometer used in hearing instrument~~Hearing Instrument~~ dispensing activities on the Audiometer Calibration

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Form. ~~The Form, which~~ shall be signed and shall be presented to the Department upon request sent to the Department, by December 1, each year.

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

Section 682.180 Mail Order Sales

Businesses located in Illinois and engaged in the mail order/internet sale of hearing instruments shall submit the following to the Department, by January 1 of each year. ~~Hearing Instruments shall submit a "Disclosure Statement" as specified (Section 6 of the Act)~~

- a) ~~A~~ and a statement that ~~the~~ such organization employs only Illinois licensed hearing instrument dispensers/audiologists ~~individuals~~ in the dispensing of hearing instruments;
- b) ~~and files with the Department, by January 1 of each year, a list of all licensed hearing instrument dispensers/audiologists employed by it (Section 6 of the Act); and-~~
- c) the required fee (see Section 282.200(c)).

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

Section 682.185 In-Office Sales Promotions

~~Hearing~~ Unlicensed hearing instrument manufacturer representatives, who are not Illinois licensed hearing instrument dispensers ~~or Illinois licensed~~ /audiologists, conducting in-office sales promotions; are prohibited from consumer contact prior to the testing of hearing and recommendation of a specific hearing instrument by an Illinois licensed ~~a~~ hearing instrument dispenser ~~/or audiologist, licensed in Illinois.~~ The testing or evaluation of a consumer, using electro-acoustic ~~utilizing electroacoustic~~ equipment, by a manufacturer's representative who is not an Illinois ~~not~~ licensed ~~as a~~ hearing instrument dispenser ~~/or audiologist, in Illinois,~~ is prohibited.

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

Section 682.190 Liability Insurance

- a) All persons licensed ~~Licensed~~ under the ~~this~~ Act shall maintain liability insurance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(malpractice). (Section 4 of the Act) Ongoing liability insurance coverage shall be maintained for all claims that might be brought on account of the licensee's professional activities.

- b) If a licensed hearing instrument dispenser/audiologist~~Hearing Instrument Dispenser who~~ possesses liability insurance that,~~which~~ provides coverage only while the licensed individual~~Hearing Instrument Dispenser~~ is dispensing for a particular employer, the licensed hearing instrument dispenser/audiologist shall not dispense hearing instruments~~Hearing Instruments~~ as a self-employee or for another employer without obtaining separate liability insurance coverage ~~for the Hearing Instrument dispensing activities while self-employed or dispensing for the other employer(s).~~

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

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section 682.200 Application Procedures

- a) Applicants for licensure shall submit to the Department the following forms and fees that are required for license application:
- 1a) Application processing fee ~~= -\$80~~\$40;
- 2b) Application form that provides~~requests~~ the following information:
- A+ Na~~name~~ of applicant, date of birth, gender,~~birthdate, sex,~~ home mailing address, home phone number, business or agency name, business mailing address, e-mail address (if available), business phone, preferred mailing address, highest level of education completed, any university attended, educational degrees awarded, professional certificates held, number of years applicant has dispensed hearing instruments, previous convictions or disciplinary actions against the applicant, citizenship status, indication that the applicant is free from~~of~~ infectious disease, and a Hearing Instrument Consumer Protection Act compliance statement with the signature of the applicant;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~B2)~~ Verification of the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in a U.S. Department of Education accredited institution consisting of three semester hours of anatomy and physiology of the speech and hearing mechanism, three semester hours of hearing science, three semester hours of introduction to audiology, and three semester hours of aural rehabilitation or the quarter hour equivalent; and beginning January 1, 2003, verification of the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the speech and hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent;
- ~~C3)~~ Official transcripts from an accredited institution of higher education that is recognized by the U.S. Department of Education ~~an accredited institution of higher education~~ verifying a minimum of an associate degree pursuant to Section 8(e) of the Act; (Section 8(e) of the Act)
- ~~3e)~~ License Fee ~~— \$200~~\$115 (~~two~~2 year);
~~CFY one-year license fee — \$60 (non-renewable);~~
 Duplicate/Additional License Fee ~~— \$20~~\$10 (each);
Six-month trainee license fee — \$100;
Annual licensing fee for organizations registered pursuant to Section 6(a) of the Act (mail order sales) — \$200;
Reciprocity fee — \$500.
- ~~4d)~~ Proof of liability insurance, ~~which~~that shall give the name and address of the agency; ~~the~~ names and addresses of the applicants insured; ~~the~~ name of the company affording coverage; ~~the~~ type of insurance (malpractice); ~~the~~ policy number; policy expiration date; limits of liability in thousands; and any cancellation clauses and the address of the Department as the agency to be notified if the policy is cancelled or expires; ~~and~~
- ~~b)~~ Applicants for a six-month trainee dispenser license shall submit a letter of verification from the licensed supervisor and a completed trainee form signed by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the supervisor.

- c) Before a trainee license will be issued, the trainee shall show documentation of successful completion of the required courses as outlined in Section 8(e) of the Act and subsection (a)(2)(B) of this Section, or their equivalent as determined by the Department, and pay the trainee license fee.
- d) Applicants pursuing a hearing instrument dispenser license pursuant to Section 6.1 of the Act (reciprocity) shall show proof of having:
- 1) Met requirements of subsections (a) through (d) of this Section;
 - 2) Met the requirements of Section 8(b) of the Act;
 - 3) Met the academic requirements of Section 8(e) of the Act;
 - 4) Obtained a valid license as a hearing instrument dispenser, or its equivalent, from another state that has an examination that is comparable to the examination required under the Act;
 - 5) Practiced as a hearing instrument dispenser for at least three months, or possessing current certification by the National Board for Certification in Hearing Instrument Sciences; and
 - 6) Paid the required fees (application, licensing, and reciprocity fees set forth in this Section).
- e) ~~Applicants for a one-year CFY dispenser license must submit a letter of verification from the CFY supervisor of the CFY term of employment.~~

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

Section 682.215 Supervision of Students

- a) Full-time *graduate* students enrolled in a program of audiology in a U.S. Department of Education recognized~~##~~ accredited college or university may engage in the dispensing of hearing instruments without a license as a part of an academic program of audiology under the supervision of a licensed audiologist.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Section 11 of the Act)

- b) At least 50% of each hearing instrument dispensing activity by a student ~~shall~~**must** be observed directly by a licensed audiologist responsible for the supervision of the student.
- c) Until ~~the time when~~ the student has obtained a Hearing Instrument Dispenser License or becomes a licensed audiologist, dispensing of hearing instruments off campus is limited to sites or programs affiliated with, or operated under, the auspices and approval of the program of audiology in the college or university in which the student is enrolled.
- d) One supervisor may supervise a limit of three trainees at any point in time.
- e) A licensed trainee shall perform the functions of a hearing instrument dispenser in accordance with this Part and only under direct supervision by the designated licensed supervisor.
- f) The designated licensed hearing instrument dispenser or audiologist is responsible for all of the work that is performed by the trainee. (Section 9.5 of the Act)
- g) A licensed hearing instrument dispenser/audiologist shall directly observe 100 percent of each hearing instrument dispensing activity by a licensed trainee.
- h) Contracts signed by a licensed trainee shall also be signed by the designated supervisor.
- i) Until the licensed trainee has obtained a Hearing Instrument Dispenser License or becomes a licensed audiologist, dispensing of hearing instruments is limited to sites where the designated supervisor observes 100 percent of the time that the trainee has client contact.

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

Section 682.230 Place of Business

- a) On the application form, each applicant shall indicate his or her name and the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

name, address, county and phone number of all places of business from which ~~hearing instruments~~Hearing Instruments will be dispensed.

- b) If the place of business of a licensee is changed from the addresses provided on any Hearing Instrument Dispenser License and/or changed from the preferred mailing address provided to the Department; on the application, the licensee shall file written notice ~~thereof~~ with the Department via the License Correction Form within 10 working days after the change. The licensee shall provide the following information ~~shall be provided by the licensed hearing instrument dispenser~~: the licensee's~~licensed hearing instrument dispenser's~~ corrected business address, phone and business county, and an indication if the correction is for a duplicate Hearing Instrument Dispenser License, for a new Hearing Instrument Dispenser License (a new business address), for the deletion of a current Hearing Instrument Dispenser License business address or for a change in the preferred mailing address. The Department shall confirm in writing to the licensee~~licensed hearing instrument dispenser~~ that the changes have been made in the licensee's ~~hearing instrument dispenser's~~ records.
- c) Except at those places of business where the consumer can receive hearing instrument services via another licensed hearing instrument dispenser/audiologist ~~or licensed audiologist~~, who can be contacted at the dispenser's/audiologist's former business address and phone number, licensed hearing instrument dispensers/audiologists who ~~make a change in~~ their business location shall leave a forwarding address; with the post office, for at least one year and shall leave a forwarding phone number; with the phone company, for at least four~~4~~ months, so that consumers and the Department can contact the licensed hearing instrument dispenser/audiologist.
- d) Prior to the closing of a business, the licensed hearing instrument dispenser/audiologist shall~~is required to~~ place an advertisement in a local or area newspaper; advising the public of the closing; and shall arrange for the transfer of records upon consumer request.

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

Section 682.250 Expiration of Licenses and License Renewals

- a) Hearing Instrument Dispenser Licenses shall be valid for two~~2~~ years.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) The fee for renewal of the Hearing Instrument Dispenser License shall be ~~\$200~~~~\$115~~ for the next ~~two~~~~2~~ year period. The licensee shall send a completed License Renewal Form and the ~~license renewal fee~~~~Licensee Renewal Fee~~ to the Department, postmarked no later than 30 days prior to the expiration date on the Hearing Instrument Dispenser License. Failure to receive a notice to renew shall not relieve the ~~licensee~~~~licensed hearing instrument dispenser~~ of the obligation to pay the renewal fee 30 days prior to the expiration date on the Hearing Instrument Dispenser License.
 - 2) The Department shall send renewal and expiration notices to the licensee.
 - 3) The fee for each additional/duplicate Hearing Instrument Dispenser License is ~~\$20~~~~\$10~~.
 - 4) ~~The trainee license is valid for six months and is non-renewable and non-transferrable. The fee for a trainee license is \$100. The fee for a one-year CFY Hearing Instrument Dispenser License is \$60.~~
- b) Individuals who meet the educational requirements and who pass the hearing instrument dispenser examinations, or who meet requirements for licensure under reciprocity, shall complete the application form and pay an initial application fee of ~~\$80~~~~\$40~~. These individuals shall also pay ~~\$200~~~~\$115~~ ~~Hearing Instrument Dispenser License fee~~ for the issuance of a Hearing Instrument Dispenser License plus ~~\$20~~~~\$10~~ for each additional Hearing Instrument Dispenser License. Individuals applying under reciprocity shall also pay the reciprocity fee of \$500. This Hearing Instrument Dispenser License shall be valid for ~~two~~~~2~~ years.
 - c) If the Hearing Instrument Dispenser License has expired and the ~~licensee~~~~hearing instrument dispenser~~ cannot show evidence of having practiced in the ~~previous~~~~two~~~~last 2~~ years, the ~~licensee shall~~~~hearing instrument dispenser must~~ successfully complete the Department's hearing instrument dispenser examinations (written and practicum), or meet the current criteria for licensure under reciprocity, and shall meet all current eligibility requirements, including educational requirements, and pay all of the required fees.
 - d) A license that has expired may be renewed within 90 days after expiration by payment of the license renewal fee (see subsection (b)) and a late fee in the same

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

amount as the license renewal fee.

- e) A license that has been expired for more than 90 days but ~~fewer~~less than 180 days may be renewed by the payment of ~~\$100~~\$50 plus the license renewal fee and a late fee in the same amount as the license renewal fee and by meeting the continuing education requirements (i.e., 20 CEUs per lapsed two-year renewal period plus five additional CEUs for each six-month lapse period or part thereof).
- f) A license that has been expired for more than 180 days but less than ~~two~~2 years may be renewed by the payment of ~~\$150~~\$50 plus the license renewal fee (see subsection (b)) plus a late fee in the same amount as the license renewal fee and by meeting the continuing education requirements (i.e., 20 CEUs per lapsed renewal period plus five additional CEUs per six-month period or part thereof past the expiration date).
- g) A license that has been expired for more than 2 years may be reinstated by the payment of ~~\$200~~\$100 plus the license renewal fee (see subsection (b)) plus a late fee in the same amount as the license renewal fee, by meeting the continuing education requirements (i.e., 20 CEUs per lapsed renewal period plus five additional CEUs per six-month period or part thereof past the expiration date) and by meeting the requirements of subsection (c) of this Section, if applicable.

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

Section 682.260 Inactive Status Request

A licensed hearing instrument dispenser who notifies the Department on the prescribed forms may place his or her license on inactive status. If such period of inactive status is more than 2 years, the hearing instrument dispenser shall also provide the Department with sworn evidence certifying to active practice in another jurisdiction that is satisfactory to the Department. If that person has not practiced in any jurisdiction for 2 years or more, he or she shall be required to restore his or her license by retaking and passing the examinations required in Section 8 of the Act or by applying for licensure under the provisions of reciprocity. Any hearing instrument dispenser whose license is on inactive status shall not practice in Illinois. (Section 20 of the Act)

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

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 682.300 Established Test Procedures

These established tests and instrumentations shall be employed in the selection of hearing instruments~~Hearing Instruments~~, except for children or persons with developmental disabilities or physical disabilities. The test results and instrumentation used in the selection of hearing instruments~~Hearing Instruments~~ shall be recorded for all persons. The ambient noise conditions within the room under which these tests results are obtained shall be described, i.e., any noise source that will influence the test results.

- a) Air and bone conduction test results shall be obtained for each client in the manner specified in the ANSI~~American National Standard Institute~~ Methods for Pure Tone Threshold Audiometry (see Section 682.105(a)(2)).
- b) Masking shall be applied to the non-test~~non-test~~ ear whenever the test stimulus, which is delivered to the test ear, arrives at and/or is likely to be perceived in the non-test~~non-test~~ ear.
- c) Speech reception threshold shall be accomplished with a speech audiometer as defined in and calibrated to the ANSI~~American National Standards Institute~~ Specifications for Audiometers (see Section 682.105(a)(1)). The spondaic words shall be presented by recording or live voice. The results from either recorded or live voice testing shall be in decibels ~~(dB)~~ hearing level (dBHL).
- d) Speech discrimination/identification tests shall be administered using~~utilizing~~ a speech audiometer as defined in and calibrated to the ANSI~~American National Standards Institute~~ Specifications for Audiometers (see Section 682.105(a)(1)). The results shall be recorded as the percentage of the total number of words correctly identified at a specified presentation level.
- e) "Most Comfortable Loudness" shall be obtained using sound or speech via recorded or live voice presentation and shall be measured and recorded in decibels~~(dB) hearing threshold level~~ dBHL.
- f) "Uncomfortable loudness level" (UCL)~~(UCL)~~ shall be obtained using sound or speech via recorded or live voice presentation and shall be measured and recorded in decibels ~~(dB) hearing threshold level~~ dBHL.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

Section 682.320 Tests Performed by Others

Audiometric tests performed, within the previous six months, by another licensed hearing instrument dispenser/audiologist~~licensed Hearing Instrument Dispenser or Licensed Audiologist~~ can be used to ~~select~~make a hearing instrument~~Hearing Instrument selection~~ (see Section 682.330); however, ~~it is the responsibility of~~ the licensed hearing instrument dispenser/audiologist~~licensed Hearing Instrument Dispenser~~ who sells the hearing instruments~~shall~~~~Hearing Instrument to~~ ensure that all tests required by this Part have been conducted prior to dispensing the hearing instruments~~a Hearing Instrument~~. The seller is also responsible for the hearing instruments that are~~Hearing Instrument which is~~ dispensed.

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

Section 682.330 Hearing Instrument Selection: Persons Eligible to Recommend

Possession of a Department Hearing Instrument Dispenser License is required for any person, unless the person is exempt under Section 7 of the Act or holds a current trainee license, who recommends that a consumer~~makes the recommendation that a person~~ obtain a specific or generic hearing instrument by make and model or specification.

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

Section 682.360 Equipment Needed

Each licensed hearing instrument dispenser/audiologist~~Hearing Instrument Dispenser~~ shall have equipment capable of performing the tests described in Section 682.300(a), (b), (c), (d), (e) and (f) of this Part.

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

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests. ~~The written and practical tests shall~~ be administered by the Department or its designee. The examinations given, both written and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

practical, shall be the Uniform Written and Practical Examinations for Hearing Instrument Dispensers from the International Institute for Hearing Instrument Studies, International Hearing Society (IIHIS, IHS). These tests shall be administered at least ~~once every two months.~~ ~~once every two months.~~ (Section 11 of the Act)

- a) The written examination shall cover those areas of knowledge specified in Section 9 of the Act. ~~The examination shall also cover knowledge of the provisions of the Act and this Part.~~ A passing grade, for the written examination, shall be that recommended by IIHIS~~a minimum score of 53 correct answers out of 75 questions.~~
- 1) An applicant who fails the written examination may retake the examination. ~~The~~An examination fee ~~shall~~must be paid for each administration of the examination.
 - 2) An individual candidate may take the written examination no more than twice in any consecutive 12-month period.~~There shall be no limit on the number of times the written test can be retaken.~~
 - 3) The fee for the written examination shall be \$200 per candidate per administration.
- b) The practical examination shall cover those areas of knowledge specified in Section 9 of the Act. A passing grade for the practical examination shall be that recommended by IIHIS.~~The practical examination shall consist of 4 areas:~~
- 1) There is no limit on the number of times that the practicum may be taken. The examination fee shall be paid for each administration of the examination.
 - 1) ~~Ear Mold Impressions: the candidate shall explain, to an examiner, the purpose for preparing the ear mold impression; describe the procedures followed in preparing the ear mold impressions; demonstrate preparation of the ear mold impression materials and make an acceptable ear mold impression.~~
 - 2) ~~Pure Tone Audiometry: The candidate shall instruct an examiner before looking in the ear with an otoscope; look in the examiner's ear with an~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- ~~otoscope and identify the landmarks and findings of the ear examination; instruct the examiner prior to conducting pure tone audiometry; place the ear phone and bone conduction vibrator on the examiner; and obtain the air conduction and bone conduction hearing threshold at 1000Hz and 2000Hz for both right and left ear and record the results on an audiogram.~~
- 3) ~~Speech Audiometry: The candidate shall set up an audiometer for speech audiometric testing; instruct the examiner prior to conducting speech reception threshold (SRT) measurements; compute and record the speech reception threshold, instruct the examiner prior to conducting speech discrimination measurement; compute and record the speech discrimination score; instruct the examiner for obtaining the most comfortable loudness level and uncomfortable loudness level.~~
- 4) ~~Hearing Instrument: The candidate shall use a battery tester; test eight Hearing Instrument batteries and identify the weak or dead batteries; examine seven malfunctioning Hearing Instruments; and correctly identify the problem areas in those Hearing Instruments.~~
- e) ~~The minimum passing scores for each area shall be as follows: Ear Mold Impression—15 points out of 18, Pure Tone Audiometry 58 points out of 69, Speech Audiometry 14 points out of 19 and Hearing Instruments 11 points out of 15.~~
- 2d) The fee for the full practical examination~~exam~~ shall be \$300~~\$200~~. The fee for retaking each failed area of the examination~~exam~~ shall be \$75~~\$50~~ per area. The fee shall be paid for each administration of the examination.
- 3e) The written and practical examinations will be scored independently of each other. If the applicant chooses to retake the practical examination, all of the areas failed must be retaken on the same date and contiguously.
- f) ~~There shall be no limit on the number of times the practical test can be retaken.~~

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

Section 682.430 Notification of Examination Results

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~The Department will issue a~~ written notification of examination results ~~will be issued by the Department,~~ within 60 days ~~after the examination date,~~ to all persons who take either the written or practical ~~hearing instrument dispenser~~~~Hearing Instrument Dispenser~~ examination.

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

SUBPART E: ETHICAL PRACTICE

Section 682.500 Dishonest, Unethical, and Unprofessional Conduct

Dishonest, unethical, and unprofessional conduct shall include the activities set forth in Section 18 of the Act as well as the following actions:

- a) Stating or implying, verbally or in writing, that the use of a hearing instrument will restore normal hearing, ~~or~~ preserve hearing, ~~or~~ prevent or retard progression of hearing impairment;
- b) Physically abusing clients;
- c) Falsifying records;
- d) Representing, advertising, or implying that a hearing instrument is guaranteed without providing full disclosure of the identity of the guarantor ~~and~~; the nature, ~~the~~ extent, and duration of the guarantee, including the existence of conditions or limitations;
- e) ~~Using~~~~When a deposit of \$50 or more is given to a licensed hearing instrument dispenser, it shall be considered unethical conduct for the licensed hearing instrument dispenser to use~~ a contract/receipt that does not specify the time limit between the signing of the contract and the time of the delivery of the hearing instruments, ~~when a deposit of \$50 or more is given to a licensed hearing instrument dispenser/audiologist~~. The time limit shall not exceed 45 calendar days and ~~it~~ shall be prominently displayed in 10-point type on the contract/receipt. If the hearing ~~instruments are~~~~instrument is~~ not available for delivery to the consumer/purchaser ~~within~~ 45 calendar days after the date ~~that~~ the contract/receipt was signed, the consumer/purchaser, in writing, shall be given the opportunity to have all ~~of~~ his/her money refunded, less the itemized cost of the examination and/or any custom-made parts already received by the licensed hearing instrument

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

dispenser/audiologist that had been cost itemized on the contract/receipt when it was signed:-

- f) *Representing that the service of a licensed physician~~physician licensed to practice medicine in all of its branches~~ will be used or made available in the fitting, adjustment, maintenance or repair of hearing instruments when that is not true, or using the words "doctor", "audiologist", "clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State licensed", "State certified", ~~when that is not true, or using the words "Doctor", "Audiologist", "Clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State Licensed", "State Certified", "Hearing Care Professional", "Licensed Hearing Instrument Dispenser", "Licensed Hearing Aid Dispenser", "National Board Certified Hearing Instrument Specialist", "Hearing Instrument Specialist", "Licensed Audiologist", or any other term, abbreviation or symbol that would give the impression that service is being provided by persons who are licensed or awarded a degree or title, or that the person's service who is holding the license~~License~~ has been recommended by a governmental agency or health provider, when such~~this impression~~ is not actually~~the case~~.~~* (Section 18(u) of the Act);
- g) *Failing to specify, in any~~Any~~ money-back guarantee provision contained in a contract/receipt provided to the consumer for the sale of a hearing instrument, that fails to specify the duration of the guarantee and the maximum amount of time within which money will be refunded after a timely request for refund is made; failing to specify in the contract/receipt the procedure that must be followed to exercise one's rights under the guarantee; and failing to specify and itemize in dollar amounts any and all limitations or deductions that will be subtracted from a refund, including, but not limited to: testing fees, service charges, custom earmolds, or rental charges for wear and tear; ~~are prohibited~~.*
- h) Cheating or dishonesty by an applicant on the examination, which shall be considered grounds for automatic failure and disciplinary action as specified in Section 18 of the Act:-
- i) Submitting~~Submission of~~ a check to the Department or a consumer for payment of fees or a refund when there are insufficient funds in the account upon which the check is drawn to cover the amount of the check. The return of the check to the endorsee with the indication of insufficient funds is evidence that this violation has occurred:-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- j) Dispensing hearing instruments without liability insurance;
- k) Assigning the financial note for a hearing instruments sale to a third party (i.e., finance company) prior to the expiration of the 30-business-day trial period; and
- l) Failing or refusing to honor any valid three-day notice of cancellation on in-home sales by a consumer within 10 business days after the receipt of the cancellation notice (see Section 28 of the Consumer Fraud and Deceptive Practices Act [815 ILCS 505]).

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

Section 682.510 Advertising or Promotion

- a) Licensed hearing instrument dispensers/audiologists~~Licenses~~ who possess a doctor's degree or possess any degree or title that contains the word "doctor" shall indicate, in any advertisement regarding their qualifications, the abbreviation for that degree or title and the area of study for which the degree or title "doctor" was given.
- b) Licensed hearing instrument dispensers/audiologists~~Licenses~~ advertising in the State of Illinois relative to hearing instruments shall indicate a company name, permanent business address (place of business), and telephone number in the advertisement.
- c) Advertising a price for a "used" or "reconditioned" hearing instrument without indicating that the advertised price is for a "used" or "reconditioned" hearing instrument is prohibited.

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

SUBPART F: DISCIPLINARY ACTIONS

Section 682.600 Administrative Hearings

All administrative hearings shall be conducted in accordance with Sections 18 and 21 of the Act and the Department's ~~Rules of Practice and Procedures in Administrative Hearings (77 Ill. Adm.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

~~Code 100~~. Final decisions by the Director relating to disciplinary proceedings shall be transmitted to the Attorney General, appropriate professional association, the news media, the employer of the ~~person~~ person(s) subject to ~~the said~~ discipline, the ~~hearing instrument~~ Hearing Instrument licensure ~~bodies~~ boards and Attorneys General of states bordering the State of Illinois and the Hearing Aid Industry Council.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform Partnership Act (1997)
- 2) Code Citation: 14 Ill. Adm. Code 166
- 3) Section Number: 166.40 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 1208 of the Uniform Partnership Act [805 ILCS 206/1208]
- 5) Complete Description of the Subjects and Issues Involved: Filing Requirements
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendment does not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Written comments may be submitted within 45 days to:

Michelle Nijm
Assistant General Counsel
100 W. Randolph, Ste. 5-400
Chicago, IL 60601

312-814-7246

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Partners in limited liability partnerships or foreign limited liability partnerships
 - B) Reporting, bookkeeping or other procedures required for compliance: Evidence of existence to be provided upon request by Secretary of State
 - C) Types of professional skills necessary for compliance: None
- 15) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 166
UNIFORM PARTNERSHIP ACT (1997)

Section	
166.10	Prohibited Terms in Title
166.15	Improper Names
166.20	Definitions
166.25	Applicability
166.30	Filing Location
166.35	Business Hours
166.40	Filing Requirements
166.45	Additional Requirements for Forms
166.50	Renewal Reports
166.55	Payment of Fees
166.60	Sale of Information
166.65	Refunds
166.70	Service of Process
166.75	Interrogatories
166.80	Right to Counsel

AUTHORITY: Implementing and authorized by Section 1208 of the Uniform Partnership Act [805 ILCS 206/1208].

SOURCE: Adopted at 32 Ill. Reg. 332, effective January 7, 2008; amended at 33 Ill. Reg. 9129, effective July 6, 2009; amended at 35 Ill. Reg. _____, effective _____.

Section 166.40 Filing Requirements

- a) All entities, other than natural persons, serving as partners in limited liability partnerships or foreign limited liability partnerships must provide evidence of existence upon request of the Secretary of State. The evidence shall be provided in the formats set forth in this subsection (a). All other entities not specifically addressed shall provide proof of existence in the manner prescribed by this subsection that most appropriately applies to their entity format.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Corporations, limited liability companies, limited partnerships and limited liability partnerships serving as partners in limited liability partnerships or foreign limited liability partnerships shall provide either a Certificate of Existence or a Certificate of Good Standing duly authenticated by the proper officer from the state or country of domicile.
 - 2) General partnerships serving as partners in limited liability partnerships or foreign limited liability partnerships shall provide a statement of information that includes the names and addresses of all the partners, the state of formation, the date of formation, and the address of the records office. The statement shall be sworn to, dated and executed by one of the general partners.
 - 3) Trusts serving as partners in limited liability partnerships shall provide evidence of existence, including the name of the trust, the date of its creation, the names of all trustees, the state of location of the trust, and that the trust is currently in full force and effect. The statement shall be dated and executed by a trustee.
 - 4) Estates serving as partners in limited liability partnerships shall provide evidence of existence by a copy of the relevant court order, dated and executed.
- b) When filing its statement of foreign qualification pursuant to UPA Section 1103, a foreign limited partnership shall submit an original certificate of existence or good standing issued within the preceding 30 days by its state of jurisdiction or formation.
 - c) Documents transmitted for filing electronically must include the name of the person making the submission. The inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the limited liability partnership, as the case may be, and that the facts stated in the submission are true. Compliance with this Section shall satisfy the signature requirements of UPA Section 105.
 - a) Corporations serving as partners in limited liability partnerships or foreign limited liability partnerships must comply with the following:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) ~~a domestic corporation shall be in good standing in Illinois and the statement of qualification shall be executed by a corporate officer.~~
 - 2) ~~a foreign corporation qualified in Illinois shall be in good standing in Illinois and the statement of qualification shall be executed by a corporate officer.~~
 - 3) ~~a foreign corporation not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by its state or jurisdiction with the statement of qualification, which shall be executed by a corporate officer.~~
- b) ~~Limited liability companies serving as partners in limited liability partnerships or foreign limited liability partnerships must comply with the following:~~
- 1) ~~a domestic limited liability company shall be in good standing in Illinois and the statement of qualification shall be executed by a company member or manager.~~
 - 2) ~~a foreign limited liability company qualified in Illinois shall be in good standing in Illinois and the statement of qualification shall be executed by a member or manager.~~
 - 3) ~~a foreign limited liability company not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by its state or jurisdiction with the statement of qualification, which shall be executed by a company member or manager.~~
- e) ~~Limited partnerships serving as partners in limited liability partnerships or foreign limited liability partnerships must comply with the following:~~
- 1) ~~a domestic limited partnership must be in good standing in Illinois and the statement of qualification shall be executed by a general partner.~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2) ~~a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the statement of qualification shall be executed by a general partner.~~
- 3) ~~a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by its state or jurisdiction with the statement of qualification, which shall be executed by a general partner.~~
- d) ~~General partnerships serving as partners in limited liability partnerships must comply with the following:~~
 - 1) ~~both domestic and foreign general partnerships must identify their state of formation, the county of their formation, and their office of records address.~~
 - 2) ~~all partners are to be identified by name and those partners that are partnerships, corporations, limited liability companies, or other non-personal entities shall provide documentation of their existence in good standing in the states of formation or organization.~~
- e) ~~Trusts serving as partners in limited liability partnerships must provide to the Secretary of State evidence of existence by a statement of trustee, dated and executed.~~
- f) ~~Estates serving as partners in limited liability partnerships must provide the Secretary of State evidence of existence by a copy of the relevant court order, dated and executed.~~
- g) ~~All entities, other than natural persons, serving as partners in limited liability partnerships must provide evidence of existence upon request of the Secretary of State, and must comply with the following:~~
 - 1) ~~any partner using an Illinois address must be qualified in Illinois.~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2) ~~any partner with a foreign address and not qualified in Illinois shall provide a certificate of good standing issued by the state of formation within the preceding 30 days.~~
- h) ~~When filing its statement of foreign qualification pursuant to Section 1102 of the UPA, any foreign limited liability partnership shall submit an original certified copy of the domestic registration as well as a certificate of existence issued by its state or jurisdiction of formation. The Department shall reject any proposed filing that does not contain both the original certified copy of the domestic registration and a certificate of existence or good standing by the state or jurisdiction of formation.~~
- i) ~~When a limited partnership is a partner in a newly formed limited liability partnership, or when the limited partnership is substituted by amendment as a partner, then the name of the limited partnership shall be written, typed or printed in the space for the partner on the certificate of authority or amendments to the certificate.~~

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform Limited Partnership Act (2001)
- 2) Code Citation: 14 Ill. Adm. Code 171
- 3) Section Number: 171.45 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 1208 of the Uniform Partnership Act [805 ILCS 206/1208]
- 5) Complete Description of the Subjects and Issues Involved: Filing Requirements
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendment does not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Written comments may be submitted within 45 days to:

Michelle Nijm
Assistant General Counsel
100 W. Randolph, Ste. 5-400
Chicago, IL 60601

312/814-7246

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

This proposed amendment may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: General partners in limited partnerships
 - B) Reporting, bookkeeping or other procedures required for compliance: Evidence of existence to be provided upon request by Secretary of State
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 171
UNIFORM LIMITED PARTNERSHIP ACT (2001)

Section

171.10	Prohibited Terms in Title
171.15	Improper Names
171.20	Assumed Names
171.25	Definitions
171.30	Applicability
171.35	Filing Location
171.40	Business Hours
171.45	Filing Requirements
171.50	Additional Requirements for Forms
171.55	Payment of Fees
171.60	Sale of Information
171.65	Refunds
171.70	Service of Process
171.75	Interrogatories
171.80	Right to Counsel
171.85	New Practices and Technologies

AUTHORITY: Implementing and authorized by Sections 108, 108.5, 109 and 902 of the Illinois Uniform Limited Partnership Act [805 ILCS 215/108, 108.5, 109 and 902].

SOURCE: Adopted at 29 Ill. Reg. 19696, effective November 28, 2005; amended at 32 Ill. Reg. 346, effective January 7, 2008; amended at 32 Ill. Reg. 17971, effective December 1, 2008; amended at 35 Ill. Reg. _____, effective _____.

Section 171.45 Filing Requirements

- a) All entities, other than natural persons, serving as general partners in limited partnerships must provide evidence of existence upon request of the Secretary of State. The evidence shall be provided in the formats set forth in this subsection (a). All other entities not specifically addressed shall provide proof of existence

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

in the manner prescribed by [this](#) subsection that most appropriately applies to their entity format.

- 1) Corporations, limited liability companies, limited partnerships and limited liability limited partnerships serving as general partners in limited partnerships or foreign limited partnerships shall provide either a Certificate of Existence or a Certificate of Good Standing duly authenticated by the proper officer from the state or country of domicile.
 - 2) General partnerships serving as general partners in limited partnerships shall provide a statement of information that includes the names of the partnership, the state of formation, the country of formation, the date of formation, the address at which the records of the partnership are kept, and the names and addresses of all partners. The statement shall be sworn to, dated and executed by one of the general partners.
 - 3) Trusts serving as general partners in limited partnerships shall provide to the Secretary of State evidence of existence, including the name of the trust, the date of its creation, the name of all trustees, the state of location of the trust, and that the trust is currently in full force and effect. The statement shall be dated and executed by a trustee.
 - 4) Estates serving as general partners in limited partnerships shall provide the Secretary of State evidence of existence by a copy of the relevant court order, dated and executed.
- b) When filing its admission to transact business pursuant to [ULPA](#) Section 901, any foreign limited partnership shall submit an original certificate of existence issued by its state or jurisdiction of formation within the preceding 30 days. The Department shall reject any proposed filing that does not contain the certificate of existence or good standing by the state or jurisdiction of formation.
- c) Documents transmitted for filing electronically must include the name of the person making the submission. The inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the limited liability company, as the case may be, and that the facts stated in the submission are true. Compliance with

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

this Section shall satisfy the signature requirements of ULPA Section 204, which shall otherwise apply.

- a) ~~Corporations serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:~~
 - 1) ~~a domestic corporation shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.~~
 - 2) ~~a foreign corporation qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.~~
 - 3) ~~a foreign corporation not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by that state or jurisdiction with the partnership registration application executed by a corporate officer.~~
- b) ~~Limited liability companies serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:~~
 - 1) ~~a domestic limited liability company shall be in good standing in Illinois and the partnership registration application shall be executed by a company member or manager.~~
 - 2) ~~a foreign limited liability company qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a company member or manager.~~
 - 3) ~~a foreign limited liability company not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by that state or jurisdiction with the partnership registration application executed by a company member or manager.~~
- e) ~~Limited partnerships serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) ~~a domestic limited partnership must be in good standing in Illinois and the partnership registration application shall be executed by a general partner.~~
- 2) ~~a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a general partner.~~
- 3) ~~a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect issued within the preceding 30 days by that state or jurisdiction with the partnership registration application executed by a general partner.~~
- d) ~~General partnerships serving as general partners in limited partnerships must comply with the following:~~
 - 1) ~~both domestic and foreign general partnerships must identify their state of formation, the county of their formation, and their office of record address.~~
 - 2) ~~all partners are to be identified by name and those partners that are partnerships, corporations, limited liability companies, or other non-personal entities shall provide documentation of their existence in good standing in the states of formation or organization.~~
- e) ~~Trusts serving as general partners in limited partnerships must provide to the Secretary of State evidence of existence by a statement of trustee, dated and executed.~~
- f) ~~Estates serving as general partners in limited partnerships must provide the Secretary of State evidence of existence by a copy of the relevant court order, dated and executed.~~
- g) ~~All entities, other than natural persons, serving as general partners in limited partnerships must provide evidence of existence upon request of the Secretary of State, and must comply with the following:~~
 - 1) ~~any general partner using an Illinois address must be qualified in Illinois.~~

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2) ~~any general partner with a foreign address and not qualified in Illinois shall provide a certificate of good standing from the state of formation.~~
- h) ~~When filing its admission to transact business pursuant to Section 901 of the ULPA, any foreign limited partnership shall submit an original certificate of existence issued by its state or jurisdiction of formation within the preceding 30 days. The Department shall reject any proposed filing that does not contain the certificate of existence or good standing by the state or jurisdiction of formation.~~
- i) ~~When a limited partnership is a general partner in a newly formed limited partnership, or when the limited partnership is substituted by amendment as a general partner, then the name of the limited partnership shall be written, typed or printed in the space for the general partner on the certificate of authority or amendments to the certificate.~~

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.32 Proposed Action: Amendment
- 4) Statutory Authority: 15 ILCS 335/14B, 625 ILCS 5/2-104(b) and 625 ILCS 5/6-301.2
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking modifies the sanction that is imposed upon a person who is in possession of or uses a fraudulent identification card or driver's license. A fraudulent identification card or driver's license is one that the Secretary of State did not issue. Currently, the rule makes no distinction between the purchaser/user of a fraudulent card and the manufacturer/seller of the card. The amendment will modify the sanction imposed on a purchaser/user to a suspension instead of a revocation. The sanction for the manufacturer/seller will remain revocation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1040.1	Amendment	34 Ill. Reg. 13775; October 1, 2010
1040.20	Amendment	34 Ill. Reg. 13775; October 1, 2010
1040.46	Amendment	34 Ill. Reg. 13775; October 1, 2010
- 11) Statement of Statewide Policy Objectives: The proposed amendment does not require expenditures by units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Written comments may be submitted within 45 days to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Brenda Glahn
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298 Howlett Building
Springfield, IL 62756

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The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - C) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 15) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the most recent regulatory agendas because: the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person
Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned
Checks Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of Improperly Approaching a
Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance
Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting
False/Fraudulent Documents; Notification by Department of Administrative
Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. _____, effective _____.

Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently

- a) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206.
 - 1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(5):

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(9):

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense with open or pending revocation	Revocation
2 nd or subsequent Offense	Revocation; or

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person, the Department shall take the following action pursuant to IVC Section 6-206(a)(10):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to IVC Section 6-206(a)(12):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 5) If any person has violated IVC Section 6-301, 6-301.1 or 6-301.2 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335/14, 14A or 14B], the Department shall take action appropriate for the violation committed pursuant to IVC Section 6-206.

- A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license,

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to IVC Section 6-301 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- B) Fictitious or unlawfully altered driver's license, identification card or permit: If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-301.1 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- C) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(1) through (6), (11) or (12) or Section 14B(b)(1) through (6) of the Illinois Identification Card Act, If any person has knowingly possessed, displayed or caused to

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

~~be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit,~~ the Department shall take the following action pursuant to IVC Section 6-206(a)(14)~~pursuant to IVC Section 6-301.2 or Section 14 of the Illinois Identification Card Act:~~

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1st or subsequent Offense	<u>12-month Suspension</u> Revocation; or <u>Revocation</u>
<u>1st Offense (with open or pending revocation)</u> <u>2nd or subsequent Offense</u>	<u>Revocation; or</u>

D) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(7) through (10) or Section 14B(b)(7) through (10) of the Illinois Identification Card Act, the Department shall take the following action pursuant to IVC Section 6-206(a)(14):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
<u>1st or subsequent Offense</u>	<u>Revocation; or</u>

6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(25):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(26):

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 8) If any person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to IVC Section 6-206(a)(27):

ACTION TABLE

Offenses	Action
1 st Offense	12-month Suspension
1 st Offense (with open or pending revocation)	Revocation
2 nd or subsequent Offense	Revocation; or

- 9) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934, the Department shall take the following action pursuant to IVC Section 6-206(a)(38):

ACTION TABLE

Convictions	Action
1 st Conviction	12-month Suspension
1 st Conviction (with open or pending	Revocation

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

revocation)

2nd or subsequent Conviction

Revocation.

- b) The sources of acceptable proof of the offenses described in subsection (a) are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.
- c) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (a) if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by IVC Section 6-103. Proof shall be the application documents for federal amnesty issued by the U.S. Citizenship and Immigration Services verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (b) that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (a).
- d) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Secretary's Office of the Inspector General provides the Director of the Department of Driver Services with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, permit or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

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

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rules and Regulations of the Board
- 2) Code Citation: 74 Ill. Adm. Code 800
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
800.120	Amendment
800.140	Amendment
800.210	Amendment
- 4) Statutory Authority: 40 ILCS 5/22A
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update antiquated statutory references contained in 74 Ill. Adm. Code 800.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, explain or modify their activities.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. The Illinois State Board of Investment (the Board) will consider all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Linsey Schoemehl
General Counsel/Chief Compliance Officer
Illinois State Board of Investment

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

180 N. LaSalle Street, Suite 2015
Chicago, IL 60610
Linsey.Schoemehl@illinois.gov

312/793-1486 (voice)
312/793-2266 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None that are not already in place.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER VII: STATE BOARD OF INVESTMENT

PART 800
RULES AND REGULATIONS OF THE BOARD

SUBPART A: AUTHORITY

Section
800.5 Authority

SUBPART B: BY-LAWS

Section
800.110 Offices of the Board
800.120 Meetings
800.130 Officers and Their Duties
800.140 Committees

SUBPART C: GENERAL POLICIES

Section
800.210 Functions
800.220 Fiduciary Aspects
800.230 Delegation of Authority
800.240 Budget

SUBPART D: ACCOUNTING

Section
800.310 Investment Account
800.320 Pension Fund Credits
800.330 Pension Fund Charges
800.340 Reserve Balances

SUBPART E: REPORTS

Section

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

800.410 Fiscal Reporting
800.420 Audits

SUBPART F: AMENDMENTS

Section
800.510 Amendments

AUTHORITY: Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Rules and Regulations of the Board, effective March 25, 1971; amended January 8, 1972; amended October 6, 1972; amended February 14, 1975; amended February 9, 1976; amended February 9, 1977; codified at 5 Ill. Reg. 10701; amended at 31 Ill. Reg. 1986, effective January 9, 2007; amended at 32 Ill. Reg. 360, effective December 26, 2007; amended at 35 Ill. Reg. _____, effective _____.

SUBPART B: BY-LAWS

Section 800.120 Meetings

- a) Regular meetings. Meetings of the Board shall be held at least once each calendar quarter, on a date and at a time specified by the Chair.
- b) Special meetings. Special meetings may be called at any time by the Chair or Vice Chair of the Board or by any three members of the Board. As required by law, written notice shall be given at the time and place of each special meeting at least three days previous to the date of the meeting. The notice need not contain information regarding the subject matter for consideration at the meeting. Any business of whatever nature may be taken up and disposed of at any special meeting. Notice of any special meeting may be waived by the members. The waiver shall be duly recorded in the minutes of the meeting.
- c) Place and hour of meetings. Meetings of the Board shall be held at the general office of the Board or at any other place selected by the Chair or agreed upon by the Board, at the hour fixed by the Chair or by the members calling a special meeting.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- d) Annual meeting. The annual meeting of the Board shall be held in the month of September.
- e) Quorum. A majority of all members of the Board shall constitute a quorum for the transaction of business at any regular or special meeting.
- f) Meetings open to the public. As required by law, all meetings of the Board shall be open to the public except as otherwise provided in the Open Meetings Act [5 ILCS 120].
- ~~g) Proxies. Ex officio members who cannot attend meetings of the Board or its committees may respectively designate one appropriate proxy from within the Office of the State Treasurer, members of the Commission on Governmental Forecasting and Accountability, or Trustees of the pension or retirement system. The proxy shall have the same powers and authority as the ex officio member being represented, but no member may designate a different proxy within one year after his last designation of a proxy unless the person last designated has become ineligible to serve in that capacity. The ex officio Board member shall notify the designated proxy in writing, with a copy to the Board. The designated proxy shall accept the designation in writing, with a copy to the Board.~~
- gh) Order of business
 - 1) The following order shall govern the transaction of business of the Board at any regular or special meeting:
 - A) Roll Call
 - B) Minutes of Previous Meeting
 - C) Communications
 - D) Report of Standing and Special Committees
 - E) Report of the Chair
 - F) Report of the State Treasurer

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- G) Report of the Director
- H) Report of Investment Counsel
- I) Reports of any Member of the Board
- J) Unfinished Business
- K) New Business
- L) Adjournment

2) Any motion or resolution may be presented and considered out of the regular order of business by consent of a majority of the members present at any regular or special meeting.

h) Voting. Each member shall have one vote on any question coming before the Board at any regular or special meeting at which that member is in attendance. Concurring votes by a majority of the members present at the meeting shall be necessary for the adoption of any resolution or action by the Board.

i) Roll calls. The Chair or any member may request a roll call on any motion or resolution involving an expenditure of moneys or the creation of a liability for the Board or on any other motions. The vote of each member present shall then be recorded in the minutes of the meeting.

j) Reconsideration. A motion for the reconsideration of any vote shall be in order only if made at the meeting at which the vote sought to be reconsidered is taken, or at the next regular meeting.

k) Deferral of reports. Upon request of any two members of the Board, the consideration of any report presented by any committee shall be deferred for one meeting, and a copy of the report of the committee shall be provided each member of the Board.

l) Record of proceedings. The Board shall keep a full record of all its proceedings in which all of its transactions is recorded. All resolutions approved by the Board shall be signed by the Chair and Recording Secretary and shall be filed with the

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

minutes of the meeting at which adopted. At least ~~five~~5 days before the date of the next scheduled meeting, the Recording Secretary shall supply each Board member with a copy of the minutes of the last meeting.

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

Section 800.140 Committees

a) Executive Committee

- 1) There shall be an Executive Committee of the Board, consisting of the Chair, Vice Chair, and Recording Secretary and one other member of the Board, who shall serve for a two-year term and who shall be elected at an annual meeting following the election of officers. The Recording Secretary shall serve as Secretary of the Committee.
- 2) The Executive Committee has the authority to conduct all business of the Board during the interim between Board meetings and report ~~that such~~ business at the next Board meeting for ratification by the Board. The Executive Committee shall resolve any questions of procedure in the interim between meetings of the Board, propose to the Board changes in policy, and recommend to the Board changes in the statute governing the Board with the view of bringing about improved total return on investments consistent with the high standards of safety required in the investment of public funds. Recommendations may also be made by the Committee for possible extension of the scope of authority of the Board to include other pension or trust funds.

b) Audit and Compliance Committee

- 1) There shall be an Audit and Compliance Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include formally communicating with the Illinois Auditor General, creating the Board's internal ethics code, and ensuring compliance with Illinois ethics laws.)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- 2) The Committee will elect a Committee Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
 - 3) Additional responsibilities of the Audit and Compliance Committee shall be to maintain supervision over all accounting related activities of the Board, including but not limited to regular liaison with the Office of the Auditor General, independent auditors and accounting consultants to the Board. In addition, the Committee will participate in the review of the Board's activities by the Legislative Audit Commission and the Auditor General.
 - 4) The Audit and Compliance Committee shall have oversight responsibility for all matters relating to the Illinois Ethics Act. The Chair of the Committee shall be the designated Ethics Officer for Board members and staff. The Committee shall develop and make recommendations to the Board regarding policies and procedures for internal ~~codes~~Codes of ~~ethics~~Ethics for both the Board and Staff members, consistent with the State Officials and Employees Ethics Act [5 ILCS 430].
 - 5) The Committee will recommend changes in accounting policy for Board consideration.
 - 6) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act ~~[5 ILCS 120]~~. All Board members shall be encouraged to attend and participate.
- c) Investment Policy Committee
- 1) There shall be an Investment Policy Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the time of the next annual meeting of the Board following the election of officers. The Board shall determine delegation of Committee responsibilities. (Examples of such delegation include interviewing investment management firms that are finalists in the Board's competitive bidding process and recommending policies

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

pertaining to the Board's investments, such as the Board's asset allocation study.)

- 2) It shall be the responsibility of the Committee:
 - A) to recommend investment policy to the Board, both at its regularly scheduled meetings and whenever ~~such~~ recommendations appear, in the judgment of the Committee, to be necessary or desirable;
 - B) for the ongoing and specific supervision of the internal investment process, including but not limited to advance approval of all long-term investment transactions not falling within certain delegatory guidelines established by Board action; and
 - C) for ongoing liaison with external investment advisors, together with recommendations concerning the tenure, compensation, fund direction, and retention of the advisors.
 - 3) The Investment Policy Committee shall elect a Chair and a Vice Chair, to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
 - 4) The Committee shall meet as often as necessary in the discretion of the Board or the Chair of the Committee, so long as the meeting is in compliance with the Open Meetings Act. All Board members shall be encouraged to attend and participate.
 - 5) The Committee shall advise the Board when the Committee believes it is appropriate that non-Board members with investment and economic expertise ~~should~~ participate in Committee affairs.
 - 6) The Board Chair will be an ex-officio, voting member of the Committee.
- d) Emerging Manager Committee
- 1) There shall be an Emerging Manager Committee of the Board, consisting of such members of the Board as the Chair of the Board shall appoint, and who shall serve a term to end at the next annual meeting of the Board

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

following the election of officers. The Board shall determine the Committee's responsibilities. (Examples of such delegation include interviewing emerging managers; and recommending policies pertaining to the Board's investments, such as the Board's Minority Brokerage Policy or Targeted Investment Policy.)

- 2) An "emerging manager" is a qualified investment ~~adviser that~~ ~~adviser who~~ manages an investment portfolio of at least \$10,000,000, but less than ~~\$10,000,000,000~~ ~~2,000,000,000~~, and is a "~~minority owned~~ ~~minority-owned~~ business", ~~or~~ "~~female owned~~ ~~female-owned~~ business" ~~or business owned by a person with a disability~~, as those terms are defined in the Business Enterprise for Minorities, Females and Persons with Disabilities Act ~~[30 ILCS 5/1-109(4)]~~ [30 ILCS 5/2(A)(3), (4) and (4.1)].
- 3) It shall be the policy of the Committee:
 - A) to increase access to and business with emerging managers;
 - B) to allocate at least 5% of fund assets to emerging managers, consistent with statutes;
 - C) to encourage emerging managers to grow assets under their management, outperform the applicable benchmark index, and eventually move into the core portfolio.
- 4) It shall be the responsibility of the Committee:
 - A) to interview emerging manager applicants for specific asset classes;
 - B) to function as ongoing liaison with emerging managers, together with recommendations concerning the tenure, compensation, fund direction, and retention of emerging managers;
 - C) to recommend emerging manager policy to the Board, both at its regularly scheduled meetings and whenever ~~those~~ ~~such~~ recommendations appear, in the judgment of the Committee, to be necessary or desirable;

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- D) to conduct other duties as assigned by the Board.
- 5) The Committee will elect a Chair to whom the Committee may delegate only those responsibilities as have been approved in advance by the Board.
- 6) The Committee shall meet as often as necessary, in the discretion of the Board or the Chair of the Committee, so long as the meetings are in compliance with the Open Meeting Act. All Board members shall be encouraged to attend and participate.

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

SUBPART C: GENERAL POLICIES

Section 800.210 Functions

- a) The functions of the Board are limited exclusively to investment management and such other duties and responsibilities as are directed or permitted by statute. With respect to investment management more specifically:

To invest, reinvest, exchange and perform all investment functions with regard to reserves, funds, assets, securities and moneys which the Board is authorized to invest, and to preserve and protect such reserves, funds, assets, securities and moneys, including, but not limited to, authority to vote any stocks, bonds or other securities and to give general or special proxies or powers of attorney with or without power of substitution [40 ILCS 5/22A-106].

- 1) The Board shall manage investments by executing procedures that include, but are not limited to:
- A) Performing due diligence on the investment portfolio. (Examples of due diligence include monitoring the performance of current investment portfolios, selecting new investment portfolios, determining the asset allocation per portfolio and selecting investment managers to invest portfolio assets.)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- B) Adopting an asset allocation policy to achieve efficiently the Board's long-term investment objective of ~~aan 8.5%~~ compounded rate of return consistent with the actuarial assumed rate of return adopted by the State Retirement Systems of Illinois. (Examples of policy considerations include examining all asset classes and their appropriate benchmarks and allocating specific percentages of assets to specific asset classes.)
- C) Managing Board expenses. (Examples of such management include negotiating competitive asset management fees with investment managers and monitoring the Board's operating budget.)
- D) Complying with the Illinois Pension Code [40 ILCS 5]. (Examples of compliance include adhering to statutory directives such as the prudent utilization of emerging investment managers in managing assets (see 40 ILCS 5/1-109.1(4)) and refraining from prohibited transactions.)
- 2) The Board's general policy governing investments shall require that, as fiduciaries, the Board discharge its duties, with respect to pension fund assets it manages, solely in the interest of the participants and beneficiaries. (Examples of general investment policy include maintaining an 8.5% compounded rate of return on investments; investing with the care, skill, prudence and diligence that a prudent person would use in the conduct of an enterprise of like character with like aims; and diversifying investments to reduce risk, enhance returns and commit meaningful investment positions.)
- b) State Employees Deferred Compensation Plan (Plan)
- 1) The Board shall be responsible for developing and establishing the Plan (see 40 ILCS 5/24-104).
- 2) With respect to developing and establishing the Plan, the Board shall:
- A) Review investment offerings and offer acceptable investment offerings as investment options for the Plan; and

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENTS

- B) Supervise the Department of Central Management Services' administration of the Plan.
- 3) Further explanation regarding the Board's responsibilities with respect to the development and establishment of the Plan are found in the following Board regulations: 80 Ill. Adm. Code 2700: Subpart A (Introduction and Purpose of Plan); Subpart B (Definitions); Subpart C (the Board's general supervision of the administration of the Plan); Subpart G (distributions in the event of an unforeseeable emergency); Subpart I (ability to amend or terminate Plan).
- c) These functions shall not encompass any duties or responsibilities related to the operation and administration of the pension funds in any other area than that of investments.

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

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

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312/793-1486 (voice)

312/793-2266 (fax)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None that are not already in place.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE H: DEFERRED COMPENSATION
CHAPTER I: ILLINOIS STATE BOARD OF INVESTMENT

PART 2700

STATE (OF ILLINOIS) EMPLOYEES' DEFERRED COMPENSATION PLAN

SUBPART A: INTRODUCTION AND PURPOSE OF PLAN

Section	
2700.100	Establishment of Plan
2700.110	Purpose of Plan
2700.120	Economic Growth and Tax Relief Reconciliation Act of 2001 Good Faith Amendment (Repealed)
2700.125	Forms

SUBPART B: DEFINITIONS

Section	
2700.200	Definitions

SUBPART C: ADMINISTRATION

Section	
2700.300	Responsibilities of the Department
2700.310	Responsibilities of the Board
2700.311	Standards Governing the Selection of Investment Options
2700.315	Responsibilities of the Recordkeeper
2700.320	Deferred Compensation Hardship Committee
2700.330	Applicable Law

SUBPART D: PARTICIPATION IN THE PLAN

Section	
2700.400	Eligibility
2700.410	Enrollment
2700.415	Designation of Beneficiary
2700.420	Minimum Deferral

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

2700.430	Basic Annual Limitation
2700.435	Age 50 Catch-up Annual Deferral Contribution
2700.440	Special Section 457 Catch-up Limitation
2700.450	Revocation of Deferral

SUBPART E: ESTABLISHMENT OF RETIREMENT AGE

Section	
2700.500	Normal Retirement Age
2700.510	Alternative Normal Retirement Age

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section	
2700.600	Deferred Compensation Accounts
2700.610	Allocation of Investment Earnings or Losses
2700.620	Investment Option Valuation
2700.630	Administrative Costs
2700.640	Method of Making Investment Requests
2700.650	Participant Statements
2700.660	Custodial Account
2700.670	Investment Options
2700.680	Rollovers to the Plan
2700.690	Plan-to-Plan Transfers to the Plan

SUBPART G: DISTRIBUTIONS

Section	
2700.700	Distribution Events
2700.710	Beneficiary Election of Method of Distribution
2700.720	Election of Delayed Distribution Date (Repealed)
2700.730	Election of Method of Distribution
2700.735	Distribution for Certain Balances of \$5,000 or Less
2700.740	Unforeseeable Emergency
2700.745	Plan-to-Plan Transfers from the Plan
2700.750	Permissive Service Credit Transfers
2700.760	Leave of Absence

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

SUBPART H: MISCELLANEOUS

Section

2700.800	Nonassignability
2700.810	Payments to Minors and Incompetents
2700.820	Missing Persons
2700.830	Severability
2700.840	Days and Dates
2700.850	Domestic Relations Orders
2700.860	IRS Levy
2700.870	Mistaken Contributions

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

Section

2700.900	Amendment of Plan
2700.910	Termination of Plan
2700.920	Merger with Prior Plans

2700.APPENDIX A	Administrative Rules (Repealed)
2700.EXHIBIT A	Administrative Rule I (Repealed)
2700.EXHIBIT B	Administrative Rule II (Repealed)
2700.EXHIBIT C	Administrative Rule III (Repealed)
2700.EXHIBIT D	Administrative Rule IV (Repealed)
2700.EXHIBIT E	Administrative Rule V (Repealed)
2700.EXHIBIT F	Administrative Rule VI (Repealed)

AUTHORITY: Implementing section 457 of the Internal Revenue Code (26 USCA 457, et seq., as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 161, effective March 6, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 13, p. 7, effective March 19, 1979; amended at 3 Ill. Reg. 36, p. 436, effective August 29, 1979; amended at 4 Ill. Reg. 1, p. 45, effective December 26, 1979; amended at 6 Ill. Reg. 9655, effective July 23, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 10845, effective August 31, 1983; emergency amendments at 13 Ill. Reg. 629, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9308, effective May 31, 1989; emergency amendment at 17 Ill. Reg. 19976, effective November 2,

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

1993, for a maximum of 150 days; emergency expired April 2, 1994; amended at 18 Ill. Reg. 7224, effective May 2, 1994; amended at 21 Ill. Reg. 10050, effective July 15, 1997; emergency amendment at 23 Ill. Reg. 566, effective January 1, 1999, for a maximum of 150 days; amendment at 23 Ill. Reg. 6039, effective May 5, 1999; emergency amendment at 26 Ill. Reg. 478, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7442, effective May 6, 2002; emergency amendment at 29 Ill. Reg. 20050, effective November 23, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 8408, effective April 21, 2006; amended at 33 Ill. Reg. 13451, effective September 14, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART G: DISTRIBUTIONS

Section 2700.740 Unforeseeable Emergency

- a) A distribution of all or a portion of a Participant's Deferred Compensation Account or a change in method of distribution to a Participant shall be permitted in the event the Participant experiences an Unforeseeable Emergency.
- b) Distributions shall not be made to the extent that the hardship is or may be relieved:
 - 1) through reimbursement or compensation by insurance or otherwise;
 - 2) by liquidation of the Participant's assets to the extent the liquidation of assets would not itself cause severe financial hardship; or
 - 3) by cessation of deferrals under the Plan.
- c) A Participant's deferrals shall automatically be revoked upon application for a hardship distribution.
- d) If the application is approved, the Participant cannot re-enroll for 6 months following receipt of the hardship application, unless the application is to request cessation of distribution payments.
- e) For the purposes of this Plan, a Beneficiary whose interest has "vested" in accordance with Section 2700.415 shall have all rights of a Participant to request a distribution in the event of an Unforeseeable Emergency.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

- f) A Participant desiring a distribution by reason of a serious Unforeseeable Emergency must apply to the Recordkeeper and demonstrate that:
- 1) the circumstances being experienced were not under the Participant's control;
 - 2) the circumstances constitute a real emergency that is likely to cause the Participant great financial hardship;
 - 3) the Unforeseeable Emergency that is the subject of the request occurred no more than 24 months prior to the date of the request;
 - 4) the amount of the need cannot be reasonably relieved:
 - A) through reimbursement or compensation by insurance or otherwise;
 - B) by liquidation of assets (including those of the Participant's spouse and minor children), to the extent the liquidation would not itself cause an immediate and heavy financial need;
 - C) by stopping elective contributions to the Plan; or
 - D) by taking withdrawals from the plans maintained by the employer and any other company, or by borrowing from commercial resources on reasonable commercial terms; and
 - 5) an Unforeseeable Emergency request form and 457 direct emergency withdrawal worksheet have been completed and submitted to the Recordkeeper, along with all documentation possessed by the Participant that supports the basis of the request.
- g) The Recordkeeper shall have the authority to require medical or other evidence it may need to determine the necessity for Participant's withdrawal request. In the event this information is not provided, the case shall be considered closed 60 days after the date of the request for additional information.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF PROPOSED AMENDMENT

- h) The Recordkeeper shall reach its decision to process or reject the financial hardship withdrawal request, in accordance with Section 2700.315(f), within 30 days following receipt of the completed application and necessary information required by the application.
- i) In the event the basis for the hardship does not fall into the guidelines established by Section 2700.315(f), the Recordkeeper shall forward all relevant information to the Hardship Committee for consideration and a final decision.
- j) The Hardship Committee may request additional information from the Participant in order to make its decision on applications processed through either subsection (h) or (i). The Hardship Committee shall reach its decision within 30 days after receipt of the application and information necessary to reach a final determination.
- k) If a Participant is not satisfied with the decision of the Hardship Committee on an application for an Unforeseeable Emergency distribution or change in distribution, the Participant may appeal in writing to the Board within ~~20~~ 15 days after the mailing date~~after receipt~~ of the Hardship Committee's decision.
- l) The Board shall, within 30 days after receipt of the appeal, conduct a hearing and review evidence presented by the Participant.
- m) The Board shall then render a final decision within 15 days after the hearing that shall be binding on all parties.
- n) If an application for an Unforeseeable Emergency distribution is approved, the distribution shall be limited to an amount sufficient only to meet the emergency and shall in no event exceed the amount of his or her Deferred Compensation Account as of the Valuation Date next preceding or coincident with the withdrawal.
- o) The allowed distribution shall be payable in a method determined by the Recordkeeper and shall commence as soon as possible, but not later than 30 days after notice to the Participant and the Department of approval of the request.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
303.120	Amendment
303.125	Amendment
303.250	Amendment
303.270	Amendment
- 4) Statutory Authority: Authorized by the Personnel Code [20 ILCS 415/8c(2), 415/8e, and 415/9] and the Civil Administrative Code of Illinois [20 ILCS 405/405-10]
- 5) Effective Date of Amendments: January 14, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 3, 2010; 34 Ill. Reg. 12575
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Only nonsubstantive grammatical and stylistic changes 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 these amendments replace any emergency rulemaking currently in effect? Yes, the emergency amendment (34 Ill. Reg. 12985) to Sections 303.120, 303.125, 303.250 and 303.270 is replaced.
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: In Section 303.120, the changes to 303.120(c) permit employees subject to a non-bargaining unit furlough program to utilize vacation and personal days as furlough days to remain in pay status. They further clarify that while an agency may not mandate that an employee take a furlough day on a holiday, an employee may elect to take a furlough day on a holiday. The changes to 303.120(d) address how employees electing to utilize vacation or personal days to remain in pay status during furlough shall record that time on their timesheets.

In Section 303.125, the change permits employees to utilize personal leave to remain in pay status during furlough and specifies that such leave may only be taken in one-half or full-day increments and in full compliance with furlough program requirements.

In Section 303.250, the non-substantive changes are intended to make the rules easier to understand. The first sentence of subsection (c) is being moved to Section 303.270 as it is consistent with the subject matter of that Section. The second sentence of subsection (c) is being deleted as redundant to a portion of Section 303.270. The remaining paragraphs are re-lettered accordingly.

In Section 303.270, the changes include the assignment of letters to the subsections for ease of reading and reference. Subsection (a) remains unchanged. Subsection (b) provides that vacation time that would otherwise have expired for employees subject to non-bargaining unit furlough programs will be extended for an additional 12 months. The first sentence of subsection (c) has been moved to this Section from Section 303.250 for ease of understanding. The second paragraph within subsection (c) permits employees to utilize vacation time to remain in pay status during furlough and specifies that such time may only be taken in one-half or full-day increments and in full compliance with furlough program requirements.

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

Mr. Jeff Shuck
CMS Deputy General Counsel - Bureau of Personnel
720 Stratton Office Building, Floor 7
Springfield, Illinois 62706

217/782-5778

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303
CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

- Section
- 303.10 Definition of a Grievance
- 303.20 Procedure
- 303.30 Grievance Committee
- 303.45 Representation

SUBPART B: LEAVE OF ABSENCE

- Section
- 303.90 Sick Leave
- 303.100 Accumulation of Sick Leave
- 303.102 Payment in Lieu of Sick Leave
- 303.105 Reinstatement of Sick Leave
- 303.110 Advancement of Sick Leave
- 303.112 Sick Leave Bank
- 303.115 Veterans Hospital Leave
- 303.120 Furlough Program
- 303.125 Leave for Personal Business
- 303.130 Maternity/Paternity and Adoption Leave
- 303.131 Leave in the Event of a Stillborn Child
- 303.135 ~~On-The-Job Injury~~~~On-The-Job Injury~~ – Industrial Disease
- 303.140 Leaves of Absence Without Pay
- 303.142 Leave to Attend Union Conventions
- 303.145 Disability Leave
- 303.148 Family Responsibility Leave
- 303.149 Organ Donor Leave
- 303.150 Employee Rights After Leave
- 303.153 Failure to Return

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave
303.170	Military Reserve Training and Emergency Call-Up
303.171	Leave for Military Physical Examinations
303.175	Disaster Service Leave With Pay
303.176	Disaster Service Leave With Pay – Terrorist Attack
303.180	Attendance in Court
303.190	Authorized Holidays
303.200	Holiday Observance
303.215	Payment for Holidays
303.220	Holiday During Vacation
303.225	Eligibility for Holiday Pay
303.250	Vacation Eligibility
303.260	Prorated Vacation for Part-Time Employees
303.270	Vacation Schedule and Loss of Earned Vacation
303.290	Payment in Lieu of Vacation
303.295	Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

Section	
303.300	Work Schedules
303.310	Emergency Shut-Down
303.320	Overtime
303.330	Overtime Payable Upon Death
303.340	Attendance Records
303.350	Notification of Absence
303.355	Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section	
303.360	Undated Forms
303.370	Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 303.380 Reason for Separation
303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

- Section
303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December 30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6503, effective April 23, 2009; emergency amendment at 33 Ill. Reg. 12032, effective August 7, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16801, effective November

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

24, 2009; emergency amendment at 34 Ill. Reg. 12985, effective August 20, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 1587, effective January 14, 2011.

SUBPART B: LEAVE OF ABSENCE

Section 303.120 Furlough Program

a) Definition

1) ~~"Employee" includes less than full-time, full-time, intermittent, per diem, temporary, emergency and provisional employees.~~

2) ~~"Furlough" is a timekeeping status in which an employee is placed for a temporary period of leave without duties or pay because of conditions that require an agency to curtail its operations; a furlough program may be either voluntary or involuntary at the discretion of the agency head. Furlough is a tool to continue State services with minimal disruption and retain valuable employees at reduced cost. The employee's employment status shall not change because of the furlough. Furlough shall not change the employee's continuous or creditable service dates for the purpose of annual evaluations, retirement or longevity, the employee's health or life insurance coverage or the employee's accrual of vacation, sick or personal time. Employees on furlough shall not be at work or on standby or on-call duty and shall not perform State work during furlough time. Furlough shall not be used when permanent or temporary layoff or emergency shut-down is appropriate. Furlough shall not be used as a substitute for permanent part-time employment. Furlough shall not be a means or form of discipline. Employees on paid military leave or other unpaid leave shall not be scheduled for furlough during the leave and shall be scheduled upon return to work if the furlough program remains in effect.~~

~~"Employee" includes less than full-time, full-time, intermittent, per diem, temporary, emergency and provisional employees.~~

32) ~~"Furlough-Exempt Employee" means a~~Employees excluded, if any, from the furlough program shall be identified as "furlough exempt". ~~A uniform, narrow definition of "furlough-exempt" shall be applied~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

throughout the furlough program by the agency head. Furlough-exempt employees may include employees:

- A) in 24/7 facilities, to ensure adequate service delivery and staff coverage, and who would have to be replaced at a higher cost than the costs saved through furlough;
 - B) who perform critical functions of the agency, or protect the safety and health of employees, clients or patients of the agency or the public;
 - C) who are paid 100% by federal funds; and
 - D) who are in revenue-generating positions that generate more money than the costs that would be saved by furlough.
- b) Program Approval – An agency head, with prior approval from the Office of the Governor and the Director of Central Management Services, may institute a furlough program. The agency shall provide advanced notification to affected employees as soon as practicable. An agency head shall indicate whether the furlough is for the entire agency or a designated division or program, the initial effective date of the program, the number of days that employees shall be on furlough and the end date of the furlough program. Agencies shall track which employees have taken furlough and the cost savings to the State.
- c) Furlough Time – Furlough time shall be scheduled in a manner that is consistent with the operating needs of the agency. Furlough may be taken in full or ~~1/2~~one-half day increments only and may be nonconsecutive. Employees on schedules with shortened workweeks shall take furlough time on a prorated basis. Sick time, ~~vacation time, personal time~~, accumulated holiday time, Earned Equivalent Time (EET), and compensatory time shall not be used to remain in pay status while on furlough. Accrued vacation time and accrued personal time may be used by employees subject to a non-bargaining unit furlough program to remain in pay status while on furlough. Taking a furlough day before or after a holiday shall not result in loss of pay for the holiday. Furlough time shall not count toward overtime. Conflicts regarding scheduling furlough time shall be resolved based first on the operational needs of the agency and second by continuous service date. All furlough time shall be pre-approved. Previously charged unpaid time

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(unexcused absence, unauthorized absence, excused absence or suspension time) shall not be used to meet an employee's furlough obligation. Employees subject to a non-bargaining unit furlough program may elect to take a furlough day on a holiday; however, an agency shall not mandate that an employee take a furlough day on a holiday.

- d) Time Sheets – Furloughs shall be indicated by a daily entry of FD (Furlough Day) on an employee's time sheet. In the event an employee elects to utilize a vacation or personal day in the place of a non-bargaining unit furlough day, the employee's time sheet shall indicate an entry of FV (Furlough, Vacation) or FP (Furlough, Personal).
- e) Furlough Time Value – The value of a furlough day is worth exactly the same amount of money regardless of the number of days in the pay period and is computed by dividing the annualized rate of pay by the total number of days in a work year as filed with the Department of Central Management Services. Regularly recurring items, such as longevity pay, shift differential, bilingual pay, and other premium pay items that are paid each month, are included in determining the regular monthly rate. Agencies shall not use temporary or interim assignment pay to determine the value for employees on temporary or interim assignment. The value of the deducted day will be subtracted from the semi-monthly rate. Employees taking furlough on a day when their scheduled number of work hours varies from the employing agency's normal work schedule on that day are only required to furlough the number of hours in that employing agency's normal schedule. For example, an employee who is scheduled to work 10 hours on a furlough day in an agency with a normal work schedule of 7.5 hours will furlough 7.5 hours and either work the remaining 2.5 hours or utilize benefit time (vacation, personal, accumulated holiday, EET or compensatory time) for the remaining 2.5 hours that day. The value of such furloughed hours is determined by computing the annualized hourly rate (i.e., annual salary divided by the hours in a regular annual work schedule, 1957.5, for example), multiplying the rate by the number of furlough hours taken and deducting that amount from the annual salary.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

Section 303.125 Leave for Personal Business

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded 1 additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of $\frac{1}{2}$ day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than $\frac{1}{2}$ hour at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer. Supervisors may, however, grant employee requests to use personal leave in increments of $\frac{1}{4}$ hour, after a minimum use of $\frac{1}{2}$ hour.
- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.
- c) Employees subject to a non-bargaining unit furlough program may substitute accrued personal leave for furlough time in order to remain in paid status. Utilization of accrued personal leave for furlough must be in $\frac{1}{2}$ day or full day increments and must be in accordance with furlough program requirements.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

Section 303.250 Vacation Eligibility

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Employees, except emergency and temporary employees, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- b) Eligible employee shall earn vacation time in accordance with the following schedule:
- 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.
 - 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
 - 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
 - 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
 - 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
 - 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.
- e) ~~Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hour any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.~~
- cd) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of ½ hour or less, the employee shall be deemed to have earned vacation time of ½ hour in lieu of the fractional balance; if there remains a fractional balance of more than ½ hour, the employee shall be deemed to have

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

earned a full hour of vacation time in lieu of a fractional balance.

- de)** Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service that qualified for earning of vacation benefits is continuous with present service. This subsection (e) applies to vacation time earned on or after October 1, 1972.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

Section 303.270 Vacation Schedule and Loss of Earned Vacation

- a)** In establishing vacation schedules, the agency shall consider both the employee's preference and the operating needs of the agency. In any event, upon request, vacation time must be scheduled so that it may be taken not later than 24 months after the expiration of the calendar year in which such vacation time was earned. If an employee does not request and take accrued vacation within such 24 month period, vacation earned during such calendar year shall be lost.
- b)** In any calendar year in which an employee is subject to one or more non-bargaining unit furlough programs and completes full participation as verified by the employing agency in all such programs to which the employee was subject, vacation time that would have been lost will instead be permitted to accumulate for an additional 12 months.
- c)** Vacation time may be taken in increments of not less than ¼ hour after a minimum use of ½ hour any time after it is earned. Employees subject to a non-bargaining unit furlough program may substitute accrued vacation time for furlough time in order to remain in paid status. Utilization of accrued vacation time for furlough must be in ½ day or full day increments and must be in accordance with furlough program requirements.

(Source: Amended at 35 Ill. Reg. 1587, effective January 14, 2011)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code of Citation: 89 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
300.20	Amended
300.45	New
- 4) Statutory Authority: 325 ILCS 325/2
- 5) Effective Date of Amendments: January 15, 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 6, 2010; 34 Ill Reg. 10943
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: The final version contains formatting edits recommended by the Joint Committee. Other recommendations resulted in minor, nonsubstantive edits for the purpose of clarity.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments implement Public Act 96-760, which established a five-year demonstration of the Differential Response Program. Differential Response allows child protective services to respond to accepted reports of specific allegations of child neglect with either an investigation or family assessment

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

response. Cases assigned to the family assessment pathway require an initial assessment to confirm that the case is appropriate for family assessment services. Family assessment services are provided without a formal substantiation of alleged maltreatment and a record of the case is not entered in the State Central Register. Cases opened for family assessment services are short-term and may not exceed 120 days. A family may refuse to accept family assessment services, and if no child safety and/or risk issues are identified, the case is closed. If it is determined after review of assessment and safety information that a child's safety is compromised by the refusal, the case may be reassigned to an investigation pathway. If at anytime during the service delivery period a family's caseworker has reasonable cause to believe that a child in the family has been or is being abused or neglected and is at risk of harm, he or she will contact the State Central Register without delay to make a report of abuse or neglect.

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

Mr. Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section	
300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
<u>300.45</u>	<u>Five Year Demonstration of the Differential Response Program</u>
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recodified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
300.90	Time Frames for the Investigation
300.100	Initial Investigation
300.110	The Formal Investigative Process
300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports
300.170	Child Death Review Teams
300.180	Abandoned Newborn Infants
300.APPENDIX A	Acknowledgement of Mandated Reporter Status
300.APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011.

Section 300.20 Definitions

"Abandonment" means parental conduct that demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental conduct that evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child;

inflicts excessive corporal punishment; or

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child. [325 ILCS 5/3]

"Act" means the Abused and Neglected Child Reporting Act [325 ILCS 5].

"CANTS/SACWIS 8" or "C/S8" means the Department's document titled Notification of a Report of Suspected Child Abuse and/or Neglect. This document explains the Department's child abuse/neglect allegation investigation process.

"CANTS/SACWIS 9" or "C/S9" means the Department's document titled Notification of Intent to Indicate Child Care Worker for Report of Child Abuse and/or Neglect. This document is used to notify a person that the Department plans to indicate that person as a perpetrator of child abuse/neglect.

"CANTS/SACWIS 10" or "C/S10" means the Department's document titled Notice of Intent to Indicate a Child Care Worker for Report of Child Abuse and/or Neglect-Questions and Answers. This is an informational document explaining the impact of a determination of indicated child abuse/neglect and the appeal

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

process.

"CANTS/SACWIS 11" or "C/S11" means the Department's document titled Notification of Indicated Decision in an Employment Related Report of Suspected Child Abuse and/or Neglect. This is the document by which the Department notifies a person that the Department has determined that there is credible evidence that he or she is responsible for the child abuse or neglect described in that document.

"Caregiver" means the child's parents, guardian, custodian or relative with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.
[325 ILCS 5/3]

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969.
[225 ILCS 10/2.05]

"Child care worker" means any person who is employed to work directly with children and any person who is an owner/operator of a child care facility, regardless of whether the facility is licensed by the Department. Child care facilities, for purposes of this definition, include child care institutions; child welfare agencies; day care/night care centers; day care/night care homes; day care/night care group day care homes; group homes; hospitals or health care facilities; schools, including school teachers and administrators, but not tenured school teachers or administrators who have other disciplinary processes available to them; and before and after school programs, recreational programs and summer camps. "Child care worker" also means persons employed as full-time nannies. A child care worker may, at his or her discretion, be subject to this Part if alleged to be responsible for child abuse or neglect outside of his or her employment. "Child

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

care worker" includes a person: currently employed as a child care worker; currently enrolled in an academic program that leads to a position as a child care worker; or who has applied for a license required for a child care worker position. A person will be considered to be "employed as a child care worker" under this Part if, at the time of the notice of the investigation, he or she: has applied for, or will apply within 180 days for, a position as a child care worker; is enrolled in, or will commence within 180 days, an academic program that leads to a position as a child care worker; or has applied for a license as a child care worker.

"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents. [325 ILCS 2/10]

"Child Protective Service Unit" or "CPS" means certain specialized State employees of the Department assigned by the Director or his or her designee to perform the duties and responsibilities described under this Part. CPS staff is also referred to as investigative staff. [325 ILCS 5/3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"CPSW" means a Child Protective Service Worker.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the investigation of a report of child abuse or neglect has been deferred to another authority. The Department maintains responsibility for determining whether the report is indicated or unfounded,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

entering information about the report in the State Central Register and notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department" or "DCFS" means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded".

"DR Specialist" means a Differential Response Specialist as described in Section 300.45(e)(1).

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Ecomap" means a pictorial representation of family connections to different systems and community and other resources to identify significant people and/or systems around the family to illustrate the strengths, impact and quality of each connection. (Hartman, A, Diagrammatic Assessment of Family Relationships. Social Casework, 59, 465-476. (1978))

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act. [325 ILCS 2/10]

"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act. [325 ILCS 2/10]

"Fire station" means a fire station within the State with at least one staff person. [325 ILCS 2/10]

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Those activities shall

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

include: *an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report, in writing, of the existence of the report and their rights existing under the Act in regard to amendment or expungement.* [325 ILCS 5/3]

"Genogram" means a pictorial representation of an individual's family relationships.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising a child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Hospital" has the same meaning as in the Hospital Licensing Act [210 ILCS 85].

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Initial oral report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities. [312 ILCS 2/10]

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs. [325 ILCS 5/3]

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because the parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, the child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"Newborn infant" means a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child. [325 ILCS 2/10]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, relative caregiver, an operator, supervisor, or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

members of the clergy and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]

"Police station" means a municipal police station or a county sheriff's office. [315 ILCS 2/10]

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or

is the spouse of such a relative, or

is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 30 days old or less, to a hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving the new born infant at the hospital without expressing an intent to return for the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

infant or stating that she will not return for the infant is not a "relinquishment" under the Act. [325 ILCS 2/10]

"Strengthening and Supporting Families service period" means a level of service intervention that will average 90 days, but no more than 120 days.

"State Central Register" is the record of child abuse and/or neglect reports maintained by the Department pursuant to the Act.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"SSF worker" means a Strengthening and Supporting Families worker.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours, excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 35 Ill. Reg. 1599, effective January 15, 2011)

Section 300.45 Five Year Demonstration of the Differential Response Program

- a) Differential Response recognizes that there are variations in the severity of reported maltreatment and allows for an investigation or family assessment response to reports of child neglect. Both responses focus on the safety and well-being of the child; promote permanency within the family whenever possible; and recognize the authority of child protection to make decisions about protective custody and court involvement when necessary. An investigation response

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

involves gathering forensic evidence and requires a formal determination regarding whether there is credible evidence that child maltreatment has occurred. A family assessment response involves assessing the family's strengths and needs and offering services to meet the family's needs and support positive parenting.

b) Differential Response Criteria

During the demonstration period, reports of neglect that meet all the following criteria may be assigned to an assessment pathway:

- 1) Identifying information for the family members and their current address, if known at the time of the report;
- 2) The alleged perpetrators are birth or adoptive parents, legal guardians or responsible relatives;
- 3) The family has no pending or prior indicated reports of abuse and/or neglect or prior indicated reports have been expunged within the timeframe or timeframes established by the Department for the indicated allegation or allegations;
- 4) The alleged victims, or other siblings or household members, are not currently in the care and custody of the Department or wards of the court;
- 5) Protective custody of the children has not been taken or required in the current or any previous case; and
- 6) Allegations
 - A) The reported allegation or allegations shall only include Mental and Emotional Impairment (neglect only), Inadequate Supervision, Inadequate Food, Inadequate Shelter, Inadequate Clothing, Medical Neglect, and Environmental Neglect. The following circumstances involving the allegations of Mental and Emotional Impairment, Inadequate Supervision, and Medical Neglect prohibit the report from being assigned to a family assessment pathway.
 - i) Mental and Emotional Impairment reports taken as abuse (Allegation #17) will be assigned an investigation pathway.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) If a family accepts assessment pathway services, the DR Specialist must do the following at the initial meeting with the family:
 - A) Verify identifying information and legal relationships of all household members.
 - B) Complete a Child Endangerment Risk Assessment Protocol Safety Assessment.
 - C) Obtain the names and addresses of any non-custodial parents.
 - D) Complete a home safety checklist.
 - E) Obtain consent for release of information signed by a family member with the authority to give consent.

AGENCY NOTE: If the family will not allow the DR Specialist access to the child or children, the family has declined family assessment services and the requirements of subsection (e) will be followed.
- 2) The SSF worker will provide intensive strength-based family-focused services during the Strengthening and Supporting Families service period, which will include the following:
 - A) A comprehensive and collaborative evaluation of the family's strengths and needs that will include the family's financial status, basic educational screening for the children, and physical health, mental health and behavioral health screening for all family members. Information obtained will be used to construct a Genogram and Ecomap for use with the family;
 - B) Services to meet any immediate needs of the family, including food, shelter and clothing;
 - C) A minimum of twice weekly contacts with the family, which will include the children in the household;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- D) Service planning;
- E) Services to mitigate or control the causes of neglect;
- F) Child Endangerment Risk Assessment Protocol Safety Assessments completed in accordance with the requirements for intact families established by the Child Endangerment Risk Assessment Protocol;

AGENCY NOTE: The Child Endangerment Risk Assessment Protocol (CERAP) is used within the larger protocol of child protection practice to identify information consistent with threats to child safety; to analyze safety threats to determine how they are occurring within a particular family; and for safety planning to control identified safety threats. The major steps that are required to apply the protocol include an assessment and analysis of the safety factors using the Safety Determination Form (CFS 1441).

- G) Assessment of the family's reasonable progress in resolving the issues that brought them to the attention of the Department;
- H) Advocacy services; and
- I) Discharge planning.

AGENCY NOTE: If at anytime during the service period the family denies the SSF worker access to the child or children, the SSF worker will follow the requirements of subsection (e).

- 3) Strengthening and Supporting Families supervisors will provide management services that will include review and approval of assessments, service plans, Child Endangerment Risk Assessment Protocol Safety Assessments, cash assistance requests, appropriateness of service referrals, case file documentation, requests for assessment service extensions, and requests to close family assessment cases.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) Supervisory review and approval of Child Endangerment Risk Assessment Protocol Safety Assessments will be in accordance with the Child Endangerment Risk Assessment Protocol.
- B) Families receiving Family Assessment services are eligible for cash assistance through the Differential Response Cash Assistance Program. The Differential Response Cash Assistance Program provides cash assistance to families facing environmental issues (i.e., inadequate food, shelter, clothing or environmental neglect) to address an immediate need due to environmental issues that may be addressed by the delivery of some immediate cash assistance. The program provides cash assistance to families in the assessment pathway. Cash assistance requests are granted based upon the identified need of the applicant. An SSF worker submits a completed DR cash assistance form to his or her SSF Supervisor who forwards the form to the Regional DR Supervisor. Regional DR Supervisors are authorized to approve requests for \$400 or less. Requests over \$400 must be approved by the DCFS DR Project Director. Requests will be approved within 24 hours after application, excluding holidays and weekends.
- C) Supervisory monitoring of service provider reports will be conducted to assess service delivery and appropriateness of services.
- D) Approval of service extensions shall be based on the child's safety and well-being, family's needs and progress made in mitigating those conditions that contributed to its involvement with the Department.
- E) The following documents must be submitted to the SSF Supervisor before formalizing case closing with the family:
- i) Case Closing Summary
 - ii) Child and Family Service Aftercare Plan

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- iii) Case note documentation of required child interviews and documentation
 - iv) Provider treatment reports
 - v) CFS 1441, Safety Determination Form
 - vi) Completed LEADS and SACWIS/CANTS checks for all adult members of the household and all adults who are frequently in the home
- e) Pathway Reassignment
- 1) Differential Response Specialist
If a Differential Response Specialist determines that a child is unsafe, that there is an immediate need for intervention, or that maltreatment allegations are not within the scope of differential response, the Differential Response Specialist shall contact his or her supervisor within one hour after completion of the initial contact with the family to discuss case information and possible referral to the investigation pathway. If the supervisor determines that the report should be re-directed to an investigation pathway, he or she will contact the State Central Register Supervisor without delay to have the report transferred to investigations. The State Central Register Supervisor will enter the date and time of the contact with the supervisor as the report taken date and time and enter an appropriate response code.
 - 2) Strengthening and Supporting Families Worker
If the family refuses services anytime during the service period and/or the SSF Supervisor and worker have reasonable cause to believe that a child has been or is being abused or neglected and at risk of harm at anytime during the service delivery period, the supervisor will contact the State Central Register Supervisor without delay to make a report of abuse or neglect. The State Central Register Supervisor will enter the date and time of the contact with the SSF Supervisor as the report taken date and time and enter an appropriate response code.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: A case assigned to the investigation pathway may not be reassigned to an assessment pathway.

- f) Families May Refuse Assessment Pathway Services
A family may refuse to accept assessment pathway services. However, if it is determined by the DR Supervisor after review of available assessment and safety information that the child's safety is compromised by the refusal, the DR Supervisor will re-direct the report to the investigation pathway in accordance with subsection (e)(1). If no safety concerns are identified, the case will be closed.
- g) No Formal Determination of Maltreatment
Family members whose case follows an assessment pathway are not labeled as perpetrators. Children in an assessment pathway case are not labeled victims. Names of children or family members involved in the assessment pathway are not entered in the State Central Register, and services are provided without a formal substantiation of alleged maltreatment.

(Source: Added at 35 Ill. Reg. 1599, effective January 15, 2011)

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Program
- 2) Code Citation: 35 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.30	Amendment
1500.55	Amendment
1500.60	Amendment
- 4) Statutory Authority: 415 ILCS 135(20)
- 5) Effective Date of Amendments: January 18, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the Third Party Administrator of the Drycleaner Council's office located at 1000 Tower Lane, Suite 140, Bensenville, Illinois and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: June 18, 2010; 34 Ill. Reg. 7989
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 1500.30(d)(2) – struck "*used*" and added "*purchased*" and struck all text following "(Section 60(c) of the Act)".

Section 1500.55(e) – Added, after "*who violates Section 65(d)*", "by providing a false certification".
- 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 rulemaking currently in effect? No

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending to this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking prescribes the penalties for persons who sell or transfer drycleaning solvent to an unlicensed drycleaner and who fail to completely and properly complete the tax return and supporting schedules associated with the collection and remittance of the drycleaning solvent tax. This rulemaking also amends the appeal process and references to the license late payment penalty as prescribed by Public Act 96-774.
- 16) Information and questions regarding these adopted amendments shall be directed to:

H. Patrick Eriksen
Administrator
Drycleaner Environmental Response Trust Fund Council of Illinois
PO Box 480
Bensenville, IL 60106-480

630/741-0022

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

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS
SUBTITLE N: DRYCLEANING
CHAPTER V: DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINOIS

PART 1500
GENERAL PROGRAM

Section

1500.10	General
1500.20	Definitions
1500.30	Drycleaning Facility License
1500.40	Drycleaner Remedial Account
1500.50	Drycleaner Facility Insurance Account
1500.55	Drycleaning Solvent Tax
1500.60	Appeals
1500.70	Forms

AUTHORITY: Implementing and authorized by the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20].

SOURCE: Emergency rule adopted at 24 Ill. Reg. 307, effective January 1, 2000, for a maximum of 150 days; emergency expired May 29, 2000; adopted at 24 Ill. Reg. 10162, effective June 26, 2000; amended at 28 Ill. Reg. 9051, effective June 21, 2004; amended at 30 Ill. Reg. 7939, effective April 13, 2006; amended at 30 Ill. Reg. 19631, effective December 12, 2006; amended at 31 Ill. Reg. 5756, effective March 27, 2007; amended at 32 Ill. Reg. 16406, effective September 26, 2008; amended at 35 Ill. Reg. 1619, effective January 18, 2011.

Section 1500.30 Drycleaning Facility License

- a) *On and after January 1, 1998, every active drycleaning facility must obtain a license from the Council. No person shall operate a drycleaning facility in this State without a license issued by the Council for that facility. (Section 60(a) of the Act)*
- b) *The Council shall issue initial and annual renewal licenses to an active*

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

drycleaning facility upon an applicant's submission of a completed application prescribed by the Council (see Section 1500.60(a)) and proof of payment of the required fee to the Department of Revenue (Section 60(b) of the Act) by submittal of the DS-3 Form (prescribed by the Department of Revenue) subject to the following:

- 1) The annual license period is January 1 through December 31.
 - 2) The license fee and the DS-3 Form must be submitted to the Department of Revenue 60 days prior to issuance of a license.
 - 3) The Department of Revenue will return the applicant's copy of the DS-3 Form to confirm receipt of the appropriate license fee.
 - 4) The original DS-3 Form returned from the Department of Revenue must be submitted to the Council with the license application or renewal application. Applications submitted without the original DS-3 Form will be returned to the applicant.
 - 5) Upon receipt of a properly completed license application and an original DS-3 Form indicating the appropriate license fee has been received by the Department of Revenue, the Council will process the license application.
 - 6) License fees are non-refundable.
 - 7) Any drycleaning facility that begins operation on or after January 1, 2000 must obtain a license prior to operating the facility.
- c) *On or after January 1, 2007, the required annual fee for a license is as follows:*
- 1) *\$1,500 for a facility that uses:*
 - A) *50 gallons or less of chlorine-based or green drycleaning solvents annually; or*
 - B) *250 or less gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- C) *500 gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(1) of the Act)*
- 2) *\$2,250 for a facility that uses:*
 - A) *more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 250 gallons but not more than 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(2) of the Act)*
- 3) *\$3,000 for a facility that uses:*
 - A) *more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(3) of the Act)*
- 4) *\$3,750 for a facility that uses:*
 - A) *more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 750 gallons but not more than 1,000 gallons annually*

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or

- C) *more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(4) of the Act)*
- 5) \$4,500 for a facility that uses:
- A) *more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(5) of the Act)*
- 6) \$5,000 for a facility that uses:
- A) *more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(6) of the Act)*
- 7) \$5,000 for a facility that uses:
- A) *more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually; or*

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- B) *more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(7) of the Act)*
- 8) \$5,000 for a facility that uses:
- A) *more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(8) of the Act)*
- 9) \$5,000 for a facility that uses:
- A) *more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually; or*
- B) *more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
- C) *more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(9) of the Act)*
- 10) \$5,000 for a facility that uses:

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- A) *more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(10) of the Act)*
- 11) \$5,000 for a facility that uses:
- A) *more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer. (Section 60(c)(11) of the Act)*
- 12) \$5,000 for a facility that uses:
- A) *more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning*

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

machine without a solvent reclaimer. (Section 60(c)(12) of the Act)

- 13) \$5,000 for a facility that uses:
- A) *more than 600 gallons of chlorine-based or green drycleaning solvents annually; or*
 - B) *more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer; or*
 - C) *more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine without a solvent reclaimer. (Section 60(c)(13) of the Act)*
- 14) \$5,000 for a facility that uses:
- A) *more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine with a solvent reclaimer. (Section 60(c)(14) of the Act)*
 - B) *more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(15) of the Act)*
 - C) *more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(16) of the Act)*
- 15) \$5,000 for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer. (Section 60(c)(17) of the Act)
- 16) If an applicant submits a license application to operate a facility beginning during a license year, the license fee for the first year shall be prorated as follows:

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- A) For a license with an effective date on or after January 1 and before April 1, 100% of the fee is required.
 - B) For a license with an effective date on or after April 1 and before July 1, 75% of the fee is required.
 - C) For a license with an effective date on or after July 1 and before October 1, 50% of the fee is required.
 - D) For a license with an effective date on or after October 1 and before January 1 of the following year, 25% of the fee is required.
- d) *For purposes of this Section, the quantity of drycleaning solvents used annually shall be determined as follows:*
- 1) *In the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subsection (d)(1) is subject to audited adjustment for that year. ~~or~~*
 - 2) *In the case of a renewal applicant, the quantity of drycleaning solvents actually ~~purchased-used~~ in the preceding license year. (Section 60(c) of the Act) ~~If the amount of drycleaning solvents actually used in the preceding license year cannot be readily calculated, the quantity of drycleaning solvents purchased in the preceding year shall be used to determine the annual license fee. The method used to determine the initial renewal license fee must be used for all subsequent license renewals.~~*
 - 3) In the case of an applicant who uses both chlorine-based and hydrocarbon-based solvents, the quantity of drycleaning solvents used annually shall be determined as follows:
 - A) using a multiplier of 10 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 10 gallons of hydrocarbon-based drycleaning solvents for facilities

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

not using a drycleaning machine equipped with a solvent reclaimer.

- B) using a multiplier of 5 for chlorine-based drycleaning solvents to determine an equivalent value based upon one gallon of chlorine-based drycleaning solvents having an equivalent value of 5 gallons of hydrocarbon-based drycleaning solvents for facilities using a drycleaning machine equipped with a solvent reclaimer.
- 4) In the case of an applicant who uses hydrocarbon-based solvents at a facility that has both drycleaning machines with and without a solvent reclaimer, the total usage will be determined by applying the number of drycleaning machines with a solvent reclaimer to the total number of drycleaning machines at the facility to arrive at a percentage of drycleaning machines with a solvent reclaimer. This percentage will be applied to the total gallons of hydrocarbon-based solvent used and multiplied by a factor of 2 to convert the gallonage to the equivalent of a drycleaning machine without a solvent reclaimer.
- e) *The Council may adjust licensing fees annually based on the change in the published Consumer Price Index – All Urban Consumers, U.S. city average, all items (CPI-U) for the 12 months preceding the month the Council adjusts the licensing fee or as otherwise determined by the Council. (Section 60(c) of the Act)*
- f) *A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (b) and (c). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:*
- 1) *notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and*
 - 2) *submit a license fee payment form to the licensed operator of each drycleaning facility. (Section 60(d) of the Act)*

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- g) ~~*Any person who violates Section 60(a) of the Act by failing to pay the license fee when the fee is due may be assessed a civil penalty of \$5 per day for each day after the license fee is due and until the license fee is paid.*~~ *An operator of a drycleaning facility who is required to pay a license fee under the Act and fails to pay the license fee when the fee is due may be assessed a civil penalty of \$5 per day for each day after the license fee is due and until the license fee is paid.* (Section ~~69(b)(1)60(g)~~ of the Act) Penalties totaling \$1,000 or more may be paid in 12 equal monthly installments upon execution by the drycleaner operator of a Council presented agreement. The Council may waive the late payment penalty, taking into consideration the following:
- 1) For calendar years 1998, 1999, and 2000, if the drycleaner owner/operator did not receive one of the initial license notification mailings sent by the Illinois Department of Revenue or the Fund during the period of 1997 through 1999;
 - 2) If additional license fees are owed due to the incorrect calculation of the annual solvent usage or purchase information and the understatement of the solvent volume was not significant, and the additional license fee is paid in a reasonable time frame; or
 - 3) Other reasonable factors.
- h) A license can be transferred from the drycleaning facility operator to a new operator of the same drycleaning facility upon completion of a license transfer form prescribed by the Council and signed by the license holder and transferee. If the drycleaning facility has an active insurance policy issued by the Council, the license can only be transferred if the insurance policy is also transferred.
- i) If a drycleaning facility operator terminates the operation of a licensed drycleaning facility at a specific location, the operator can be re-licensed for a new drycleaning facility location without payment of an additional license fee provided the existing drycleaning facility license is terminated.
- j) Recordkeeping. Owners and operators of drycleaning facilities must maintain all records required to obtain a license from the Council for a minimum of 3 years from the date of initial or renewal licensure. These records include the application, licensing fee payment documentation, solvent invoices, solvent logs,

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

ownership information, late fee payments and any other information that may have been needed to issue and renew the license.

(Source: Amended at 35 Ill. Reg. 1619, effective January 18, 2011)

Section 1500.55 Drycleaning Solvent Tax

- a) *On or after January 1, 1998, a tax is imposed on the use of a drycleaning solvent by a person engaged in the business of operating a drycleaning facility in this State at the rate of:*
- 1) *\$10 per gallon of perchloroethylene or other chlorinated drycleaning solvent used in drycleaning operations;*
 - 2) *\$2 per gallon of petroleum-based drycleaning solvent; and*
 - 3) *\$1.75 per gallon of green solvents, unless the green solvent is used at a virgin facility, in which case the rate is \$.35 per gallon. All drycleaning solvents shall be considered chlorinated solvents unless the Council determines that the solvents are petroleum-based solvents or green solvents. (Section 65(a) of the Act)*
- b) In determining if a drycleaning solvent is a green solvent, the manufacturer and/or distributor of the solvent must present to the Council the solvent's material safety data sheet, the material safety data sheet of the detergents used in conjunction with the solvent, and such other information the Council deems necessary to determine if the solvent should be classified as a green solvent.
- c) In accordance with this Section, the Council has determined the following solvents should be classified as a green solvent:
- 1) Carbon Dioxide (CO₂)
 - 2) Propylene Glycol Ether DPnB
 - 3) Green Earth

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

- d) On or before the 25th day of the 1st month following the end of the calendar quarter, a seller of drycleaning solvents who has collected a tax pursuant to the Act during the previous calendar quarter, or a purchaser or end user of drycleaning solvents required to submit the tax directly to the Department, shall file a DS-1 Form and DS-7 Form (prescribed by the Department of Revenue) with the Department of Revenue. The Department of Revenue shall report quarterly to the Council the volume of drycleaning solvent purchased for the quarter by each licensed drycleaner. Each seller of drycleaning solvent maintaining a place of business in this State who is required or authorized to collect the tax imposed by the Act shall pay to the Department the amount of the tax at the time when he or she is required to file his or her return for the period during which the tax was collected. Purchasers or end users remitting the tax directly to the Department shall file a DS-1 Form with the Department of Revenue and pay the tax so incurred by the purchaser or end user during the preceding calendar quarter. Except as provided in this Section, the seller of drycleaning solvents filing the return under this Section shall, at the time of filing the return, pay to the Department the amount of tax imposed by the Act less a discount of 1.75%, or \$5 per calendar year, whichever is greater. Failure to timely file the returns and provide to the Department the data requested under the Act will result in disallowance of the reimbursement discount. (Section 65(f) of the Act) Failure to timely file the returns and provide the required information requested by the Department of Revenue on the DS-1 Form or the DS-7 Form or failure to properly and correctly complete the returns and all supporting schedules will also result in assessment of a civil penalty of \$500 per return.
- e) On and after January 1, 1998, no person shall knowingly sell or transfer drycleaning solvent to an operator of a drycleaning facility that is not licensed by the Council under Section 60 of the Act. (Section 65(h) of the Act) Any person who violates Section 65(d) by providing a false certification or Section 65(h) of the Act by selling or delivering drycleaning solvent to an unlicensed drycleaner will be assessed a \$500 civil penalty for the first violation and a \$5,000 civil penalty for the second and all subsequent violations. (Section 69(b)(2) of the Act)
- f) On or after January 1, 1998, no person shall engage in the business of selling drycleaning solvents in this State without a certificate of registration issued by the Department of Revenue. (Section 67 of the Act) Any person who violates Section

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

67 of the Act shall be liable for a civil penalty of \$100 per day for each day the person is not registered to sell drycleaning solvents. (Section 69(b)(3) of the Act)

(Source: Amended at 35 Ill. Reg. 1619, effective January 18, 2011)

Section 1500.60 Appeals

- a) Only a person who is the owner or operator of a drycleaning facility as defined by the Act *or a person who engages in the business of selling drycleaning solvents as defined by the Act* shall have standing to appeal final decisions under the Act. Any written decision issued by the Administrator of the Council shall be considered a final decision. Any written decision issued by the Administrator may be appealed to the Council. Any decision by the Council may be appealed to the Council's administrative *law judge hearing officer* (see subsection (h)). *Any decision not timely appealed shall become a final administrative decision without the necessity of a final administrative decision being issued and shall be deemed to be a final administrative decision. (Section 20(g) of the Act)*
- b) The person who *has standing to appeal final decisions under the Act* ~~*is the owner or operator of a drycleaning facility*~~ shall notify the Administrator in writing of his/her intention to appeal a decision of the Administrator within ~~*60*~~*180* days after receipt of the written action that is to be appealed.
- c) The Administrator will review the appeal and respond in writing to the person who *has standing to appeal final decisions under the Act* ~~*is the owner or operator of a drycleaning facility*~~ within 30 days after receipt of the appeal.
- d) If the person who *has standing to appeal final decisions under the Act* ~~*is the owner or operator of a drycleaning facility*~~ still disagrees with the Administrator's decision, that person may request further review by sending to the Council a written appeal within 60 days after the written action of the Administrator that is to be appealed. The notice shall be delivered to the Administrator for delivery to the Council. *Notice of the hearing shall be given not less than 7 days before the day fixed for the hearing. (Section 20(g) of the Act)*
- e) ~~*The Administrator shall deliver notice of the appeal to the person who is the owner or operator of a drycleaning facility and the Council within 30 days after*~~

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

~~receipt of notice of the appeal. The Council shall set a hearing within 180 days after filing of the notice of appeal. A decision by the Council shall be issued no later than 120 days following a hearing by the Council. (Section 20(g) of the Act)~~

- e)f) The person who ~~has standing to appeal final decisions under the Act~~ ~~is the owner or operator of a drycleaning facility~~ shall notify the Council of his/her intention to appeal the Council decision within 60 days after receipt of the written action of the Council that is to be appealed.
- f)g) The Council shall deliver notice of the appeal to the person who ~~has standing to appeal final decisions under the Act~~ ~~is an owner or operator of a drycleaning facility~~ and the Council's administrative ~~law judge~~ ~~hearing officer~~ within 30 days after receipt of notice of the appeal by that person.
- g)h) The appeal shall be with an administrative ~~law judge~~ ~~hearing officer~~ as determined by the Council. The administrative ~~law judge~~ ~~hearing officer~~ may be the Council's legal counsel or an attorney licensed to practice law in Illinois. The administrative ~~law judge~~ ~~hearing officer~~ may be disqualified from hearing the appeal for bias or conflict of interest. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- h)i) A hearing with the administrative ~~law judge~~ ~~hearing officer~~ shall be held within 180 days after the filing of the notice of the appeal. ~~Notice of the hearing shall be given not less than 7 days before the day fixed for the hearing.~~
- i)j) A final decision by the administrative ~~law judge~~ ~~hearing officer~~ shall be issued no later than 120 days following the close of the hearing before the administrative ~~law judge~~ ~~hearing officer~~.
- j)k) The time restrictions in this appeal procedure may be waived by mutual agreement of the parties.
- k)l) The decision of the administrative ~~law judge~~ ~~hearing officer~~ shall be subject to judicial review in accordance with the Administrative Review Law [735 ILCS 5/Art. III].

DRYCLEANER ENVIRONMENTAL RESPONSE
TRUST FUND COUNCIL OF ILLINIOS

NOTICE OF ADOPTED AMENDMENTS

| ~~l)m)~~ Unless displaced by a particular provision of this Section, the Administrative Hearings Article of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] shall apply.

| ~~m)n)~~ Recordkeeping. Books, records, documents or other evidence relating to an appeal, litigation or other dispute must be maintained for 3 years after the expiration date of the final disposition of the appeal, litigation or other dispute.

(Source: Amended at 35 Ill. Reg. 1619, effective January 18, 2011)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1515.10	Amendment
1515.20	Amendment
1515.30	Amendment
1515.40	Amendment
1515.50	Amendment
1515.60	Amendment
1515.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5]
- 5) Effective Date of Amendments: January 14, 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 Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 8, 2010; 34 Ill. Reg. 14825
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 1515.20(b)(1)(I) and Section 1515.20(b)(2)(F), following "CRP Cropland Practice CP 25", added "(Rare and Declining Habitat)".

In Section 1515.50(b)(2), struck "contract supplement" from the first sentence.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements 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? No
- 15) Summary and Purpose of Rulemaking: This Part was amended due to expansion of the eligible areas to include the Kaskaskia River Watershed and to address language modifications in the revision to the Illinois CREP Agreement between the United State's Department of Agriculture (USDA), Commodity Credit Corporation (CCC) and the State of Illinois. Amendments clarify criteria for eligible lands, change the erodibility index (EI) for enrollment of highly erodible lands, clarify requirements for the enrollment process, clarify eligible cost-share payments from the State on highly erodible lands and remove the reference to reimbursable costs for attorney fees and surveys on 15-year and 35-year easements.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

- 1515.10 General Provisions
- 1515.20 Eligibility Requirements
- 1515.30 Enrollment Process
- 1515.40 Exceptions to Enrollment Process
- 1515.50 Payments
- 1515.60 Violation
- 1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watersheds~~Watershed~~

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois (Part 13.5) [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. 20507, effective December 2, 2005; amended at 35 Ill. Reg. 1636, effective January 14, 2011.

Section 1515.10 General Provisions

The Conservation Reserve Enhancement Program (CREP) is a State Incentive Program combined with the Federal Conservation Reserve Program (CRP) to provide long term environmental benefits by allowing 232,000 acres of certain environmentally sensitive lands in the Illinois and Kaskaskia River Watersheds~~Watershed~~ to be restored, enhanced or protected over a period of time from 15 years to perpetuity. ~~The~~ CREP will be driven by locally led conservation efforts which show landowner support. This program will be the vehicle for a partnership between landowners, governmental entities, and non-governmental organizations in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

addressing watershed quality problems.

(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

Section 1515.20 Eligibility Requirements

Lands that meet the CREP eligibility criteria for CRP contracts as determined by the USDA Farm Service Agency (FSA) are eligible for the State Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CREP must consist of eligible land in the Illinois ~~and/or Kaskaskia River Watersheds~~ Watershed as described in the Agreement between the U.S. Department of Agriculture, Commodity Credit Corporation, and State of Illinois, as amended, for ~~CREP the Illinois River Watershed Conservation Reserve Enhancement Program~~, as shown ~~in on the attached map~~ (Exhibit A). These acres are eligible if they are:

- 1) Flooded and/or wetland riparian areas, which, for this purpose, shall be defined to be cropland or marginal pastureland that is either: Acres with a weighted average Erodibility Index (EI) \geq 12. Such acres will only be eligible if: such acres are adjacent to a stream corridor; the landowner agrees to enroll riparian areas in the stream corridor using CREP or any other CRP enrollment opportunity; the acres have become an uneconomic remnant as a result of the establishment of a riparian buffer; or the enrollment of the acres is required for effective functioning of a riparian buffer; and/or
 - A) within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems depicted in Exhibit A; or
 - B) for wetland restoration purposes only, located within the watersheds depicted in Exhibit A and is determined by the USDA Natural Resources Conservation Service (NRCS) to be either a farmed wetland, a prior converted wetland or a wetland farmed under natural conditions.
- 2) Highly erodible riparian areas, which, for this purpose, shall be defined to be cropland that has a weighted average Erodibility Index (EI) of 8 or greater as determined by FSA and is immediately adjacent to a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~riparian area within the 100-year floodplain. The landowner must enroll any eligible adjacent riparian area in CREP or other CRP enrollment opportunity defined as the 100 year floodplain of the Illinois River and its associated tributaries and streams in the watersheds specified in subsection (a) of this Section and shown in Exhibit A, or located within the watershed depicted in Exhibit A and determined to be for wetland restoration purposes, farmed wetlands, prior converted wetlands and wetlands farmed under natural conditions.~~

- 3) Land may also be enrolled that is adjacent to lands enrolled in subsections (a)(1) and (2), if determined to be infeasible to farm according to National CRP Directives.

- b) ~~The~~ CRP conservation practices eligible for ~~use on~~ the CREP enrollments ~~and to receive~~ cost-share assistance are listed in subsection (b)(1) and (2) below. Practices that enhance or create habitat or desired environment as part of an Illinois Department of Natural Resources (IDNR) approved conservation plan may be eligible for use on the enrolled property. Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.

- 1) For lands qualifying as riparian buffers or wetlands:
- A) CRP Cropland Practice CP 3A (Hardwood Tree Planting)
 - B) CRP Cropland Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
 - C) CRP Cropland Practice CP 9 (Shallow Water Areas for Wildlife)
 - D) CRP Cropland Practice CP 11 (Vegetative Cover – Trees Already Established)
 - E) CRP Cropland Practice CP 12 (Wildlife Food Plot)
 - F) CRP Cropland Practice CP 21 (Filter Strip)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

G) CRP Cropland and Marginal Pastureland Practice CP 22 (Riparian Buffer)

H) CRP Cropland Practice CP 23 (Wetland Restoration)

I) CRP Cropland Practice CP 25 (Rare and Declining Habitat).

~~For acres qualifying on the basis of erosion (must have an EI \geq 12):~~

~~Establishment of Permanent Native Grasses (CRP Practice CP 2)~~

~~Tree Planting (CRP Practice CP 3)~~

~~Hardwood Tree Planting (CRP Practice CP 3A)~~

~~Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)~~

~~Wildlife Food Plot (CRP Practice CP 12)~~

~~Rare and Declining Habitat (CRP Practice CP 25)—For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration~~

2) For lands qualifying on the basis of erodibility (lands with an EI \geq 8) For acres qualifying as riparian areas:

A) CRP Cropland Practice CP 2 (Establishment of Permanent Native Grasses)

B) CRP Cropland Practice CP 3 (Tree Planting)

C) CRP Cropland Practice CP 3A (Hardwood Tree Planting)

D) CRP Cropland Practice CP 4D (Permanent Wildlife Habitat, Noneasement)

E) CRP Cropland Practice CP 12 (Wildlife Food Plot)

F) CRP Cropland Practice CP 25 (Rare and Declining Habitat).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~Hardwood Tree Planting (CRP Practice CP 3A)~~

~~Permanent Wildlife Habitat, Noneasement (CRP Practice CP 4D)~~

~~Shallow Water Areas for Wildlife (CRP Practice CP 9)~~

~~Wildlife Food Plot (CRP Practice CP 12)~~

~~Filter Strip (CRP Practice CP 21) — Filter strips can extend to the Natural Resources Conservation Service (NRCS) maximum design standard for Illinois based on percent slope for the purposes of water quality. Installation of appropriate practices authorized in this Section may be combined adjacent to CP 21 (Filter Strip) up to a combined maximum width for both practices of 234 feet.~~

~~Riparian Buffer (CRP Practice CP 22) — Riparian buffers can extend to the maximum widths allowed in the NRCS Field Office Technical Guide, which include the 100 year floodplain for water quality purposes.~~

~~Wetland Restoration (CRP Practice CP 23) — Will be applied to farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions and acres that lie in the 100 year floodplain.~~

~~Rare and Declining Habitat (CRP Practice CP 25) — For prairie ecosystem restoration and tallgrass prairie/oak savanna ecosystem restoration.~~

(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

Section 1515.30 Enrollment Process

- a) An applicant for the program must be enrolled in the Federal portion of the Conservation Reserve Enhancement Program or meet the criteria in Section 1515.40(d) or (e).
- b) For the State incentive program, the enrollment process is initiated at the county Soil and Water Conservation District (SWCD) office. The landowner, who must be enrolled in the Federal portion of ~~the~~ CREP or meet the criteria in Section 1515.40(d) or (e), completes the State enrollment form that specifies the desired

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

option: a 15-year ~~easement~~contract supplement, a 35-year ~~easement~~contract supplement, or a permanent easement.

- c) The State enrollment form (Form) and the FSA approved CRP contract of the land to be enrolled shall be submitted online to faxed to Office of Resource Conservation, Illinois Department of Natural Resources (IDNR) to document the date and time received. The Form is assigned an enrollment number and an approval date that obligates the State funding for that enrollment. Enrollments are accepted and numbers assigned on a first come-first served basis. If the appropriation for that fiscal year has been fully obligated, then the Form is assigned a number and a date and placed on the waiting list for subsequent appropriations.
- d) The ~~Form with the~~ enrollment number and approval date or waiting list date shall be ~~e-mailed~~faxed back to the county SWCD office. The county SWCD shall work with the landowner to execute either a 15-year, 35-year~~contract supplement~~ or permanent easement document and record the appropriate document at the County Courthouse.
- e) Upon the voluntary cancellation of enrollment in the program by the landowner, prior to execution of the 15-year, 35-year~~contract supplement~~ or permanent easement, the landowner shall be liable for repayment of the costs incurred by the SWCD and IDNR. These costs will include: administrative costs for meeting landowners, completing CREP documents and executing easement paid to the SWCD by IDNR;~~including costs of survey, title work,~~ attorney fees paid by the SWCD;~~costs for surveys, title work,~~ cost share payments,~~and~~ recording fees and other SWCD costs for~~associated with~~ the enrollment process through the date of cancellation.

(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

Section 1515.40 Exceptions to Enrollment Process

- a) Landowners with acres that are subject to a restrictive covenant that has already given the State the rights provided for in the CREP 15-year, 35-year~~contract supplement~~ or permanent easement, or who are restoring the acres for mitigation from a State or Federal action, are ineligible for State CREP bonus payments and State CREP cost-share payments.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) If a county SWCD decides not to hold ~~the 15-year, 35-year contract supplements~~ or permanent easements for that county, ~~the enrollment forms will be completed at the county SWCD office. However, the~~ IDNR will work with the landowner to complete the enrollment forms and execute and record the 15-year, 35-year contract supplement or permanent easement documents document.
- c) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP ~~15-year, 35-year contract supplements~~ or permanent easements for ~~a group of~~ willing CREP landowners. Such entity must contact IDNR with a signed list of willing landowners. IDNR will assist the entity with the enrollment process. The entity must execute the 15-year, 35-year contract supplements or permanent easements, administer them, and provide annual compliance reports to IDNR by September 30 of each year.
- d) Landowners with acres enrolled in continuous CRP sign-ups ~~that were included in the CREP eligible area prior to that area being eligible for CREP after September 1999~~ are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if the CRP acres and non-cropped acres meet all other eligibility requirements and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.
- e) Landowners with acres enrolled in CRP sign-ups within the floodplain in the CREP eligible area are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if required for a Federal and/or State watershed project, if the CRP acres and non-cropped acres meet all other eligibility requirements, and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.

(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement based upon the following formulas:

- a) Bonus Payments

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Permanent Easements
 - A) The payment to a landowner for a voluntary permanent easement will be a lump sum payment equal to the CRP maximum annual rental rate as determined by FSA based on soil types (exclusive of any Federal incentive payments) times 15 years times 30 percent times number of acres enrolled. A minimum of 20 acres is required for sign-up unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the sign-up, and the acres have been approved by IDNR due to location and relationship with adjacent enrollments.
 - B) If the landowner elects a permanent easement option, additional non-cropped acres or acres in another CRP sign-up (additional acres) may be offered for the permanent easement. The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment for permanent easements, using the soil types on the additional acres. The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment for the total acreage in the permanent easement, but will receive no CREP State cost-share payment for any practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another Federal and/or State cost-share program to implement acceptable practices on additional acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR. The criteria eligibility for a permanent easement on additional acres are:
 - i) the acres are in riparian areas within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems depicted in Exhibit A; or the acres have an EI \geq 8 and need to be enrolled to meet the 20 acre minimum for permanent easements, or have been approved by IDNR because their location contributes significantly to addressing watershed and water quality issues~~riparian acres: 100-year floodplain of the Illinois River and its tributaries within the targeted eligible area;~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- ii) ~~the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner) acres must be adjacent to cropped acres enrolled in a CREP permanent easement; or adjacent to the stream but on opposite stream bank (same landowner); and~~
- iii) ~~acres have an EI > 12 and need to be enrolled to meet the 20-acre minimum for permanent easements;~~
- iv) ~~acres have an EI > 12 and have been approved by IDNR because of location and relationship with the remainder of enrollment; and~~
- iii)v) ~~the acres are~~ must already ~~be~~ in acceptable conservation practices based on soil types and wildlife benefits or the landowner ~~is~~ must be willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign up) offered for permanent easement.
- 2) ~~15-Year Easement Contract Supplement~~
The payment to a landowner for a 15-year ~~easement contract supplement~~ will be a lump sum payment that will equal 50 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).
- 3) ~~35-Year Easement Contract Supplement~~
The payment to a landowner for a 35-year ~~easement contract supplement~~ will be a lump sum payment that will equal 75 percent of the payment for a voluntary, permanent easement (CRP maximum annual rental rate, exclusive of any Federal incentive payments, times 15 years, times 30 percent times number of acres enrolled).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

b) Cost-Share Payments

Landowners who enter the State incentive program will also receive cost-share payments for the installation of CREP approved practices based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a 50 percent cost-share rate from the State based upon FSA guidelines for the installation of CREP approved practices ~~from the State~~. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA. For practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100 percent of paid receipts for the approved practice.
- 2) Landowners who enter into a 15-year ~~contract supplement~~ or 35-year ~~easement~~ contract supplement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, ~~or~~ wetlands farmed under natural conditions, or acres enrolled on the basis of erodibility ($EI \geq 8$), will receive reimbursement at a 40 percent cost-share rate from the State based upon FSA guidelines for the installation of CREP approved practices ~~from the State~~. The amount of reimbursement to a landowner from all sources may not exceed 100 percent of the cost-share rate of the practice established by FSA.
- ~~3) Landowners who enter into a 15-year contract supplement or 35-year contract supplement on acres defined on the basis of erodibility (weighted average Erodibility Index, $EI > 12$) will not receive State CREP cost share reimbursement for CREP practice implementation. Landowners may receive reimbursement from other sources.~~
- 3)4) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40(d) or (e) are not eligible for State CREP cost-share payment for any practice previously established on these acres. Practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another Federal and/or State cost share program to implement acceptable practices on these acres.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

c) Mechanics of Payment

- 1) For executed ~~15-year, 35-year~~ contract supplements and permanent easements, the county SWCD shall complete an invoice voucher and submit to IDNR for a lump sum bonus payment.
- 2) The county SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA form AD-862 and completed USDA form AD-245.
- 3) ~~The~~If required, the county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs. ~~If written approval from IDNR is not obtained for a survey on a 15-year or 35-year contract supplement, the county SWCD will not be reimbursed for any survey costs. Attorney fees incurred for county SWCD responsibilities, as described in Attachment B of the Contract Agreement between IDNR and the SWCD, are not eligible for reimbursement by the State. Detailed attorney billing statements must be submitted with vouchers.~~
- 4) No individual, or the combined maximum of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.
- 5) Total available funds for practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or 5 percent, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

Section 1515.60 Violation

Landowners who violate the terms of their 15-year, ~~or 35-year~~ contract supplement or permanent

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

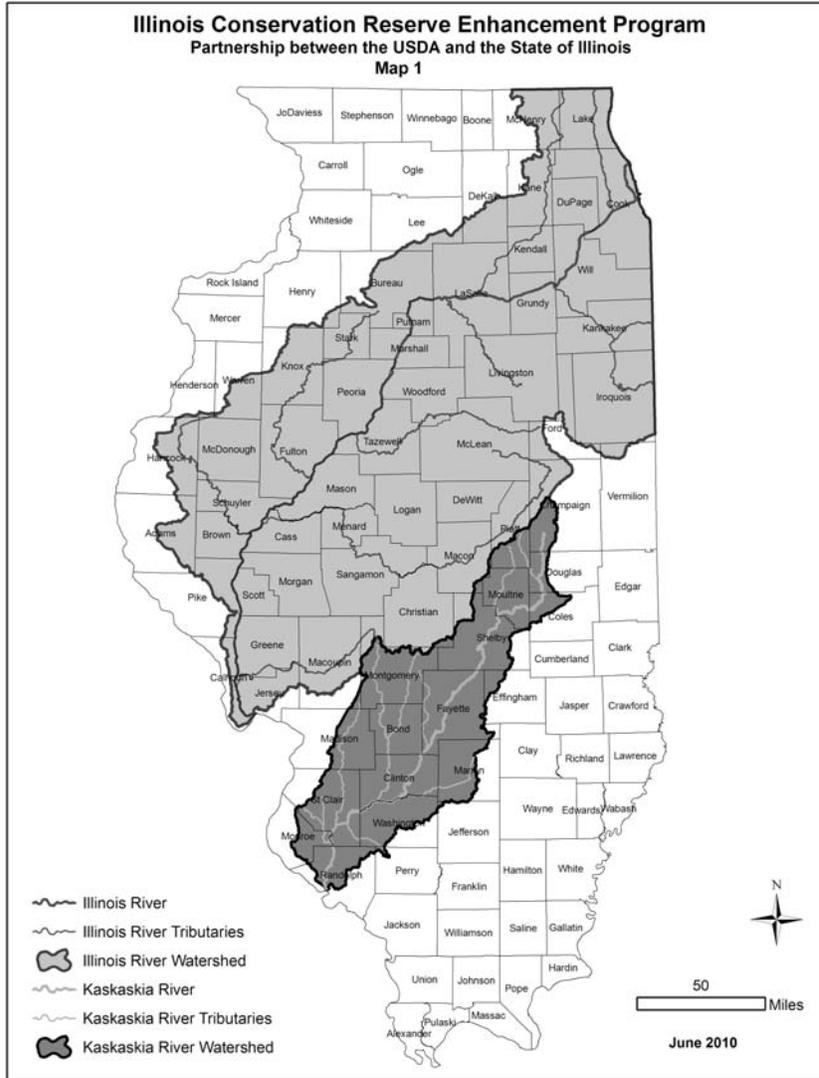
easement must either restore the conservation practices in full according to the terms of the 15-year, 35-year contract supplement or permanent easement at their own expense within a reasonable time frame (1 year or less); or refund the total of all money from the State lump sum payment, the State cost-share payment, the amount paid to the county SWCD by IDNR for administrative costs to enroll the land and hold the easement; attorney fees paid by the SWCD; the administration of the contract supplement or permanent easement, any survey costs, ~~costs for~~ title work, cost share payments any attorney fees, recording fees, and a 15 percent per annum penalty fee (15 percent of the total of all State payments made to the county SWCD for 15-year, 35-year the contract supplement or permanent easement times the number of years the 15-year, 35-year contract supplement or permanent easement has been in effect).

(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

DEPARTMENT OF NATURAL RESOURCES

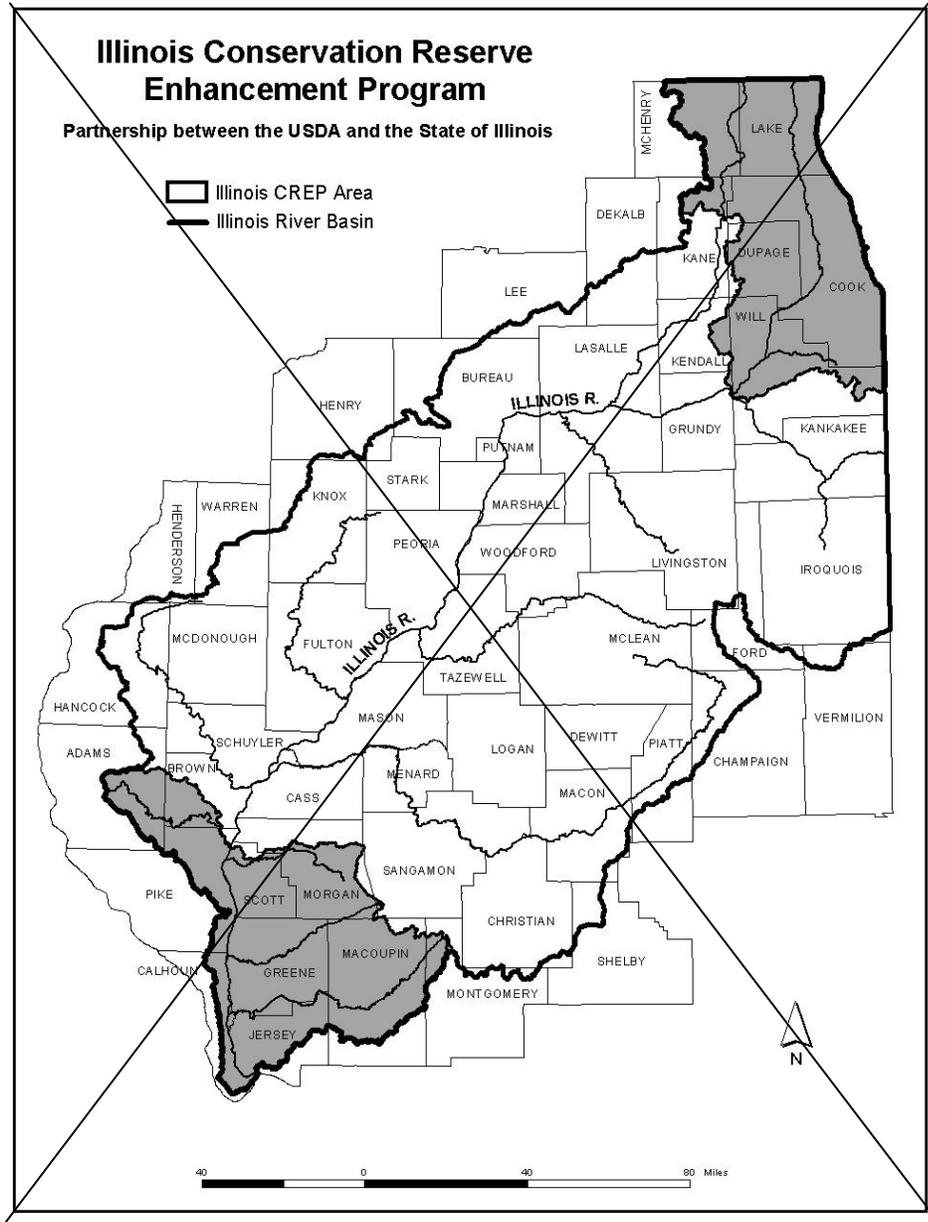
NOTICE OF ADOPTED AMENDMENTS

Section 1515.EXHIBIT A Map of Eligible Area in Illinois and Kaskaskia River Watershed



DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 35 Ill. Reg. 1636, effective January 14, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1010.245	Amendment
1010.540	Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)]
- 5) Effective Date of Amendments: January 13, 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 amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: September 3, 2010; 34 Ill. Reg. 12745
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments update the rules for the Electronic Registration and Titling (ERT) Program to provide for added security requirements and set the maximum fee that can be charged to a consumer for the ERT program.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

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

Secretary of State
Cynthia Grant, Assistant General Counsel
298 Howlett Building
Springfield, IL 62701

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 50/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions
1010.230	Refusing Registration or Certificate of Title
1010.240	Registration Plates To Be Furnished by the Secretary of State
1010.245	Electronic Registration and Titling (ERT) Program Provisions

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any
Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards
and Titles
1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

1010.410 Temporary Registration – Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the
Secretary of State
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for
Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces License Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.465 Requests for General Issuance Specialty License Plates
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: FEES

Section

1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Fees

SUBPART G: MISCELLANEOUS

Section

1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section

1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads
1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770	Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775	Certificate of Safety

1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011.

SUBPART C: REGISTRATION

Section 1010.245 Electronic Registration and Titling (ERT) Program Provisions

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- a) The Secretary may, in his or her discretion, establish a program for the electronic registration and titling (ERT) of motor vehicles. Transactions that may be conducted pursuant to an ERT program may include transmitting applications for titles and registration of motor vehicles, renewal of motor vehicle registrations, creating and removing liens from motor vehicle records, applying for salvage or junking certificates, and issuing registration plates and stickers by motor vehicle dealers, financial institutions and retail merchants, except that licensees under the Sales Finance Agency Act [205 ILCS 660] and the Consumer Installment Loan Act [205 ILCS 670] shall only be authorized to apply for titles and create and remove liens from motor vehicle records. Insurance companies shall only be permitted to apply for salvage or junking certificates and retail merchants shall only be authorized to issue registration renewal stickers.
- b) Upon the establishment of an ERT program, the Secretary may enter into agreements with ERT service providers to serve as intermediaries between the Secretary of State's office and motor vehicle dealers, financial institutions and retail merchants (collectively referred to in this Section as "vendors"). For the purposes of this Section, the term "financial institution" shall mean any federal or state chartered bank, savings and loan, credit union, and armored carrier, and any currency exchange, either directly or indirectly through an armored carrier. The term shall also include insurance companies and licensees under the Sales Finance Agency Act and the Consumer Installment Loan Act. The term "retail merchant" shall mean a business that is engaged in the sale of goods or services to the general public and that has one or more permanently established places of business in Illinois.
- c) The ERT service provider shall be responsible for the following:
 - 1) establishing a computerized communication link between the vendors and the Secretary of State for the transmission of titling, registration, registration renewal and lien information, in compliance with all specifications of the Secretary of State's office. The communication link must provide for the secure transmission of information as required under this Section without permitting access to the vendor's confidential information by any entity that is not authorized by the vendor and the Secretary of State. Any entity that is authorized to access a vendor's information system, software, data or network must preserve its confidentiality and integrity. This provision does not limit or prohibit the Secretary of State from accessing confidential information;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 2) transmitting all fees associated with the title and registration transactions to the Secretary of State and transmitting all sales taxes due and owing for the sales of motor vehicles to the Illinois Department of Revenue;
- 3) maintaining an inventory of registration plates and stickers at a secure location that is subject to inspection by the Secretary of State, distributing those plates and stickers to vendors as necessary, receiving unused, expired, damaged and voided plates and stickers and reports of lost or stolen plates and stickers from vendors, and forwarding those reports and returning those unused, expired, damaged and voided plates and stickers to the Secretary of State warehouse monthly. For purposes of this Section, the term "plates" shall mean vehicle registration license plates, and the term "sticker" shall mean the adhesive sticker affixed to license plates and the form, with a pre-printed control number and barcode, to which the sticker is attached when shipped and printed. When this Section provides for shipping, inventory, accounting or reconciliation of, or credit for returned, stickers, the sticker must be attached to the original form or affixed to a plate and recorded as issued with that plate.
 - A) The inventory control system shall accurately track all registration plates and stickers shipped to the service provider by the Secretary, those distributed by the provider to vendors (including tracking which specific plates and stickers were shipped to individual vendors), those returned by vendors to the provider, and those returned by the provider to the Secretary. The inventory yet to be shipped and the returned inventory shall be stored separately. In addition, the inventory system shall comply with one of the following:
 - i) All inventory shall be maintained in sequential order, according to document number, including inventory being held for shipping to vendors and inventory returned by vendors.
 - ii) The computerized inventory control system must utilize barcode readers that enable the service provider or Secretary of State employees to scan and accurately record inventory items yet to be shipped and returned inventory. Secretary of State employees must have access to a

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

computer terminal at the service provider's site during inventory and reconciliation procedures, and the system must allow the printing of necessary inventory reports during these procedures.

- B) Real-time access to the inventory control system shall be provided to Secretary of State staff, auditors and Secretary of State Police for review, reconciliation, auditing and inventory verification to ensure compliance with rules, policies and regulations, and for locating individual registration plates and stickers and determining to which vendor the individual registration plates and stickers were issued. All electronic information shall be maintained for not less than five years after receipt of the inventory by the service provider.
- C) Bulk inventories of registration plates and stickers will be delivered by the Secretary to the service provider as needed. The service provider shall acknowledge receipt of the inventory in a manner approved by the Secretary and is responsible for the inventory upon receipt. The service provider shall store the inventory within the State of Illinois. The service provider shall distribute registration plates and stickers to vendors, as necessary, and shall accept returns from the vendors of unused, expired, damaged and voided plates and stickers.
- D) Vendors shall not return unused, expired, damaged or voided plates and stickers directly to the Secretary. The Secretary shall not be responsible for inventory incorrectly returned.
- E) Vendors who have inventory that is damaged, voided, missing, lost or stolen during a given month shall report those occurrences to the service provider not later than the final day of the following month. (Example: Inventory items damaged during August must be reported and returned to the service provider not later than the following September 30.) Credit for returned plates will only be granted when both plates in the set have been returned or accounted for, if the plates were of the type issued as a pair. All or as much as possible of the damaged or voided stickers must be returned to receive credit for returned inventory. When it is not possible to return any portion of a damaged or voided plate or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

sticker, an explanation as to the circumstances causing the plate or sticker to be voided or damaged, and the reasons no portion can be returned, must be provided. The Secretary shall have the right to determine whether the explanation will be accepted and whether inventory credit will be given for the plates or stickers not returned in whole or in part. In making this determination, the Secretary shall consider whether the vendor is able to retain and return the form on which the sticker is issued; whether matters beyond the control of the vendor may have contributed to the complete loss of the stickers (e.g., fires or industrial accidents that are accompanied by police reports, fire reports or insurance claims); and the history of the individual vendor with regard to the loss of stickers.

- F) Service providers may be relieved of responsibility for payment for plates and stickers reported as stolen only if a copy of a police report concerning the theft is provided to the Secretary.
- G) Not later than March 31 of each calendar year, vendors shall return to service providers all remaining stickers in their possession of the type and color that expire during that calendar year. (Example: During 2007, vendors sell stickers that expire during 2008, such that a sticker sold in March 2007 expires in March 2008. As of January 2008, vendors will be selling stickers of the type and color that expire in 2009. Therefore, not later than March 31, 2008, vendors shall return to the service provider all remaining stickers in their possession of the type and color that expire during 2008).
- H) On a periodic basis, but not less than monthly, the Secretary and the service provider shall reconcile their records of plates and stickers shipped by the Secretary to the service provider, plates and stickers issued by vendors to vehicle owners and for which the appropriate documentation and fees were received by the Secretary, plates and stickers returned by vendors to the service provider as unused, expired, damaged or voided, explanations provided by vendors for damaged or voided stickers and plates that have not been returned in whole or in part, and plates and stickers still in the actual possession of the service providers and vendors. The review and accounting of inventory and returned items shall be conducted in the manner prescribed by the Secretary. After these periodic reconciliations, the unused, expired, damaged or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

voided plates and stickers shall be returned to the Secretary and the Secretary shall issue the service provider a receipt for the returned inventory. A preliminary report of missing billable inventory for the preceding month shall be provided after these periodic reconciliations.

- I) Following the reconciliation after March 31, June 30, September 30 and December 31, the Secretary shall invoice the service provider for all plates or stickers unaccounted for during the preceding quarter. These reconciliations will be based on the reported inventory still in the possession of vendors. Service providers shall not receive credit for unaccounted for inventory items that are located after this quarterly reconciliation and billing.
- J) The unaccounted for inventory shall be invoiced at the following rates. For unaccounted for stickers, the rate shall be \$100 per sticker. For unaccounted for plates that are intended to be sold as a set (e.g., passenger vehicle or truck plates) the rate shall be \$100 per set of plates. For unaccounted for plates that are intended to be sold individually (e.g., motorcycle or trailer plates) the rate shall be \$100 per plate. Payment in full must be made to the Secretary within 45 days after receipt of the notice from the Secretary of the amount due. Service providers may recover such payments from vendors pursuant to the contracts between the service providers and the vendors.
- K) Certain types of registration stickers are sold outside of the one-year process noted in subsection (c)(3)(G) (e.g., registrations of fleet vehicles). To accommodate these sales, after the return and reconciliation of all inventory as provided in subsections (c)(3)(H) and (I), the Secretary may re-issue preceding year stickers to service providers for the use of vendors engaging in sales of vehicles requiring these registrations. These re-issued stickers shall be tracked separately in the service provider's inventory control system. Not less than three months after these re-issued stickers may no longer be legally sold, all remaining inventory of these stickers shall be returned to the service provider by the vendor, and the stickers shall be subject to the final reconciliation and billing process set forth in subsection (c)(3)(I).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- L) The Secretary shall have the right to conduct physical inspections of the inventory of service providers and vendors during normal business hours.
- M) The Secretary shall have the right to suspend or revoke the right of service providers and/or vendors to participate in the ERT program for failure to comply with the inventory control provisions set forth in this subsection (c)(3), or for excessive or repeated incidents of unaccounted for inventory;
- 4) complying with all requirements of the Secretary of State and the Department of Revenue concerning the security of the electronic information and funds transmissions, which shall prohibit access to a vendor's confidential information by any entity without authorization of the vendor and Secretary of State and a requirement that any entity that is authorized to access a vendor's confidential information must preserve the confidentiality and integrity of the vendor's information systems, software, data and network, the security of the registration plates and stickers, and maintaining an electronic inventory control system for the registration plates and stickers. This provision does not limit or prohibit the Secretary of State from accessing confidential information;
- 5) retaining records of all ERT transactions as directed by the Secretary;
- 6) posting a performance bond in an amount set by the Secretary, not to exceed \$1,000,000;
- 7) registering as a remittance agent pursuant to 625 ILCS 5/Ch. 3, Art. IX;
~~and~~
- 8) complying with all other terms and conditions set forth in the agreement between the Secretary of State and the ERT service provider~~:-~~;
- 9) providing a formal process for billing and enforcement of all vendor inventory issues and pending transaction issues and designating a specific representative to communicate with the Secretary of State on all vendor inventory issues and pending transaction issues.
- d) The ERT service provider shall enter into agreements with vendors for participation in the ERT program.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) All vendors must be currently licensed and in good standing with their regulatory agencies before being selected to participate in this program.
- 2) The Secretary shall have the sole discretionary right to review and approve these agreements and shall have the right to approve, deny or revoke the right to participate in the ERT program by individual vendors. Retail merchants wishing to serve as vendors must be approved in advance by the Secretary. Any decision to deny or revoke an individual vendor's right to participate in the ERT program shall be based on:
 - A) the vendor's prior compliance with or violations of applicable statutes, rules and regulations;
 - B) the vendor's participation in the Secretary's temporary registration permit program and any violations of the rules and regulations of the temporary registration permit program found in Section 1010.421;
 - C) violations by the vendor of this Section or violations of the terms of agreements entered into by the vendor in the ERT program;
 - D) the benefit to the public to be derived by the vendor's participation in the program;
 - E) the resources of the Secretary of State's office to support the vendor's participation in the program; and
 - F) The factors set forth in Section 1010.240(b)(2)(E)-(J).
- 3) Vendors shall inform customers that utilizing the electronic registration and titling system is optional.
- 4) The ERT program shall not be used to request or obtain specialty, vanity or personalized registration plates.
- 5) Fees collected for ERT transactions are nonrefundable by the Secretary.
- 6) Registration plates and stickers may only be issued at the time an ERT transaction is processed.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 7) Title, registration and registration renewal applications and other required documents shall be delivered to the Office of the Secretary of State within 20 days after vehicle sale, registration or registration renewal.
- e) Except as permitted by the Secretary during a transition period, no vendor may simultaneously participate in the ERT program and the Over-the-Counter Sales Program (see Section 1010.240).

(Source: Amended at 35 Ill. Reg. 1652, effective January 13, 2011)

SUBPART F: FEES

Section 1010.540 Fees

- a) **Over-the-Counter Sales Program**
The maximum fee and service charge to be imposed upon an applicant for motor vehicle renewal license plates and/or stickers by any vendor shall be \$5.50. The actual fee allowed shall be set out in the agreement between the Secretary of State and the financial institution and/or the agreement between financial institutions. No additional charge shall be imposed upon the applicant by any such person, firm, corporation or private institution, or its authorized agent for distribution of motor vehicle renewal license plates and/or stickers. A service provider may charge vendors up to \$10 for each ERT transaction. The maximum ERT fee to be imposed on the customer may not exceed the amount actually charged by the service provider to the vendor plus an amount equal to 1.5 times the amount actually charged by the service provider to the vendor and, therefore, the maximum fee to be imposed upon a customer utilizing the ERT services shall be \$25, in addition to any other fee permitted by law or rule. The term Financial Institution, for the purposes of this ~~Section~~rule, shall mean any federal or ~~State~~state chartered bank, savings and loan, credit union, armored carrier, and any currency exchange either directly or indirectly through an armored carrier.
- b) **Electronic Registration and Titling**
Vendors participating in the Electronic Registration and Titling (ERT) program may charge customers a fee for the optional service of electronically processing their vehicle titling and registration or data and for providing registration plates or stickers. The maximum fee to be imposed upon a customer utilizing the ERT services shall be \$25, in addition to any other fee permitted by law or rule. However, if the ERT services are used solely for renewing vehicle registrations,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the maximum fee imposed shall be that set forth in subsection (a) of this Section. The actual ERT fee allowed to be charged by vendors shall be set out in the agreement between the Secretary of State and the ERT service provider and in the agreements between the ERT service provider and the vendors. One of the two following methods shall be used to identify the fee:

- 1) the fee shall be identified on the bill of sale, receipt or any other sales documents as "Optional ERT Fee". The "Optional ERT Fee" language shall be distinguished from other language with the use of bold, colored, italic or underscored type or by using a larger font, but in no case may the font size be smaller than that required by the Illinois Motor Vehicle Retail Installment Sales Act [815 ILCS 375]. If this method is used, not later than July 1, 2006, all pre-printed bills of sale, receipts or other sales documents shall identify the fee as "Optional ERT Fee" in bold type; or
- 2) the fee shall be identified on a separate document, including the phrase "Optional Electronic Registration Fee", using a font size not smaller than that required by the Illinois Motor Vehicle Retail Installment Sales Act [815 ILCS 375] and with a signature line indicating the customer's acceptance or rejection of the option of paying the fee.

(Source: Amended at 35 Ill. Reg. 1652, effective January 13, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1040.1	Amendment
1040.20	Amendment
1040.46	Amendment
- 4) Statutory Authority: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)]
- 5) Effective Date of Amendments: January 13, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: October 1, 2010; 34 Ill. Reg. 13775
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive changes made between proposal and adoption. All 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 rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number</u> :	<u>Proposed Action</u> :	<u>Illinois Register Citation</u> :
1040.32	Amendment	34 Ill. Reg. 1555; January 28, 2011

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: This rulemaking implements several public acts passed during the last session of the Illinois General Assembly, including updated definitions, adding new offenses or amending current offenses for which points are assigned, and modifying the sanction that is taken when a person is at fault in a fatal accident.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:
- Secretary of State
Brenda Glahn, Assistant Legal Advisor
298 Howlett Building
Springfield, IL 62701
- 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 50/5-25]? No

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions (Repealed)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for Five or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Suspension for Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel
1040.116	Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 1040.1 Definitions

Unless otherwise noted, the following definitions shall apply to this Part.

"Alcohol Related Suspension" – a suspension in accordance with IVC Sections 6-206(a)(6), (a)(17), (a)(23) and (a)(33), 11-501.1, 11-501.6 (only when the driver has a positive test for alcohol or drugs) and 11-501.8.

"Amnesty" – a sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Applicant" – a person applying for an Illinois driver's license or permit.

"Authority" – Illinois State Toll Highway Authority.

"Authorized Holder" – an individual issued a disability license plate pursuant to IVC Section 3-616, an individual issued a parking decal or device pursuant to IVC Section 11-1301.2 or an individual issued a disabled veteran's license plate pursuant to IVC Section 3-609 or 3-609.01.

"Authorized Personnel" – the Director, a manager or administrator of the Driver Services Department or an instructor, Secretary of State Police or Inspector General.

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code.

"Automated Traffic Law Violation Suspension" – a suspension in accordance with IVC Section 6-306.5 for failure to satisfy fines or penalties for five or more automated traffic law violations.

"BAIID" – Breath Alcohol Ignition Interlock Device.

"Bankruptcy Debtor" – a debtor under any chapter of the federal Bankruptcy Code (11 USC).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Bribe" – any item or thing of value, payment, or other personal advantage that an employee of the Office of the Secretary of State, the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer any part of a driver's license examination is not authorized by law or administrative rule to accept, knowing or reasonably believing that the item, thing of value, payment or advantage was promised or tendered with the intent to influence or change the performance of any act or duty related to the issuance of a driver's license.

"Bribery" – the solicitation or accepting of any bribe or improper offering.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license or permit because of some error or defect in the license or because the licensee is no longer entitled to the license or permit.

"Chapter 13 Plan" – an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Clean File" – an electronic file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days prior to the current process date verifying that an individual has had his/her driving privileges restored in that state.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges that has terminated.

"Commercial Driver's License" or "CDL" – a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual, that authorizes the individual to operate a class of commercial motor vehicle as defined in IVC Section 1-111.6.

"Commercial Driver License Information System" or "CDLIS" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701 et seq.), to serve as a clearinghouse for locating

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

information related to the licensing and identification of commercial motor vehicle drivers [625 ILCS 5/1-111.7].

"Commercial Motor Vehicle" or "CMV" – a motor vehicle, used in commerce, except those referred to in IVC Section 6-500(6)(B), designed to transport passengers or property if:

the vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or

any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

the vehicle is designed to transport 16 or more persons, including the driver; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR 172, subpart F.

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially [625 ILCS 5/1-111.8].

"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either two or more suspensions, except miscellaneous suspensions, or two or more revocations or a combination of suspensions and revocations, on the driving record that were in effect at the same time.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default [625 ILCS 5/6-100(b)].

"Conviction – CDL Holder" – an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. [625 ILCS 5/6-500(8)]

"Creditor" – a person to whom a debt is owed by another.

"Curfew" – the hours by which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act in accordance with IVC Section 6-206(a)(13).

"Debtor" – a person who owes a debt.

"Delayed Search" – the NDR will perform a delayed search of its Pointer File periodically for a duration of at least 104 days following an original inquiry. This search is done in order to insure that if an action occurs following an inquiry, that action will be sent to the SOI in the form of a Delayed Search Response (see 23 CFR 1325 and 1327).

"Deletion" – the permanent removal of an entry from a driving record.

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instruction permit and limiting privileges to that of an instruction permit, if a driver's license has previously been issued in accordance with IVC Sections 6-107(c) and 6-107(d).

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with IVC Sections 6-107(c) and 6-108.1.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – Department of Administrative Hearings within the Office of the Secretary of State.

"Department of Vehicle Services" – Department of Vehicle Services within the Office of the Secretary of State.

"Disability License Plate or Parking Decal or Device-Making Implement" – any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01 issued by the Secretary of State or a unit of local government [625 ILCS 5/11-1301.6(a)].

"Disabled Person Identification Card" – a standard identification card as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] issued for no fee to persons who meet the definition of disabled as defined in IVC Section 1-159.1 or who have a disability so severe that it precludes him/her from obtaining an Illinois driver's license (see Section 4A(b)).

"Disqualification" – the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391 [625 ILCS 5/1-115.3].

"Disqualified" – the denial of the issuance of a license or permit or the invalidation of any license or permit.

"Driving Abstract" – a record kept by the Department of Driver Services containing all information required by IVC Section 6-106(b) and all records of violations of traffic laws and administrative actions pertaining to driving privileges.

"Driver's License or Permit" – a document that permits a person to legally operate a motor vehicle, including a restricted driving permit, judicial driving permit,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

instruction permit, traffic ticket issued when the person's driver's license is deposited in lieu of bail, suspension notice in which the suspension is not yet effective, duplicate or corrected driver's license, temporary instruction permit, temporary driver's license, temporary visitor instruction permit, temporary visitor driver's license, or probationary driver's license.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed two sessions or a total of nine hours of instruction.

"Driver Status" – the current status of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes a request to an SOR.

"Facility Administered Test" – an actual demonstration of the driver's license applicant's ability to successfully pass a vision, written and/or drive test administered by a Driver Services Facility employee or individual or entity approved by the Department to administer such tests.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in IVC Section 6-306.3.

"Failure to Pay" – an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket, which prohibits the renewal, reissuance, or reinstatement of driving privileges pursuant to IVC Section 6-306.6.

"False Information" – any information concerning an individual's~~the~~ legal name, address, sex, date of birth, social security number or any photograph that:

falsifies all or in part the actual identity of the individual issued the license, permit or identification card.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

in the case of information concerning an address, is information concerning a non-existent address that is used to obtain a license, permit or identification card; or

is any combination of a false identity and a non-existent address. [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"False Information – Disability Plate or Parking Placard Decal or Device" – any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans pursuant to IVC Section 3-609 or 3-609.01 that falsifies the content of the application.

"Family Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-702.

"Farm Tractor" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles [625 ILCS 5/1-120].

"Fictitious Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that contains false information concerning the identity of the individual issued the license or permit [625 ILCS 5/6-301.1(a)(1)].

"Fictitious Disability License Plate or Parking Decal or Device" – any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application [625 ILCS 5/11-1301.5(a)].

"Fictitious Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, or any other state or political subdivision thereof, or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card [15 ILCS 335/14A(a)(1)].

"Financial Responsibility Suspension" – a suspension in accordance with IVC Section 7-304 and/or 7-305.

"Fraudulent Disability License Plate or Parking Decal or Device" – any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [625 ILCS 5/11-1301.6(a)].

"Fraudulent Documents" or "Falsified Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that purport or are represented to be prepared or composed by another person, agency or entity that did not actually prepare or compose the documents, or documents that were prepared for a person acting as the petitioner.

"Fraudulent Driver's License or Permit" – any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization. For the purpose of this definition, any identification card that resembles an official identification card in size, color, photograph location, or design, or uses the word "official", "State", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card. [15 ILCS 335/1A]

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Hospital" – an institution that provides medical or surgical care and treatment for the sick and injured.

"Identification Card" – any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual [15 ILCS 335/14A(a)(5)].

"Illinois Vehicle Code" or "Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds shall be included under this definition [625 ILCS 5/1-130].

"Instruction Permit" – a driving permit issued to operate a motor vehicle pursuant to the requirements of IVC Section 6-105 or 6-107.1.

"Invalidate" – to render invalid any driver's license, permit or driving privileges.

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in IVC Section 6-206.1.

"Law Enforcement Officials" – police agencies, state's attorneys' offices or court officials.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a police officer in accordance with Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109] and pursuant to IVC Section 11-501.1(d).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"License Classification" – a notation on a driver's license or permit indicating the type of vehicle a person is qualified to operate.

"Like Period of Time" – an equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with IVC Section 3-707.

"Materially Altered Documents" – any documents submitted by or on behalf of a petitioner to the Secretary that have been physically altered or changed by someone other than the author of the documents.

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Motor Carrier" – any person engaged in the transport of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle [625 ILCS 5/18C-1104(19)].

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation, National Highway Traffic Safety Administration.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to IVC Sections 6-107.1(b), 6-110(a-1) or 6-110(a-3).

"Night Time Driving Restriction Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with IVC Sections 6-107.1(b) and 6-110(a-1).

"Notice of Automatic Stay" – any notice received by the Department that indicates a debtor has filed a petition in bankruptcy, which automatically stays any proceedings against him or her pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 USC 362).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Notice of Meeting of Creditors" – a notice from the United States Bankruptcy Court informing the entities that have a claim against the debtor that the debtor has filed bankruptcy.

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Office" means the Office of the Secretary of State.

"Open Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is in effect.

"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record and is in effect.

"Parking Suspension" – a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to IVC Section 6-306.5.

"Pending Cancellation or Disqualification" – a cancellation or disqualification that appears on the driving record and is not yet in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record and is not yet in effect.

"Petition for Discharge Filed in Bankruptcy" – an order by a United States Bankruptcy Court relieving an individual from all of his/her debts that are provable in bankruptcy, except those excluded by the federal Bankruptcy Code.

"Petition in Bankruptcy" – a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the federal Bankruptcy Code.

"Petitioner" – any person or party who is the subject of an administrative hearing before the Secretary under the provisions of the Illinois Vehicle Code (see 92 Ill. Adm. Code 1001).

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Probationary License" – a conditional license granting full driving privileges during a period of suspension [625 ILCS 5/1-164.1].

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne [625 ILCS 5/11-503].

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Reinstatement Fee" – the fee required by IVC Section 6-118(b) to restore a person's driving privileges after driving privileges have been suspended or revoked.

"Request" – the written application upon the designated form, an approved electronic format, or an acceptable alternative for obtaining a driving abstract and supervision history record.

"Rescind" – to annul or void a suspension, revocation, cancellation, disqualification or denial.

"Restricted Driving Permit" or "RDP" – a document that grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled [625 ILCS 5/1-173.1].

"Restriction" – the notation on a driver's license or permit indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Returned Check" – a check delivered to the Office of the Secretary of State as payment of any fee when the check is not honored due to non-sufficient funds.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with IVC Section 7-205 or 7-208.

"Schedule A-3" – a schedule of liabilities.

"Secretary of State" – the Secretary of State of Illinois [625 ILCS 5/1-184].

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry for a driver history record or driver status.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof, for the periods provided in IVC Section 6-208.1.

"Stricken on Leave" or "SOL" – stricken from court docket with permission for charges to be reinstated at a later date.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered [730 ILCS 5/5-1-21].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Supervision History Record" – a record kept by the Department of Driver Services on each driver containing supervision disposition information provided in accordance with IVC Section 6-204(d).

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary [625 ILCS 5/1-204].

"Suspension or Revocation in Effect" – a suspension or revocation that appears on the driving record and has not terminated.

"Terminated Suspension or Revocation" – a suspension or revocation that appears on the driving record and is no longer in effect.

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for five or more tollway violations, tollway evasions or any combination thereof, in accordance with IVC Section 6-306.7.

"Type A Injury" – an injury that requires immediate professional attention in either a doctor's office or a medical facility and includes severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the scene.

"Trustee Report of No Assets" – a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

"Unlawfully Altered Disability License Plate or Parking Permit or Device" – any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under IVC Section 3-609 or 3-609.01, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [625 ILCS 5/11-1301.5(a)].

"Unlawfully Altered Driver's License or Permit" – any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction that has been physically altered or changed in such a manner that false information appears upon the license or permit [625 ILCS 5/6-301.1(a)(3)].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Unlawfully Altered Identification Card" – any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(3)].

"Unsatisfied Judgment Suspension" – a suspension in accordance with IVC Section 7-303 or 7-313.

"Vacate" – to set aside, annul, rescind, render void, or cancel an order.

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State that is of the proper classification for the purposes for which it is being used and that has not been invalidated, denied, cancelled, revoked, suspended, disqualified or used after curfew or during a night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.6 of the Illinois Vehicle Code or for failure to pay a fine or penalty for 10 or more standing, parking or compliance regulations in accordance with IVC Section 6-306.5.

"Withdrawal" – the negating of valid driving privileges by a state as the result of sanctions taken against driving privileges.

(Source: Amended at 35 Ill. Reg. 1667, effective January 13, 2011)

Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (Type Action) and used as a source of information. In the absence of statutory amendment, this Section shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out in subsections (c) and (d).
 - 1) Classification for convictions of traffic offenses:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Type Action 68: Record history item only
Type Action 82: Conviction
Type Action 83: Immediate action (no points assigned)
Type Action 85: Conviction (no points assigned)
Type Action 87: Conviction (points assigned)
Type Action 89: Withdrawal (no points assigned)
Type Action 93: Immediate action bond forfeiture (no points assigned)
Type Action 94: Immediate action conviction (no points assigned)
Type Action 95: Bond forfeiture (no points assigned)
Type Action 96: Conviction (no points assigned)
Type Action 97: Bond forfeiture (points assigned – moving violation)
Type Action 99: Conviction (points assigned – moving violation)

- 2) Description of Offense: The code used to describe the offense is composed of the IVC Chapter and/or Section number, the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], the Illinois Controlled Substances Act [720 ILCS 570], the Liquor Control Act of 1934 [235 ILCS 5/Art. VI], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1), will be a single digit code to identify the specific law that will be as follows:

- 0 – Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 – Illinois Vehicle Code
- 2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit that shall be a "2"
- 4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the IVC [625 ILCS 5/Ch. 4, Art. I]
- 6 – The Illinois Driver Licensing Law
- 7 – Chicago Municipal Ordinance
- 8 – Foreign state and other (all out-of-state convictions to be considered are to be coded exactly as Illinois Vehicle Code

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

violations with the exception of the first digit, which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out in this Part.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).
- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of IVC Section 6-206(a)(2) , as well as the number of points that should be assigned to those convictions, which in turn determines the length and/or type of such action.
 - A) A thorough review of literature relating to the general concept of point systems utilized by other states.
 - B) A specific review of point systems and ranges of point assignments utilized by other states.
 - C) An exhaustive and detailed review of the current Illinois point system.
 - D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.
- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

be assigned points but will be entered on the record as Type Action -93- bond forfeiture immediate action; or Type Action -94- conviction immediate action.

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
3-707(c-1)	707301	3 707 C1	Convicted of driving without liability insurance
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/Ch. 4, Art. I]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/Ch. 4, Art. I]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law (prior to 1-1-08)
6-107.1(b)	107102	6 107.1B	Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew Act [720 ILCS 555/1 and 2])
6-110(a-1)	110101	6 110 A-1	Violation of nighttime driving restrictions
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-206.1(a)4	206012	6-206.1-A4	Failure to install a BAID
6-206.2(a)	206201	6 206.2 A	Operating a vehicle without interlock device when one is required
6-206.2(a-5)	206215	6 206.2 A-5	Allowing an unauthorized person to blow into an interlock device
6-206.2(c)	206203	# 206 02c	Tamper with or circumvent a BAID

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation
6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit that has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State
6-302(a)1	302101	# 302101	Present false information in an application. For driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)5	303405	6-303(D-5)	Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 or Section 9-3 of the Criminal Code or a similar provision of a local ordinance
6-507(a)2	507102	# 507 A2	Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL)
6-507(a)3	507103	# 507 A3	Driving without the proper commercial driver's license classification or endorsements
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, cancelled, nor while subject to disqualification or while subject to or in violation of an

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"out-of-service" order

6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, cancelled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
8-101	008000	8000	Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peace officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peace officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501(b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision
11-501(c)	501300	# 11-0501 C	A violation of Section 11-501(c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 2 felony
11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16
11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the violation the person was

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			transporting a person under the age of 16 (felony)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony)
11-501(c-5)7	501357	# 0501 C5(7)	Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony)
11-501(c-6)1	501361	# 0501 C6(1)	Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more
11-501(c-6)2	501362	# 0501 C6(2)	Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more
11-501(c-6)3	501363	# 0501 C6(3)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony)
11-501(c-6)4	501364	# 0501 C6(4)	Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more,

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony)
11-501(d)	501400	# 0501 D	A violation of Section 11-501(d)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) for the third or subsequent time
11-501(d)1B	501412	# 0501D1B	Such person committed a violation

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			of Section 11-501(a) while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a), was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(a) for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)
11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of another person when the violation of Section 11-501(a) was a proximate cause of death
11-501(d)1G	501417	# 0501D1G	Committed a violation of Section

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			11-501(a) and the driver did not possess a valid driver's license or permit
11-501(d)1H	501418	# 0501D1H	Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy
11-503(b)1	503201	# 0503B1	Reckless driving, bodily harm to a child or school crossing guard
11-503(c)	050303	# 050303	Aggravated reckless driving
11-503(d)	050304	# 0503 04	Aggravated reckless driving, great bodily harm to a child or school crossing guard
11-504	050400	# 0504 00	Drag racing
11-506(a)	050601	#050601	Street racing
11-907(c)	090763	# 0907 P3	Failure to yield to a stopped emergency vehicle resulting in property damage
11-907(c)	090773	# 0907 I3	Failure to yield to a stopped emergency vehicle resulting in personal injury
11-907(c)	090783	# 0907 D3	Failure to yield to a stopped emergency vehicle resulting in death
11-908(a)1	090811	1 908 A1	Failure to yield and proceed with due caution upon entering a

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			construction zone when workers are present
11-1301 3a-1	301311	# 13013A1	Unauthorized use of handicap placard or device
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device
11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or devise
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or devise
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
11-1425(b)	142520	# 1425b	Failure to have space to drive

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
12-215(g)	221507	# 2215 07	through railroad crossing Conviction of Section 12-215 without lawful authority to stop
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel
16K-15	161115	16K-15	Conviction for violation of theft of motor fuel
18-3	0018003	18 3	Conviction of vehicular hijacking

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm

THE LIQUOR
CONTROL ACT
OF 1934

EDPM
OFFENSE
CODE

ABSTRACT
DESCRIPTION
CODE

DESCRIPTION OF OFFENSE

43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage
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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-20	006020	6-20	Violation of Section 6-20
6-20(a)	060201	6-20A	Violation of Section 6-20(a) of the Liquor Control Act
6-20(c)	060203	6-20C	Violation of Section 6-20(c) of the Liquor Control Act
6-20(d)	060204	6-20D	Violation of Section 6-20(d) of the Liquor Control Act
6-20(e)	060205	6-20E	Violation of Section 6-20(e) of the Liquor Control Act

CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
704(a)	070401	704 01	Conviction for violation of Section 4(a) concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of Section 4(c) concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) concerning the possession of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult

ILLINOIS
 CONTROLLED
 SUBSTANCES
 ACT

EDPM
 OFFENSE
 CODE

ABSTRACT
 DESCRIPTION
 CODE

DESCRIPTION OF OFFENSE

1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	014201	1402 01	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing heroin

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone
1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II that is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) concerning the possession of any other amount of a controlled or counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
2103	021003	21 03	Violation of the Drug Paraphernalia

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Control Act [720 ILCS 600]
concerning the sale of instruments
used for illegal drug use or abuse

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335-14a1	014101	14A1	To possess, display, or cause to be displayed any cancelled or revoked identification card
335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof
335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or cancelled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			identification card by the Secretary of State
335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement
335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification card
335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			person to make application for the purpose of obtaining a fictitious identification card
335-14bb2	014221	14BB2	To knowingly possess, display or cause to be displayed any fraudulent identification card
335-14bb1	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			device capable of defrauding another
335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement
335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
335-14ca1	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card
335-14ca3	014313	14CA3	Make false affidavit, swear or affirm falsely

c) Illinois Vehicle Code

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

The following point assigned violations will be entered on the driving record as Type Action -97- Bond forfeiture or Type Action -99- conviction

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
6-107(e)	107005	6 107 05	Violation of Graduated Driver's License (GDL) restrictions on passengers	10
6-107(f)	107006	6 107 06	Violation of GDL restrictions on passenger seat belt/child restraints	10
6-107(g)	107007	6 107 07	Violation of GDL restrictions on number of passengers	10
6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
6-507(a)(1)	507101	6 507 A1	Driving without a commercial driver's license (CDL) in possession (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-308	030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50
11-403	040380	# 0403 H0	Failure to stop and exchange information or give aid after motor vehicle collision – fatality	50
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-505	050500	# 0505 00	Squealing or screeching tires	10
<u>11-507</u>	<u>050700</u>	<u># 0507 00</u>	<u>Supervising minor driver while under the influence</u>	<u>20</u>
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit (a serious violation if committed in a commercial motor vehicle)	50

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

<u>11-601.5(a)</u>	<u>060151</u>	<u># 06015A</u>	<u>30-39 MPH above limit (a serious violation if committed in a commercial motor vehicle)</u>	<u>50</u>
<u>11-501.5(b)</u>	<u>060152</u>	<u># 06015B</u>	<u>40 or more MPH above limit (a serious violation if committed in a commercial motor vehicle)</u>	
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone	20
11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			limit on Illinois Tollway	
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-703(d)	070304	# 0703 04	Improper passing of bicycle or pedestrian	20
<u>11-703(e)</u>	<u>070305</u>	<u># 0703 05</u>	<u>Driving too close to, toward, or near a bicyclist, pedestrian or person riding a horse or driving an animal drawn vehicle</u>	<u>20</u>

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			serious traffic violation if committed in a commercial motor vehicle)	
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or	15

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

maintenance area

11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
| 11-1002(a)	100201	# 1002 01	Failure to <u>stop and/or</u> yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
| 11-1002.5	100250	# 1002 50	Failure to <u>stop and/or</u> yield to a pedestrian at crosswalk in school zone	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20
11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train, <u>railroad track equipment</u> or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(a)2	120112	# 1201 A2	Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing	20
11-1201(a-5)	120115	# 1201 A5	For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train <u>or railroad track equipment</u> (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(d-1)	120141	# 1201 D1	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			clearance (serious traffic violation if committed in a commercial motor vehicle)	
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1202	120020	# 1202	Failure to stop before driving onto crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1426.2g	142627	# 14262g	Operating a low speed vehicle without a valid license	15
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers	5

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

or semi-trailers

12-301	230100	# 2301 00	Defective brakes	20
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone	10
12-610.1b	261010	# 2610 1b	Driving under age 19 using a wireless phone	
<u>12-610.1e</u>	<u>261015</u>	<u># 2610 1e</u>	<u>Using a wireless phone in a school or construction zone</u>	<u>15</u>
<u>12-610.2b</u>	<u>261022</u>	<u># 2610 2b</u>	<u>Using an electronic communications device to compose, send or read a message</u>	<u>20</u>
12-610.5b	261052	# 2610 5b	Unlawful use of registration plate covers	5
12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

The following point assigned violations will be entered on the driving record as Type Action -97- bond forfeiture or Type Action -99- conviction

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-201	201000	7 201 00	Disregarding official traffic control device	20
7-202	202000	7 202 00	Disregarding traffic control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10
7-211	211000	7 211 00	Improper traffic lane usage	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1-10 MPH above limit	5
7-212.03	212003	7 212 03	11-14 MPH above limit	15
7-212.05	212005	7 212 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			motor vehicle)	
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5
7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Driving wrong way on one-way street	5
7-220	220000	7 220 00	Driving wrong way on one-way street – restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25
7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for	10

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			pedestrian	
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15
7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane – bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs – prohibited right or left turn	10

e) Illinois Vehicle Code

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

The following violations will be entered on the driving record as Type Action - 95- bond forfeiture or Type Action -96- conviction with no point value:

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident
11-506(b)	050602	# 0506 B	Vehicle owner permitting street racing
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the seat belt act
12-604.1	260401	# 260401	Driving while using prohibited video devices

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

12-613(a)	261301	# 2613 A	Violation of possession and use of radar or laser jamming devices
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] – child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] – child age 4 but under age 16
25/4b	250402	25 04B	Unrestrained – age 8 but under age 19 [625 ILCS 25]

f) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago
 The following violations will be entered on the driving record as Type Action - 95- bond forfeiture or Type Action -96- conviction with no point value:

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a funeral procession

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral procession
7-342.1	342001	7 342 01	Violation of seat belt ordinance
7-347	347000	7 347 00	Spotlight violation
7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

g) Case Review

- 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in this Part.
- 2) Driver control action shall be entered upon the driver's record by classification (Type Action).

A) Classification for driver control actions:

Type Action 01	Mandatory Revocation
Type Action 02	Discretionary Revocation
Type Action 03	Discretionary Suspension
Type Action 04	Safety Responsibility Suspension
Type Action 05	Financial Responsibility Suspension
Type Action 06	Unsatisfied Judgment Suspension
Type Action 07	Mandatory Suspension
Type Action 08	Cancellation of License
Type Action 09	Mandatory Suspension
Type Action 17	Statutory Summary Suspension
Type Action 18	Vehicle Emissions Suspension
Type Action 45	Cancellation/Suspension/Denial of School Bus Permit
Type Action DN	Denial of License and/or Privileges

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Type Action DQ	Discretionary/Mandatory Disqualification
Type Action FR	Family Financial Responsibility Suspension
Type Action IV	Invalidation of License
Type Action MC	Mandatory Conviction Suspension
Type Action OS	Out of Service Law Enforcement History Item
Type Action ZT	Zero Tolerance Suspension

- B) Description of driver control action:
The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code that provides the Secretary of State with the authority to take such action.

h) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

in Section 4-102

6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peace officer
6-205(a)12	205112	6 205 A12	Violation of Section 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	205113	6 205 A13	A second or subsequent violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
6-205(a)14	205114	6 205 A14	Conviction of Section 11-506(a) or a similar provision of a local ordinance relating to street racing
<u>6-205(a)15</u>	<u>205115</u>	<u>6 205 A15</u>	<u>A second or subsequent conviction of driving while the person's driver's license, permit or privilege was revoked for reckless homicide or a similar out-of-state offense</u>
<u>6-205(a)16</u>	<u>205116</u>	<u>6 205 A16</u>	<u>Conviction of any offense regulating the movement of traffic that was the proximate cause of death of any person</u>
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in IVC Section 4-103
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(b)3	205203	6 205 B3	Committing a gang-related offense involving a motor vehicle or driver's license
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act (prior to 1-1-08)
6-206(a)13	206113	6 206 A13	Violation of nighttime driving restrictions (effective 1-1-08)
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under IVC Section 6-301 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peace officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license
6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)23	206123	6 206 A23	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense that is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24-month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (effective 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 (prior to 8-8-98)
6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201
6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle Code within 2 years of the date of the previous violation
6-206(a)42	206142	6 206 A42	Has committed a violation of Section 11-1301.3(a-1)
6-206(a)43	206143	6 206 A43	Supervision for violation of Section 6-20 of the Liquor Control Act
6-206(a)44	206144	6 206 A44	Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36
6-206(a)4 5 4	206145	6 206 A4 5 4	Committed perjury or submitted false documents at a formal hearing
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
<u>6-206.1(J)</u>	<u>206010</u>	<u>6 206.1 J</u>	<u>Violation of the requirements of the monitoring device driving permit (MDDP)</u>
6-206.1(L)	206012	6 206.1 L	<u>Convicted or received court supervision of violation listed in Section 6-206.1(c-1) or de-installed MDDP without authorization</u> BAHD violation increase in suspension period

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

j) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-205.2	205002	6 205 02	Theft of motor fuel
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
11-1425(d)	142540	1 1425 D	Failure to have space to drive through railroad crossing
13A 112(b)	311122	13A 112 B	Vehicle Emissions Suspension

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

13B 55(b) 132552 13B 55B Vehicle Emissions Suspension

k) Safety Responsibility Suspension – Type Action 04

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

l) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time

UNIFIED CODE OF CORRECTIONS *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
730/5	5-6-3.1(m)		Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation

m) Unsatisfied Judgment Suspension – Type Action 06

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n) Cancellation – Type Action 08

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
6-108(4)	108004	6 108 04	Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code [105 ILCS 5/26-2a]
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition that is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition
6-201(a)9	201109	6 201 A9	Convicted of a sex offense as defined in the Sex Offender Registration Act
6-201(a)11	201111	6 201 A11	Refused or neglected to appear at a driver services facility to have a license corrected
6-205(c)	205300	6 205 C0	Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205
6-206(c)3	206303	6 206 C3	Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206
6-206.1(a)4	206014	6 206.1 A4	Failure to install BAIID
6-206.1(c-1)	206013	6 206.1 C-1	De-installed BAIID without prior authorization from Secretary of State

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card
335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose
335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced
335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes
335 13(b)10	013210	335-13 B10	Not a disabled person as defined in Section 4A of the Illinois Identification Card Act
335 13(b)11	013211	335-13 B11	The holder failed to appear at a Driver Services Facility for the re-issuance of an

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NOTICE OF ADOPTED AMENDMENTS

identification card

- o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/ cancellation/denial of a school bus driver permit pursuant to Section 6-106.1
6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit

- p) Denial – Type Action DN

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-103(18)			Denial of driver's license and/or driving privileges pursuant to Section 6-103(18)
6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c)
6-107(d)			Denial of driver's license pursuant to Section 6-107(d)
6-108.1			Denial of driver's license pursuant to Section 6-108.1

- q) Discretionary/Mandatory Disqualification –Type Action DQ

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/non-commercial motor vehicle with alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second conviction of violation Section 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offenses using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6-514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-highway grade crossing
6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

			period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's CMV privileges imposed by USDOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	514134	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, disqualified or cancelled
6-514(a)3v	514135	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent homicide

r) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-702	702000	7 702 00	Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court
7-703			Individuals who are 90 days or more delinquent in court ordered child support payment

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

7-704.1 Individual certified by Illinois Department of Healthcare & Family Services of delinquency of child support payments

s) Invalidation – Type Action IV

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-301.3 Invalidation of driver's license or permit pursuant to Section 6-301.3

t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****

6-515 515000 6 515 24 hour out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as Type Action -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A24	Driving under the influence of medication not intended to intoxicate
A33	Illegal possession of drugs (controlled substances)
A60	Underage conviction of drinking and driving at .02 or higher BAC
A61	Underage Administrative Per Se – drinking and driving at .02 or higher BAC
B63	Failed to file future proof of financial responsibility

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B64 Failed to file insurance certification
- B65 Failed to file medical/certification disability information
- B74 Failed to show insurance certification
- B78 Failed to show non-commercial driver's license (includes Instruction Permit)
- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make required payment of fines and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly due to drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E33 Defective HAZMAT safety devices
- E37 Defective tires
- E50 Failure to use equipment as required
- E53 Failure to use HAZMAT safety devices as required
- E54 Failure to use headlight dimmer as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M09 Failure to obey railroad crossing restrictions
- M13 Failure to obey school crossing guard
- M32 Following emergency vehicle unlawfully

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

M33	Following fire equipment unlawfully
M43	Ran off road
M47	Improper lane or location – in bicycle lane
M55	Improper lane or location – on rail or streetcar tracks
M80	Inattentive, careless or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
N02	Failure to yield right of way to animal rider or animal-drawn vehicle
N41	Failure to cancel directional signals
N44	Giving wrong signal
N80	Coasting (operating with gears disengaged)
N84	Unsafe operation
S97	Operating at erratic or suddenly changing speeds
U02	Resisting arrest
U04	Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U21	Illegal operation of emergency vehicle

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

W80 Failed employer-directed drug test

W81 Refusal to submit to an employer-directed drug test

v) The following violations will not be assigned points but will be entered on the driving record as Type Action -82- conviction immediate action:

ACD
CODE

DESCRIPTION OF OFFENSE

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC <u>of at least .04 but not greater than .079</u> at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detailed field required)
A12	Refuse to submit to test for alcohol – Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A90	<u>Admin Per Se for BAC at or over .10</u> DUI at .10 Admin
A91	<u>Admin Per Se for BAC at _____ (detail field required)</u>
A94	<u>Admin Per Se for BAC of at least .04 but not greater than .079</u> DUI at .04

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Admin

- A98 DUI at .08 Admin
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B27 Driving while license out-of-service order is in effect (for violations not covered by B19)
- D06 Misrepresentation of identify or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (including DL, CDL, and Instruction Permit) (Serious violation)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D27 Violate limited license conditions (Serious violation)
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- S95 Speed contest (racing) on road open to traffic

w) The following violations will not be assigned points but will be entered on the driving record as Type Action -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B06 Leaving scene of an accident before police arrive – fatal accident
- B07 Leaving scene of an accident before police arrive – personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
- B20 Driving while license withdrawn
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- B56 Driving a CMV without obtaining a CDL (Serious violation)
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- D78 Perjury about the operation of a motor vehicle
- M23 Failure to have space to drive through railroad crossing
- U01 Fleeing or evading police or roadblock
- U03 Using a motor vehicle in connection with a felony (not traffic offense)
- U07 Vehicular homicide
- U08 Vehicular manslaughter (Serious violation)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- U09 Negligent homicide while operating a CMV
- U10 Causing a fatality through the negligent operation of a CMV
- U27 Vehicular feticide (first degree)
- U28 Vehicular feticide (second degree)

x) The following violations will not be assigned points but will be entered on the driving record as Type Action -85- conviction:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E23	Use of radar or laser detector prohibited by law
E34	Defective lights
E54	Failure to use headlight dimmer as required
F02	Child or youth restraint not used properly as required
F04	Seat belt not used properly as required
M30	Following improperly
M56	Improper lane or location – on fire hose
N05	Failure to yield right of way to funeral procession, procession or parade

y) The following point assigned violations will be entered on the driving record as Type Action -87- conviction:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
A26	Drinking alcohol while operating a vehicle	25
A31	Illegal possession of alcohol	25
A35	Possession of open alcohol container	25
B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive – property damage accident	25
B14	Failure to reveal identity after fatal or personal injury accident	50
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes	20
E36	Defective school bus equipment	5

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

E51	Failure to use brakes	20
E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
M05	Failure to obey land markings or signal	20
M08	Failure to obey police or peace officer	10
M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane (Serious violation)	20
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down at a railroad crossing and check tracks are clear	20
M21	Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

M22	Failure to stop as required before driving onto railroad-highway grade crossing	20
M24	Fail to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance	20
M25	Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.	20
M31	Failure to leave sufficient distance for overtaking by other vehicles (Serious violation)	20
M34	Following too closely (Serious violation)	20
M40	Improper lane or location (Serious violation)	20
M41	Failure to keep in proper lane (Serious violation)	20
M42	Improper or erratic (unsafe) lane changes (Serious violation)	20
M44	Improper lane or location – crossover (Serious violation)	20
M45	Improper lane or location – crosswalk (Serious violation)	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane (Serious violation)	20
M49	Improper lane or location – in human occupant violator or restricted lane (Serious violation)	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median (Serious violation)	20
M57	Improper lane or location – oncoming traffic lane (Serious violation)	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

M58	Improper lane or location – road shoulder, ditch, or sidewalk (Serious violation)	20
M60	Improper lane or location – slower vehicle lane	20
M61	Improper lane or location – straddling center line(s) (Serious violation)	20
M62	Improper lane or location – traveling in turn (or center) lane (Serious violation)	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking (Serious violation)	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side (Serious violation)	20
M74	Passing on hill or curve (Serious violation)	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited (Serious violation)	20
M77	Passing with insufficient distance or visibility (Serious violation)	20
M84	Reckless driving (Serious violation)	55
N01	Failure to yield right of way	20
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

N07	Failure to yield right of way to overtaking vehicle (Serious violation)	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary/roundabout/circular intersection	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way (Serious violation)	5
N61	Driving wrong way at rotary/roundabout/circular intersection	5
N62	Driving wrong way on divided highway (Serious violation)	5
N63	Driving wrong way on one way street or road (Serious violation)	5
N70	Driving on wrong side (Serious violation)	20
N71	Driving on wrong side of divided highway (Serious violation)	20
N72	Driving on wrong side of undivided street or road (Serious violation)	20
N82	Improper backing	10
N83	Improper start from a parked position	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S14	11-14 mph over speed limit	15
S15	Speeding 15 mph or more over the speed limit (detail optional) (Serious violation)	20

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

S16	16-20 mph over speed limit (detail optional) (Serious violation)	20
S21	21-25 mph over speed limit (detail optional) (Serious violation)	20
S26	26-30 mph over speed limit (detail optional) (Serious violation)	50
S31	31-35 mph over the speed limit (detail optional) (Serious violation)	50
S36	36-40 mph over the speed limit (detail optional) (Serious violation)	50
S41	41 mph or more over the speed limit (detail optional) (Serious violation)	50
S51	01-10 mph over speed limit (detail optional)	5
S71	21-30 mph over speed limit (detail optional) (Serious violation)	20
S81	31-40 mph over speed limit (detail optional) (Serious violation)	50
S91	41 mph or more over speed limit (detail optional) (Serious violation)	50
S92	Speeding – speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions (Serious violation)	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

U31 Violation resulting in fatal accident (Serious violation) 20

z) The following withdrawals will not be assigned points but will be entered on the driving record as Type Action -89- withdrawal:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A31	Illegal possession of alcohol
A33	Illegal possession of drugs (controlled substances)
A35	Possession of open alcohol container

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- A41 Driver violation of ignition interlock or immobilization device
- A50 Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
- A60 Underage convicted of drinking and driving at .02 or higher BAC
- A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
- A90 DUI at .10 Admin
- A94 DUI at .04 Admin
- A98 DUI at .08 Admin
- B01 Hit and run – failure to stop and render aid after accident
- B02 Hit and run – failure to stop and render aid after accident – fatal accident
- B03 Hit and run – failure to stop and render aid after accident – personal injury accident
- B04 Hit and run – failure to stop and render aid after accident – property damage accident
- B05 Leaving accident scene before police arrive
- B06 Leaving accident scene before police arrive – fatal accident
- B07 Leaving accident scene before police arrive – personal injury accident
- B08 Leaving accident scene before police arrive – property damage accident
- B14 Failure to reveal identity after fatal or personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- B20 Driving while license withdrawn
- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B27 Driving while license out of service order is in effect
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit)
- B56 Driving a CMV without obtaining a CDL
- B61 Failed to file accident report
- B63 Failed to file future proof of financial responsibility
- B64 Failed to file insurance certification
- B65 Failed to file medical certification/disability information
- B74 Failed to show insurance certification
- B78 Failed to show non-commercial driver's license (includes Instruction Permit)
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly – driver's license (includes DL, CDL and Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make required payment of fines and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D70 Driver's view obstructed

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly because of drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- D78 Perjury about the operation of a motor vehicle
- E01 Operating without equipment as required by law
- E02 Operating without brakes as required by law
- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E05 Operating without lights as required by law
- E06 Operating without school bus equipment as required by law
- E23 Use of radar or laser detector prohibited by law
- E31 Defective brakes
- E33 Defective HAZMAT safety devices
- E34 Defective lights
- E36 Defective school bus equipment
- E37 Defective tires
- E50 Failure to use equipment as required
- E51 Failure to use brakes
- E53 Failure to use HAZMAT safety devices as required

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- E55 Failure to use lights as required
- E56 Failure to use school bus safety equipment as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- E71 Brakes used improperly
- F02 Child or youth restraint not used properly as required
- F03 Motorcycle safety equipment not used properly as required
- F04 Seat belt not used properly as required
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing, or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M05 Failure to obey lane markings or signal
- M08 Failure to obey police or peace officer
- M09 Failure to obey railroad highway traffic control device
- M10 Failure to obey railroad traffic control device
- M11 Failure to obey restricted lane

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- M12 Failure to obey safety zone
- M13 Failure to obey school crossing guard
- M14 Failure to obey sign or traffic control device
- M15 Failure to obey stop sign
- M16 Failure to obey traffic signal or light
- M17 Failure to obey traffic signal
- M18 Failure to obey warning light or flasher
- M19 Failure to obey yield sign
- M20 Failure to slow down at a railroad crossing and check tracks are clear
- M21 Failure to stop before reaching tracks at a railroad-highway grade crossing when the tracks are not clear
- M22 Failure to stop as required before driving onto railroad-highway grade crossing
- M23 Failure to have sufficient space to drive completely through the highway crossing
- M24 Failure to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance
- M25 Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
- M30 Following improperly
- M31 Failure to leave sufficient distance for overtaking by other vehicles
- M32 Following emergency vehicle unlawfully

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- M33 Following fire equipment unlawfully
- M34 Following too closely
- M40 Improper lane or location
- M41 Failure to keep in proper lane
- M42 Improper or erratic (unsafe) lane changes
- M43 Ran off road
- M44 Improper lane or location – crossover
- M45 Improper lane or location – crosswalk
- M46 Improper lane or location – entrance/exit ramp or way
- M47 Improper lane or location – in bicycle lane
- M48 Improper lane or location – in occupied lane
- M49 Improper lane or location – in human occupant violator or restricted lane
- M50 Improper lane or location – limited access highway
- M51 Improper lane or location – median
- M55 Improper lane or location – on rail or streetcar tracks
- M56 Improper lane or location – on fire hose
- M57 Improper lane or location – oncoming traffic lane
- M58 Improper lane or location – road shoulder, ditch or sidewalk
- M60 Improper lane or location – slower vehicle lane

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

M61	Improper lane or location – straddling center line(s)
M62	Improper lane or location – traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking
M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
M80	Inattentive, careless, or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
M84	Reckless driving
N01	Failure to yield right of way
N02	Failure to yield right of way to animal rider or animal drawn vehicle
N03	Failure to yield right of way to cyclist
N04	Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- N05 Failure to yield right of way to funeral procession, procession or parade
- N06 Failure to yield right of way to other vehicle
- N07 Failure to yield right of way to overtaking vehicle
- N08 Failure to yield right of way to pedestrian (includes handicapped or blind)
- N09 Failure to yield right of way to school bus
- N20 Failure to yield right of way at crosswalk
- N21 Failure to yield right of way at rotary/roundabout/circular intersection
- N22 Failure to yield right of way at stop sign
- N23 Failure to yield right of way at traffic sign
- N24 Failure to yield right of way at traffic signal
- N25 Failure to yield right of way at unsigned intersection
- N26 Failure to yield right of way at yield sign
- N30 Failure to yield right of way when warning displayed on other vehicle
- N31 Failure to yield right of way when turning
- N40 Failure to use signal or improper signal
- N41 Failure to cancel directional signals
- N42 Failure to signal intention to pass
- N43 Failure to signal lane change
- N44 Giving wrong signal
- N50 Improper turn

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn
N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary/roundabout/circular intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N82	Improper backing
N83	Improper start from parked position
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

S14	11-14 mph over speed limit
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed-limit (detail optional)
S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S51	01-10 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S96	Speed less than minimum
S97	Operating at erratic or suddenly changing speeds
S98	Speeding or freeway (wasting fuel)
U01	Fleeing or evading police or roadblock

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

U02	Resisting arrest
U03	Using motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U21	Illegal operation of emergency vehicle
U27	Vehicular feticide (first degree)
U28	Vehicular feticide (second degree)
U31	Violation resulting in fatal accident
W00	Withdrawal, non-ACD violation
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W09	Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13	Parental consent withdrawn
W14	Physical or mental disability

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years
W40	The accumulation of two or more major offenses
W41	An additional major offense after reinstatement
W45	Suspended for driving a CMV while disqualified for previous violations in a CMV
W50	The accumulation, within 10 years, of two out-of-service general violations
W51	The accumulation of two out-of-service order violations within 10 years when the second is while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
W52	The accumulation of three or more out-of-service order violations within 10 years
W60	Accumulation of two railroad-highway grade crossing violations within a three year period
W61	Accumulation of three or more railroad-highway grade crossing violations in a three year period
W70	Imminent hazard
W72	Suspended pending final disposition
W80	Failed employer-directed drug test
W81	Refusal to submit to an employer-directed drug test

(Source: Amended at 35 Ill. Reg. 1667, effective January 13, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

**Section 1040.46 Suspension or Revocation for Fatal Accident and Personal Injury
Suspensions or Revocations**

- a) The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury that has been designated as a Type A injury and the injured party was transported to a hospital. No action shall be taken in a personal injury case if the only Type A injury indicated was for the individual convicted of the traffic violation. Fatal accidents that occur on or after January 1, 2011 shall not be subject to subsections (a) through (g), but shall be subject to subsection (h).
- b) Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation for which no points are assigned. The points shall be assigned in the following manner:
 - 1) Five points shall be added to a person's point total for a Type A injury to a maximum of four persons. Five additional points shall be assigned for each Type A injury for the fifth and each subsequent Type A injury. Fifteen points shall be added to a person's total for each fatality arising from the accident.
 - 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 shall be added to the person's point total.
 - 3) Ten points shall be added to the person's point total for each previous two-month suspension entered in accordance with IVC Section 6-206(a)(2). Fifteen points shall be added to the person's point total for any other previous non-alcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two years prior to or one year subsequent to the accident. Miscellaneous suspensions shall not be counted as prior or subsequent suspensions.
 - 4) Ten points shall also be added to the person's point total for each

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

conviction of reckless driving in violation of IVC Section 11-503, speeding in excess of 25 miles per hour over the speed limit in violation of IVC Section 11-601(b), or operating a motorcycle on one wheel in violation of IVC Section 11-1403.2 issued within two years prior to or one year subsequent to the accident.

- 5) Five points shall be added to the person's point total for any traffic-related conviction issued within two years prior to or one year subsequent to the accident with the following exceptions:
 - A) No conviction associated with a previous suspension or revocation shall be used.
 - B) Only the most serious conviction resulting from the accident under review shall be used.
- c) For accidents involving no fatality, if a person accumulates zero to 39 points the Department shall take no action. Forty to 49 points shall result in a three-month suspension. Fifty to 59 points shall result in a 6-month suspension and 60 to 74 points shall result in a 12-month suspension. Seventy-five or more points shall result in a revocation.
- d) For accidents involving a fatality, if a person accumulates zero to 29 points, the Department shall take no action. Thirty to 39 points shall result in a six-month suspension and 40 to 49 points shall result in a nine-month suspension. Fifty to 59 points shall result in a 12-month suspension. If a person accumulates 60 or more points, that person's driving privileges shall be revoked.
- e) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who, as a result of a fatal or personal injury accident, is convicted of passing a stopped school bus in violation of IVC Section 11-1414 shall have his/her driving privileges revoked.
- f) In accordance with IVC Section 6-206(a)(4), any suspension or revocation imposed shall start no later than six months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

g) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 shall have his/her driving privileges revoked under the applicable IVC Section.

h) Any person who is convicted of an offense regulating the movement of traffic with an arrest date on or after 1-1-11 that resulted in proximate death of any person shall have his/her driving privileges revoked under the applicable IVC Section.

(Source: Amended at 35 Ill. Reg. 1667, effective January 13, 2011)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Number: 1070.110 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7]
- 5) Effective Date of Amendment: January 13, 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 agency's principal office and is available for public inspection.
- 9) Notice of Proposed Amendment Published in the Illinois Register: September 17, 2010; 34 Ill. Reg. 13300
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Section 1070.110(e)(4) has been added to clarify that an FFRP can be invalidated at the request of HFS if the obligor fails to meet the conditions set for issuing the permit.
- 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 rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Public Act 96-1284, effective January 1, 2011, allows the Department of Healthcare and Family Services to direct the Secretary of State to issue a Family Financial Responsibility Permit (FFRP) to a person whose driver's license is suspended for non-payment of child support. The FFRP permit will allow the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

person to drive for work, medical purposes, or to obtain employment. This Public Act also expanded the authority of a court to order the Secretary of State to issue a FFRP to allow a person to search for employment.

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

Secretary of State
Brenda Glahn, Legal Advisor
298 Howlett Building
Springfield, IL 62701

217/785-3094

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? 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 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy
1070.110	Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; emergency amendment at 27 Ill. Reg. 14361, effective August 20, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18458, effective November 24, 2003; emergency amendment at 30 Ill. Reg. 7974, effective April 14, 2006, for a maximum of 150 days; emergency expired September 11, 2006; amended at 30 Ill. Reg. 6392, effective April 12, 2007; amended at 32 Ill. Reg. 16507, effective September 25, 2008; amended at 32 Ill. Reg. 19163, effective November 25, 2008; amended at 35 Ill. Reg. 1790, effective January 13, 2011.

Section 1070.110 Illinois Safety and Family Financial Responsibility Law

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- a) For purposes of this Section, the following definitions shall apply:

"Administrative Order of Support" – an order for the support of dependent children issued by an administrative body of this or any other state.

"Cancellation" – the annulment or termination by formal action of the Secretary of State of a person's Family Financial Responsibility Driving Permit (FFRP) because of some error or defect in the FFRP or because the permittee is in some form of violation of any of the requirements contained in the Illinois Vehicle Code or Illinois Administrative Code.

"Certification" – the electronic transmission to the Department from the Illinois Department of Healthcare and Family Services when a person is 90 days or more delinquent in payment of support under an order of support entered by an administrative body of this or any other state.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Department of Healthcare and Family Services" or "HFS" – the Illinois Department of Healthcare and Family Services.

"Family Financial Responsibility Driving Permit" or "FFRP" – a document issued to persons who have had their full driving privileges suspended that grants and specifies limited driving privileges as specified in IVC Section 7-702.1.

"Illinois Vehicle Code", "Vehicle Code" or "IVC" – 625 ILCS 5.

"Invalidation" – to render a license or permit no longer valid for the purpose it was issued, as specified in IVC Section 6-301.3.

"Law Enforcement" – a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a law enforcement officer, as specified in IVC Section 11-501.1(d) and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

"Received by the Department of Administrative Hearings" – a written request for an administrative hearing that is received and date-file stamped at the Department of Administrative Hearings or any formal hearing location .

"Recipient Identification Number" or "RIN" – the file number used by the Department of Healthcare and Family Services to identify child support cases.

"Stay Order" – the temporary suspension of the regular order of proceeding in a cause, by direction or order of the court.

b) Suspension of Driving Privileges

1) The Department shall suspend the driver's license of an obligor, pursuant to IVC Section 7-702(a) or (b), upon receipt of an authenticated report as set forth in IVC Section 7-703. The authenticated report must be on a form prescribed by the Secretary of State and include the obligor's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, judge's signature, court seal or file stamp, and date certified.

2) The Department shall enter an order of suspension pursuant to IVC Section 7-702(c) upon receipt of certification by HFS that the obligor is 90 days or more delinquent in payment of support under an order of support issued by an administrative body of this or any other state. The certification shall include the obligor's name, address, date of birth, gender and case number.

3) Any submitted authenticated report or Record of Nonpayment of Court-Ordered Child Support that is defective by not containing sufficient information or that has been completed in error shall not be entered onto the obligor's driving record, but shall be returned to the court of jurisdiction and shall indicate why the order of suspension cannot be entered.

4) Any certification from HFS that contains insufficient data or has been completed in error shall not be entered onto the obligor's driving record, but shall be electronically returned to HFS with an indication as to why the order of suspension cannot be entered.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

c) Termination of Suspension

1) Upon receipt of an authenticated document, in a form approved by the Department, that the obligor is in compliance with a court order of support or that the order has been stayed by subsequent order of the court, the Department shall terminate the suspension. The authenticated document must include the obligor's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, judge's signature, and court seal or file stamp.

2) Upon receipt of an electronic certification of compliance from HFS when the person has paid the delinquent support in full or has arranged for payment of the delinquent support and current support obligations in a manner satisfactory to HFS. The certification must include the person's name, address, date of birth, gender and RIN.

d) Family Financial Responsibility Permits (FFRP)

1) The Department shall enter an FFRP pursuant to IVC Section 7-702.1(a) if the following conditions are met:

A) The Department receives a certified court order, on a form prescribed by the Secretary of State, from the court of jurisdiction.

B) The court order includes: obligor's name, address, driver's license number, date of birth and gender, date the order was issued, case number, obligor's employer and address if applicable, medical or treatment provider and address if applicable, whether the permit allows the obligor to seek employment, hours obligor is permitted to operate a vehicle, routes to be traveled, case number, judge's signature, county in which the order was issued, permit type (original, duplicate or renewal), permit expiration date (maximum duration is one year), and court seal or file stamp.

2) The Department shall enter an FFRP pursuant to IVC Section 7-702.1(b) if the following conditions are met:

A) The Department receives an order, on a form prescribed by the Secretary of State, from HFS.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- B) The HFS order includes: obligor's name, address, driver's license number, date of birth and gender, date the order was issued, obligor's employer and address if applicable, medical or treatment provider and address if applicable, whether the permit allows the obligor to drive to seek employment, hours the obligor is permitted to operate a vehicle, routes to be traveled, RIN, signature of the HFS representative, county in which the order was issued, permit type (original, duplicate or renewal), permit expiration date (maximum duration is one year), and HFS stamp or seal.
- 3) Any submitted court or HFS order directing the Department to issue an FFRP that contains insufficient data or fails to comply with any provisions of this Part or IVC Article VII shall not be entered to the obligor's driving record, but shall be returned to the court of jurisdiction or HFS, indicating why the FFRP cannot be issued at that time.
- e) Invalidation of FFRP
- 1) Upon receipt of any of the following documents from a circuit clerk, law enforcement agency or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate an FFRP:
- A) a copy of a charging document for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, driving outside of restrictions of permit in violation of IVC Section 6-113(e), leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506. The law enforcement officer issuing a citation for any of these offenses shall confiscate the FFRP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued. The circuit clerk shall forward the FFRP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible; or

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- B) a report of any disposition of court supervision or conviction for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506; or
- C) Law Enforcement Officer's Sworn Report.
- 2) The Department shall invalidate an FFRP, upon receipt of a court order indicating the obligor is no longer entitled to the permit, in the same manner that a driver's license may be invalidated.
- 3) The Department shall invalidate an FFRP if the obligor's driver's license expires during the term of the FFRP and the obligor does not renew his or her driver's license in the manner set forth in IVC Section 6-115.
- 4) The Department shall invalidate an FFRP, upon request of HFS, when the obligor has not met the conditions of the issuance of the permit, set forth by HFS. Those conditions include, but are not limited to, maintaining and providing to HFS an employment diary as proof that the FFRP is being used to seek employment. The invalidation request shall be submitted to the Department on a form provided by the Department.
- f) Termination of FFRP
- 1) Upon receipt of authenticated documentation from the court that the obligor is in compliance with the court order of support or that the order of suspension has been stayed, the Department shall terminate the FFRP.
- 2) Upon receipt of an electronic certification of compliance from HFS, the Department shall terminate the FFRP. The certification of compliance must include the obligor's name, address, driver's license number, date of birth, gender and RIN.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

g) Administrative Hearings

1) The obligor may make a written request for an administrative hearing to contest the family financial responsibility suspension of his or her driver's license, pursuant to IVC Section 2-118.

2) If the Department of Administrative Hearings of the Secretary of State receives a written hearing request by the obligor, in a manner and form approved by the Secretary of State, prior to the effective date of the family financial responsibility suspension, the Department shall stay the suspension in accordance with IVC Section 7-706.

h) Fees. The Department shall collect a driver's license reinstatement fee as prescribed by IVC Sections 6-118 and 7-707. A reinstatement fee shall be charged for each suspension entered pursuant to IVC Section 7-702.

~~b) The Department shall not enter an order of suspension pursuant to IVC Section 7-702(a) or (b) unless the authenticated report provided for in IVC Section 7-703 is complete. It must be on a form prepared or approved by the Secretary of State and include obligor's name and address, case number, driver's license number, date of birth, sex, the date the order was entered, court clerk or judge's signature or the signature of his/her designee, court seal or file stamp, court, court address, date certified, obligee's full name and attorney initiating action where applicable.~~

~~c) The Department shall not enter an FFRP pursuant to IVC Section 7-702.1 unless the following conditions are met:~~

~~1) The Department receives a certified court order on a form prepared and approved by the Secretary of State from the court of jurisdiction.~~

~~2) The order shall include: name and address of individual receiving permit, court case number, driver's license number, date of birth, sex, employer and address if applicable, medical treatment if applicable, hours petitioner permitted to operate vehicle, route to be traveled, issue date, judge's signature or the signature of his/her designee, court seal and county.~~

~~d) Upon receipt of one or more of the following documents from a circuit clerk's office, law enforcement agency or the Department of Administrative Hearings~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

~~within the Office of the Secretary of State, the Department shall invalidate an FFRP:~~

- 1) ~~a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, driving outside of restrictions of permit in violation of IVC Section 6-113(e), leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or drag racing in violation of IVC Section 11-504. The law enforcement officer issuing a citation for any of the offenses listed in this subsection (d)(1) shall confiscate the FFRP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued. Whenever an FFRP is forwarded to a court, as a result of confiscation by a law enforcement officer, it shall be the duty of the clerk to forward the FFRP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible.~~
 - 2) ~~a report of any disposition of court supervision or convictions for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or drag racing in violation of IVC Section 11-504; or~~
 - 3) ~~Law Enforcement Officer's Sworn Report.~~
- e) ~~An FFRP issued pursuant to IVC Section 7-702.1 shall be valid until it is invalidated, suspended, revoked or canceled, or as specified by the court.~~
 - f) ~~The Department shall invalidate an FFRP, upon receipt of a court order indicating the permittee is no longer entitled to the permit, in the same manner that a driver's license may be invalidated.~~
 - g) ~~The Department, upon receipt of authenticated documentation that the obligor is in compliance with the court order of support or that the order of suspension has~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

~~been stayed, shall terminate the FFRP.~~

- ~~h) In order to reinstate the privileges suspended pursuant to IVC Section 7-702(a) or (b), the Department must receive authenticated documentation on a form prepared or approved by the Secretary of State that includes case number, driver's license number, name, address and county, date of birth, sex, notice of compliance or stay, signature of circuit clerk, issuing judge, circuit court, court seal, street and city.~~
- ~~i) Any submitted authenticated report or Record of Nonpayment of Court Ordered Child Support that is defective by not containing sufficient information or has been completed in error shall not be entered into the record, but shall be returned to the court of jurisdiction, and shall indicate why the order of suspension cannot be entered unless the necessary information is submitted.~~
- ~~j) Any submitted court order that contains insufficient data or fails to comply with any provisions of this Part or Article VII of the Illinois Vehicle Code shall be returned to the court of jurisdiction indicating why the FFRP cannot be issued at that time.~~
- ~~k) The Secretary of State, upon receipt of a written request for administrative hearing that is received by the Department of Administrative Hearings prior to the effective date of the suspension, on a form prescribed by the Secretary, shall stay the Family Financial Responsibility Suspension in accordance with IVC Section 7-706.~~
- ~~l) The Secretary of State, upon receipt of an Order to Stay as listed on the Notice of Compliance prior to or after the effective date of the suspension, shall stay the Family Financial Responsibility Suspension in accordance with IVC Section 7-704.~~
- ~~m) An obligor whose driving privileges have been suspended pursuant to IVC Section 7-702 and possesses an FFRP shall be required to renew his/her driving privileges in the same manner as set forth in IVC Section 6-115. Non-renewal of a driver's license pursuant to IVC Section 6-115 will result in invalidation of the FFRP.~~
- ~~n) The fee collected by the Department for reinstatement of a driver's license following a suspension shall be as prescribed by IVC Sections 6-118 and 7-707.~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

~~and shall be charged for each suspension entered pursuant to IVC Section 7-704.~~

- ~~e) The Department shall enter an order of suspension pursuant to IVC Section 7-702(c) when the Department of Healthcare and Family Services submits the certification to the Department when the person is 90 days or more delinquent in payment of support under an order of support issued by an administrative body of this or any other state. The certification shall include the person's name, address, date of birth, sex and case number.~~
- ~~p) The Department shall enter a notice of compliance for purposes of IVC Section 7-702(c) when HFS electronically submits a certification of compliance to the Department when the person has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligations in a manner satisfactory to HFS. The certification of compliance must include the person's name, address, date of birth, sex and case number.~~
- ~~q) Any electronic submission to the Department from HFS that contains insufficient data or fails to comply with any provisions of Ch. 7, Art. VII of the Illinois Vehicle Code shall be rejected and returned electronically to HFS.~~

(Source: Amended at 35 Ill. Reg. 1790, effective January 13, 2011)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3) Section Number: 125.200 Proposed Action:
Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute that Requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 USCA 661); the Federal Poultry Products Inspection Act (21 USCA 454); and 75 FR 69575 (2010).
- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 6) Effective Date: January 14, 2011
- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products in rules.

The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to provide that establishments that slaughter livestock or prepare livestock carcasses and parts may inflate carcasses and parts with air if they develop, implement, and maintain written controls to ensure that the procedure does not cause insanitary conditions or adulterate the product. FSIS is requiring establishments to incorporate these controls into their Hazard Analysis and Critical Control Point (HACCP) plans or Sanitation Standard Operating Procedures (Sanitation SOPs) or other prerequisite programs.

In addition, FSIS is amending its regulations to remove the approved methods for inflating livestock carcasses and parts by air and to remove the requirement that establishments submit requests to FSIS for approval of air inflation procedures not listed in the regulations. FSIS is also adding a paragraph in the regulations to make clear that the current prohibition against injecting compressed air into the skulls of cattle remains in force.

- 8) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- 9) Date Filed with the Index Department: January 14, 2011
- 10) A copy of the peremptory amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 11) This peremptory amendment is in compliance with Section 5-150 of the Illinois Administrative Procedure Act.
- 12) Are there any other proposed rulemakings pending to this Part? No
- 13) Statement of Statewide Policy Objectives: This peremptory amendment does not affect units of local government.
- 14) Information and questions regarding this peremptory amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/785-5713
217/785-4505 (fax)

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice
125.148	Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117,

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; preemptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011.

SUBPART B: MEAT INSPECTION

Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310.1(a) and 310.2 through 310.23 (2004; 69 FR 1862 and 69 FR 1885, effective January 12, 2004; 70 FR 53043, effective October 7, 2005; 72 FR 38700, effective October 1, 2007; 75 FR 69575, effective December 15, 2010), except that the preparation of meat and meat products for nonhuman food purposes (e.g., dog food) is not permitted at an

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act. The Department incorporates by reference 9 CFR 310.25 (1999; 64 FR 66553, effective November 29, 1999); the E. coli process control testing regulations set forth in 9 CFR 310.25(a) will be applicable on October 1, 1997, and the Salmonella pathogen reduction performance standards regulations set forth in 9 CFR 310.25(b) will be applicable simultaneously with applicability dates for implementation of HACCP in Section 125.142.

- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310.1(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.
- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspector. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.
- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.
- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENT

- i) Facilities for handling and inspecting cow udders shall be as set forth in 9 CFR 416 (incorporated in Section 125.141).

(Source: Amended by peremptory rulemaking at 35 Ill. Reg. 1802, effective January 14, 2011)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

ENVIRONMENTAL PROTECTION AGENCY

Heading of the Part: Procedures and Criteria for Reviewing Applications for Provisional
Variances

Code Citation: 35 Ill. Adm. Code 180

<u>Section Numbers:</u>	180.101	180.301
	180.201	180.302
	180.202	180.303
	180.203	180.401
	180.204	180.402

Date Originally Published in the Illinois Register: 7/30/10
34 Ill. Reg. 10599

At its meeting on January 11, 2011, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that EPA be more timely in updating its rules to reflect statutory changes.

The Agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2010 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2010. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Bingo, Pull Tabs And Charitable Games
Credits – Property Tax
Credits – Other Rulings
Estimated Tax
Partnerships
Subtraction Modifications – Pensions
Withholding – Other Rulings

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2010 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

Telephone: 217/782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2010 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 10-0028-GIL 10/26/2010 Alternative apportionment may not be granted on a petition that does not conform to the regulatory requirements.

IT 10-0030-GIL 12/09/2010 Petition for alternative apportionment contained insufficient information for the Department to grant the petition.

BINGO, PULL TABS AND CHARITABLE GAMES

IT 10-0026-GIL 10/18/2010 Explanation of various issues arising under the Illinois Charitable Games Act.

CREDITS – PROPERTY TAX

IT 10-0027-GIL 10/26/2010 Spouses filing joint returns, but who maintain separate Illinois residences, may each claim a credit for property taxes paid on his or her own residence.

CREDITS – OTHER RULINGS

IT 10-0029-GIL 12/07/2010 Taxpayers whose dependent children have no Social Security numbers because of religious exemption are entitled to the education expense credit for qualifying expenses incurred for the children.

ESTIMATED TAX

IT 10-0022-GIL 10/14/2010 Estimated tax was required to be paid on the entire gain realized by the taxpayer on a sale that qualifies for the installment method of reporting, if the taxpayer elects not to use the installment method.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2010 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

PARTNERSHIPS

IT 10-0023GIL 10/14/2010 Explanation of the subtraction allowed to partnerships for “personal service income” as defined in IRC Section 1348(b)(1), as in effect on December 31, 1991.

SUBTRACTION MODIFICATIONS – PENSIONS

IT 10-0025-GIL 10/18/2010 Illinois does not tax early withdrawals from 401(k) plans.

WITHHOLDING – OTHER RULINGS

IT 10-0024-GIL 10/18/2010 An individual will be allowed credit for Illinois income tax withholding reported on a Form W-2 under a different name if the individual can demonstrate that the IRS allowed the individual a credit for the federal income tax withholding reported on that Form W-2.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 11, 2011 through January 18, 2011 and have been scheduled for review by the Committee at its February 8, 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>
2/25/11	<u>Department of Revenue</u> , STAR Bonds (86 Ill. Adm. Code 4000)	11/5/10 34 Ill. Reg. 16939	2/8/11
2/25/11	<u>Department of Public Health</u> , Nursing Education Scholarships (77 Ill. Adm. Code 597)	10/29/10 34 Ill. Reg. 16820	2/8/11
2/25/11	<u>Department of Financial and Professional Regulation</u> , Debt Settlement Consumer Protection Act (38 Ill. Adm. Code 145)	8/20/10 34 Ill. Reg. 11970	2/8/11
2/26/11	<u>Department of Human Services</u> , Closure of a Rehabilitation Case (89 Ill. Adm. Code 595)	9/10/10 34 Ill. Reg. 13013	2/8/11
2/26/11	<u>Department of Human Services</u> , Developmental Disabilities Services (89 Ill. Adm. Code 144)	10/1/10 34 Ill. Reg. 13742	2/8/11
2/27/11	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	10/22/10 34 Ill. Reg. 16224	2/8/11
2/27/11	<u>State Board of Education</u> , Transitional Bilingual Education (23 Ill. Adm. Code 228)	11/12/10 34 Ill. Reg. 17180	2/8/11

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

2/27/11	<u>State Board of Education</u> , Early Childhood Block Grant (23 Ill. Adm. Code 235)	11/12/10 34 Ill. Reg. 17187	2/8/11
2/27/11	<u>State Board of Education</u> , School Technology Program (23 Ill. Adm. Code 575)	11/12/10 34 Ill. Reg. 17213	2/8/11
2/27/11	<u>Department of Financial and Professional Regulation</u> , Debt Management Service Act (38 Ill. Adm. Code 140)	8/20/10 34 Ill. Reg. 11955	2/8/11
3/3/11	<u>Department of Natural Resources</u> , Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)	11/29/10 34 Ill. Reg. 17920	2/8/11
3/3/11	<u>Department of Natural Resources</u> , Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010)	11/29/10 34 Ill. Reg. 17929	2/8/11

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 35, Issue 5 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

23 - 226	.....	1484
77 - 682	.....	1508
14 - 166	.....	1541
14 - 171	.....	1548
92 - 1040	.....	1555
74 - 800	.....	1566
80 - 2700	.....	1579

ADOPTED RULES

80 - 303	1/14/2011	1587
89 - 300	1/15/2011	1599
35 - 1500	1/18/2011	1619
17 - 1515	1/14/2011	1636
92 - 1010	1/13/2011	1652
92 - 1040	1/13/2011	1667
92 - 1070	1/13/2011	1790

PEREMPTORY RULES

8 - 125	1/14/2011	1802
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**JOINT COMMITTEE ON
ADMINISTRATIVE RULES**

STATEMENTS OF RECOMMENDATION

35 - 180	1811
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ORDER FORM

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